

DEFINITIONS

Definitions

For the purpose of this ordinance, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word shall means mandatory, not discretionary; the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the word lot includes the word plat or parcel; and the words used or occupied include the words intended, designed, or arranged to be used or occupied.

Terms

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

Abut - Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Accessory Agricultural Structure - A structure customarily incidental and necessary to farming and the raising of animals including barns and other animal shelters, corrals and fences, silos and storage sheds for machinery and crops.

Accessory Building - A subordinate building, the use of which is purely incidental to the main building, is less than seventy-five (75) percent of the area of the largest floor of the principal building, and is unattached from the principal building at least ten (10) feet.

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Actual Construction - Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially commenced, preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Addition - Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room.

Advertising Sign - An advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such advertising sign is located or to which it is affixed, but does not include those business signs which direct attention to the business on the premises to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

Agriculture - The planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards along with the raising and feeding of livestock and/or poultry shall be considered an agricultural use if the volume of livestock does not constitute an Animal Feeding Operation as defined herein.

An animal feeding operation primarily for the growing and/or finishing of livestock is not considered an agricultural use. Grain elevators or Agricultural Product Processing Facilities shall not be considered an agricultural use if such use constitutes the main or principal use on a lot or parcel.

Agriculture Product Processing Facility - A business activity customarily designed to process raw agricultural products into value added products. Agricultural processing facilities include, but are not limited to; feed mills, ethanol plants, soy bean processing facilities, cheese plants, milk processors, packing plants and rendering facilities.

Agricultural Use Covenant Running with the Land - An agreement required by ordinance by which parties, hereafter known as grantors acknowledge that adjacent land may be subjected to conditions resulting from agricultural operations. Once executed, said agreement runs with the land and cannot be separated from the land nor transferred without it.

Alley - A way which affords only a secondary means of access to abutting property.

Amendment - A change in the wording or substance of this ordinance or a change in the boundaries or classifications upon the official zoning map.

Animal Feeding Operation - An animal feeding operation that stables confines, and feeds or maintains one thousand (1,000) animal units in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under common ownership are a single animal operation if they adjoin each other, are within one mile, or if they use a common area or system for the disposal of manure.

For the purpose of these regulations, Animal Feeding Operations are divided into the following classes:

<u>CLASS</u>	<u>ANIMAL UNITS</u>
Class A	2,000 or more
Class B	500 – 1,999
Class C	200 – 499

Animal Units - A unit of measure for livestock equated as follows; one animal unit is equivalent to:

- 1 Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds;
- 1 Horse, excluding colts one year and/or under;
- .7 Mature dairy cattle, excluding dairy calves under 300 pounds;
- .27 Farrow to finish sows;
- 2.13 Swine in a production unit (breeding, gestating, farrowing);
- 10 Nursery swine less than 55 pounds;
- 2.5 Swine over 55 pounds;
- 10 Sheep or lambs;
- 30 Laying hens or broilers;
- 5 Ducks; and
- 55 Turkeys.

Animal Unit Conversion Table - A conversion table designed to integrate the definition of an animal feeding operation with the animal unit definition.

<u>Animal Species</u>	<u>1000 Animal Units</u>
Cow, feeder, or slaughter beef animal	1,000
Horses	1,000
Mature dairy cattle	700
Farrow to finish sows	270
Swine in a production unit	2,130
Nursery swine less than 55 pounds	10,000
Swine over 55 pounds	2,500
Sheep	10,000
Laying hens or broilers	30,000
Ducks	5,000
Turkeys	55,000

Animal Waste Facility - A structure designed and constructed to store and/or process animal waste. Animal waste facilities include but are not limited to holding basins, lagoons, pits, and slurry stores.

Apartment - A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

Applicant - For purposes of this Ordinance a person shall be deemed to be an applicant if they are the owner of the proposed facility; an officer or director of the owner thereof; or an owner of any interest, direct or indirect, in any company, except a publicly traded company, which is the owner of the proposed development.

Aquaculture - Land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use.

Arcade - A place of business where an individual, association, partnership or corporation maintains four or more amusement devices for public use.

Automobile-Machinery Service Station - Building and premises where motor fuel, oil, grease, batteries, tires, and vehicle accessories may be supplied and dispensed at retail, and where, in addition, customary repair.

Automobile Wrecking Yard - Any premises on which two or more self-propelled vehicles not in running order or operating condition are stored in the open. See also Junkyard and Salvage Yard.

Bar - A building or part thereof where, in consideration of payment therefor, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.

Basement - A portion of a building with the floor located below the mean grade level. For the purpose of this ordinance, any such basement with more than 4 feet above grade level shall be counted as a story. No dwelling unit shall be situated in a basement having less than 4 feet above grade level.

Billboard - See Sign, Off-Site.

Board of Adjustment - The Board of Adjustment is appointed by the Chairman of the Board of County Commissions and confirmed by the Board.

Boarding, Lodging or Rooming House - A building other than a hotel, where lodging and meals for six (6) or more persons are served for compensation.

Buildable Area - The portion of a lot remaining after required yards have been provided.

Building - The word "building" includes the word structure and is a structure which is entirely separate from any other structure by space or by walls in which there is no communicating doors or windows or similar openings. A principal building including covered porches and paved patios, is a building in which is conducted the principal use of the lot on which it is situated. In

any residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

Building Line, Front - A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.

Building Setback Lines - A line parallel or approximately parallel to the lot lines at a specified distance therefrom, marking the minimum distance from the lot line that the building may be erected.

Building Site - A lot or parcel, or portion thereof, whether a lot of record or described by metes and bounds, used or intended to be used as the location of a building for housing one or two families.

Building, Alterations of - Any change or rearrangement of the supporting members (such as bearing walls, beams, columns, or girders) of a building, an addition to a building, or movement of a building from one location to another.

Building, Height of - The vertical distance measured from the average grade of the building level of the highest and lowest elevations of the site covered by the building to the top of the roof or parapet of the highest story.

Building, Principal - A building in which is conducted the main use of the lot on which said building is located.

Bus Depot - A building or premises where commercial motor vehicles pick up and discharge fare-paying, passengers. Accessory uses may include ticket offices, luggage checking facilities and similar uses.

Business Sign - A sign which directs attention to a business of profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed. See also on-site and off-site signs.

Camper - See Travel Trailer.

Campground - Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures, uses or intended for use or intended wholly, or in part, for the accommodation of transient campers.

Camping Unit - Any vehicle, tent, trailer or movable shelter used for camping purposes.

Car Wash - An establishment having facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices. This definition may also include a self-service operation.

Casino - A room or rooms in which legal gaming is conducted.

Cellar - A portion of a building between two floor levels which is partly or wholly underground and which has more than on-half of its height, from finished floor to finished ceiling or to the underside of the floor joints of the story next above, as the case may be, below the average finished grade level adjacent the exterior walls of the building.

Cemetery - Land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. "Cemetery" may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

Church - A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.

Clinic - A building or part of a building used solely for the purpose of consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, optometrists, podiatrists, chiropractors, or drugless practitioners, together with their qualified assistants, and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associate with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club - A building owned, leased, or hired by a non-profit association of persons the use of which is generally restricted to due-paying members and their guests. Such club may periodically be rented, or leased, to non-members for gathering such as weddings, anniversaries, and dances, but no portion of the building shall continuously be used for business purposes.

Company - For purposes of this ordinance the term, "company" includes, but is not limited to, any corporation, partnership, limited liability company, limited liability partnership, limited partnership, business trust and any other business entity.

Comprehensive Plan - Any legally adopted part or element of the Hanson County Comprehensive Plan.

Conditional Use - A conditional use is a use that would not be appropriate, generally or without restriction, throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, convenience, appearance, prosperity or general welfare. Such uses may be

permitted in such zoning district as conditional uses, if specific provision for such conditional use is made in this ordinance.

Congregate Housing - A residential facility for elderly persons (age 60 or older) within which are provided living and sleeping facilities, meal preparation, laundry services and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments and counseling.

Contiguous - Next to, abutting, or touching and having a boundary, or portion thereof, which is adjoining.

Contractor - The person who contracts with an individual or developer to construct a building on a parcel of land prepared by a developer.

Covenant - An agreement, convention, or promise of two or more parties, by deed in writing, signed and delivered, by which either of the parties pledges himself to the other that something is either done, or shall be done, or shall not be done. The term is currently used primarily with respect to promises in conveyance or other instruments relating to real estate.

Convenience Store - A retail store in which articles for sale are restricted to gasoline sales and a limited range of food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy. Retail sales may also include the limited sale of magazines, books, housewares, toiletries, bait, alcoholic beverages and tobacco.

Court - Any open space, unobstructed from ground to sky, other than a yard, that is on the same lot with and bounded on two or more sides by the walls of a building.

Day Care Center - Any type of group day care programs including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, parent cooperative nursery

schools, playgroups for pre-school children, programs covering after-school care for school children provided such establishment is licensed by the State and conducted in accordance with State requirements.

Deck - A structure abutting a dwelling with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Developer - The owner of the property being platted or replatted or the person designated by the owner as being responsible for the development of the property. The terms "subdivider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation and/or any officer, agent, employee and trustee thereof who does or participates in the doing of any act toward the subdivision of land within the intent, scope and purview of this Ordinance. The developer shall also be defined as the builder or contractor if they are responsible for the construction of buildings and/or structures or permanent improvements.

Dormitory - A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

Domesticated Large Animals - Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. For the purpose of this ordinance the definition shall include, but is not limited to, animals commonly raised on farms and ranches, such as cattle, horses, hogs, and mules.

Drive-in Restaurant or Refreshment Stand - Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in

automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Due Diligence - Such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent man under the particular circumstances; not measured by any absolute standard, but depending on the relative facts of the special case.

Dwelling - A building or portion thereof, occupied exclusively as the residence of one (1) or more persons with each family having individual sleeping, cooking, and toilet facilities.

Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

Dwelling, Efficiency Unit - A dwelling unit having only one room exclusive of bathroom, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove. An efficiency unit shall be permitted in a multi-family dwelling.

Dwelling, Multiple Family - A residential building designed for or occupied by two (2) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single Family - A detached residential dwelling unit other than a home, designed for and occupied by one (1) family only.

Family - One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but provided further that domestic

servants employed on the premises without being counted as a family or families.

Farm Building - All buildings and structures needed in agricultural operation, including dwellings for owners, operators, farm laborers employed on the farm, and other family members.

Farm Occupation - A business activity customarily carried out on a farm by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal farm operations, without the employment of persons not residing in the home, which does not cause the generation of additional traffic in the area. Farm occupations include, but are not limited to, seed sales and custom combining support facilities.

Farm Unit - All buildings and structures needed in an agricultural operation, including dwellings for owners, operators, and other family members.

Farm, Hobby - An activity carried out in rural residential areas, which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards.

The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which the livestock or poultry is kept, is one (1) acre or more in area for every one (3) animal units, and if such livestock does not exceed three (3) animal units.

Farm, Ranch, Orchard - An area of twenty (20) acres or more which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but excluding an Animal Feeding Operation.

The processing and storage of raw agricultural products, such as grain elevators and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.

Fence - An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Financial Institutions - The premises of a bank, trust, finance, mortgage, or investment company.

Fishery - As defined by South Dakota Administrative Rules, Sections 74:03:03:02 and 74:03:03:03 (August 8, 1994). Hanson County as described in Section 74:03:03:33. Lake Alexandria Quarry (Section 74:03:03:03(2)) is cold water permanent fish life propagation waters; Lake Eli, Lake Ethan, and Lake Hanson (Section 74:03:03:03(5)) are warm water semi-permanent fish life propagation waters; and Lake Fulton and Long Lake (Section 74:03:03:03(6)) are warm water marginal fish life propagation waters. James River, Enemy Creek, Johnston Creek, Rock Creek, and Wolf Creek (Section 74:03:04:19(6,8)) are warm water marginal fish life propagation waters and limited contact recreation waters. Pierre Creek (Section 74:03:04:19(5,8)) is a warm water semi-permanent fish life propagation waters and limited contact recreation waters.

Flammable or Combustible Liquids, or Hazardous Material - Flammable material is any material that will readily ignite from common sources of heat, or that will ignite at a temperature of 600^mF or less. Flammable liquid is any liquid having a flash point below 100^mF and having vapor pressure not

exceeding forty (40) pounds per square inch (absolute) at 100^mF. Combustible liquid is any liquid having a flash point at or above 100^mF. Hazardous material includes any flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials, pyrophoric materials, and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of wetlands, lakes, streams, tributaries, or other water bodies; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - The official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without an accumulative increase in the water surface.

Game Farm - An area of five (5) acres or more which is used for producing hatchery raised game and nondomestic animals for sale to private shooting preserves.

Game Lodge - A building or group of two (2) detached, or semi-detached, or attached buildings occupied or used as a temporary abiding place of sportsmen, hunters and fishermen, who are lodged, with or without meals, and in which there are more than two (2) sleeping rooms.

Gaming Device or Gaming Equipment - Any mechanical contrivance or machine used in connection with gaming or any game.

Gaming or Gambling - The dealing, operating, carrying on, conducting, maintaining or exposing for pay of any game.

Gaming or Gambling Establishment - Any premises wherein or whereon gaming is done.

Garage - An accessory building or portion of a building including a carport which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

Garage, Public - A building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as "gasoline stations" or "service stations".

Gasoline Station - Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubrication substances; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning such vehicles.

Golf Course - A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, driving ranges and miniature golf courses, and similar uses.

Grain Elevator - Grain storage facilities, which are the principal and primary use of the lot. Said facilities are generally equipped with devices for housing and discharging significant quantities of grain. This definition does not

include normal farm product storage and warehousing facilities such as grain bins and where such storage is an accessory use to the parcel.

Greenhouse, Commercial - A building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.

Home Occupation - A business activity customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal household operations, without the employment of persons not residing in the home, which does not cause the generation of additional traffic in the street.

Horticulture - The science or art of cultivating fruits, vegetables, flowers, and plants.

Hospital - An institution devoted primarily to the operation of facilities of the diagnosis, treatment and cure of disease, illness, injury, or other abnormal physical conditions with provisions for keeping patients overnight.

Hotel - An establishment of transient guests having sleeping rooms without individual cooking facilities for more than six (6) persons for compensation and may or may not provide meals.

Interchange - A grade-separated intersection with one (1) or more direction connections for vehicular travel between the intersecting streets or highways.

Junkyard - A place where non-recyclable waste, having no economic value, or waste which is recyclable, but has no chance of being recycled is deposited.

Kenel - Any place where two (2) or more dogs, cats, or other domesticated animals of breeding age are housed, groomed, bred, boarded, trained, harbored, kept or sold for commercial purposes.

Lagoon - Any pond, basin, or other impoundment made by excavation or earthfill for storage or treatment of human sewage or animal waste.

Loading Area - A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street loading space is not to be used as off-street parking space in computation of required off-street parking space.

Locker - A meat processing plant and any other facility where meat, poultry or eggs are cooked, cured, smoked or otherwise processed or packed for retail sale, provided that all activities are carried out indoors. This term shall not include a delicatessen, stockyard, slaughterhouse, tannery, a poultry killing establishment, an animal food factory or an animal by-products plant.

Lot - For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, a parcel of land described by metes and

bounds; provided that in no case of division or combination shall any residual lot or parcel be crated which does not meet the requirements of this ordinance.

Lot Depth - Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this article.

Lot Line - The legally defined limits of any lot.

Lot Line, Exterior - The side lot line, which abuts the street on a corner lot.

Lot Line, Rear - The lot line or point of intersection of the side lot lines farthest from and opposite the front lot line.

Lot Line, Side - A lot line other than a front or rear lot line.

Lot of Record - A lot which is part of a subdivision recorded in the office of County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width - Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points where they intersect with the street line, shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirement shall not apply.

Lot, Corner - A corner lot is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Interior - An interior lot is defined as a lot other than a corner lot with only one frontage on a street.

Lot, Through - A through lot is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lot.

Lot, Reversed Frontage - A reversed frontage lot is defined as a lot on which the frontage is at right angles or approximately right angles, interior angle less than one hundred thirty-five (135) degrees, to the general pattern in the area. A reversed frontage lot may also be a corner or a through lot.

Major Street Plan - The Transportation Plan in the adopted Hanson County Comprehensive Plan.

Major Recreational Equipment - Major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and case or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Manufactured Home - A moveable or portable dwelling which is eight (8) feet or more in width and thirty-two (32) feet or more in length, constructed on a chassis, and which is designed to be towed, designed for year-round occupancy, primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more units, separately transportable, but designed to be joined together into one integral unit. Manufactured homes are built

according to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Manufactured homes are not mobile homes.

The following shall not be included in this definition:

1. Travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles; and
2. Modular housing which is designed to be set on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical, plumbing, and heating systems.

Manufactured Home Park - A parcel of land under single ownership that has been planned and improved for the placement of manufactured homes for non-transient use.

Manufacturing - The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

Massage Establishment - Any premises or part thereof where massages are given, offered or solicited in pursuance of a trade or calling, business or occupation provided that the service is rendered by a person duly trained, licensed and registered under the appropriate statute.

Mobile Home - A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular Home - A structure or building module that is manufactured at a location other than the site upon which it is installed and used as a residence; transportable in one or more sections on a temporary chassis or other conveyance device; and to be used as a permanent dwelling when installed and placed upon a permanent foundation system. This term includes the

plumbing, heating, air conditioning, and electrical systems contained within the structure.

Motel - A group of attached or detached buildings on the same lot containing sleeping quarters for rental to transients.

Museum - A building or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or of objects of natural history, and/or of mechanical, scientific and/or philosophical inventions, instruments, models and/or designs and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and premises used or to be used in connection therewith.

Navigable Waters - A body of water presently being used or is suitable for use for transportation and commerce, or if it has been so used or was suitable for such use in the past, or if it could be made suitable for such use in the future by reasonable improvements.

Nonconforming Lot - A lot of record existing on the date of passage of this ordinance which does not have the minimum width or contain the minimum area for the zone in which it is located.

Nonconforming Structure - A lawful structure which exists on the date of passage of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yard setbacks, or other characteristics of the structure.

Nonconforming Use - A land use or building or structure or portion thereof lawfully existing at the effective date of this ordinance, or at the time of any amendment thereto, which does not conform to the regulations of the zone in which it is located.

Noxious - When used with reference to any use or activity in respect of any land, building or structure or a use or activity which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason or destructive gas or fumes, dust, objectionable odor, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding are or interferes with or may interfere with the normal enjoyment of any use of activity in respect of any land, building or structure.

Nuisance - Any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.

Nursery - A facility confining a specific number of small and/or young swine averaging ten (10) to fifty-five (55) pounds in size.

Nursing Home, Rest Home, Convalescent Home - A place which undertakes through its ownership or management to provide maintenance, personal, or nursing care for three or more persons who by reason of illness, physical deformity, or old age are unable to care for themselves.

Obstruction - Any structure or vegetation that blocks the complete vision of people.

Office - A building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, clinic, financial institution or place of amusement or place of assembly.

Open Sales Area - Any open land or area used or occupied for the purpose of displaying for sale new or secondhand merchandise, including but not

limited to, passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft, and monuments. No repair work is done in such area except for incidental repair of times to be displayed and sold on the premises.

Outdoor Storage Area - Any open land or area used for the purpose of storage of any product or part of a product either before, during, or after manufacture, servicing or repair and not displayed for retail sale. This does not include open sales areas.

Owner - The record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided.

Ownership Line - A line defining ownership of property under one owner of record.

Park - An area consisting largely of open space, which may include a recreational area, playground or similar use but shall not include a mobile home park, a campground or trailer park.

Parking Space, Off-Street - For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and un-parked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering may be estimated at three hundred (300)

square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the County.

Pawnshop - An establishment where money is loaned on the security of personal property pledged in the keeping of the pawnbroker.

Performance Standards - Criterion established for the purposes of:

1. Assigning proposed land uses to proper districts; and
2. Controlling noise, odor, glare, smoke, toxic matter, esthetics, vibration, fire/explosive hazards generated by, or inherent in, uses of land or buildings.

Permitted Use - A use by right, which is specifically authorized in a particular zoning district.

Person - Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

Places of Assembly - Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.

Planning Commission - The Planning Commission of Hanson County. The term Planning Commission shall be synonymous with Planning and Zoning Commission and Commission, but shall not include Board of Adjustment or Zoning Board.

Plaza - A public square or similar open area.

Principal Use - The main use of land or structures as distinguished from a secondary or accessory use.

Private Shooting Preserves - An acreage of at least one hundred and sixty (160) acres and not exceeding one thousand two hundred and eighty (1,280) acres either privately owned or leased on which hatchery raised game is released for the purpose of hunting, for a fee, over an extended season.

Property Line - The division between two parcels of land, or between a parcel of land and the street and/or road.

Public - Promotion of a public cause or service, including utilities having a franchise from Hanson County, but excluding other for-profit organizations.

Public Building - Any building which is owned, leased, primarily used and/or primarily occupied by a school district or municipal, county, state or federal government, or any subdivision or agency of the school district, municipal, county, state or federal government.

Publicly Traded Company - For purposes of this Ordinance a “publicly traded company” means a company, the shares or other interests in which are regularly traded on the New York Stock Exchange, the American Stock Exchange, NASDAQ or similar recognized security market.

Quarry - A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

Ranch Building - See Farm Building.

Ranch Occupation - See Farm Occupation.

Ranch Unit - See Farm Unit.

Recreational Equipment - The term recreational equipment shall include boats and boat trailers, jet skis, snowmobiles, travel trailers, pick-up campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and case or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Recycling Center - A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Rent-All Shop - A building or part of a building where residential and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

Repair Shop, Auto Body - A general industrial establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include a motor vehicle repair shop, an impounding yard, an automobile service station or a gas station.

Repair Shop, Motor Vehicle - A service commercial or general industrial establishment for the repair or replacement of parts in a motor vehicle and without limiting the generality of the foregoing, shocks, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine

conversion or replacement, but does not include an auto body repair shop, an impounding yard, an automobile service station or a gas station.

Residential Care Facility - A family home, group care facility, or similar facility for 24 hour non-medical care of persons in need of personal services, supervision or assistance for sustaining the activities of daily living or for the protection of the individual.

Restaurant - A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.

Restaurant, Drive-In - A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to eat either off the premises or within automobiles parked on the premises.

Rest Home - See Nursing Home.

Retail Store - A building where goods, wares, merchandise, substances, articles or items are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or items sufficient only to service such store.

Retaining Wall - A structure constructed to hold back or support an earthen bank.

Right-of-Way - An area of land that is legally described in a registered deed for the provision of public access within which there is usually a street.

Right-of-Way Line - A dividing line between a lot, tract, or parcel of land and the public right-of-way.

Roadside Stand - A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its

entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises.

Row of Trees - Ten or more trees planted in a line, separated by a distance of forty (40) feet or less.

Running Gear - The parts which allow a manufactured home to be mobile including the tires, wheels, axles, running lights, and hitch. This definition shall include all mobility items exclusive of the parts of the chassis which make up the structural integrity of the manufactured home.

Salvage Yard - The use of more than seven hundred fifty (750) square feet of open storage on any lot, portion of lot, or tract of land for the sale, storage, keeping, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof.

Satellite Dish/Receiver - A device incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish or cone designed and used for the reception of television signals related back to earth from a terrestrially and/or orbital based communications satellite.

School, Boarding - A school under the sponsorship of a private agency, corporation, or religious entity, having a curriculum generally equivalent to public elementary or secondary schools, accredited by the State of South Dakota and provides room and board for its students; but excluding private trade or commercial schools. "Day Care Centers" as herein defined, shall not be considered schools as applicable to this definition.

School, Denominational or Private - A school under the sponsorship of a private agency, corporation, or religious entity, having a curriculum generally equivalent to public elementary or secondary schools and accredited by the State of South Dakota; but excluding private trade or commercial schools. "Day Care Centers" as herein defined, shall not be considered schools as applicable to this definition.

School, Public - A school under the sponsorship of a public agency providing elementary or secondary curriculum, and accredited by the State of South Dakota; but excluding private trade or commercial schools.

School, Trade or Commercial - An establishment other than an accredited or licensed public, private or denominational school, offering training or instruction in art, occupation or trade.

Screening - A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks.

Secondhand Shop - The use of land, or building or structure or part thereof where used goods, wares, merchandise, substances or articles are offered or kept for sale but shall not include a pawnshop.

Self-Storage Warehouse - A building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

Semi-Portable Agricultural Structures - Anything which requires placement on the ground for agriculture related purposes. Semi-portable agricultural structures include, but are not limited to, feed bunks, calving, lambing, or farrowing sheds, and temporary grain storage facilities.

Services - Establishments primarily engaged in providing services for individuals, business, and government establishments and other organizations, including hotels and other lodging places, establishments providing personal business, repair and amusement services, health, legal,

engineering, and other professional services, educational institutions, membership organizations and other miscellaneous services.

Setback - The minimum horizontal distance from a lot line, to a wall of the building, exclusive of permitted projections. The setback shall be measured at right angles to such lot lines.

Shelterbelt - One or more row(s) of trees and/or shrub which reduces erosion and protects against the effects of wind and storms.

Shelterbelt Restoration - The removal and replacement of one or more row(s) of trees or of trees totaling one-half acre or more, whichever is greater, in an existing shelterbelt.

Sight Triangle - The triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 30 feet from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines. In the case of arterial highways intersecting with other arterial highways or railways, the distances establishing the sight triangle shall be increased to fifty (50) feet.

Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification or premises not having commercial connotations;

2. Flags and insignias of any government, except when displayed in connection with commercial promotion;
3. Legal notices, identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural feature of buildings, except letters, trademarks, moving parts, or moving lights; and
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, Off-site - A sign other than an on-site sign.

Sign, On-site – Exterior - An exterior sign relating in subject to the premises upon which it is located, or to products, accommodations, services, or activities on the premises. Exterior on-site signs do not include signs erected by outdoor advertising industry in the conduct of the outdoor advertising business, such as billboards, which are off-site signs.

Sign, On-site – Interior - A sign on the interior of a structure relating in subject matter to the premises upon which it is located, or to products, accommodations, services or activities on the premises. As long as any such sign is not normally viewable from the exterior of the premises, it shall not be regulated by this Ordinance.

Street - A right-of-way established by a recorded plat to provide the primary means of access to abutting property.

Street Line - The right-of-way line of a street.

Street, Arterial - A public street or highway intended to be used primarily for fast or heavy through traffic.

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include, but are not limited to, buildings, mobile or manufactured homes, walls, fences, billboards, and poster panels.

Structural Alterations - Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles.

Swimming Pool - A water filled enclosure, permanently constructed or portable, having a depth of more than twenty four inches below the level of the surrounding land, or an above ground pool, having a depth of more than thirty inches, designed used and maintained for swimming and bathing.

Swine Production Unit - An operation confining a specific number of female breeding age swine for the purpose of farrowing. The operation shall farrow no more than an average of one-third (1/3) of the total herd at any one time and the total herd shall not farrow more than an average of two and one-half (2 ½) times within a twelve month period. All farrowed swine shall be relocated to an off-site nursery facility, as defined by this ordinance, at approximately ten (10) pounds or said swine shall be calculated as part of the total animal units.

Tank Farm - A facility having two or more storage containers for the transfer of inorganic liquids or gases and from which no retail sale of fuel to the public is or may be conducted.

Thrift Shop - A shop operated by a charitable organization, which sells, donated used merchandise only. All such merchandise shall be displayed and/or stored in an enclosed building.

Tower - A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications,

excluding those used exclusively for governmental dispatch communications.

Travel Trailer - A moveable vehicle with wheels designed or used as living and sleeping quarters or for recreation or business purposes, and such vehicles that have not had the wheels removed. Including campers, recreation vehicles, and trailer coaches.

Truck or Equipment Terminal - A building, structure or place where twenty (20) or more commercially licensed trucks or trailers are rented, leased, kept for hire, or stored or parked for compensation, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include warehouse space.

Use - Use shall mean the purpose for which a lot or a building or structure, or any portion thereof, is designed, arranged, intended, occupies or maintained, and "used" shall have a corresponding meaning.

Utility Facilities - Any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Variance - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the

presence of nonconformities in the zoning district or uses in an adjoining district or because of conditions created by the landowner.

Veterinary Clinic - A building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. No outside runs, pens or facilities shall be permitted.

Veterinary Services - A building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such services may or may not provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis.

Video Rental Shop - The use of land, building or structure for the purpose of renting video cassette recorders and/or video disc players and/or the rental of video tapes and/or discs.

Vision Clearance - An unoccupied triangular space at the intersection of highways, roads, or streets with other highways or streets or at the intersection of highways or streets with railroads. See Traffic Visibility Triangle.

Warehouse - A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.

Wholesale - The sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business

even if the said trade of business is the consumer or end user of the commodity.

Windbreak - Any non-opaque man-made structure constructed of any material and erected adjacent to an animal feeding, calving, or other such lot of which its principal use is that of protecting livestock from the effects of the wind.

Yard - A required open space other than a court, unoccupied, and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility (measured from the eaves).

Yard, Front - A yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot.

Yard, Rear - An open, unoccupied space extending across the rear of a lot from one side lot line to the other side lot line.

Yard, Side - A yard or open space on each side of the main building extending from the side lot line to the side wall of the building, exclusive of permitted projections and from the front yard to the rear yard, when an accessory building is constructed as part of the main building, the side yard requirements shall be the same for the accessory building as required for the main building.

Zone - An area within which, in accordance with the provisions of this Ordinance, certain uses of lands, buildings and structures are permitted and certain others are prohibited, where yards and other open spaces are required, where lot areas, building height limits and other requirements are

established, all of the foregoing being identical for the zone and district in which they apply.

Zoning Administrator - An official of Hanson County appointed by the Chairman and confirmed by the County Commission, charged with the responsibility of administering this ordinance.

ARTICLE 1

JURISDICTION

Section 101 General

This ordinance may be known and may be cited and referred to as "The Zoning Ordinance of Hanson County, South Dakota", to the same effect as if the full title were stated.

Section 103 Jurisdiction

The provisions of this Ordinance shall apply within the unincorporated territory of Hanson County, South Dakota, provided, however, that this ordinance shall not apply to that area inside the corporate limits, as now or hereafter fixed, of the:

1. City of Alexandria, South Dakota;
2. City of Emery, South Dakota; and
3. City of Fulton, South Dakota.

Section 105 Provisions of this Ordinance Declared to be the Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this ordinance require a greater width or size of yards, courts or other spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required, in any other ordinance, the provisions of this ordinance shall govern. Wherever the provisions of any other ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this ordinance, the provisions of such ordinance shall govern.

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ARTICLE 2

APPLICATION OF DISTRICT REGULATIONS

Section 201 General

The regulations set forth by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

Section 203 Zoning Affects Every Building and Use

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

Section 205 Performance Standards

No building or other structure shall hereafter be erected or altered, without obtaining a permit, to:

1. Exceed the height or bulk;
2. Accommodate or house a greater number of families;
3. Occupy a greater percentage of lot area; or
4. Have narrower or smaller rear yards, front yards, side yards, or other open spaces.

Section 207 Open Space or Off-Street Parking or Loading Space

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Section 209 Yard and Lot Reduction Prohibited

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

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ARTICLE 3

ESTABLISHMENT OF DISTRICTS

Section 301 Planning Commission Recommendations

It shall be a purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold a public hearing thereon before submitting its final report, and the County Commission shall not hold its public hearing or take action until it has received the final report of the Planning Commission.

Section 303 Districts Created

For the purpose of this ordinance, there are hereby created seven (7) types of districts by which the jurisdictional area defined in Section 301 shall be divided.

- AG - Agricultural
- R1 - Residential
- RC - Rural Commercial
- I-1 - Industrial
- FP - Floodplain
- PUD - Planned Unit Development
- MHP - Manufactured Home Park

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ARTICLE 4

OFFICIAL ZONING MAP AND BOUNDARY INTERPRETATION

Section 401 General

The County is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of the County Commission, attested by the County Auditor, and bearing the seal of the County, under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section 401 of Ordinance No. 18 of Hanson County, South Dakota."

Adopted this _____ day of _____, 20__.

Section 403 Zoning Map Changes

If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Commission, with an entry on the Official Zoning Map as follows:

On this ____ day of _____, 20__, by official action of the County Commission, the following change(s) were made to the Official Zoning Map: *(brief description of nature of change)*.

Such entry shall be signed by the Chairman of the County Commission and attested by the County Auditor. No amendment to this ordinance which

involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance.

Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 2003.

Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time, be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County.

Section 405 Zoning Map Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Commission may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by the signature of the Chairman of the County Commission attested by the County Auditor, and bearing the seal of the County, under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted [date of adoption of

map being replaced] as part of Ordinance No. 18 of Hanson County, South Dakota."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 407 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Planning Commission shall interpret the district boundaries.

ARTICLE 5

AGRICULTURAL DISTRICT (AG)

Section 501 Intent

The intent of Agricultural District (AG) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued and to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in Agricultural District (AG):

1. Agriculture;
2. Farms;
3. Ranches;
4. Orchards;
5. Parks;
6. Farm buildings;
7. Farm drainage and irrigation systems, flood control and watershed structures and erosion control devices meeting all county, state, and soil conservation district regulations;

8. Manufactured homes, pursuant to Section 1219;
9. Utility facilities;
10. Historic sites;
11. Veterinary clinics;
12. Veterinary services;
13. Kennels;
14. Cemeteries;
15. Schools, public;
16. Schools, denominational and private;
17. Dwellings, single-family;
18. Churches;
19. Shelterbelts;
20. Fireworks stands;
21. Stock dams; and
22. On-site signs.

Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in the Agricultural District (AG):

1. Roadside stands for sales of farm products, fish bait, and other approved products;
2. Home and farm occupations; and
3. Accessory uses, not specifically regulated by ordinance and structures customarily incidental to permitted uses and structures when established within the space limits of this district.

Section 507 Conditional Uses

After the provisions of this ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in Agricultural District (AG):

1. Airports;
2. Off-site signs;
3. Campgrounds, pursuant to Section 1229;
4. Dwellings, additional farm;
5. Open sales areas;
6. Riding stables;
7. Swimming pools;
8. Rodeo arenas;
9. Motor vehicle tracks or play areas;

10. Amusement areas;
11. Golf courses;
12. Stadiums and athletic fields;
13. Automobile parking;
14. Agricultural product processing facilities;
15. Grain elevators;
16. Municipal sewage disposal and/or treatment sites;
17. Animal feeding operation lagoons and holding facilities;
18. Truck or equipment terminals;
19. Sales and auction yards and barns;
20. Private recreation areas;
21. Sanitary landfills or restricted use sites;
22. Wildlife and game production areas;
23. Animal feeding operations;
24. Salvage yards;
25. Junk yards;
26. Bed and breakfast operations;

- 27. Game farms;
- 28. Aquaculture;
- 29. Private shooting preserves;
- 30. Game lodges;
- 31. Towers;
- 32. Applications of manure generated from Animal Feeding Operations; and
- 33. Extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities of SDCL 45-6B.

Section 509 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

Section 513 Minimum Lot Requirements

The minimum lot area per single-family dwelling unit shall be ten (10) acres.

The minimum lot width shall be three hundred (300) feet.

The Board of Adjustment may allow a smaller minimum lot requirement where a permit for a single family home is requested on an existing farmstead site.

Additional dwelling units may be allowed if they are to be occupied by other members of the family farm unit, the Board of Adjustment may reduce the required area following the procedures of a conditional use.

The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of

Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 515 Minimum Yard Requirements

There shall be a front yard of not less than a depth of seventy-five (75) feet.

There shall be a rear yard of not less than a depth of fifty (50) feet.

There shall be two (2) side yards, each of which shall not be less than fifty (50) feet. This shall apply to all buildings and structures including decks, patios, and carports.

Section 517 Maximum Lot Coverage

The maximum lot coverage for all buildings shall not be more than ten (10) percent of the total lot area.

Section 519 Maximum Height

The height of single-family dwelling units shall not exceed thirty-five (35) feet.

Section 521 Prohibition of View Obstruction

There shall be no obstruction, such as buildings, grain bins, shelter belts, farm equipment and machinery, hay bales, hay stacks, silage piles or other objects that may cause view obstruction, snow build-up or safety hazards within seventy-five (75) feet of the road right-of-way line. The purpose of this section is to keep the right-of-ways free and clear of snow build-up and, further, to promote traffic safety along road right-of-ways and at intersections.

Section 523 Animal Feeding Operations Performance Standards

Animal Feeding Operations are considered conditional uses and shall comply with the Conditional Use process, all applicable State and Federal requirements, and the applicable requirements as defined in this section:

Class A.....Section
523(1,2,3,4,5(a),6,7,8,9,10)

Class B.....Section
523(3,4,5(b),6,7,8,9,10)

Class C.....Section
523(3,4,5(c),6,7,8,9,10)

1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources.
2. Prior to construction, such facilities shall obtain a storm water permit for construction activities from the South Dakota Department of Environment and Natural Resources. The Storm Water Pollution Prevention Plan required by the permit must be developed and implemented upon the start of construction.

3. Animal confinement and waste facilities shall comply with the following facility setback requirements:

- A. Public Wells 1,000 feet
- B. Private Wells 250 feet
- C. Lakes, Rivers, and Streams Classified as Fisheries 500 feet
- D. Federal and State Road Right-of-ways 200 feet
- E. County and Township Road Right-of-ways 100 feet
- F. Designated 100 Year Floodplains Prohibited

4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification.

Examples of such management shall include at least:

- A. Proposed maintenance of holding ponds.
 - B. Land application process and/or methods.
 - C. Legal description and map, including documented proof of area to be utilized for nutrient application.
5. Animal Feeding Operation Waste Facilities shall be sited no closer than the following regulations prescribe from any incorporated municipality, rural residential district, church, school, commercially zoned property, or residential dwelling; one dwelling unit is allowed on the facility site:

A. Class A	10,560 feet
B. Class B	5,280 feet
C. Class C	1,000 feet

The owner of a residential dwelling may request the Board of Adjustment to review the facility and the Board may, by variance, waive or decrease the required separation distance. An easement must then be recorded with the County Register of Deeds in order that any future owners can be informed.

6. Repealed September 16, 2003; Ordinance No. 24.
7. Animal Waste Facilities will be reviewed by the Board of Adjustment. Upon review additional design and site development specifications may be required.
8. Animal Feeding Operations shall prepare a facility management plan. The plan shall be designed to dispose of dead animals, manure, and wastewater in such a manner as to control odors and flies.

- A. The County Board of Adjustment will review the need for control measures on a site-specific basis, taking into consideration prevailing wind direction and topography. The following procedures to control flies and odors should be considered in a management control plan.
- B. Operational plans for manure collection, storage treatment and use must be kept updated and implemented.
- C. Methods to be utilized to dispose of dead animals should be included in the management plan.
- D. Plant trees and shrubs to reduce wind movement of odors away from buildings, manure storage ponds, and/or lagoons.
- E. Provide adequate slope and drainage to remove surface water from pens and keep pen area dry so odor production is minimized.
- F. Store solid manure in containment areas having good drainage to minimize odor production.
- G. Remove manure from open pens as frequently as possible to minimize odor production.
- H. Consider use of covers on open storage systems for liquid manure systems to reduce odor production.
- I. Avoid spreading manure on weekends, holidays, and evenings during warm season when

neighbors may be involved in outdoor recreation activities.

- J. Avoid spreading during calm and humid days, since these conditions restrict the dispersion and dilution of odors.

9. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is incorporated or injected:

- A. Public Wells 1,000 feet
- B. Private Wells 250 feet
- C. Lakes, Rivers, and Streams Classified as Fisheries 100 feet
- D. Federal and State Road Right-of-ways 10 feet
- E. County and Township Road Right-of-ways 10 feet
- F. Designated 100 Year Floodplains Permitted
- G. Incorporated Communities or Rural Residential Districts 750 feet
- H. A Residence other than the Operators 750 feet

10. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is irrigated or surface applied:

- A. Public Wells 1,000 feet
- B. Private Wells 250 feet
- C. Lakes, Rivers, and Streams Classified as Fisheries 300 feet
- D. Federal and State Road Right-of-ways
 - 1) Surface Applied 25 feet
 - 2) Irrigation Applied 300 feet

- E. County and Township Road Right-of-ways
 - 1) Surface Applied 25 feet
 - 2) Irrigation Applied 300 feet
- F. Designated 100 Year Floodplains Prohibited
- G. Incorporated Communities or Rural Residential Districts
 - 1) Surface Applied 1,500 feet
 - 2) Irrigation Applied 2,640 feet
- H. A Residence other than the Operators
 - 1) Surface Applied 500 feet
 - 2) Irrigation Applied 1,000 feet

ARTICLE 6

RESIDENTIAL DISTRICT (R-1)

Section 601 Intent

The intent of Residential District (R-1) is to provide for residential uses of smaller lot sizes and other compatible uses in a pleasant and stable environment.

Section 603 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in Residential District (R-1):

1. Dwellings, single-family;
2. Dwellings, two-family;
3. Modular homes;
4. Manufactured homes, pursuant to Section 1217;
5. Horticulture; and
6. Utility facilities.

Section 605 Permitted Accessory Uses and Structures

1. Home occupations; and

2. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within space limits of this district.

Section 607 Conditional Uses

After the provisions of this ordinance, relating to Conditional Uses have been fulfilled, the Board of Adjustment may permit as Conditional Uses in Residential District (R-1):

1. Dwellings, multiple-family;
2. Churches;
3. Day care centers;
4. Schools, denominational or private;
5. Schools, public;
6. Parks;
7. Golf courses;
8. Fairgrounds;
9. Riding stables;
10. Cemeteries;
11. Nursing, rest, and convalescent homes;
12. Congregate housing;

13. Residential care facilities;
14. Governmental services;
15. Campgrounds, pursuant to Section 1229; and
16. Towers.

Section 609 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 611 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 609 shall be prohibited.

Section 613 Minimum Lot Requirements

The minimum lot area shall be one (1) acre for single or two-family dwelling units.

The minimum lot width shall be one hundred (100) feet.

The minimum lot area for a multi-family dwelling unit shall be one (1) acre per unit for the first two units and an additional two thousand (2,000) square feet for each additional unit.

Section 615 Minimum Yard Requirements

There shall be a front yard of not less than a depth of thirty (30) feet.

There shall be a rear yard of not less than a depth of twenty-five (25) feet.

Each side yard shall not be less than seven (7) feet.

Section 617 Maximum Lot Coverage

The maximum lot coverage for all buildings shall not be more than forty (40) percent of the total lot area.

Section 619 Maximum Height

The height of all buildings and structures shall not exceed thirty-five (35) feet.

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ARTICLE 7

RURAL COMMERCIAL DISTRICT (RC)

Section 701 Intent

The intent of the Rural Commercial District (RC) is to provide a commercial area for those establishments serving the general shopping needs of the trade area and, in particular, those establishments customarily oriented to the pedestrian shopper. The grouping of uses is intended to strengthen the central business area as the urban center of trade, service, governmental, and cultural activities, and to provide neighborhood commercial convenience areas.

Section 703 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in the Rural Commercial District (RC):

1. Retail sales;
2. Financial institutions;
3. Service establishments;
4. Wholesale sales;
5. Open sales areas;
6. Grain elevators;
7. Greenhouses;

8. Construction services and storage;

9. Warehouses;

10. Self-storage warehouses;

11. Car washes;

12. Athletic fields;

13. Swimming pools;

14. Funeral homes;

15. Churches;

16. Offices;

17. Veterinary clinics;

18. Clinics;

19. Hospitals;

20. Bus depots;

21. Clubs;

22. Restaurants and bars;

23. Utility facilities;

24. Public buildings;

- 25. Off-site and on-site signs;
- 26. Repair shops, auto-body;
- 27. Repair shops, motor vehicle;
- 28. Garages, public;
- 29. Gasoline stations;
- 30. Convenience stores;
- 31. Rent-all shops;
- 32. Secondhand shops;
- 33. Thrift shops;
- 34. Video rental shops;
- 35. Hotels;
- 36. Motels;
- 37. Libraries and museums;
- 38. Historic and monument sites;
- 39. Theaters and auditoriums;
- 40. Arcades;
- 41. Health clubs;

42. Bowling alleys; and

43. Parks.

Section 705 Permitted Accessory Uses and Structures

Accessory uses and structures normally appurtenant to the permitted uses and structures when established within the space limits of the Rural Commercial District (RC).

Section 707 Conditional Uses

After the provisions of this ordinance relating to Conditional Uses have been fulfilled, the Board of Adjustment may permit as Conditional Uses in the Rural Commercial District (RC):

1. Truck or equipment terminals;
2. Towers; and
3. Campgrounds, pursuant to Section 1229.

Section 709 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 711 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 709 shall be prohibited.

Section 713 Minimum Lot Requirements

The minimum lot area shall be one (1) acre.

The minimum lot width shall be one hundred and fifty (150) feet.

Section 715 Minimum Yard Requirements

There shall be a front yard of not less than a depth of seventy-five (75) feet.

There shall be a rear yard of not less than a depth of fifty (50) feet.

Each side yard shall be not less than twenty-five (25) feet.

All buildings located on lots adjacent to a Rural Residential District (R-1) shall be located so as to conform on the adjacent side with the side yard requirements for the adjacent Rural Residential District (R-1).

Section 717 Maximum Lot Coverage

The maximum lot coverage for all buildings shall not be more than fifty (50) percent of the total lot area.

Section 719 Maximum Height

The height of all structures shall not exceed seventy-five (75) feet.

ARTICLE 8

INDUSTRIAL DISTRICT (I-1)

Section 801 Intent

The intent of Industrial District (I-1) is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby non-commercial and non-industrial uses from undesirable environmental conditions. Residential and other similar uses are prohibited from this district in order to limit environmental effects associated with certain commercial and industrial uses, irrespective of their meeting performance standards.

Section 803 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in Industrial District (I-1):

1. Wholesale sales;
2. Self-storage warehouses;
3. Warehouses;
4. On-site signs;
5. Agriculture;
6. Manufacturing;
7. Repair shops, auto-body;

8. Repair shops, motor vehicle and equipment; and
9. Lockers.

Section 805 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in Industrial District (I-1):

1. Caretaker and watchman quarters; and
2. Medical facilities accessory to an industrial use.

Section 807 Conditional Uses

After the provisions of this ordinance relating to Conditional Uses have been fulfilled, the Board of Adjustment may permit as Conditional Uses in Industrial District (I-1) any use which is consistent with the intent of this district and which is not prohibited.

1. Towers;
2. Sales or auction barns;
3. Livestock buying stations; and
4. Off-site signs.

Section 809 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 811 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 809 shall be prohibited.

Section 813 Performance Standards

To be a permitted industrial use in Industrial District (I-1), whether as a permitted use or as an Conditional Use, such use must meet the following performance standards:

1. Physical Appearance - All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.
2. Fire Hazard - No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazard. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels, and welding gases when handled in accordance with other County ordinances.
3. Noise - No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.
4. Sewage and Liquid Wastes - No operation shall be carried on which involves the discharge into a sewer, water course, or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to

- normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. Air Contaminants - Emissions of contaminants and smoke shall not violate standards established by United States and South Dakota laws.
 6. Odors and Gases - Emission of odors and gases shall not violate standards established by United States or South Dakota laws.
 7. Vibration - All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths ($3/1,000$) of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this district.
 8. Glare and Heat - All glare, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

Section 815 Minimum Lot Requirements

The minimum lot area shall be ten thousand (10,000) square feet.

The minimum lot width shall be one hundred (100) feet.

Section 817 Minimum Yard Requirements

There shall be a front yard of not less than a depth of seventy-five (75) feet.

There shall be a rear yard of not less than a depth of twenty (20) feet.

Each side yard shall be not less than ten (10) feet, provided, that on lots adjacent to a Residential District, all buildings shall be located so as to provide a minimum side and rear yard of twenty-five (25) feet along that portion of the lot adjacent to the Residential District.

Section 819 Maximum Lot Coverage

The maximum lot coverage for all buildings shall be not more than fifty (50) percent of the total lot area.

Section 821 Maximum Height

The height of all buildings and structures shall not exceed seventy-five (75) feet.

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ARTICLE 9

FLOODPLAIN DISTRICT (FP)

Section 901 Intent

The floodplain district is an overlay district that adds additional restrictions to any other zoning district regulations that apply to an area.

Section 903 Statement of Purpose

The purpose of this district is to protect open spaces and natural drainage courses in their capacity to carry runoff water and to limit uses of land in areas subject to flooding, in order to promote the health and safety of the general public, and prevent the destruction or pollution of valuable and irreplaceable natural resources and prevent encroachment of uses which would reduce the future potential of these resources.

Section 905 Distinction between Floodplain District and Floodplain Ordinance

All Hanson County Floodplain Ordinances (Ordinance _____) shall not be affected by the Floodplain District Regulations. All land within the jurisdiction of the Floodplain Ordinance shall take precedence over the Floodplain District Regulations.

Section 907 Flood Hazard Boundary Map Utilized as Basis for FP District Designation

The Flood Hazard Boundary Map (FHBM) prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration is the basis for the Floodplain District designation.

Section 909 Permitted Principal Uses and Structures

Permitted uses shall be consistent with uses permitted in the zoned district through which the watercourse traverses.

Section 911 Permitted Accessory Uses and Structures

Accessory uses and structures normally incidental to the permitted uses and structures shall be permitted in the Floodplain District.

Section 913 Special Conditional Uses

Conditional Uses shall be consistent with uses permitted in the zoned district through which the watercourse traverses.

Section 915 Yard, Lot, and Area Requirements

Yard, lot, and area requirements shall be those that are required in the district(s) which the Permitted and Conditional Uses typically are found.

Section 917 Development Standards

In all areas of special flood hazards, the following general standards are required:

1. Anchoring:
 - A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - B. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement by

providing over-the-top and frame ties to ground anchors.

C. Special requirements for manufactured homes shall be that:

- 1) Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;
- 2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;
- 3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
- 4) Any additions to manufactured homes be similarly anchored.

2. Construction Materials and Methods:

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements.

C. Shall be constructed using methods and practices.

D. That minimize flood damage.

3. Utilities:

- A. Public or private sewage treatment facilities shall not be permitted in this district unless the facility can be designed and constructed to prevent encroachment by floodwaters. In no case shall any part of a sewage treatment facility be allowed within eighty (80) feet horizontally, of the normal high-water level of a stream or river.
 - B. New and replacement sanitary sewage systems shall be designed to eliminate discharge from the systems into the floodwater.
- 4. No structures, materials, or chemicals are to be stored or placed in that area which will float, sink, dissolve, or otherwise create hazards to the health and safety of persons or property in downstream areas or elsewhere.
 - 5. Any filling, grading, dredging, or lagooning within the designated flood prone area will require a permit and a plan of work to be accomplished. This requirement does not apply to generally recognized farming practices or to soil conservation practices such as terraces, runoff diversions, or grass waterways, which are suited for water retention and sediment retardation.
 - 6. Any non-agricultural development such as commercial, industrial, or residential will require a Conditional Use and a development plan.
 - 7. As far as practical, natural streamside vegetation will be maintained.

Section 919 Floodway Restrictions

There shall be no new construction, substantial improvements, fill, or other developments in the flood hazard area unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge and all other state and federal laws are adhered to.

Section 921 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of Hanson County, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Section 923 Development Plan

The development plan will show, but is not limited to, the following: land contours, location of structures, description of intended use, and an accurate, to scale, site plan.

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ARTICLE 10

PLANNED UNIT DEVELOPMENT (PUD)

Section 1001 Intent

The provisions of this article are to be applied in instances where tracts of land of considerable size are developed, redeveloped or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this ordinance. A planned development, to be eligible under this Article, must be:

1. In accordance with the comprehensive plans of the County, including all plans for redevelopment and renewal;
2. Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the County;
3. So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the County; and
4. A minimum of five (5) acres in land area.

Section 1003 Application Procedure

1. An applicant for consideration under the terms of this district, who must be owner, lessee, or the holder of a written

- purchase option of the tract of land under consideration, shall submit to the Planning Commission a plan for the proposed planned development unit. The plan shall indicate:
- A. The location and extent of the proposed planned development unit, including its relationship to surrounding properties;
 - B. The exact nature and extent of improvements to be developed or erected upon the tract, including contoured site plans, building plans and elevations, and plans for landscaping and paved areas, transportation patterns, and public utilities such as water and sewer services; and
 - C. Such other information as may be required by the Planning Commission to determine if the proposed planned development unit is consistent with the intent of the district.
2. The Planning Commission shall, within sixty (60) days of receiving the plan for the proposed development unit, consider such plan at a minimum of one regular Planning Commission meeting. Upon consideration, the Planning Commission shall inform the applicant in writing of its approval or denial of the plan. In the event of denial, the Planning Commission shall inform the applicant of the reason(s) for denial, including any recommended modifications in the plan, which would cause the Planning Commission to reconsider.
 3. Upon approval of the plan by the Planning Commission, it shall forward its written recommendations to the County Commission along with a copy of the approved plan, that the

tract be designated a Planned Unit Development District (PUD) by amendment of the Official Zoning Map.

4. Upon receiving the Planning Commission's written recommendation, the County Commission shall consider the amendment of the Official Zoning Map as provided elsewhere in this Article.
5. Following the amendment of the Official Zoning Map by the County Commission, the County Zoning Administrator may, upon proper application, issue a building permit for construction of the planned development unit in accordance with the approved plan.

Section 1005 Subsequent Performance

Following issuance of a building permit for the planned development unit by the Zoning Administrator, the applicant shall begin construction within a period of six (6) months. Failure to do so shall invalidate the building permit. Construction shall follow precisely the plan approved by the Planning Commission to which modifications may be granted only by the Planning Commission upon the filing of an amended plan. Failure to follow the approved plan on the part of the applicant or his/her agent shall be considered a violation of this ordinance punishable as herein prescribed.

ARTICLE 11

MANUFACTURED HOME PARK DISTRICT (MHP)

Section 1101 Intent

The intent of the Manufactured Home Park District (MHP) is to preserve and enhance property values in the city by providing designated, distinctive areas of not less than two (2) acres having a minimum of three hundred (300) feet in width, in which manufactured homes may be situated for residential dwelling. It is the intent that this district be a desirable, prominent area providing adequate open space and essentially the same considerations given to citizens of other residential districts.

Section 1103 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in Manufactured Home Park District (MHP):

1. Manufactured homes; and
2. Parks.

Section 1105 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in Manufactured Home Park District (MHP):

1. Garages, carports and utility sheds; and
2. Accessory buildings and uses customarily incident thereto.
No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and

well being of park residents and for the management and maintenance of the park.

Section 1107 Conditional Uses

After the provisions relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in the Manufactured Home Park District (MHP):

1. Swimming pools;
2. Laundry facilities; and
3. Self-storage warehouses.

Section 1109 Minimum Lot Requirements

1. The minimum lot area for individual manufactured homes shall be four thousand (4,000) square feet;
2. The density of any manufactured home park shall not exceed eight (8) units per gross acres; and
3. The net density of any particular acre shall not exceed ten (10) units per net (gross reduced by required yards, streets, etc.) acre.

Section 1111 Minimum Yard Requirements

1. The minimum distance required for the separation of a manufactured home from any other manufactured home shall be twenty (20) feet from side to side;
2. The minimum distance required from rear to rear shall be twenty (20) feet;
3. The minimum distance required from front setback from a private drive shall be twenty (20) feet; and
4. Accessory buildings shall not encroach on minimum yard requirements.

Section 1113 Manufactured Home Park Application Requirements

1. The applicant follows the rezoning process pursuant to Articles 15 - 17;
2. A request for a change in zoning districts to a Manufactured Home Park District shall set forth the location and legal

- description of the proposed manufactured home park property;
3. Application procedure: Each application for a manufactured home park shall be accompanied by a detailed site development plan incorporating the regulations established herein. The plan shall be drawn to scale and indicate the following:
 - A. Location and topography of the proposed manufactured home park, including adjacent property owners and proximity to federal, state highways, and to county, township or city roads;
 - B. Property lines and square footage of the proposed park;
 - C. Location and dimensions of all easements and right-of-ways;
 - D. Proposed lot layout, including parking and recreational areas;
 - E. General street and pedestrian walkway plan;
 - F. General utility, water, and sewer plan with proximity and proposed connection to municipal utilities;
 - G. Site drainage plan and development impact on culverts, etc.; and
 - H. Petition signed by all landowners within two hundred (200) feet.

3. Certification of compliance with all ordinances and regulations regarding manufactured home park licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations shall be a prior requirement for granting said Manufactured Home Park District.

Section 1115 Manufactured Home Regulations within a Manufactured Home Park

1. Manufactured home developments are permitted in districts zoned as Manufactured Home Park Districts. Provided the following standards are met:
 - A. The proposed property shall be located to avoid the need for excessive traffic movement from the park to pass through an existing single-family residential area or area suitable for future single-family residential development; and
 - B. The property shall not be within an area used or planned for industrial development, nor will the occupants of the proposed park be in any way adversely affected by nearby existing or planned industrial uses.
2. Access and Street Requirements:
 - A. All manufactured home spaces must be served from internal private streets within the manufactured home park and there shall be no direct access from a manufactured home space to a public street or alley;

- B. Internal private streets must be graveled at a minimum and kept in good repair to prevent excessive potholes or pooling of water;
- C. A minimum of two (2) off-street parking spaces shall be provided for each manufactured home lot; guest parking of one (1) parking space per five (5) manufactured home spaces shall be interspersed throughout the manufactured home park;
- D. No internal private street access to public streets shall be located closer than one hundred (100) feet to any public street intersection;
- E. All streets shall be lighted in accordance to the standards of the City;
- F. Stop signs shall be placed at all public street intersections and Yield signs placed appropriately on internal private streets;
- G. Entrance to manufactured home parks shall have direct connections to a public road and shall be designed to allow free movement of traffic on such adjacent public roads; and
- H. Streets should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street with ten (10) feet minimum moving lanes for collector streets, nine (9) feet minimum moving lanes for minor streets, and seven (7) feet minimum lanes for parallel parking.

3. Other Requirements:

- A. Manufactured homes shall meet the performance standards, pursuant to Section 1219;
- B. All electric service will be underground;
- C. Each manufactured home lot shall be connected to a central water and sewage system;
- D. Each manufactured home park shall provide screened areas or enclosed containers accessible for refuse collection of an adequate size for the number of units served, and shall provide for the disposal of such refuse on a regularly scheduled basis;
- E. Not less than ten (10) percent of the gross site area shall be devoted and maintained as recreational facilities for occupant needs;
- F. No manufactured home shall occupy more than twenty-five (25) percent of the area of the lot on which it is situated;
- G. A landscaped buffer area of twenty (20) feet in width shall be provided and maintained around the perimeter of the park, except where walks and drives penetrate the buffer; and
- H. Additional development requirements may be prescribed as conditions for approval when determined to be necessary to ensure protection of the neighboring property's character, compatibility

with land uses, and health and safety of
manufactured home park occupants.

ARTICLE 12

SUPPLEMENTARY DISTRICT REGULATIONS

Section 1201 Visibility at Intersections

On a corner lot in all districts, except Agricultural (AG), nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

Section 1203 Fences, Walls, and Hedges

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

Section 1205 Accessory Buildings

No accessory building shall be erected in any required yard area.

Section 1207 Erection of More than One Principal Structure on a Lot

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided, that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

Section 1209 Conditional Uses to Height Regulations

The height limitations contained in this ordinance shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, domes, chimneys, grain elevators, and other accessory agricultural structures or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 1211 Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Section 1213 Parking, Storage, or Use of Major Recreational Equipment

No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises not to exceed seventy-two (72) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use not to exceed seven (7) days.

Section 1215 Parking and Storage of Certain Vehicles

Motorized vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residential zoned property other than in completely enclosed buildings.

Section 1217 Manufactured Home Performance Standards I

Manufactured homes placed, as Permitted Principal Uses in all Residential Districts, shall comply with the following requirements:

1. The roof shall be shingled with conventional roofing products;
2. The pitch of the main roof shall be not less than four (4) inches of rise for each twelve (12) inches of horizontal run;
3. The exterior walls shall be encased with conventional house siding; flat or corrugated sheet metal is prohibited;
4. A wood or masonry foundation shall form a complete enclosure under the exterior walls;

5. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than twenty (20) feet, as measured across the narrowest portion;
6. The running gear and hitch shall be removed;
7. Anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design;
8. The manufactured home shall meet or exceed the federal HUD Manufactured Home Construction and Safety Standards; and
9. Prior to placement of home on the foundation, the County Zoning Administrator must approve the foundation.

Nothing contained in this Regulation shall prevent a permanent manufactured home from being placed on an established farmstead, to be used as a secondary residence, so long as it is connected to the existing farm operation on non-deeded land.

Section 1219 Manufactured Home Performance Standards II

Manufactured homes, placed as Permitted Principal Uses in the Agriculture District, shall comply with the following requirements:

1. The roof shall be shingled with conventional roofing products;
2. The pitch of the main roof shall be not less than four (4) inches of rise for each twelve (12) inches of horizontal run;
3. The exterior walls shall be encased with conventional house siding; flat or corrugated sheet metal is prohibited;
4. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than fourteen (14) feet, as measured across the narrowest portion;
5. The manufactured home shall be skirted with a material which is not highly combustible and installed around the perimeter of the home from the bottom of the home to the ground;
6. Anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design; and
7. The manufactured home shall meet or exceed the federal HUD Manufactured Home Construction and Safety Standards.

Nothing contained in this Regulation shall prevent a permanent manufactured home from being placed on an established farmstead, to be

used as a secondary residence, so long as it is connected to the existing farm operation on non-deeded land.

Section 1221 Manufactured Homes

No manufactured homes shall be parked and occupied in any district outside an approved manufactured home park for more than forty-eight (48) hours, except upon a special permit issued by the Zoning Administrator. Such permit shall be issued for a period not to exceed thirty (30) days and shall not be renewable within the same calendar year. Provided, however, a permit may be issued for parking and occupying a manufactured home on land owned by the occupant or occupants, during the construction of a house thereon or for a period not exceeding one hundred eighty (180) days and which shall be renewable for an additional period not exceeding one hundred eighty (180) days. However, if material progress with house construction is not made within forty-five (45) days from the issuance of a permit, or if construction work ceases for a consecutive period of forty-five (45) days, said permit shall become void. This section shall not be applicable when a manufactured home is used for agricultural-related non-human habitation purposes.

Section 1223 General Sign Requirements

1. No sign, outdoor commercial advertising device or lighting device constituting a nuisance to an adjacent Residential District, because of lighting glare, focus, animation, or flashing of a sign, lighting or advertising device shall be erected or continued in operation.
2. No "revolving beacon" or "fountain" sign shall be permitted in any district.
3. No sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic.

Section 1225 On-Site Signs

Each sign erected as an on-site sign in those districts where such is permitted, shall have a maximum surface area of eighty (80) square feet and shall not be located less than fifteen (15) feet from street right-of-way.

Section 1227 Off-Site Signs

Off-site signs erected in those districts where this use is permitted shall conform to the following requirements:

1. Each sign shall have a maximum surface area of one hundred fifty (150) square feet.
2. Each sign shall have a maximum width of fifteen (15) feet and a maximum height of ten (10) feet.
3. The highest point of any sign shall not extend more than twenty (20) feet measured from ground level at its supports.

4. Each sign shall be no less than five hundred (500) feet from any other sign erected on the same side of a street from which the signs are intended to be read.
5. Each sign shall not be closer than five hundred (500) feet from a street intersection at grade.

Section 1229 Campgrounds

A campground may be established in specified districts according to the procedures for granting a permitted Conditional Use, provided, that the proposed campground meets all of the following requirements:

1. A campground shall have an area of not less than one (1) acre and no camping unit or service structure shall be closer to a street/road/highway right-of-way or other property line than seventy-five (75) feet;
2. A campground shall provide minimum facilities including central travel trailer sanitary and water stations, toilets, and refuse containers;
3. Certification of compliance with all ordinances and regulations regarding zoning, health, plumbing, electrical building, fire prevention, and all other applicable ordinances and regulations shall be a prior requirement for granting said permitted Conditional Use;
4. Individual camping units, other than tents, shall have a lot area of not less than seven hundred fifty (750) square feet and the total number of units per gross acre shall not exceed twenty (20);

5. The layout of the campground shall be such that "destruction" of the natural vegetation and topography of the area is minimized; and
6. A request for a permitted Conditional Use shall set forth the location and legal description of the proposed campground property and a sketch of the proposed campground showing dimensions, roads, parking stations, location of services, and any other buildings or improvements.

Section 1231 Platting of Lands (Adopted 2 July 2002, Ordinance No 22)

It shall be unlawful for any person having control of any land within the County and lying outside of the incorporated communities as identified herein to subdivide layout, transfer, or records lands less than ten (10) acres in size as lots, tracts, or parcels unless by plat, in accordance with the laws of the State of South Dakota and the regulations contained herein.

The recording of property by legal descriptions including linear measurements such as, "the south 100 feet of the east 200 feet of the north 1,000 feet" is hereby prohibited.

Subdividing, transferring, or recording land described by full, half, or quarter sections is permitted provided such description is for property of ten (10 or more acres. Said description shall not include language describing a parcel by linear measurements. **All lands not subject to a real estate transfer fee pursuant to SDCL 43-4-22 are exempt from the platting requirements as described herein.**

**Section 1233 Agricultural Use Covenant Required (Adopted 2 July 2002,
Ordinance No 22)**

An Agricultural Use Covenant as defined herein **shall accompany all building permits for structures within or adjacent to an agricultural zoned area**, requests for rezoning agricultural land, or a planned unit development. Said covenant must be approved by the County Zoning Administrator and recorded in accordance with SDCL prior to issuance of the building permit or commencement of the rezoning process.

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ARTICLE 13

NONCONFORMANCE

Section 1301 General

Within the districts established by this ordinance or amendments that may later be adopted, there exists (a) lots, (b) structures, (c) uses of land and structures, and (d) characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment; it is the intent to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this revised ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be

deemed to be actual construction, provided that work shall be carried on diligently.

Section 1303 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of other yard requirements shall be obtained only through action of the Board of Adjustment.

Section 1305 Nonconforming Uses of Land (or Land with Minor Structures Only)

Where at the time of passage of this revised ordinance lawful use of land exists, which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding one thousand (1,000) dollars, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
2. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that

- occupied by such use at the effective date of adoption or amendment of this ordinance;
3. If any such nonconforming use of land ceases, for any reason, for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located; and
 4. No additional structure, not conforming to the requirement of this ordinance, shall be erected in connection with such nonconforming use of land.

Section 1307 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance, that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in any way, which increases its nonconformity, but any structure or portion thereof, may be altered to decrease its nonconformity.
2. Should such nonconforming structure, or nonconforming portion of structure, be destroyed by any means, to an extent of more than seventy-five (75) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance; and
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the

regulations for the district in which it is located after it is moved.

Section 1309 Nonconforming Uses of Structures or of Structures and Premises in Combination

If the nonconforming use involving individual structures with a replacement cost of one thousand (1,000) dollars or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structure and premises may, as a conditional use, be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions

and safeguards in accordance with the provisions of this ordinance;

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for a period of more than one (1) year (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and
6. Where nonconforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land.

Section 1311 Uses Under Conditional Use Provisions are Conforming Uses

Any use that is permitted as a conditional use in a district, under the terms of this ordinance, shall be deemed a conforming use in such district without further action. A nonconforming use can never be allowed in a defined district without a change in the district definition or boundaries.

Permitted Principal Uses	Conditional Uses	Nonconforming
Allowed within defined district.	Allowed within defined district AFTER	Never allowed within defined district

	Board grants permission.	without change in district definitions or boundaries.
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ARTICLE 14

ADMINISTRATIVE PROCEDURE AND ENFORCEMENT

Section 1401 Hanson County Zoning Administrator

An administrative official who shall be known as the Zoning Administrator and who shall be designated by the Hanson County Commission shall administer and enforce this ordinance. They may be provided with the assistance of such other persons as the County Commission may direct.

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by the ordinance to insure compliance with or to prevent violation to its provisions.

Section 1403 Right of Entry

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Zoning Administrator or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises an ordinance violation, the Zoning Administrator or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Zoning Administrator by this ordinance, provided that if such building or premises be occupied, they shall first present proper credentials and request entry; and if such building or premises be unoccupied, they shall first make an reasonable effort to locate the owner or other persons having charge or control of the building or premises and

request entry. If such entry is refused, the Zoning Administrator or an authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Zoning Administrator or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Zoning Administrator or an authorized representative for the purpose of inspection and examination pursuant to this ordinance.

Section 1405 Hanson County Planning Commission

The Hanson County Commission shall appoint a Planning Commission of **seven (7)** or more members, the total membership of which shall be an uneven number and at least **two (2)** members of which shall be a County Commissioner. The term of each of the appointed members of the Planning Commission shall be for three (3) years. When the Planning Commission is first appointed the lengths of the terms shall be varied so that no more than one-third (1/3) of the terms shall expire in the same year. Meetings shall be regularly scheduled and held at the call of the Chairman, at such other times as the Planning Commission may determine. The Chairman, or in their absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public, except as provided by SDCL 1-25-5. **(Amended by Ordinance No 28, January 20, 2009)**

Upon notification of a proposed revision, modification, change, or amendment to the zoning ordinance or any part thereof the Planning Commission shall schedule a public hearing. Notice of the time and place of the hearing shall be given pursuant to Section 1603 (3-5). Any person may appear and request or protest the proposed change. The Commission shall discuss the application and formulate a recommended action. The recommendation should be in the form of a motion clearly stating the

Commission's recommend action. The Commission shall forward its recommendation to the County Commission at least ten (10) days in advance of the County Commission meeting at which the action is being considered.

The Planning Commission shall keep a record of all proceedings, including minutes showing the vote of each member upon each question, or if absent or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with the Zoning Administrator. Meetings shall be regularly scheduled and held at the call of the Chairman, at such other times as the Planning Commission may determine, but in no event, shall the Commission meet less than once every three (3) months. The Chairperson, or in their absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Planning Commission shall adopt from time to time, subject to the approval of the County Commission, rules and regulations as it may deem necessary for the conduct of its affairs and to carry the appropriate provisions of this ordinance into effect.

Section 1407 Hanson County Board of Adjustment

The Hanson County Planning Commission shall serve as the Board of Adjustment. The Board of Adjustment is hereby designated to hear all requests for variances, conditional uses, and zoning appeals. The Board of Adjustment may, in specific cases to avoid unwarranted hardship which constitutes an unreasonable deprivation of use as distinguished from the mere grant of a privilege, make upon an affirmative vote of two-thirds (2/3) of the full membership of the Board of Adjustment, conditional uses or grant variances to the terms of the regulations or controls, subject to appropriate conditions or safeguards being adopted by the County Commission.

The County Commission shall designate a secretary to attend and take minutes for the Board of Adjustment when acting in zoning cases, but shall take no part in the deliberations. Meetings of the Board of Adjustment acting

in zoning cases shall be held at the call of the Chairperson and at such other times as the Board shall determine. Such Chairperson, or in his/her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

Section 1409 Hanson County Commission

The Hanson County Commission may amend, supplement, change, modify, or repeal any regulation, restriction, boundary, or enforcement provision established in the comprehensive plan or adjuncts thereto. The County Commission shall forward a copy of the proposed changes to the Planning Commission for public review. Upon receipt of the comments from the Planning Commission the County Commission shall publish a notice of public hearing once a week for two successive weeks in a newspaper of general circulation in the area affected. The County Commission shall thereafter either adopt or reject such amendment, supplement, change, modification, or repeal. If adopted the County Commission shall direct the Planning Commission to prepare a summary of the action. Upon completion of the summary the states attorney shall review same and direct the County Auditor to have said summary published once in the official newspaper.

Section 1411 Building Permits Required

No building or other structure shall be erected, moved, added to, or use changed without a permit issued by the Zoning Administrator. No building permit shall be issued by the Zoning Administrator except in conformity with the provisions of this ordinance unless they received a written order from the Board of Adjustment in the form of an administrative review, conditional use, or variance as provided by this ordinance.

Section 1413 Application for Building Permit

All applications for building permits must be signed or approved in writing by the owner of record. In the event the owner of record has a binding purchase agreement contingent on the approval of the building permit, the potential purchaser may submit and sign all documents required for application. All building permit applications shall be accompanied by a site plan.

The site development plan shall be drawn to scale and indicate the following:

1. Location and topography of the proposed structure(s), including adjacent property owners and proximity to federal, state highways, and to county, township or city roads;
2. A north arrow;
3. The actual dimensions and shape of the lot to be built upon;
4. The exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration;

5. Property lines and square footage of the proposed structure(s);
6. Location and dimensions of all easements and right-of-ways;
7. General street and pedestrian walkway plan;
8. General utility, water, and sewer plan with proximity and proposed connection to utilities; and
9. Site drainage plan and development impact on culverts, etc.

Refer to document entitled Site Plan Requirements for a detailed example of site plan requirements.

The application shall include such other information as may be lawfully required by the Zoning Administrator, including: existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, rental units, or animal units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the Zoning Administrator after they shall have marked such copy either as approved or disapproved and attested to same by their signature on such copy. If a building permit is refused, the Zoning Administrator shall state the reasons for such refusal in writing. The original and one copy of the plans, similarly marked, shall be retained by the Zoning Administrator. The issuance of a building permit, shall, in no case, be construed as waiving any provisions of this ordinance.

Section 1415 Expiration of Building Permits, Conditional Uses, and Variances

If the work described in any building permit, conditional use, or variance has not begun within one hundred and eighty (180) days or has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning Administrator and written notice thereof shall be given to the persons affected. The notice shall state that further work as described in the canceled permit shall not proceed unless, and until, a new building permit has been obtained.

Section 1417 Construction and Use to be as Provided in Application, Plans, Permits, and Application for Zoning Compliance

Building permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided by Section 2003 of this ordinance.

Section 1419 Application for Zoning Compliance

The applicant shall submit to the Zoning Administrator, an application for zoning compliance, within thirty (30) days after the building or structure has

been completed or substantially completed. Thereafter, the Zoning Administrator may visually inspect the building or structure and its use to determine whether it is in compliance with this ordinance. After the approval by the Zoning Administrator, the application for zoning compliance shall be signed and dated by the Zoning Administrator.

Section 1421 Schedule of Fees, Charges, and Expenses

The County Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, variances, conditional uses, amendments, appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Hanson County Commission. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1423 Building Permit in a Conspicuous Place

All building permits issued by the Zoning Administrator must be placed in a conspicuous location on the building site for the duration of the construction of work described.

Section 1425 Bad Actor Legislation

The Hanson County Commission may reject an application for any permit filed for a variance, conditional use or otherwise for the reasons and on the grounds set forth in SDCL 1-40-27, as revised and amended. Such rejection shall be based upon a specific finding by the Commission that the applicant has engaged in the activity identified in the aforesaid statute. The burden on the Commission to make the specific finding provided for herein shall be by a preponderance of the evidence.

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ARTICLE 15

PLANNING COMMISSION

Section 1501 Powers and Duties

The Planning Commission shall have the power to hear requests for amendments or changes in zones and appeals of a decision rendered by the Zoning Administrator or other official.

Section 1503 Appeals

Any decision rendered by the Zoning Administrator may be appealed to the Planning Commission, acting as the Board of Adjustment. The Planning Commission shall act pursuant to Section 1603. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Planning Commission, that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the County Commission or by a court of record on application or notice to the officer for whom the appeal is taken and on due cause shown. The County, appellant and Planning Commission, acting as the Board of Adjustment, shall act upon appeals pursuant to Section 1603.

Section 1505 Amendments and Rezoning

The Planning Commission shall have the power to hear and make recommendations, in accordance with provisions of this Ordinance, on requests for change in zoning. Upon notification of a proposed revision, modification, change, or amendment to the zoning ordinance or any part thereof the Planning Commission shall schedule a public hearing. Notice of the time and place of the hearing shall be given pursuant to Section 1603 (3-

5). Any person may appear and request or protest the proposed change. The Commission shall not review an amendment for rezone unless and until all documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.

The Planning Commission shall review all applications for amendments or rezones at an official public hearing of the Commission. The Commission shall discuss the application and formulate a recommended action. The recommendation should be in the form of a motion clearly stating the Commission's recommendation. The Commission shall forward its recommendation to the Board of Adjustment at least ten (10) days in advance of the Board of Adjustment meeting at which the application is being considered.

In recommending approval of any petition for change in zone or amendment, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the change in zone is granted, shall be deemed a violation of this Ordinance and punishable under Section 2003 of this Ordinance.

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ARTICLE 16

BOARD OF ADJUSTMENT

Section 1601 Powers and Duties

The Hanson County Planning Commission should serve as the Board of Adjustment. The Board of Adjustment shall have the power to hear requests for variances, conditional uses, and appeals of a decision rendered by the Zoning Administrator or Planning Commission.

Section 1603 Appeals

The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures or to interpret any map. Prior to hearing an appeal, the following requirements shall be completed:

1. The applicant or any other person aggrieved by the decision of a Zoning Administrator, administrative official, or agency shall file a written appeal with the Zoning Administrator within five (5) working days of the decision;
2. The Zoning Administrator, Planning Commission, and/or Board of Adjustment secretary from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed was taken;
3. Notice of the hearing date shall be given at least ten (10) days in advance by publication in a legal newspaper of the county;

4. Written notice shall be sent to the appellant, applicant and all owners of real property lying within one hundred and fifty (150) feet of the property on which the appeal is pending, if a particular piece of property is in question. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date;

5. A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all along the property's street frontage so as to be visible from the street. If a property does not have a street frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall be not less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings;

6. The Planning Commission shall convene as the Board of Adjustment and review the application pursuant to Sections 1503 and 1603 of this Ordinance; and
7. The Board of Adjustment shall either uphold, overrule, or amend the decision of the Zoning Administrator.

Section 1605 Conditional Uses

The Board of Adjustment shall have the power to hear and decide, in accordance with the provisions of this ordinance, requests for conditional uses or for decisions upon other special questions upon which the Board of Adjustment is authorized by this ordinance to pass; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. Prior to hearing a request for a conditional use, the following requirements shall be met:

1. The applicant shall specifically cite, within the application the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested;
2. Notice of public hearing shall be given, pursuant to Section 1603 (3-5);
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney;
4. The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the conditional use, grant with conditions, or deny the conditional use, and that the granting

of the conditional use will not adversely affect the public interest;

5. Before any conditional use is granted, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- B. Off-street parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare, odor or other effects of the conditional use on adjoining properties and properties generally in the district;
- C. Refuse and service areas, with particular reference to the items in (A) and (B) above;
- D. Utilities, with reference to locations, availability, and compatibility;
- E. Screening and buffering with reference to type, dimensions, and character;
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect

and compatibility and harmony with properties
in the district;

G. Required yards and other open spaces; and

H. General compatibility with adjacent properties
and other property in the district.

Section 1607 Variances

The Board of Adjustment shall have the power to hear requests for variances from this ordinance in instances where strict enforcement would cause unnecessary hardship, and to grant such variances only when the following provisions apply:

1. No such variance shall be authorized by the Board of Adjustment unless it finds that the strict application of the ordinance would produce undue hardship; such hardship is not shared generally by other properties in the same zoning district and the same vicinity; the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice;
2. No variance shall be authorized unless the Board of Adjustment finds that the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance;

3. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until a written application, for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; that the special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance;
5. Notice of public hearing shall be given, pursuant to Section 1603 (3-5);
6. The public hearing shall be held. Any party may appear in person for by agent or by attorney;
7. The Board of Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will

make possible the reasonable use of the land, building, or structure; the Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

8. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 2003 of this ordinance; and
9. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

ARTICLE 17

COUNTY COMMISSION

Section 1701 Powers and Duties

The County Commission shall have the power to hear appeals, requests for rezoning and amendment of the Zoning Ordinance.

Section 1703 Appeals

The County Commission shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator, Planning Commission, or Board of Adjustment based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures or to interpret any map. The County Commission until will not hear an appeal:

1. The applicant or any other person aggrieved by the decision of the Zoning Administrator, Planning Commission, or Board of Adjustment shall have followed the applicable appeal procedures pursuant to Articles 15 - 16.
2. The applicant shall file a written appeal of the Board of Adjustments decision with the Zoning Administrator within five working days of the decision.
3. The Zoning Administrator or Board Chairperson from whom the appeal is taken shall forthwith transmit to the County Commission all the papers constituting the record upon which the action appealed was taken.

4. Notice of public hearing shall be given, pursuant to Section 1603 (3-5).
5. The Zoning Administrator or Board chairperson shall present their decision to the County Commission for review.
6. The County Commission shall either uphold, overrule or amend the decision of the Zoning Administrator or Board of Adjustment.

Section 1705 Change in Zone

The County Commission shall have the power to hear and decide, in accordance with provisions of this ordinance, petitions for change in zoning. A petition for change in zoning will not be decided until:

1. The individual petitioner provides a completed change in zone request. Said request must clearly state that special conditions and circumstances exist which require the land to be rezoned; that the special conditions and circumstances do not result from the actions of the applicant; and that granting the change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area.
2. The Planning Commission has reviewed the application pursuant to Section 1509 of this Ordinance.
3. Notice of public hearing shall be given, pursuant to Section 1603 (3-5).
4. The public hearing shall be held. Any party may appear in person or by agent or attorney.

5. The County Commission shall make findings that the requirements of this section have been met by the applicant for a change in zone; the Board shall further make a finding that the reasons set forth in the application justify the granting of the change in zone, and the change in zone will make possible the reasonable use of the land, building, or structure; the County Commission shall further make a finding that the granting of the change in zone will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. No petition for change in zone shall be authorized unless the County Commission finds that the condition, situation or the intended use of the property concerned is not of so general or recurring a nature as to make reasonably practicable the change in zone.
7. Nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted or nonconforming use of lands, structures or buildings in other districts shall be considered as reasons for the issuance of a change in zone.
8. In granting any petition for change in zone, the County Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the change in zone is granted, shall be deemed a violation of this ordinance and punishable under Section 2003 of this ordinance.

ARTICLE 18

DUTIES OF THE ZONING ADMINISTRATOR, BOARD OF ADJUSTMENT, COUNTY COMMISSION, AND COURTS ON MATTERS OF APPEAL

Section 1801 Duties of Zoning Administrator, Board of Adjustment, County Commission and Courts on Matters of Appeal

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, then the Board of Adjustment and that such questions shall be presented to the County Commission only on appeal from the decision of the Board of Adjustment, and that recourse from the decisions of the County Commission shall be to the Court of Record.

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ARTICLE 19

AMENDMENTS

Section 1901 Regulations

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed, provided that such modification or repeal in each instance be proposed in an ordinance presented to the governing body for adoption in the same manner and upon the same notice as required for the adoption of the original ordinance.

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided as follows:

1. Notice of the hearing date shall be given at least ten (10) days in advance by publication in a legal newspaper of the County;
2. Written notice shall be sent to the appellant, applicant and all owners of real property lying within one hundred and fifty (150) feet of the property on which the appeal is pending, if a particular piece of property is in question. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date;
3. A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all along the property's street frontage so as to be visible from the street. If a property does not have a street frontage, then such signs

- shall be placed upon the closest available right-of-way and upon the property. Said signs shall be not less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings;
4. The Planning Commission shall hold the Public Hearing, review the proposed amendment(s) and make recommendations to the County Commission;
 5. Notice of the time and place of the County Commission hearing shall be given pursuant to Section 1901 (1-3);
 6. The County Commission shall hold the Public Hearing, review the proposed amendment(s) and by resolution or ordinance deny or pass the recommendations;
 7. If the changes are adopted the Planning Commission shall prepare a summary of the changes;

8. Once the summary is prepared the States Attorney shall review the changes and forward the changes to the County Auditor for publishing; and
9. The summary of changes must be published once in the in the County's legal newspaper(s). The changes will take effect 20 days after publication.

ARTICLE 20

VIOLATIONS, COMPLAINTS, PENALTIES, AND REMEDIES

Section 2001 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint with the Board of Adjustment and investigate and take action thereon as provided by this ordinance.

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he/she shall notify, in writing by certified mail with return receipt, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The party responsible for the violation shall respond within seven (7) working days from receipt of the letter; otherwise, they will be considered in violation of Section 2003.

Section 2003 Penalties for Violations

The owner or agent of a building or premises in or upon which a violation of any provisions of this ordinance has been committed or shall exist, or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be guilty of a Class II misdemeanor and shall be punished by a fine not to exceed two hundred dollars (\$200) or imprisonment for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be a separate offense.

Any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, appropriate authorities of the County may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

Section 2005 Injunction Proceedings to Prevent or Abate Violations

In the event of a violation or a threatened violation of the regulations or restrictions of this ordinance, the County Commission or any member thereof, in addition to other remedies, may institute an appropriate action or proceedings to seek an injunction in a court of competent jurisdiction to prevent, restrain, correct or abate such violation or threatened violation. It is the duty of the States Attorney to institute such action.

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ARTICLE 21

LEGAL STATUS PROVISIONS

Section 2101 Separability

Should any article, section, or provisions of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 2103 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this ordinance.

Section 2105 Repeal of Conflicting Ordinances

All ordinances or parts of resolutions in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extend necessary to give this ordinance full force and effect.

Section 2107 Effective Date

This ordinance shall take effect and be in force from and after its passage and publication according to law.

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