

# GREGORY COUNTY

Adopted 10/17/00

Director of Equalization  
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## ARTICLE 5

### AGRICULTURAL DISTRICTS (AG)

#### **Section 501**            **Intent**

The intent of Agricultural Districts (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 an Agricultural District (AG):

1. Agriculture;
2. Farms;
3. Ranches;
4. Orchards;
5. Farm occupations;
6. Farm buildings;
7. Farm drainage systems;
8. Irrigation systems;
9. Utility facilities;
10. Manufactures homes, pursuant to Section 1209;
11. Historic sites;
12. Veterinary services;
13. Signs, on-site;
14. Cemeteries;
15. Dwellings, single-family;
16. Shelterbelts;
17. Stock dams;
18. Riding stables; and
19. Rodeo arenas.

#### **Section 505**            **Permitted Accessory Uses and Structures**

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

1. Roadside stands;
2. Home and farm occupations; and
3. Those 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 an Agricultural District (AG):

1. Dwellings, additional farm;
2. Airports;
3. Open sales areas;
4. Bars;
5. Fairgrounds;
6. Exhibition areas;
7. Amusement parks;
8. Motor vehicle tracks or play areas;
9. Golf courses;
10. Stadium and athletic fields;
11. Swimming pools;
12. Agricultural product processing facilities;
13. Grain elevators;
14. Municipal or commercial sewage disposal and/or treatment sites;
15. Truck or equipment terminals;
16. Signs, exterior off-site, pursuant to Section 1213;
17. Sale and auction barns;
18. Private recreation areas;
19. Repair shops, motor vehicles;
20. Repair shops, auto-body;
21. Sanitary landfills or restricted use sites;
22. Wildlife and game production areas;
23. Fireworks stands;
24. Quarries, pursuant to Section 1211;
25. Animal feeding operations;
26. Buying stations;
27. Agricultural, fertilizer, and chemical sales and applications;
28. Salvage yards;
29. Junkyards;
30. Bed and breakfast operations;
31. Parks;
32. Game farms;
33. Aquaculture;
34. Shooting ranges;
35. Private shooting preserves;
36. Game lodges;
37. Schools, public;
38. Schools, denominational or private;
39. Day care centers;
40. Kennels;
41. Campgrounds;
42. Churches;
43. Remote fuel depots or key trolls;
44. Bait and tackle shops;
45. Asphalt plants;
46. Lumber yards;
47. Warehousing

48. Concrete plants;
49. Spreading, injection, or other application of manure or animal waste generated by an Animal Feeding Operation pursuant to Section 519(9)(10);
50. Retail sales;
51. Manufacturing; and
52. Horticulture.

**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**

1. The minimum lot area shall be forty (40) acres;
2. The minimum lot width shall be five hundred (500) feet;
3. 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; and
4. 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.

**Section 515**                    **Minimum Yard Requirements**

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports;

1. There shall be a front yard of not less than a depth of seventy-five (75) feet;
2. There shall be a rear yard of not less than a depth of twenty-five (25) feet; and
3. There shall be two (2) side yards, each of which shall not be less than twenty-five (25) feet.

**Section 517**                    **Prohibition of View – Obstruction**

The intent of this Section is to keep the right-of-ways free and clear of snow build-up and to promote traffic safety along road right-of-ways and intersections.

There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, or other objects within one hundred fifty (150) feet from the centerline of the road on the North and West sides and seventy-five (75) feet from the centerline of the road on the South and East sides.

**Section 519**

**Animal Feeding Operation Performance Standards**

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.	Private Wells (Operator's)	150 feet
D.	Lakes, Rivers, Streams Classified as a Drinking Water Supply	1,000 feet
E.	Lakes, Rivers, Streams Classified as Fisheries	1,000 feet
F.	Designated 100 Year Flood Plain	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; and
  - C. Legal description and map, including documented proof of area to be utilized for nutrient application.
5. Animal confinement and waste facilities shall be located no closer than one (1) mile from any incorporated municipality or rural residential district.
6. Animal confinement and waste facilities shall be located no closer than three-quarter (3/4) mile from any church, school, commercially zoned area, or residential dwelling, one dwelling unit is allowed on the facility site. The owner of a residential dwelling may request the Board of Adjustment to review the facility and the Board may, by variance, decrease the required separation distance. An Agricultural Use Covenant must then be recorded with the County Register of Deeds in order that any future owners can be informed.
7. Animal waste shall be transported no further than five (5) miles from the point of origination for land application.
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 or flies. 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:

- A. Operational plans for manure collection, storage treatment and use must be kept updated and implemented;
- B. Methods to be utilized to dispose of dead animals should be included in the management plan;
- C. Plant trees and shrubs to reduce wind movement of odors away from buildings, manure storage ponds, and/or lagoons;
- D. Provide adequate slope and drainage to remove surface water from pens and keep pen area dry so odor production is minimized;
- E. Store solid manure in containment areas having good drainage to minimize odor production;
- F. Remove manure from open pens as frequently as possible to minimize odor production;
- G. Should use scientifically proven odor reduction covers on open storage systems for liquid manure systems to reduce odor production;
- H. Avoid spreading manure on weekends, holidays and evenings during warm season when neighbors may be involved in outdoor recreation activities; and
- I. 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 immediately incorporated or injected:

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|----|--|------------|
| A. | Public Wells   | 500 feet   |
| B. | Private Wells  | 500 feet   |
| C. | Private Wells (Operator's)                                   | 150 feet   |
| D. | Lakes, Rivers, Streams Classified as a Drinking Water Supply | 1,000 feet |
| E. | Lakes, Rivers and Streams Classified as Fisheries            | 1,000 feet |
| F. | All Public Road Right of Ways                                | 10 feet    |
| G. | Incorporated Communities or Residential Districts            | 1,000 feet |
| H. | A Residence other than the Operators                         | 1,000 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   | 300 feet   |
| C. | Private Wells (Operator's)  | 100 feet   |
| D. | Lakes, Rivers, Streams Classified as a Drinking Water Supply              | 2,000 feet |
| E. | Lakes, Rivers and Streams Classified as Fisheries                         | 2,000 feet |
| F. | All Public Road Right of Ways (Surface Applied)                           | 20 feet    |
| G. | All Public Road Right of Ways (Irrigated Application)                     | 40 feet    |
| H. | Incorporated Communities or Residential Districts (Surface Applied)       | 2,000 feet |
| I. | Incorporated Communities or Residential Districts (Irrigated Application) | 4,000 feet |
| J. | A Residence other than the Operators (Surface Applied)                    | 2,000 feet |
| K. | A Residence other than the Operators (Irrigated Application)              | 4,000 feet |

**Definitions**

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 change in the boundaries or classifications upon the official zoning map.

Animal Feeding Operation – An animal feeding operation is a facility where more than one thousand (1,000) animal units are confined, stabled, fed, or maintained 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 (within one mile), or if they use a common area or system for the disposal of manure.

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;
- 0.5 Horse;
- 0.7 Mature dairy cattle, excluding dairy calves under 300 pounds;
- 0.27 Farrow-to-finish sows;
- 2.13 Swine in a production unit;
- 10 Nursery swine less than 55 pounds;
- 2.5 Finisher swine over 55 pounds;
- 10 Sheep or lambs;
- 30 Laying hens or broilers;
- 5 Ducks and/or geese; 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>1,000 Animal Units</u>
Cow, feeder or slaughter beef animal, excluding calves under 300 pounds	1,000
Horses	500
Mature dairy cattle, excluding calves under 300 pounds	700
Farrow-to-finish sows	270
Swine in a production unit	2,130
Nursery swine less than 55 pounds	10,000
Finisher swine over 55 pounds	2,500
Sheep	10,000
Laying hens or broilers	30,000
Ducks and/or geese	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 services may be rendered.

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 thereof, 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.