

SULLY COUNTY

ANIMAL FEEDING OPERATIONS ZONING ORDINANCES

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SECTIONS 1-101 to 116, INCLUSIVE. DEFINITIONS AND GENERAL PROVISIONS

SECTION 1-101. DESIGNATING THE LEGAL BOUNDARIES OF SULLY COUNTY, SOUTH DAKOTA.

All property within the boundaries of Sully County (except areas of the County where incorporated places have exerted jurisdiction pursuant to statute).

SECTION 1-102. DEFINITIONS.

For the purpose of this Section certain words and terms used herein shall be defined and interpreted as follows:

All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The words "shall" are mandatory and not directory. The word "used" shall be deemed also to include "designed, intended, or arranged to be used."

"Adjacent Property" shall mean all property, which is contiguous, and including property separated by a public right-of-way.

"Agriculture" means the act or science of cultivating the ground, including the maintenance and harvesting of crops and the breeding, raising and management of livestock and poultry.

"Agricultural Building" is a building located on agricultural property and used to shelter farm implements, hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation, and which is not used by the public.

"Airport" is any area of land which is used, or intended for the landing and take-off of aircraft, and any appurtenant areas which are used or intended for use as right-of-way, including taxi ways, aircraft storage and tie down areas, hangars and other related buildings and open spaces.

"Alley" is a narrow service way providing a secondary means of access to abutting properties.

"Alter or Alteration" is any change addition or modification in construction or occupancy.

"Anaerobic Lagoon" means an impoundment used in conjunction with an animal feeding operation, if the primary function of the impoundment is to store and stabilize organic manure, the impoundment is

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designed to receive manure on a regular basis, and the impoundment’s design manure loading rates provide that the predominant biological activity is anaerobic. An anaerobic lagoon does not include any of the following:

- A. A Confinement Feeding Operation Structure.
- B. A runoff control basin, which collects and stores only precipitation induced runoff from an open feedlot.
- C. An anaerobic treatment system, which includes collection and treatment facilities for all off gases.

“Animal Feeding Operation” is a facility that stables, confines, and feeds or maintains livestock or poultry for a total of 56 days or more in any 12-month period. The lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more Animal Feeding Operations under common ownership are single Animal Feeding Operation if they adjoin each other, or if they use a common area or system for the disposal of wastes.

“Animal Unit” shall mean a unit of measurement of solid and liquid waste generated by confined livestock or poultry. See Table A.

TABLE A

EQUIVALENT NUMBER OF A SPECIES TO EQUAL:

<u>ANIMAL SPECIES</u>	<u>400 AU</u>	<u>1,000 AU</u>	<u>2,000 AU</u>	<u>ANIMAL UNIT EQUIVALENT SPECIES / AU</u>
Feeder or Slaughter Cattle	400 HD	1,000 HD	2,000 HD	1.0
Mature Dairy Cattle	285 HD	714 HD	1,428 HD	1.4
Finisher Swine (over 55 lbs)	1,000 HD	2,500 HD	5,000 HD	0.4
Nursery Swine (less than 55 lbs)	4,000 HD	10,000 HD	20,000 HD	0.1
Farrow to Finish*	110 HD	270 HD	540 HD	3.7
Sow to Litter	375 HD	1,076 HD	2,150 HD	0.93
Horses	200 HD	500 HD	1,000 HD	2.0
Sheep	4,000 HD	10,000 HD	20,000 HD	0.1
Turkeys	22,250 HD	55,550 HD	111,150 HD	0.018

TABLE A (continued)

EQUIVALENT NUMBER OF A SPECIES TO EQUAL:

<u>ANIMAL SPECIES</u>	<u>400 AU</u>	<u>1,000 AU</u>	<u>2,000 AU</u>	<u>ANIMAL UNIT EQUIVALENT SPECIES / AU</u>
Laying Hens and Broilers (Continuous overflow watering in facility)	40,000 HD	100,000 HD	200,000 HD	0.01
Laying Hens and Broilers (Liquid handling system in confinement facility)	12,000 HD	30,300 HD	60,600 HD	0.033
Ducks	2,000 HD	5,000 HD	10,000 HD	0.2

* Figures in the furrow to finish column include sows, pigs born and fed to market weight at one site, at one time.

“Apartment” shall mean a dwelling unit as defined in this ordinance.

“Apartment House” is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

“Assisted Living Center” is any institution, rest home, boarding home, place, building, or agency which is maintained and operated to provide personal care and services which meet some need beyond basic provision of food, shelter, and laundry in a free-standing, physically separate facility which is not otherwise required to be licensed under SDCL 34-12-1.

“Auto Wrecking” is the collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or trailers or their parts. The dismantling and rebuilding other than custom repair, of more than one motor vehicle, piece of wheeled or track laying equipment, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.

“Basement” is that portion of a building between floor and ceiling, which is partly below and partly above grade.

“Best Management Practices (BMP)” means schedules of activities, prohibitions of practice, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMP’s also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge, manure disposal, manure application, waste or manure stockpiles, or drainage from raw material storage.

“Billboard” is any structure or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is displayed for advertising purposes, except the name and occupation of the user of the premises, the nature of the business conducted on the premises or the products primarily sold or manufactured on the premises and having an area of 100 square feet or more. Any signboard carry a

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message expected in this definition, which also carries extraneous advertising of 100 square feet or more, shall be considered a billboard. This definition shall not include any board, sign or surface used to display any official notices issued by a court or public duty, or bulletin boards used to display announcement of meetings to be held on the premises on which such bulletin boards are located, not shall it include a real estate sign advertising for sale or rent the property upon which it stands when such sign does not exceed 100 square feet.

“Block” means an area of land within an addition or subdivision that is entirely bounded by streets, streets and the exterior boundary or boundaries of the addition or subdivision railroad rights-of-way, or a combination of the above with a river or lake.

“Board or Board of Adjustment” is the Board of Adjustment of the County of Sully, South Dakota.

“Building” is any structure for the support, shelter, enclosure of persons, animals, chattels, or property of any kind.

“Building Accessory” is any subordinate building or structure, the use of which is incidental to the principal building on the same lot, including, but not limited to:

- A. Private Garages, Car Ports, Sheds and Agricultural Buildings; and,
- B. Tanks and Towers.

“Building, Existing” is a building erected prior to the adoption of this chapter or one for which a legal building permit has been issued.

“Building, Principal” is a building in which is conducted the primary use of the site on which it is situated. In any residential district any dwelling shall be deemed to be the principal building of the site on which it is located.

“Certificate of Occupancy” is a permit issued by the Zoning Administrator whereby the building permittee affirms that the use of the building or land in question is in conformity with this ordinance or that there has been a legal variance there from as provided by said ordinance.

“Clinic, Medical” is a building or portion of a building containing the offices and associated facilities of one or more practitioners providing medical, dental, psychiatric, osteopathic, chiropractor, physical therapy or similar services for out-patients only, with or without share or common spaces and equipment. A common area pharmacy or drug dispensary available to persons other than patients being treated therein or making charges separate from bills for professional services of said practitioners shall not be considered as a medical clinic use.

“Club” shall include clubhouse and shall mean a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable or similar purpose, but shall not include an organization or premises, the chief activity of which is a service or activity customarily carried on as a business even though it may be chartered and named for purposes herein defining a club.

“Commercial Use” is the use of any land or building designed for commercial purposes, which shall include the use of land or buildings used for retail sales and offices.

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“Conditional Use” is a use which is not allowed in the district as a matter of right, but which is permitted upon findings of the Board that under the particular circumstances present, such use is in harmony with the principal permitted uses of the district. Allowable conditional uses are specifically listed under the district regulations. Uses not so listed shall not be allowed as conditional uses.

“Confinement Feeding Operation” means a totally roofed animal feeding operation in which wastes are stored or removed as a liquid or semi-liquid.

“County Commission” is the Sully County Commission.

“Court” is a space, open and unobstructed to the sky, located at or above grade level on a lot and bound on three or more sides by walls or a building.

“Coverage” is the percentage of lot area covered by buildings.

“Density of Confinement” shall mean the owner or operator of a housed lot feeding operation shall have in their control a minimum of .2 of one acre per animal unit. (i.e. 8,000 head of finisher swine per 640 acres.)

“Disclosure Statement” is a statement to be certified on all plats in rural Sully County designating the current zoning of the property and the use of all adjacent property.

“Domestic Animal” is any animal that through long association with man has been bred to a degree, which as 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, sheep and poultry.

“Dwelling” is a building or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, multi-family dwellings and group dwellings; provided however that the following are not dwellings:

- A. Hotels, motels, tourist courts, cabins and hunting camps;
- B. In a building that contains one or more dwelling units or lodging rooms in addition to one or more non-residential uses, the portion of such building that is devoted to such residential uses, except when accessory to the residential uses; and,
- C. Used for the institutional care of people such as hospitals, rest homes, orphanages, and homes for the aged.

“Dwelling – Multiple Family” is a building or portion thereof accommodating three or more families living independently of each other.

“Dwelling – Single Family” is a building containing one dwelling unit only.

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“Dwelling – Two Family” is a building containing two dwelling units only.

“Dwelling – Unit” is one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating.

“Dwelling – Mobile” is a vehicle used or so constructed as to permit its being used as a conveyance upon a public street or highway and duly licensable as such, and shall include self-propelled vehicles so designed, constructed, reconstructed, or added to by means, in such manner as will permit the occupancy thereof as a dwelling or sleeping place of one or more persons and supported by wheels, jacks, or similar supports. Transportable dwellings not meeting building code requirements for dwellings shall be treated as mobile dwellings.

“Established Residence” is any residence established by a personal presence in a fixed and permanent dwelling having occupied such dwelling for at least 180 days with the intention to remain there.

“Family” is an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

“Farm” means any parcel of land containing at least twenty (20) acres of land together with fields, buildings, farm implements, animals and personnel for the intended purpose of producing crops or raising livestock as a principal source of income for the residents or owner.

“Farmer” means one whose occupation is farming.

“Farm Hobby” means a parcel of land together with fields, buildings, animals and implements, the residents of which may raise crops, livestock or fowl primarily for pleasure or a pastime, which does not generate a principal source of income for those residents.

“Farming” means the occupation of producing crops or raising livestock on a farm.

“Feedlot, Commercial” means a place where the principal business is the feeding, raising or holding of livestock in a confined area which is not subordinate to the production of crops on the premises. Under normal operating conditions, the livestock held are fattened by feed, which is produced off the site.

“Feedlot, Farm” means a place where there is feeding, raising or holding of livestock in a confined area as a subordinate use to the raising of crops upon the premises. Under normal growing conditions the crops produced upon the premises constitute the main source of feed for the livestock being held.

“Feedlot Operator” means an individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.

“Filling Station” is any area of land, including structures thereon designed or used for the retail sale of motor vehicle fuel.

“Flammable Liquids” shall mean any liquid having a flash point below 200°F and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100°F. Flammable liquids shall be divided into three classes as follows:

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- Class 1. Shall include those having flash points below 20°F.
- Class 2. Shall include those having flash points above 20°F, but at or below 70°F and,
- Class 3. Shall include those having flash points above 70°F.

“Floor Area” is the area included within the surrounding exterior walls of a building or portion thereof exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

“Formed Manure Storage Structure” means a structure, either covered or uncovered, used to store manure from a confinement feeding operation, which has walls and a floor constructed of concrete, concrete block, wood, steel, or similar materials.

“Game Lodge” is a building, other than a hotel or apartment building, where for compensation and by pre-arrangement for definite periods, lodging, meals, hunting or a combination are provided for two or more persons.

“Garage” is a building or a portion thereof in which a self-propelled vehicle contains gasoline, distillate or other volatile, flammable liquid in its tank, is stored, repaired, or kept.

“Garage, Private” is a building, or portion of a building, not more than twelve hundred square feet (1,200 sq. ft.) in area, designed or used for the storage of personal motor vehicles and other customary household articles which are owned and used by the occupants of the building to which it is accessory.

“General Permit” shall mean the permit issued by the State of South Dakota Department of Environment and Natural Resources (DENR) for all concentrated feeding operations.

“Housed Lot” means totally roofed buildings that may be open or completely enclosed on the sides. Animals are housed over solid concrete or dirt floors, slotted floors over pits or manure collection areas in pens, stalls or cages. Housed lot is synonymous with other industry terms such as slotted floor buildings.

“Junk or Salvage Yard” is a place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, or other used materials are brought, sold, exchanged, stored, baled, or cleaned and places or yards for the storage of salvaged metal, materials and equipment, but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks in operable condition, boats, or trailers in operable condition, salvaged machinery in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

“Lot” is a zoning lot unless the context shall clearly indicate a lot of record, in which case a “lot” is a lot of record.

“Natural Production Use” is a production use, which shall be directly dependent upon the natural resources of the area; such as gravel pits, rock quarry, and areas containing natural gas.

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“Non-conforming Building” is a building or structure or portion thereof, lawfully existing at the time this ordinance or an amendment thereto becomes effective, which does not meet the bulk, height, yard, parking, loading or other requirements of this ordinance or any amendment thereto.

“Non-conforming Uses” is a use which lawfully occupies a building or land at the time this ordinance or an amendment thereto becomes effective but does not meet the requirements of this ordinance or any amendment thereto.

“Occupancy” is the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

“Open Feedlot” is an un-roofed or partially roofed animal feeding operation in which no crops, vegetation, forage growth or post-harvest residues are maintained during the period that animals are confined in the operation.

“Open Lot” means pens or similar confinement areas with dirt, or concrete (or paved or hard) surfaces. Animals are exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed type shade areas. Open lot is synonymous with other industry terms such as lot, dirt lot or dry lot.

“Open Space” is all area including off-street parking spaces not covered by buildings or structures.

“Planned Unit Development” is a method to permit diversification in development of land in the County without in any way jeopardizing or reducing zoning standards which promote the public safety, convenience, health, general welfare, as well as preserve personal and property rights.

“Planning Commission” is the Sully County Planning and Zoning Commission.

“Principal Permitted Use” is that use of a zoning lot, which is among the uses allowed as a matter of right as the exclusive use of a lot under the zoning classification.

“Setback” is the minimum horizontal distance between the property line and building.

“Shelterbelt” is one or more rows of trees greater than one hundred (100) feet in length.

“Stable – Public” is a building in which any animals are kept for remuneration, hire or sale.

“Structural Alternation” is any change in the structural members of a building, such as walls, columns, beams or girders. Vehicles duly licensed for operation upon public streets or highways shall not be considered structures.

“Use” is the purpose or purposes for which land or building is designed, arranged, or intended, or to which said land or building is occupied, maintained or leased.

“Use – Accessory” is a use customarily incidental to a principal permitted use or building and located on the same zoning lot with such principal use or building.

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“Use – Specifically Excluded” is a use of land or a structure which is excluded from a district by the operation of other regulations of the district, and which is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.

“Wildlife Mitigation Areas” are areas of take land along the Missouri River not designated for park and recreation use.

“Yard” is an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this ordinance on the lot on which a building is situated.

“Yard – Front” is an open space extending the full width of the zoning lot, between the main building and the front line, unoccupied and unobstructed by buildings or structures in excess of 30 inches in height except as provided herein, the depth of which shall be measured as the least distance between the front lot line and the front of such main building.

“Yard – Rear” is an open space extending the full width of the zoning lot between the main building and the rear lot line, unoccupied and unobstructed by buildings or structures in excess of 30 inches in height, except as provided herein, the depth of which shall be measured as the least distance between the side lot line and the side of such main buildings.

“Zoning Administrator” is the officer charged with the administration and enforcement of this ordinance or his regularly authorized deputy.

SECTIONS 4-101 TO 4-108, INCLUSIVE. AGRICULTURAL DISTRICT “A” – GENERAL PROVISIONS

SECTION 4-101 - LEGAL BOUNDARY DESCRIPTIONS FOR AGRICULTURAL DISTRICT A

All property in rural Sully County not otherwise zoned.

SECTION 4-102 - STATEMENT OF PURPOSE FOR AGRICULTURE DISTRICT A

Agriculture District A is designed to preserve agricultural lands from encroachment of incompatible uses and to conserve agricultural resources.

Agricultural use of land becomes a non-conforming use when the land is zoned for other purposes. This ordinance intends that such non-conforming use be allowed to continue, if continuous. The fact that an agricultural use exists and will be allowed to continue to exist if continuous should be considered by other uses moving into an area.

SECTION 4-103 - PRINCIPAL PERMITTED USES.

The following uses are permitted as the principal use of any parcel of property in the Agricultural District A, except for uses excluded when located in Airport Noise Zone A.

1. Uses directly relating to agricultural production and processing practices including processing of products grown on the premises but exclusive of the following:
 - A. Commercial meat-packing, slaughtering, rendering and related activities.

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- B. Confinement Feeding Operations with a capacity for more than 400 animal units may be allowed as a conditional use.
 - C. Commercial feedlots with a capacity of more than 400 animal units and in operation, 180 days or more per calendar year may be allowed as a conditional use.
2. Farm feed lots.
 3. Confinement Feeding Operations with a maximum capacity of 399 animal units.
 4. Dwellings and mobile home dwellings for owners and employees, normal farm and ranch structures, and residential accessory uses.
 5. Outdoor-type recreational enterprises, which utilize land resources in their natural state.
 6. Veterinary clinics.
 7. Facilities necessary for the provision of transportation, communication, water, sewage, electrical energy, and natural gas pipeline and their necessary appurtenances.
 8. Sand and gravel pits.

SECTION 4-104 - ACCESSORY USES

The following uses are permitted as accessory to the principal permitted uses in the Agricultural District A.

1. Facilities common to farm and ranch activities, private swimming pools.
2. Roadside stands for the sale of products grown on the premises.
3. Home occupations.
4. Accessory uses common to all residential districts.
5. Shelterbelts.

SECTION 4-105 - CONDITIONAL USES

The following uses are permitted in the Agricultural District after a finding by the Board of Adjustment that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the County:

1. Confinement or Commercial Feeding Operations with more than 400 animal units.
 - A. Application for a conditional use permit for a Confinement Feeding Operation shall include the following requirements:

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1. Notification of adjacent property owners by certified mail living within one mile of the confinement site in an established dwelling.
 2. Number of animal units; density of confinement, (housed lot) to be a maximum of .2 of one (1) acre per animal unit.
 3. The general permit from the South Dakota Department of Environment and Natural Resources is required for all livestock confinement facilities.
 4. Annual statement of compliance to conditions of the conditional use permits and the general permit issued by the Department of Environment and Natural Resources to the Sully County Commission.
 5. Site-plan of operations with a minimum of 300' setback from adjacent property lines or any on-site living quarters from any confinement structure or lagoon.
 6. Housed poultry confinement or commercial feedlot operations of 400 animal units or more shall comply with all requirements of the South Dakota Department of Environment and Natural Resources.
2. Quarters for transient labor.
 3. Bituminous hot mix plants, concrete batch plants.
 4. Cemetery, crematories, mausoleums.
 5. Sanitary landfills.
 6. Commercial crop processing plants.
 7. Game Lodges, shooting preserves, sporting clays.

SECTION 4-106 - SPACE LIMITATIONS

The following space limitations shall apply to structures and buildings associated with each principal permitted use, each conditional use and each accessory use, except fences and signs:

Required Lot Area

1. The minimum size for a farm shall be twenty (20) acres.

Yards Required

1. Minimum front yard (setback): Fifty (50) feet measured from property line.
2. Minimum setbacks from State Highway 83 & 1804 right-of-ways shall be fifty (50) feet.
3. Minimum rear yard setback: Fifty (50) feet measured from the property line.

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4. Minimum side yard space: Twenty-five (25) feet from the property line.
5. All uses established in this zoning district shall provide parking and loading space off the public right-of-way in sufficient quantity to accommodate the normal activities of such uses.
6. A land survey and recorded plat of property less than thirty-five (35) acres is required prior to issuing a building permit for any building under principal permitted uses and accessory uses. Metes and bounds will not be accepted.

SECTION 4-107 - PERFORMANCE STANDARDS

The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property:

1. Feed lots, Confinement Feeding Operations, corrals or winter quarters, in which animals are kept at a density of over ten head per acre or where feed bunkers or water are placed so that animals naturally tend to bunch up, or poultry houses, or kennels containing more than three dogs over six months of age, shall not be closer than three hundred (300) feet from any lot line adjoining properties which are used for residential, business, or industrial or recreational purposes. (This paragraph does not intend to discriminate against the above agricultural uses existing prior to the zoning for other purposes.)
2. Such feedlots and corrals shall maintain drainage so as to avoid excessive concentration of contaminated water and such drainage shall be so arranged that contaminated water does not drain into watercourses in such manner that it reaches neighboring properties at a concentration noticeable to normal senses.
3. Adequate fly spray shall be applied to all corral areas during fly season and more often if necessary to control the fly population.
4. All dead animals shall be removed within a reasonable length of time.
5. All shelterbelts shall be one hundred and twenty (120) feet from the first row to the center of the section line or road; whether it is improved or un-improved.

SECTIONS 4-108 TO 199, INCLUSIVE, RESERVED

SECTIONS 4-201 TO 207, INCLUSIVE, AGRICULTURE DISTRICT B – GENERAL PROVISIONS

SECTION 4-201 - LEGAL BOUNDARY DESCRIPTIONS FOR AGRICULTURE DISTRICT B

One mile corridor on each side of State Highway 83, one mile from the city limits of the municipalities of Onida and Agar. Sections – 1 thru 36 in Lewellyn Park 113-80; Sections – 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 23, 24 in Lewellyn Park 113-81; Sections – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 in Grandview 114-80; Sections – 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36 in Grandview

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114-81; Sections – 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34 in Fairbank 115-79; Sections 1 thru 36 in Fairbank 115-80; Sections – 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34 in Troy 116-79; Sections – 25, 35, 36, 116-80; Sections 3, 4, 5, 6, 30 and 31 in Okobojo 114-79.

SECTION 4-202 - STATEMENT OF PURPOSE FOR AGRICULTURE DISTRICT B

Agriculture District B is designed to preserve agriculture lands from encroachment of incompatible uses in areas of established residential areas and State Highway Corridor 83 in Sully County.

SECTION 4-203 - PRINCIPAL PERMITTED USES

The following uses are permitted as the principal use of any parcels of property in the Agricultural District B, except for uses excluded when located in Airport Noise Zone A.

1. Agriculture, including horticulture and the raising of field crops and animal husbandry, poultry farms and kennels under performance conditions.
2. Ranch and farm dwellings and normal farm and ranch buildings.
3. Riding academies, dude ranches and other farm and ranch type recreational enterprises.
4. Golf courses and country clubs but not including automotive race tracks or driving tracks, golf driving ranges (except as included in the operation of a golf course or country club of a least nine holes), outdoor theaters or similar commercial recreation enterprises.
5. Home occupation.
6. Sign not over twelve (12) square feet in area identifying the occupants or the activity engaged in on the premises but not including billboards.
7. Recreational facilities owned or operated by government or by charitable or religious organizations.
8. Churches, schools, colleges, and similar facilities.
9. Facilities necessary for the provision of transportation, communication, water, sewerage, electrical energy, and natural gas pipelines and their appurtenances.

SECTION 4-204 - ACCESSORY USES

The following uses are permitted as accessory to the principal permitted uses in the Agricultural District B.

1. Facilities common to farm and ranch activities, private swimming pools.

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2. Living quarters for persons regularly employed on premises, but not including labor camps or dwellings for transient labor.
3. Roadside stands for the sale of products grown on the premises.
4. Home occupations.
5. Accessory uses common to all residential districts.
6. Shelterbelts.

SECTION 4-205 - CERTAIN USES DECLARED INCOMPATIBLE AND EXCLUDED

The following uses are hereby declared incompatible with the purpose of the Agriculture B District and are hereby expressly excluded.

1. Confinement Feeding Operations with more than 400 animal units.

SECTION 4-206 - CERTAIN USES LYING IN AIRPORT NOISE ZONES DECLARED INCOMPATIBLE AND EXCLUDED

Airport Noise Zone A is a relatively high noise area best suited for agricultural use or industrial use when a high noise level can be tolerated. Any structural development must meet the criteria for height restrictions as well as compatibility.

The following uses are hereby declared incompatible with the purpose of Airport Noise Zone A and are hereby expressly excluded for any part of this district located in Airport Noise Zone A:

1. All residential dwellings.
2. Auditoriums, concert halls, music shells, and outdoor theaters.
3. Churches, schools, colleges, rest homes, and similar facilities.
4. Hospitals and clinics.
5. Office buildings.
6. Mortuaries, funeral homes and funeral chapels.
7. Industrial and manufacturing establishments or other uses which produce smoke interfering with the safe use of the airport.
8. Any other use, which would create electrical interference with radio communications between airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, and impair visibility in the vicinity of the airport.

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Airport Noise Zone B is ordinarily a relatively low noise area with no restrictions. Hospitals, churches, auditoriums and such should consider sound control in design of facilities if located in this zone and especially if located in areas of this zone closest to the airport. The reason for the establishment of Noise Zone B is to notify the general public that such an area is in the established Airport Noise Zones and as such may be subjected to noise pollution.

SECTION 4-207 - SPACE LIMITATIONS

The following space limitations shall apply to structures and buildings associated with each principal permitted use, and each accessory use, except fences and signs:

Required Lot Area

The minimum size of a farm is twenty (20) acres.

Percentage of Lot Coverage

All buildings including accessory buildings shall not cover more than twenty-five (25) percent of the area of the lot.

Yards Required

Each lot shall have front, side and rear yards not less than the depths or widths following:

1. Front Yard Depth: Fifty (50) feet.
2. Rear Yard Depth: Fifty (50) feet.
3. Side Yard Width: Twenty-five (25) feet on each side of the building.
4. Minimum setback from State Highways 83 and 1804 right-of-ways shall be fifty (50) feet.
5. A land survey and recorded plat or of property less than thirty-five (35) acres is required prior to issuing a building permit for any building under principal permitted uses and accessory uses. Metes and Bounds will be not accepted.

SECTION 4-208 - PERFORMANCE STANDARDS

The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property:

1. Feed lots, Confinement Feeding Operations, corrals, or winter quarters in which animals are kept at a density of over ten (10) head per acre or where feed bunkers or water are placed so that animals naturally tend to bunch up, or poultry houses, or kennels containing more than three (3) dogs over six months of age, shall not be closer than 300 feet from any line adjoining

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properties which are used for residential, commercial, manufacturing or recreational purposes. (This paragraph does not intend to discriminate against the above agriculture uses existing prior to the zoning for other purposes.)

2. Such feed lots, or corrals, shall maintain drainage, so as to avoid excessive concentration of contaminated water and such drainage shall be so arranged that contaminated water does not drain into water courses in such a manner that it reaches neighboring properties at a concentration noticeable to normal senses.
3. Manure in such feedlots or corrals shall not be allowed to accumulate to objectionable proportions.
4. Adequate insect spray shall be applied to all of the feeding area during fly season as often as necessary to control the fly population.
5. All dead animals shall be removed within a reasonable length of time.
6. Feed shall be limited to fresh materials and shall not include sour silage, sugar beet pulp, paunch manure, garbage, or other materials, which may have a tendency to create objectionable odors.
7. Parking and loading spaces sufficient to meet all reasonable demands for such space shall be provided off the public right-of-way.
8. All shelterbelts shall be one hundred and twenty (120) feet from the first row to the center of the section line or road; whether it is improved or un-improved.

SECTIONS 4-209 TO 299, INCLUSIVE, RESERVED

SECTIONS 4-301 TO 307, INCLUSIVE. AGRICULTURE DISTRICT C – GENERAL PROVISIONS

SECTION 4-301 - LEGAL BOUNDARY DESCRIPTIONS FOR AGRICULTURE DISTRICT C

RESERVED

SECTION 4-302 - STATEMENT OF PURPOSE FOR AGRICULTURE DISTRICT C

The Agriculture District C is to provide an alternative living environment for persons desiring larger acreage than is practical in a city yet generally less acreage than is necessary for agricultural pursuits. It is intended that this district will provide a minimum of public utilities, services or improvements, and a strictly rural-type environment as commonly known in terms of open space, odors, noises, dust and self-sufficiency.

SECTION 4-303 - PRINCIPAL PERMITTED USES

The following uses are permitted as the principal use of any parcel of property in the Agricultural District C, except for uses excluded when located in Airport Noise Zone A.

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1. Agriculture, including horticulture and the raising of field crops and animal husbandry, poultry farms and kennels under performance conditions. No Confinement Feeding Operations (housed or open lot) shall be allowed.
2. Ranch and farm dwellings and normal farm and ranch buildings.
3. Single family dwellings.
4. Mobile home or manufactured home dwellings.
5. Riding academies, dude ranches and other farm and ranch type recreational enterprises.
6. Golf courses and country clubs but not including automotive race tracks or driving tracks, golf driving ranges (except as included in the operation of a golf course or country club of at least nine holes), outdoor theaters or similar commercial recreation enterprises.
7. Home occupations.
8. Sign not over twelve (12) square feet in area identifying the occupants or the activity engaged in on the premises but including billboards.
9. Recreational facilities owned or operated by government or by charitable or religious organizations.
10. Churches, schools, colleges, and similar facilities.
11. Facilities necessary for the provision of transportation, communication, water, sewerage, electrical energy, and natural gas pipelines and their appurtenances.

SECTION 4-304 - ACCESSORY USES

The following uses are permitted as accessory to the principal permitted uses in the Agricultural District C.

1. Facilities common to agricultural or residential uses.

SECTION 4-305 - CERTAIN USES LYING IN AIRPORT NOISE ZONES DECLARED INCOMPATIBLE AND EXCLUDED

Airport Noise Zone A is relatively high noise area best suited for agricultural use or industrial use when a high noise level can be tolerated. Any structural development must meet the criteria for height restrictions as well as compatibility.

The following uses are hereby declared incompatible with the purpose of Airport Noise Zone A and hereby expressly excluded for any part of this district located in Airport Noise Zone A:

1. All residential dwellings.

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2. Auditoriums, concert halls, music shells, and outdoor theaters.
3. Churches, schools, colleges, rest homes, and similar facilities.
4. Hospitals and clinics.
5. Office buildings.
6. Mortuaries, funeral homes and funeral chapels.
7. Industrial and manufacturing establishments or other uses which produce smoke interfering with the safe use of the airport.
8. Any other use, which would create electrical interference with radio communications between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, and impair visibility in the vicinity of the airport.

Airport Noise Zone B is ordinarily a relatively low noise area with no restrictions. Hospitals, churches, auditoriums and such should consider sound control in design of facilities if located in this zone and especially if located in areas of this zone closest to the airport. The reason for the establishment of Noise Zone B is to notify the general public that such an area is in the established Airport Noise Zones and as such may be subjected to noise pollution.

SECTION 4-306 - SPACE LIMITATIONS

The following space limitations shall apply to structures and buildings associated with each principal permitted use, and each accessory use, except fences and signs:

Building Height Limit

No building shall exceed two and one-half (2 ½) stories, or thirty-five (35) feet in height.

Required Lot Area

Not less than forty-three thousand five hundred sixty (43,560) square feet (1 acre); unless a common septic sewer system is available. Some permitted uses may be required to have larger amounts of land under State of South Dakota regulations governing sewage and waste disposal systems.

Percentage of Lot Coverage

All buildings including accessory buildings shall not cover more than fifteen (15) percent of the area of the lot.

Yards Required

Each lot shall have front, side and rear yards not less than the depths or widths following:

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1. Front Yard Depth: Fifty (50) feet.
2. Rear Yard Depth: Fifty (50) feet.
3. Side Yard Depth: Not less than fifteen (15) feet but the sum of the two side yards shall not be less than thirty (30) feet.
4. Minimum setback from State Highway 83 and 1804 right-of-ways shall be fifty (50) feet.

Plat Required

A land survey and a recorded plat is required prior to issuing a building permit for any building under principal permitted uses and accessory uses.

SECTION 4-307 - PERFORMANCE STANDARDS

The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property:

1. Corrals or winter quarters in which animals are kept at a density of over ten (10) head per acre or where feed bunkers or water are placed so that animals naturally tend to bunch up, or poultry houses, or kennels containing more than three (3) dogs over six months of age, shall not be closer than 300 feet from any line adjoining properties which are used for residential, commercial, manufacturing or recreational purposes.
2. Such corrals shall maintain drainage, so as to avoid excessive concentration of contaminated water and such drainage shall be so arranged that contaminated water does not drain into water courses in such a manner that it reaches neighboring properties at a concentration noticeable to normal senses.
3. Manure in corrals shall not be allowed to accumulate to objectionable proportions.
4. Adequate insect spray shall be applied to all of the feeding area during fly season as often as necessary to control the fly population.
5. All dead animals shall be removed within a reasonable length of time.
6. Feed shall be limited to fresh materials and shall not include sour silage, sugar beet pulp, paunch manure, garbage, or other materials, which may have a tendency to create objectionable odors.
7. Parking and loading spaces sufficient to meet all reasonable demands for such space shall be provided off the public right-of-way.
8. Shelterbelts shall be fifty (50) feet from section line right-of-ways or twenty-five (25) feet from the exterior boundaries of the subdivision.