

GRANT COUNTY

COMPREHENSIVE ZONING REGULATIONS

EFFECTIVE NOVEMBER 1, 1997
AMENDMENTS TO October 6, 1999
AMENDMENTS TO APRIL 15, 2002

Director of Equalization
210 E 5th Avenue
Milbank, SD 57252
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ARTICLE 1

SHORT TITLE AND APPLICATION

Section 101.

This regulation may be known and may be cited and referred to as the "Grant County Zoning Regulation" to the same effect as if the full title were stated.

Section 102. Jurisdiction

Pursuant to SDCL Chapter 11-2, 1967, as amended, the provision of this regulation shall apply within the unincorporated areas of Grant County, South Dakota, as established on the map entitled "The Official Zoning Map of Grant County, South Dakota."

Section 103 Provisions Of Regulation Declared To Be Minimum Requirements

In their interpretation and application, the provisions of this regulation shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this regulation are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

ARTICLE II

DEFINITIONS

Section 201. For the purpose of this regulation, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure", and the word "shall" is mandatory and not discretionary.

Section 202. Accessory Buildings and Uses. A subordinate use which is incidental to that of the main building or to the main use of the premises.

Section 203. Basement. A basement has more than one-half (1/2) of its height below grade.

Section 204. Bed and Breakfast Home. A building in which not to exceed five (5) rooms are rented to transients.

Section 205. Building. Any structure designed for the support, shelter and protection of persons, animals, or property.

Section 206. Buildings, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip and gambrel roofs.

Section 207. District. A section or sections of the County for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Section 208. Dwelling. Any building, including seasonal housing structures, or a portion thereof, which is designed and used exclusively for residential purposes.

Section 209. Dwelling, Single-Family. A building occupied exclusively by one (1) family.

Section 210. Dwelling Unit. One (1) or more rooms in a dwelling occupied as separate living quarters by a single family.

Section 211. Family. One (1) or more persons related by blood, marriage, or adoption occupying a dwelling unit as an individual housekeeping organization. A family may include two (2), but not more than two (2), persons not related by blood, marriage, or adoption.

Section 212. Farm. An area with or without family dwelling which is used for the growing of the usual farm products, such as vegetables, fruit, trees and grain, and their storage on the area, as well as for the raising, feeding, or breeding thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities.

Section 213. Concentrated Animal Feeding Operation. (See Article XIII. Concentrated Animal Feeding Operation Regulations.)

Section 214. Frontage. All the property on one (1) side of a street or road.

Section 215. Garage, Private. An accessory building used for the storage of not more than four (4) vehicles owned and used by the occupant of the building to which it is necessary. Vehicles include cars, pickups, and boats.

Section 216. Home Occupation. Any occupation or activity carried on by a member of the family residing on the premises, in connection with which (1) there is used not sign other than a non-lighted and non-reflecting name plate not more than two (2) square feet in area, which name plate may designate the home occupation carried on within, in letters not to exceed two (2) inches in height, and which name plate must be clearly visible at the entrance to the premises where said home occupation is carried on; and (2) there is no commodity sold upon the premises, except that which is prepared on the premises in connection with such occupation or activity; and (3) there is no mechanical equipment used which may cause offensive gas, odor, dust, or noise at property boundaries.

Section 217. Junkyards/Salvage Yards. The use of ore than one thousand (1,000) square feet of any land, building, or structure, for commercial purposes, where waste, discarded materials such as scrap metals, used building materials, used lumber, used glass, discarded vehicles, paper, rags, rubber, cordage, barrels, etc., are stored.

Section 218. Lot, Buildable. (1) A parcel of land occupied or intended for occupancy by a use permitted in this regulation, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this regulation. (2) a lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Register of Deeds at the time of the adoption of this regulation, provided that said lot has a frontage of not less than seventy-five (75) feet; or an irregular tract

lot described by a deed recorded in the office of the County Register of Deeds at the time of the passage of this regulation; provided that if a lot has less width or area as required by this regulation the lot is not a buildable lot.

Section 219. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

Section 220. Lot, Depth of. The average horizontal distance between the front and rear lot lines.

Section 221. Lot, Double Frontage. A lot having a frontage of two (2) streets as distinguished from a corner lot.

Section 222. Mobile Home. A portable living unit originally designed and built to be towed on its own chassis to point of use; or an industrialized building unit constructed on a chassis for towing to the point of use and designed to be used for continuous year-round occupancy as a single dwelling; or two (2) or more of the above units separately towable, but designed to be joined together at the point of use to form a single dwelling. **Exclusion from Definition.** Nothing in the definition shall be construed so as to include prefabricated, precut residences or those manufactured in sections or parts away from the site transported theretofore erection, provided that when completely erected, said prefabricated, precut or manufactured residences shall be on a permanent foundation and in all respects comply with the National Building Code, 1955 Edition and Amendments thereto, recommended by the National Board of Fire Underwriters.

Section 223. Mobile Home Park. Any premises used or set apart for supply to the public parking space for one (1) or more mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosures used or intended for use by park residents.

Section 224. Motel. A series of attached, semi-attached, or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, and said units having convenience access to off-street parking spaces for the exclusive use of guests or occupants.

Section 225. Nonconforming Use. Any building or land lawfully occupied by a use at the time of passage of this regulation or amendment thereto, which does not conform after the passage of this regulation or amendment.

Section 226. Parking Space. An area, enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley.

Section 227. Sale or Auction Yard or Barn. A place or building where the normal activity is to sell or exchange livestock. Livestock normally in yard or barn for one (1) day during sale or auction.

Section 228. Seasonal Camp Trailers or Recreational Vehicles. A vehicle designed for temporary seasonal living quarters.

Section 229. Service Station. Any building or premises where automotive fuels are stored and made available for sale and dispensing through fixed equipment into fuel supply tanks or motor vehicles and where automotive supplies and accessories may or may not be available.

Section 230. Shelterbelt. A strip or belt of trees or shrubs established to reduce soil erosion and to protect yards, lots, buildings, livestock and residences, recreation and wildlife from wind.

Section 231. Conditional Use. A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, as specific provisions for such exceptions is made in these zoning regulations.

Section 232. Street, Highway or Road. All property acquired or dedicated to the public and accepted by the appropriate governmental agency for street, highway or road purposes.

Section 233. Street, Highway or Road Right-of-Way (ROW) Line. A dividing line between a lot or parcel of land and a contiguous street, highway or road.

Section 234. Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

Section 235. Yard. An open space on the same lot with a building, unoccupied and unobstructed. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and bearing wall of the main building shall be used.

Section 236. Yard, Front. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the road right-of-way line and the main bearing wall of the main building or any projections thereof other than the projections of the usual steps, unenclosed balconies or open porch.

Section 237. Yard, Rear. Any yard extending across the rear of a lot measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or bearing wall or any projections other than steps, unenclosed porches, or unenclosed balconies. On corner lots the rear yard may be to the rear of either street, provided that the minimum rear yard depth requirement shall be calculated on the longest average lot dimension. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Section 238. Yard, Side. A yard between the main building and the side line of the lot being the minimum horizontal distance between the bearing wall of the building and the side yard line, and extending from the front lot line to the rear yard line.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

Section 301. Districts. For the purpose of this regulation, the unincorporated areas of the County may be divided into any of the following zoning districts: A – Agricultural; CI – Commercial/Industrial; NR – Natural Resources; PD – Planned Development Project; AP – Aquifer Protection Overlay District.

Section 302. Provision For Official Zoning Map.

1. The unincorporated area of 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 regulation. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners 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 302 of the regulation adopted _____ by Grant County, South Dakota."

If, in accordance with the provisions of this regulation, changes are made in 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 Board of County Commissioners, with an entry on the Official Zoning Map as follows: "On _____ by official action of the Board of County Commissioners, the following change(s) were made in the Official Zoning Map." [brief description of nature of change], which entry shall be signed by the Chairman of the Board of County Commissioners and attested by the County Auditor. No amendment to this regulation 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 on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this regulation. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this regulation and punishable as provided under Article VIII.

2. In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of County Commissioners may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners 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] for Grant 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 303. Interpretation of District Boundaries.

1. A district name or letter symbol shown on the district map indicates that the regulations pertaining to the district designated by that name or symbol extend throughout the whole area in the unincorporated portions of the County bounded by the district boundary lines.
2. In cases where the boundary line is given a position within a street, road, or non-navigable stream, it shall be deemed to be in the center of the street, road, or stream, and if the actual location of such street, road, or stream varies slightly from the location as shown on the district map, then the actual location shall control.
3. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
4. In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from the railroad shall be measured from the center of the designated mainline track.
5. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the Official Zoning Map accompanying and made a part of this regulation are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map or by resolution.
6. In unsubdivided property, unless otherwise indicated, the district boundary line on the Official Zoning Map accompanying and made a part of this regulation shall be determined by the use of the scale contained on such map.

Section 304. All territory which may hereafter become a part of the unincorporated area of the County by the disincorporation of any village, town or city, or for some other reason may fall within the zoning jurisdiction of the County, shall automatically be classified in the "A" Agricultural District until within a reasonable time following disincorporation, or acquisition of zoning jurisdiction, the territory shall be appropriately classified by regulation.

Section 305. Application Of District Regulations. Except as hereafter provided:

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit establishment for the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area and parking regulations of the district in which the building is located.
4. The minimum yards and other open spaces, including lot area per family, required by this regulation for each and every building at the time of passage of this regulation or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of this regulation.
5. All sign sizes, light, and location shall, at a minimum, meet all State and Federal laws and regulations.

ARTICLE IV

NONCONFORMING USES OR LOTS OF RECORD

Intent: Within the districts established by this regulation or amendments that may later be adopted, there exist lots, structures, use of land and structures, and characteristics of use, which were lawful before this regulation was passed or amended but which would be prohibited, regulated, or restricted under the terms of this regulation or future amendments. It is the intent of this regulation to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this regulation 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.

Section 401. If no structural alterations are made, any nonconforming use of a structure or structure and premises may, as a special exception, be changed to another nonconforming use provided that the County Zoning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. In determining such a change, the County Zoning Commission may require appropriate conditions and safeguards in accord with the provisions of this regulation. When a nonconforming use has been changed to a conforming use, it shall not be changed subsequently to any nonconforming use.

Section 402. In the event that a nonconforming use of any building or premises is, in fact, discontinued or its normal operation stopped for a period of one (1) year, the Board may adopt, after notice by registered or certified mail to the property owners, an amortization schedule to bring about the gradual elimination of such nonconforming use or occupancy.

Section 403. No existing building devoted to a use not permitted by this regulation, in the district in which such building is located, except when required to do so by law, shall be enlarged, extended, converted, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which the building is located.

Section 404. When a building, the use of which does not conform to the provisions of this regulation, is damaged by fire, explosion, or the public enemy, to the extent of more than sixty percent (60%) of its fair market value, it shall not be restored except in conformity with the regulations of the district in which the building is situated.

Section 405. Nothing in this regulation shall be interpreted as authorization for, or approval of, the continuance of the use of a building or premises in violation of zoning regulations in effect at the time of the effective date of this regulation.

Section 406. If two (2) or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendments of this regulation, and if all or part

of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this regulation, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this regulation, no shall any division of any parcel be made which creates a lot width or area below the requirements stated in this regulation.

Section 407. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repairs or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the nonconformity of the structure shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

ARTICLE V

COUNTY ZONING COMMISSION, APPEALS, VARIANCE AND CONDITIONAL USES

Section 501. Within Grant County, outside of incorporated municipalities, the power and jurisdiction related to this article shall be executed by the County Planning Commission.

1. The Board of Grant County Commissioners shall appoint the Grant County Planning Commission and four (4) alternates to act as the Board of Adjustment. The alternates to the Board of Adjustment shall be the members of the Grant County Board of Commissioners. If a Planning Commissioner acting as a Board of Adjustment member is unable to attend a meeting, the Grant County Commissioner representing the district in which the applicant requesting a Board of Adjustment action, shall be the first alternate, subsequent alternates shall be chose by the Board of Adjustment.
2. The Chairman, or in his or her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses in order to execute the purposes of this article.
3. All meetings of the County Planning Commission shall be open to the public. The Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Commission and shall be public record. The Commission shall keep record in the minutes showing the vote of each member upon each question or if absent or failing to vote, indicating that fact.

Section 502. Appeals, Record Of Appeal, Hearing And Stays. Appeals to the County Planning Commission may be taken by any person aggrieved or by an officer, department, board or bureau of the County or city/town affected by any decision of the administrative officer. Such appeals shall be taken within a reasonable time, as provided by the rules of the County Planning Commission by filing with the officer from whom the appeal is taken and with the County Planning Commission a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the County Zoning Commission all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the County Planning Commission after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his 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 Planning Commission or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

The County Zoning Commission shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

Section 503. Powers And Jurisdiction Relating To Conditional Uses. The County Board of Adjustment shall have the power to hear and decide, in accordance with the provisions of this regulation, requests for conditional uses or for decisions upon other special questions upon which the Board of Adjustment is authorized by this regulation to pass; to decide such questions as are involved in determining whether special conditions and safeguards as are appropriate under this regulation, or to deny conditional uses when not in harmony with the purpose and intent of this regulation. A special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a conditional use is submitted, indicating the section of this regulation under which the special exception is sought and stating the grounds on which it is requested.
2. Notice of hearing shall be published once in a paper of general circulation in the area affected.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
4. A conditional use that is granted but not used within two (2) years shall be considered invalid unless an extension has been requested and approved by the Board of Adjustment.
5. The affirmative vote of two-thirds (2/3) of the full membership of the Board of Adjustment is required to approve a conditional use.

Section 505. Powers And Jurisdiction Relating To Variances. The County Board of Adjustment shall have the power, where, by reason of exception, narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantially impairing the intent and purpose of this regulation.

1. No such variance shall be authorized by the County Board of Adjustment unless it finds that the strict application of the Regulation 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 granting 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 variances shall be authorized unless the County Board of Adjustment finds that the condition or situation 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 to this regulation.
3. A variance from the terms of this regulation shall not be granted by the County 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 buildings in the same district; that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this regulation; 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 regulation to other lands, structures, 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 as in Section 504; the public hearing shall be held. Any party may appear in person, or by agent or by attorney; the County Board of Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance; the County Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; the County 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 regulation, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. In granting any variance, the County Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this regulation. 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 regulation and punishable under the terms of this regulation.
7. Under no circumstances shall the County Board of Adjustment grant a variance to allow a use not permissible under the terms of this regulation in the district involved, or any use expressly or by implication prohibited by the terms of this regulation in said district.
8. A variance that is granted but not used within one (1) year shall be considered invalid unless an extension has been requested and approved by the Board of Adjustment.
9. The affirmative vote of two-thirds (2/3) of the full membership of the Board of Adjustment is required to approve a variance.

Section 506. County Planning Commission Has Powers Of Administrative Officer On Appeals: Reversing Decision Of Administrative Officer. In exercising the above-mentioned powers, the County Planning Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appeal from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Section 507. Appeals To A Court Of Record. Any person or persons, jointly or severally aggrieved by a decision of the County Planning Commission or any taxpayer, landowner, or any officer, department, board, or bureau of the County may appeal as provided by State law.

ARTICLE VI

DUTIES OF COUNTY ZONING OFFICER, BOARD OF COUNTY COMMISSIONERS, AND COURTS ON MATTERS OF APPEAL

It is the intent of this regulation that all questions of interpretation and enforcement shall be first presented to the County Zoning Officer, and that such questions shall be presented to the County Planning Commission only on appeal from the decision of the administrative official, and that recourse from the decision of the County Planning Commission shall be to the courts as provided by law.

ARTICLE VIII

SCHEDULE OF FEES, CHARGES, AND EXPENSES

Section 701. The Board of County Commissioners shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining this regulation. The schedule of fees shall be posted in the office of the County Zoning Officer and may be altered or amended only by the Board of County Commissioners.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE VIII

ENFORCEMENT

Section 801. Enforcing Officer. The provisions of this regulation shall be administered and enforced by a County Zoning Officer appointed by the Board of County Commissioners, who shall have the power to make inspection of building or premises necessary to carry out his duties in the enforcement of this regulation.

Section 802. Building Permit.

1. **Building Permit Required.** It shall be unlawful to commence the excavation for or the construction of any building or any accessory building, or to commence the moving or alteration of any buildings, including accessory buildings, until the County Zoning Officer has issued a building permit for such work. Furthermore, it shall be unlawful to commence work until the building permit is displayed in a conspicuous place visible from public right-of-way.
2. **Issuance of a Building Permit.** In applying to the County Zoning Officer for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size, and height and location of all buildings, to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, the location of existing or proposed water and sewer facilities, and supply each other information as may be required by the County Zoning Officer for determining whether the provisions of this regulation are being observed. If the proposed excavation or construction as set forth in this application are in conformity with the provisions of this regulation, and other regulations of the County then in force, the County Zoning Officer shall issue a building permit for such excavation or construction. If a building permit is refused, the County Zoning Officer shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The County Zoning Officer shall grant or deny the permit within a reasonable time from the project described therein.

3. The issuance of a building permit shall, in no case, be construed as waiving any provisions of this regulation. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 803. Violation And Penalty. It is declared unlawful for any person to violate any of the terms and provisions of these regulations and other official control adopted by the Board of County Commissioners pursuant thereto. In the event of a violation or a threatened violation of these regulations or restrictions, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute an appropriate or action proceeding to seek an injunction in a court of competent jurisdiction to prevent, restrain, correct or abate such violation or threatened violation, and it is the duty of the State's Attorney to institute such action.

Any taxpayer of the County may institute mandamus proceedings in Circuit Court to compel specific performance by the proper official or officials of any duty required by these regulations.

ARTICLE IX

AMENDMENTS

Section 901. Petition By Individual Landowner For Change In Zoning – Notice To Abutting Landowners. An individual landowner may petition the Board to change the zoning of all or any part of this property. Such petitioning landowner shall also notify all other abutting landowners by registered or certified mail of the petitioned zoning change at least seven (7) days prior to any public hearing held thereon by the Board of County Commissioners. Property shall be considered as abutting even though it may be separated from the property of the petitioner by a public road or highway.

Section 902. Hearing By Planning Commission On Proposed Change – Publication Of Notice. Upon such filing or upon separate request by the Board, the Planning Commission shall hold a public hearing not less than ten (10) days after notice published in a newspaper of the County. At such public hearing, any person may appear and request or protest the requested change.

Section 903. Hearing By County Commissioners. Following receipt of any petition as provided in Section 901, the Board shall hold a public hearing after notice in a newspaper of general circulation. The County Auditor shall give notice of the time and place of hearing once at least ten (10) days in advance by publication in a legal newspaper of the County. At such public hearing, any person may appear and request or protest the requested change.

Section 904. Adoption Or Rejection By County Commissioners – Publication Of Change. The Board of County Commissioners shall thereafter by resolution or ordinance, as appropriate, either adopt or reject such amendment, supplement, change, modification or repeal, and if it is adopted by the Board of County Commissioners, a summary of the same shall be prepared by the County Planning Commission, reviewed by the State's Attorney, and published once in the official newspaper in such County and take effect on the twentieth (20th) day after its publication.

ARTICLE X

LEGAL STATUS PROVISIONS

Section 1001. Separability. Should any article, section or provision of this regulation be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this regulation as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 1002. Purpose Of Catch Heads. The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of an index and they shall be wholly

disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this regulation.

Section 1003. Effective Date. This regulation shall take effect and be in force from and after its passage and publication according to law.

ARTICLE XI

ZONING DISTRICTS

Section 1101. "A" Agricultural District

Purpose

This district is established to maintain and promote farming and related activities within an environment which is generally free of other land use activities. Residential development will be discouraged to minimize conflicts with farming activities and reduce the demand for expanded public services and facilities.

Permitted Uses

1. Agricultural activities and farm related buildings, including Type E Concentrated Animal Feeding Operations;
2. Farm dwelling;
3. Single family residences including mobile homes; non-farm residences within one-half mile of a Concentrated Animal Feeding Operation unless easement is filed with Register of Deeds;
4. Animal husbandry service;
5. Fisheries services and game propagation areas;
6. Horticultural services;
7. Orchards, tree farms, truck gardening, nurseries and greenhouses;
8. Public parks and recreation areas;
9. Home occupations.

Conditional Uses

1. Airports and airstrips;
2. Church or cemetery;
3. Golf course, golf driving range;
4. Sand, gravel or quarry operation;
5. Mineral exploration and extraction;
6. Rock crushers, concrete and asphalt mixing plants;

7. Sanitary landfills provided:
 - a. The site meets the requirements of the State Department of Water and Natural Resources;
 - b. A site plan is provided indicating the following information:
 - (1) Present topography, soil types, depth to groundwater.
 - (2) Location of existing water drainage, existing buildings, existing shelterbelts.
 - (3) Identification of roads leading to the site.
 - (4) Proposed changes at the site such as new shelterbelts, new buildings, changes in topography, new fence lines.
 - (5) Proposed monitoring wells, etc.
 - c. A minimum of one thousand (1,000) feet from the landfill property line to the nearest residence; excluding: the residence of the landfill operator.
8. Institution farms, including religious farming communities;
9. Sewage treatment plants;
10. Class A, Class B, Class C, and Class D Concentrated Animal Feeding Operations. (See Concentrated Animal Feeding Operations, Article XIII);
11. Stables;
12. Veterinary clinics;
13. Junkyards/salvage yards, provided that they meet the following minimum requirements and other restrictions that the County Planning Commission may deem appropriate:
 1. Storage for junkyards shall be set back a minimum of two hundred (200) feet from any adjoining road right-of-way.
 2. Junkyards shall be screened on all sides by a solid wall at least two (2) feet above the highest stock pile or by a shelterbelt of shrubs and trees as approved by the Planning Commission; screening must be maintained in good repair.
 3. No junkyards will be allowed within one thousand (1,000) feet of any residence other than that of the owner of the land.
 4. All junkyards must have a minimum lot of ten (10) acres.
14. Water pumping stations, elevated tanks and similar essential public utilities and service structures.
15. Commercial radio and TV towers;
16. Commercial public entertainment enterprises not normally accommodated in commercial areas, including but not limited to, the following: music concerts, rodeos, tractor pulls, and animal and vehicle races;

17. Seasonal retail stands, including fireworks stands;
18. Home extended business – see Section 1209;
19. Caretaker residences associated with public or private enterprise.
20. Land spreading of industrial waste products;
21. Planned Development Project. (See Section 1104)

Area Regulations

1. Front Yard

The minimum depth of the front yard shall be not less than one hundred (100) feet.

2. Side Yard

There shall be a side yard on each side of building having a width of not less than fifty (50) feet.

3. Rear Yard

There shall be a rear yard having a depth of not less than fifty (50) feet or twenty percent (20%) of the depth of the buildable lot at the time of the passage of this Resolution.

4. Intensity of Use

Each buildable lot must be at least two (2) acres not counting the road right-of-way.

All buildings shall be set back from road right-of-way lines and lot line to comply with the above yard requirements.

Height Regulations

No main buildings shall exceed two and one-half (2 ½) stores or thirty-five (35) feet in height. Exceptions include the following:

1. Agricultural buildings;
2. Chimneys, smokestacks, cooling towers;
3. Radio and TV towers;
4. Water tanks;
5. Elevators;
6. Others, providing that they are not used for human occupancy.

Section 1103. “NR” Natural Resource District

Purpose

The purpose of the Natural Resource District is to provide for the retaining of natural vegetation of a particular area, to preserve the natural environment and resources from destructive land uses and to protect wildlife habitat. Such an area may include but is not limited to flood plains of rivers, streams, and lakes, abandoned quarries, certain wetlands, natural prairies, and historical sites.

Area Contained In “NR” District

All lands, unless otherwise zoned, within three hundred (300) feet of wetlands that are totally or partially owned by the State of Federal governments as wildlife production or public shooting areas and meandered lakes.

Permitted Uses

1. Wildlife production areas;
2. Game refuges;
3. Historic sites and/or monuments;
4. Designated natural prairies;
5. Public hunting and fishing access areas;
6. Horticulture uses and livestock grazing.

Uses Permitted By Conditional Use If Deemed Not Detrimental To District

1. Transportation and utility easements and rights-of-way.
2. Utility substations;
3. Public Parks and/or playgrounds;

Section 1105. Aquifer Protection Overlay District

Purpose And Intent:

The Grant County Zoning Commission recognizes (1) that residents of Grant County rely exclusively on ground water for a safe drinking water supply and (2) that certain land uses in Grant County can contaminate ground water particularly in shallow/surficial aquifers.

The purpose of the Aquifer Protection Overlay District is to protect public health and safety by minimizing contamination of the shallow/surficial aquifers of Grant County.

It is the intent to accomplish aquifer protection, as much as possible, by public education and securing public cooperation. Appropriate land use regulations will be imposed, however, which are in addition to those imposed in the underlying zoning districts or in other county regulations. Any use existing at the time these regulations are adopted are grandfathered.

Definitions For Aquifer Protection Overlay District:

1. **Abandoned Well:** A well no longer used or intended to be used as a water source.

2. **Concentrated Animal Feeding Operation:** (See Concentrated Animal Feeding Operations, Article XIII.)
3. **Best Management Practices:** Measures contained in Soil Conservation Service South Dakota Technical Guide, either managerial or structural, that are determined to be the most effective, practical means of preventing or reducing pollution inputs from nonpoint sources to water bodies.
4. **Chemigation:** The process of applying agricultural chemicals (fertilizer or pesticides) through an irrigation system by injecting the chemicals into the water.
5. **Class V Injection Well:** A conduit through which potentially contaminated but generally non-hazardous fluids can move below land surface into or above an aquifer. The types of primary concern in Grant County are 5W20-industrial process water and waste disposal wells and 5X28-automobile service station disposal wells. Typically 5W20 types are commercial/industrial facility septic tanks used to dispose of more than domestic wastewater. 5X28 types are dry wells for wastes from repair bay drains at facilities servicing internal combustion vehicles and equipment.
6. **Contamination:** The process of making impure, unclean, inferior or unfit for use by introduction of undesirable elements.
7. **Contingency Plans:** Detailed plans for control, containment, recovery and clean up of hazardous materials released during floods, fires, equipment failures, leaks and spills.
8. **Development:** The carrying out of any surface or structure construction, reconstruction or alteration of land use or intensity of use.
9. **Facility:** Something built, installed or established for a particular purpose.
10. **Hazardous Materials:** A material which is defined in one or more of the following categories:
 1. **Ignitable:** A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.
 2. **Carcinogenic:** A gas, liquid or solid which is normally considered to be cancer causing or mutagenic. Examples: PCBs in some waste oils.
 3. **Explosive:** A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.
 4. **Highly Toxic:** A gas, liquid or solid so dangerous to man as to afford an unusual hazard to life. Examples: parathion and chlorine gas.
 5. **Moderately Toxic:** A gas, liquid or solid which through repeated exposure or in a single large dose can be hazardous to man. Example: atrazine.
 6. **Corrosive:** Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.
11. **Manure Storage Area:** An area separate from pens or buildings where animal manure is stored for more than one year.

12. **Leaks and Spills:** Any unplanned or improper discharge of a potential contaminant including any discharge of a hazardous material.
13. **Pasture:** A field that provides continuous forage to animals and where the concentration of animals is such that a vegetative cover is maintained during the growing season.
14. **Primary Containment Facility:** A tank, pit, container, pipe or vessel of first containment of a fluid or chemical.
15. **Secondary Containment Facility:** A second tank, catchment pit, pipe or vessel that limits and contains a liquid or chemical leaking or leaching from a primary containment area; monitoring and recovery systems are required.
16. **Shallow Aquifer:** An aquifer vulnerable to contamination because the permeable material making up the aquifer (1) extends to the land surface so percolation water can easily transport contaminants from land surface to the aquifer, or (b) extends to near the land surface and lacks a sufficiently thick layer of impermeable material on the land or near the land surface to limit percolation water from transporting contaminants from the land surface to the aquifer.
17. **Ten Year Time of Travel Distance:** The distance that ground water will travel in ten years. This distance is a function of aquifer permeability and water table slope.
18. **Zone of Contribution:** The entire area around a well or wellfield that contributes water to the well or wellfield.

DELINEATION AND REGULATION OF AQUIFER PROTECTION OVERLAY ZONES

Boundaries for the aquifer protection zones for the Aquifer Protection Overlay District are shown on maps prepared by the East Dakota Water Development District (EDWDD), Brookings, South Dakota. Said maps are hereby adopted by reference as part of these regulations as if the maps were fully described herein.

The Aquifer Protection Overlay District is divided into two zones. The critical impact zone, Zone A, was mapped by the East Dakota Water Development District with South Dakota Geological Survey (SDGS) technical assistance using techniques outlined in the U.S. Environmental Protection Agency publication "Guidelines for Delineation of Wellhead Protection Areas", June, 1987. The shallow/surficial aquifer boundary for Zone B was mapped by the South Dakota Geological Survey.

ZONE A – AQUIFER CRITICAL IMPACT ZONES

Zone A, the wellhead protection area, is the mapped zone of contribution around all public water supply wells or wellfields in shallow/surficial aquifers and includes land upgradient from the well or wellfield to the ten year time of travel boundary.

Permitted Uses In Zone A:

The following uses are permitted provided they meet appropriate performance standards outlined for aquifer protection overlay zones:

1. Agriculture;
 - a. Application of manure is permitted with approved nutrient management plan.
2. Horticulture;
3. Parks, greenways or publicly owned recreational areas;
4. Necessary public utilities/facilities designed so as to prevent contamination of groundwater.

5. Single family residences on lots of five (5) acres or more.

Conditional Uses In Zone A:

The following uses are permitted only under the terms of a conditional use and must conform to provisions of the underlying zoning district and meet Performance Standards outlined for Aquifer Protection Overlay Zones:

1. Expansion of existing uses to the extent they remain or become nonconforming and to the extent allowed by the underlying district. The Board of Adjustment shall not grant approval unless it finds the proposed expansion does not pose greater potential for groundwater contamination than the existing use.
2. All uses not permitted or not prohibited in Zone A may be approved by the Board of Adjustment provided they can meet Performance Standards outlined for the Aquifer Protection Overlay Zones.

Prohibited Uses In Zone A:

The following uses are expressly prohibited in Zone A:

1. New Concentrated Animal Feeding Operations, including Class A, Class B, Class C, Class D, and Class E.
2. Manure storage areas except above ground tanks;
3. Disposal of solid waste except spreading of manure;
4. Outside unenclosed storage of road salt;
5. Disposal of snow containing de-icing chemicals;
6. Processing and storage of PCB contaminated oil;
7. Car washes;
8. Auto service, repair or painting facilities and junk or salvage yards;
9. Disposal of radioactive waste;
10. Graveyards or animal burial sites;
11. Detonation sites;
12. Open burning except ditches, fields and non-hazardous yard and household wastes such as paper, wood and leaves.
13. Fall application of nitrogen fertilizer except spreading of manure;
14. Land spreading of petroleum contaminated soil;
15. Land spreading or dumping of waste oil;
16. Industrial process water and waste disposal wells -5W20 type Class V injection wells;
17. Automobile service station disposal well – 5X28 type Class V injection wells;

18. All other facilities involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste having a potentially harmful impact on ground water quality.
19. Existing Concentrated Animal Feeding Operations will not be able to expand beyond a total of 99 animal units.

ZONE B – AQUIFER SECONDARY IMPACT ZONES

Zone B is the remainder of the mapped shallow/surficial aquifer in the County not included in Zone A. Zone B also includes any delineated lands adjacent to Zone A not underlain by the shallow aquifer but with sufficient slope and contaminated surface water could flow directly onto Zone A. Zone B is being protected because (1) the aquifer is a valuable natural resource for future development, (2) the aquifer provides drinking water supply for individual domestic users, (3) contamination is not justified just because this area is not currently used for public water supply and (4) contaminants from this area could eventually enter Zone A.

Permitted Uses In Zone B:

1. All uses permitted in the underlying zoning districts provided that they can meet the Performance Standards as outlined for the Aquifer Protection Overlay Zones.

Conditional Uses In Zone B:

1. All conditional uses allowed in underlying districts, with the exception of those expressly prohibited in Zone B, may be approved by the Board of Adjustment provided they can meet Performance Standards outlined for the Aquifer Protection Overlay Zone.
2. Earthen storage basins and lagoons may be approved by the Board of Adjustment after site specific review. The Board reserves the right to require an impermeable liner to prevent ground water contamination.
3. New Concentrated Animal Feeding Operations over 99 animal units.

Prohibited Uses In Zone B:

The following uses are expressly prohibited in Zone B:

1. Fall application of nitrogen fertilizer on the following soil types: Arvilla, Divide, Estelline, Fordville, Renshaw, and Sioux;
2. Land spreading of petroleum contaminated soil;
3. Land spreading or dumping of waste oil;
4. Industrial process water and waste disposal wells – 5W20 type Class V injection wells;
5. Automobile service station disposal wells – 5X28 type Class V injection wells.

PERFORMANCE STANDARDS FOR AQUIFER PROTECTION OVERLAY ZONES:

The following standards shall apply to land uses in Zones A and B of the Aquifer Protection Overlay Districts:

1. New or replacement septic tanks and associated drain fields or containment of human wastes must conform with regulations established by the State Department of Environment and Natural Resources.
2. Commercial or industrial liquid waste ponds containing any solid or liquid material or waste will not be permitted without a secondary containment system except for community wastewater lagoons.
3. Manure storage areas are permitted in Zone B but must be constructed in conformance with State regulations.
4. Petroleum products stored at one locality in a tank or series of tanks must be elevated; such tanks must have a secondary containment system where it is deemed necessary by the County Zoning Office.
5. Reserved.
6. New feedlots in Zone B shall meet the Concentrated Animal Feeding Operation regulations in Article VIII.
7. Discharge of industrial process water is prohibited without County Zoning Office approval.
8. Auto service, repair or painting facilities and junk or salvage yards shall meet all State and Federal standards for storage, handling and disposal of petroleum products and shall properly dispose of all other potentially hazardous waste materials.
9. Any facility required to file material safety data sheets as part of SARA Title III must prepare and have on file in the County Zoning Office an acceptable contingency plan for preventing hazardous chemicals from contaminating the shallow/surficial aquifer. Agricultural operations are exempt unless they have more than 10 employees.
10. Any commercial or industrial facility involving collection, handling, manufacture, use, storage, transfer or disposal of hazardous materials, in excess of 1000 pounds or 100 gallons, must be constructed to prevent hazardous materials from contaminating the shallow/surficial aquifer should equipment failure, floods, fire or other natural catastrophes occur. Stored petroleum products are exempt from this performance standard. Facilities must meet the following minimum specifications:
 1. For flood control, all underground facilities shall include a monitoring system and a secondary standpipe above the 100 year frequency flood level. All above ground facilities, an impervious dike, above the 100 year flood level and capable of containing 120 percent of the largest storage volume, with an overflow recovery catchment area (sump).
 2. For fire control, all facilities shall include a fire retardant system and provision for dealing safely with both health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are overhead and buried electrical lines, pipes, other buried objects and other hazardous liquids, chemicals or open flames in the immediate vicinity.
 3. For equipment failures, a secondary containment system must be installed to intercept any leak or discharge from the primary containment. A leak detection system and overfill within 24 hours of any leak, spill or release of materials that might potentially contaminate groundwater.
11. The County Zoning Office and Department of Environment and Natural Resources shall be informed within 24 hours of any leak, spill or release of materials that might potentially contaminate groundwater.

12. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be plugged in conformance with South Dakota Well Construction Standards, Chapter 74:02:04:67-70.

Grant Of Permit, Alteration Of Use:

Before a permit is granted, the County Zoning Officer must examine an application and determine that the proposed use, activity or development meets the provisions of this ordinance.

When securing a use permit, the owner/developer agrees to comply with performance standards in relationship to the applied for permit.

Whenever any person has an existing use, activity or development and thereafter desires alteration or expansion of the authorized use, such persons shall apply for a permit except for the normal upkeep, replacement and repair of existing facilities.

Exceptions:

1. Storage of liquids, chemicals, and fertilizers used by an individual or corporation in their agricultural operations during planting and crop cultivation are exempt from the requirements of this ordinance January 1 to October 1. However, Best Management Practices are encouraged.
2. Tanks used for chemigation are exempt from secondary containment regulations but secondary containment is encouraged.
3. Storage of liquid or dry fertilizer in amounts equal to or less than 1,000 pounds or 100 gallons, stored indoors by each farm operator is exempt from the requirements of this ordinance.

Limitation Of County Liability:

Nothing in this ordinance shall be construed to imply that Grant County, by issuing a permit, has accepted any of an owner's or developer's liability if a permitted development contaminates water in shallow/surficial aquifers.

Underlying Zones:

Underlying zoning restrictions apply along with restrictions set forth in the Aquifer Protection Overlay District.

Saving Clause:

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof.

SECTION 1106. FLOOD DAMAGE PREVENTION ORDINANCE

A. PURPOSE:

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions to specific areas by provision designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

Methods Of Reducing Flood Losses:

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

B. DEFINITIONS:

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. **Area Of Special Flood Hazard** means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
2. **Base Flood** means the flood having a one percent chance of being equaled or exceeded in any given year.
3. **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
4. **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
5. **Flood Insurance Rate Map (FIRM)** means an official map of a community on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.
6. **Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
7. **Structure** means a walled or roofed building or manufactured home that is principally above ground.
8. **Substantial Improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

C. GENERLA PROVISIONS

Lands To Which This Ordinance Applies:

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Grant County.

Basis For Establishing The Areas Of Special Flood Hazard:

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), dated February 1, 1987, is adopted by reference and declared to be part of this ordinance. The FIRM is on file at Grant County Courthouse, 210 East Fifth Avenue, Milbank, South Dakota 57252.

Compliance:

No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this ordinance and other applicable regulations.

Abrogation And Greater Restrictions:

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Interpretation:

In the interpretation of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

Warning And Disclaimer Of Liability:

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

D. ADMINISTRATION

Establishment Of Development Permit

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in the Section BASIS FOR RESTABLISHING AREAS OF SPECIAL FLOOD HAZARD, application for a development permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean seal level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in the Section PROVISIONS FOR FLOOD HAZARD REDUCTION; and
4. Description of the extent to which any watercourse will be altered as a result of proposed development.

Designation Of The Zoning Officer:

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit application in accordance with its provisions.

Duties And Responsibilities Of The Zoning Officer:

Duties of the Zoning Officer shall include but not be limited to:

1. Permit Review
 1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local government agencies from which prior approval is required.
 3. Review all development permits to determine if the proposed develop adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this ordinance, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changed of the channel and the adjacent overbank areas.
 1. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
 2. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.
 3. If the proposed development is a building, then the provisions of this ordinance shall apply.

Use Of Other Base Flood Data

When base flood elevation data has not been provided in accordance with BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with SPECIFIC STANDARDS.

Information To Be Obtained And Maintained:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
 - b. Maintain the floodproofing certifications required in ESTABLISHMENT OF DEVELOPMENT PERMIT.
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

Alteration Of Watercourses:

1. Notify adjacent communities and the Division of Disaster and Emergency Services prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Interpretation Of FIRM Boundaries:

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

E. PROVISIONS FOR FLOOD HAZARD REDUCTION

General Standards:

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

Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:
 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 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 50 feet long requiring four additional ties per side.
 3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 4. Any additions to the manufactured home be similarly anchored.

Construction Materials And Methods:

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Utilities:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
3. On-site waste disposal system shall be located to avoid impairment to them or contamination from them during flooding.

Subdivision Proposals:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

Encroachments:

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

Specific Standards:

In all areas of special flood hazards where base flood elevation data has been provided as set forth in USE OF OTHER BASE FLOOD DTAT, the following standards are required:

Residential Construction:

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

ARTICLE XIII

CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS

Intent

An adequate supply of healthy livestock, poultry and other animals is essential to the well-being of County Citizens and the State of South Dakota. However, livestock, poultry, and other animals produce manure which may, where improperly stored, transported, or disposed, negatively affect the County's environment. Animal manure must be controlled where it may add to air, surface water, ground water, or land pollution. The following regulations have been adopted to provide protection against pollution caused by manure from domesticated animals. All new and proposed expansions of Concentrated Animal Feeding Operations shall comply with the regulations as outlined herein.

It is the intention of the Board of Adjustment in the enforcement of this ordinance that when an operator of an existing Concentrated Animal Feeding Operation applies for a permit to expand to another class level, the standards that apply to the expansion will not be applied to existing structures that were built in compliance with accepted industry standards in existence at the time of the construction of such facilities.

Definitions

Animal Manure: Poultry, livestock, or other animal excreta or mixture of excreta with feed, bedding or other materials.

Animal Unit: (See definition later in this section.)

Applicant: 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.

Change in Operation: "Change in operation" means a cumulative increase of more than 99 animal units, after November 1, 1997, which are confined at an unpermitted concentrated animal feeding operation.

Farm Dwelling: Any dwelling farmer owned or occupied by the farm owners, operators, tenants, or seasonal or year-around hired workers.

Non-Farm Dwelling: Any occupied dwelling which is not a farm dwelling.

Permit: A permit required by these regulations unless state otherwise.

Potential Pollution Hazard: A Concentrated Animal Feeding Operation of 50 to 499 Animal Units may be classified as a Class D Operation by the County Zoning Officer when a Potential Pollution Hazard exists. Factors to be considered by the Zoning Officer in determining a Potential Pollution Hazard include the following:

1. The Concentrated Animal Feeding Operation does not meet the minimum setback and separation distances of these regulations.
2. A Potential Water Pollution Hazard exists due to siting over a shallow aquifer or drainage which contributes directly to creeks, streams or lakes.

Process Generated Wastewater: Water directly or indirectly used in the operation of an animal feeding operation. The term includes spillage or overflow from watering systems; water and manure collected while washing, cleaning or flushing pens, barns, manure pits or other areas; water and manure collected during direct contact swimming, washing or spray cooling of animals; and water used in dust control.

Process Wastewater: "Process wastewater" means any process generated wastewater and any precipitation (rain or snow) that comes into contact with the animals, manure, litter or bedding, or other portions of the animal feeding operation, but not including feed storage areas.

Shall means that the condition is an enforceable requirement of this permit.

Shallow Aquifer: An aquifer vulnerable to contamination because the permeable material making up the aquifer (a) extends to the land surface to percolation water can easily transport contaminants from land surface to the aquifer, or (b) extends to near the land surface and lacks a sufficiently thick layer of impermeable material on the land or near the land surface to limit percolation water from transporting contaminants from the land surface to the aquifer.

Shallow Well: A well which is located in a shallow aquifer.

Should means that the condition is a recommendation. If violations of the permit occur, the County will evaluate whether the producer implemented the recommendations contained in this permit that may have helped the producer to avoid the violation.

Significant Contributor of Pollution: To determine if a concentrated animal feeding operation meets this definition, the following factors are considered:

1. Size of feeding operation and amount of manure reaching waters of the State;

2. Location of the feeding operation in relation to waters of the State;
3. Means of conveyance of manure and process wastewater into waters of the State; and
4. The slope, vegetation, rainfall and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewater into waters of the State.

Waters of the State means all waters within jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the State.

Animal Units

Animal species and number of a species required to equal 500, 1,000 and 2,000 animal units. Note that these figures relate to inventory rather than annual production. Other animal species equivalents which are not listed will be based on species' waste production.

EQUIVALENT NUMBER OF A SPECIES TO EQUAL:

<u>ANIMAL SPECIES</u>	<u>500 AU</u>	<u>1,000 AU</u>	<u>2,000 AU</u>	<u>ANIMAL UNIT EQUIVALENT SPECIES / AU</u>
Feeder or Slaughter Cattle	500 hd	1,000 hd	2,000 hd	1.0
Mature Dairy Cattle	357 hd	700 hd	1,400 hd	1.4
Finisher Swine (over 55 lbs)	1,250 hd	2,500 hd	5,000 hd	0.4
Nursery Wine (less than 55 lbs)	5,000 hd	10,000 hd	20,000 hd	0.1
Farrow-to-Finish (sows)	135 hd	270 hd	540 hd	3.7
Swine Production Unit (Sows Breeding, Gestating & Farrowing)	1,065 hd	2,130 hd	4,260 hd	0.47
Horses	250 hd	500 hd	1,000 hd	2.0
Sheep	5,000 hd	10,000 hd	20,000 hd	0.1
Turkeys	27,800 hd	55,000 hd	110,000 hd	0.018
Laying Hens & Broilers (continuous overflow watering in facility)	50,000 hd	100,000 hd	200,000 hd	0.01
Laying Hens & Broilers (liquid handling system in confinement facility)	15,150 hd	30,000 hd	60,000 hd	0.033
Ducks	2,500 hd	5,000 hd	10,000 hd	0.2

Classes of Concentrated Animal Feeding Operations

A Concentrated Animal Feeding Operation is defined as a lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 45 days or more during any 12-month period, and where crops, vegetation, forage growth, or post harvest residues are not sustained over any portion of the lot or facility. Two or more animal feeding operations under common ownership are single animal operation if they adjoin each other, or if they use a common area, or if they use a common area or system for disposal of manure.

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

ANIMAL UNITS

Class A	2,000 or more	
Class B	1,000 to 1,999	
Class C	500 to 999	
Class D	50 to 499	(Potential Water Pollution Hazard)
Class E	10 to 499	(No Pollution Hazard)

Concentrated Animal Feeding Operation Permit Requirements

Owners of Class A, Class B, Class C, Class D, and Class E with animal units of 99 and above Concentrated Animal Feeding Operations are required to complete a permit application as follows:

1. A new concentrated animal feeding operation is proposed where one does not exist.
2. An expansion is proposed beyond what a current permit allows.
3. A cumulative expansion by 99 animal units, after November 1, 1997, of existing concentrated animal feeding operation that does not have a permit.
4. A change in ownership of a Class A or Class B concentrated animal feeding operation.
5. A change in ownership of a Class C, Class D, or Class E if documented pollution problem exists.
6. An existing concentrated animal feeding operation is to be restocked after being idle for five (5) years.
7. A signed complaint has been received by the County Zoning Office or South Dakota Department of Environment and Natural Resources and after inspection reveals that the Concentrated Animal Feeding Operation is in violation of County or State regulations.

Concentrated Animal Feeding Operation Control Requirements

1. No Significant Contribution of Pollution

In general, no Concentrated Animal Feeding Operation shall be constructed, located, or operated so as to create a significant contribution of pollution.

2. State General Permit

It shall be at the discretion of the Planning Commission to require a State General Permit for Class C and Class D Concentrated Animal Feeding Operations.

3. Nutrient Management Plan

Classes A, B, C and D Concentrated Animal Feeding Operations are required to have a nutrient management plan. The applicant shall develop, maintain, and follow a nutrient management plan to ensure safe disposal of manure and protection of surface and ground water. The South Dakota Department of Environment and Natural Resources must approve the plan prior to land application of any wastes. Due to crop rotation, site changes, and other operational changes, the producer should update the plan annually to reflect the current operation and crops grown on the application sites. The applicant shall collect, store,

and dispose of liquid and solid manure according to recognized practices of good agricultural management. The economic benefits derived from agricultural operations carried out at the land disposal site are secondary to the proper and safe disposal of the manure.

A generic nutrient management plan that the applicant may use in developing a nutrient management plan is available from the South Dakota Department of Environment and Natural Resources. The generic nutrient management plan is based on application of nitrogen. The applicant may use other plans, provided the alternate plan contains all the information necessary to determine compliance with conditions of this general permit. Nitrogen, in addition to that allowed in the nutrient management plan, may be applied up to the amounts as indicated by soil or crop nitrogen test results that are necessary to obtain the realistic crop yield.

The South Dakota Department of Environment and Natural Resources recommends and encourages producers to develop nutrient management plans for other nutrients such as phosphorous and potassium. Over application of these nutrients may lead to water quality problems in area lakes and streams and result in potential damage to the producer's land and crop.

The applicant must maintain records to show compliance with the plan.

The plan must comply with County Manure Application Setbacks.

Land spreading agreements (for 5-year plan) shall be provided if applicant does not have minimum acreage to apply animal manure.

4. Manure Management and Operation Plan

Classes A, B, C, and D Concentrated Animal Feeding Operations must submit a Manure Management and Operation Plan.

A. Plan must include:

1. The location and specifics of proposed animal manure facilities.
2. The operation procedures and maintenance of manure facilities.
3. Plans and specifications must be prepared or approved by a registered professional engineer, or a Natural Resource Conservation Service (NRCS) engineer. Waste treatment facilities will require inspection by an engineer and as-built plans to be submitted to the County Zoning Officer.
4. Animal manure shall not be stored longer than two years.
5. Manure containment structures shall provide for a minimum design volume of 270 days of storage.
6. Producers shall keep records on manure applications on individual fields which document acceptable manure and nutrient management practices have been followed. These records shall include soils test results for surface two feet of soil, actual and projected crop yields, nutrient analysis of manure, and information about date, rate and method of manure applications for individual fields.

B. As a condition of the permit, the County Board of Adjustment may require the producer to participate in environmental training programs and become a certified livestock manager.

5. Management Plan for Fly and Odor Control

Classes A, B, C, and D Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors and flies. A management plan is

required for submission of a permit. 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. Consider use of 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.
- I. Avoid spreading during calm and humid days, since these conditions restrict the dispersion and dilution of odors.

6. Required Setbacks and Separation Distance for New Concentrated Animal Feeding Operations and Those Expanding by 99 or More Animal Units after November 1, 1997.

MINIMUMS

	<u>CLASS A</u>	<u>CLASS B</u>	<u>CLASS C</u>	<u>CLASS D & E</u>
Established Residences	2,640 feet	2,640 feet	2,640 feet	2,640 feet
Churches, Businesses & Commercially Zoned Areas	2,640 feet	2,640 feet	2,640 feet	2,640 feet
Incorporated Municipality Limits	2,640 feet	2,640 feet	2,640 feet	2,640 feet
Private Wells (other than the operator)	2,640 feet	2,640 feet	2,640 feet	2,640 feet
Lakes & Streams Classified as Fisheries as Identified by the State	500 feet	500 feet	200 feet	200 feet
Federal, State & County Road ROW Confinement	300 feet	300 feet	200 feet	200 feet
Federal, State & County Road ROW Open Lot	50 feet	50 feet	50 feet	50 feet
Township Road ROW – Confinement	150 feet	150 feet	150 feet	150 feet
Township Road ROW – Open Lot	50 feet	50 feet	50 feet	50 feet

Proposals for new Concentrated Animal Feeding Operations, on a site-by-site basis, shall be set back from adjoining property lines as determined by the County Board of Adjustment.

7. Exemptions to Separation Distance Requirements

- B. A Concentrated Animal Feeding Operation constructed prior to November 1, 1997, which does not comply with the distance requirements, which continues to operate, but is not expanded.
- C. A Concentrated Animal Feeding Operation structure which is expanded or constructed, if the title holder of the land benefiting from the distance separation requirements executes a written waiver with the title holder of the land where the structure is located, under such terms and conditions which the parties may negotiate. The written waiver becomes effective only upon the recording of the waiver in the Office of the Register of Deeds in the County. The benefited land is the residence, commercial enterprise, bonafide religious institution, education institution from which separation is required.
- D. A Concentrated Animal Feeding Operation constructed or expanded closer than the required separation distance within the corporate limits of a city, if the incorporated community approves a waiver which shall be stated in writing. The written waiver becomes effectively only after recording with the Register of Deeds.
- E. A Concentrated Animal Feeding Operation structure which is located within any distance from an educational institution, commercial enterprise, bonafide religious institution, incorporated community, if the educational institution, commercial enterprise or bonafide institution was constructed or expanded or the boundaries of the incorporated community were expanded, after the date that the animal feeding operation was established. The date that the Concentrated Animal Feeding Operation was established is the date on which the Concentrated Animal Feeding Operation commenced operating. A change in ownership or expansion shall not change the date of operation.

Each application for a new or expanded Concentrated Animal Feeding Operation (CAFO) will be reviewed by the Board of Adjustment on a site specific basis. The Board of Adjustment reserves the right to increase the minimum required setbacks and separation distance on a site specific review, based on one or more of the following considerations:

- A. A concentration of CAFOs in the area exists or would occur which may pose an air or water quality concern.
- B. Due to topography and prevailing wind direction, additional setback and separation distance is appropriate to safeguard air or water quality.
- C. A Concentrated Animal Feeding Operation is in excess of 5,000 animal units.

8. Manure Application Setbacks

- A. The following manure application setbacks apply to all classes of Concentrated Animal Feeding Operations.

COUNTY MANURE APPLICATION SETBACKS

<u>CATEGORY</u>	<u>SURFACE OR IRRIGATION APPLIED</u>	<u>INCORPORATED OR INJECTED</u>
Lake, Rivers & Streams Classified as Fisheries	300 feet	100 feet (lake) 50 feet (river & stream)
Streams & Lakes Classified as Drinking Water Supplies	1000 feet	300 feet
Public Roads	25 feet (surface) from right-of-way 300 feet (irrigation)	10 feet from right-of-way
Area of 10 or More Residences	300 feet (surface) 1000 feet (irrigation)	300 feet
Public Wells	1000 feet	1000 feet

COUNTY MANURE APPLICATION SETBACKS

<u>CATEGORY</u>	<u>SURFACE OR IRRIGATION APPLIED</u>	<u>INCORPORATED OR INJECTED</u>
Private Shallow Wells	250 feet	250 feet
A Residence other than the Operator	300 feet (surface) 1000 feet (irrigation)	300 feet
Natural or Man-Made Drainage	200 feet	50 feet

- B. The County Board of Adjustment may require liquid manure to be incorporated or injected in order to minimize air and water quality impacts.
- C. Requests for application of liquid manure by means of irrigation will be reviewed by the Board of Adjustment on a site-specific basis. Impact on air and water quality will be taken into consideration.

9. Standards for Special Exceptions

- A. The County Board of Adjustment may impose, in addition to the standards and requirements set forth in these regulations additional conditions which the Board of Adjustment considers necessary to protect the public health, safety and welfare.
- B. The County Board of Adjustment may impose, in addition to the standards and requirements set forth in these regulations additional conditions which the Board of Adjustment considers necessary to protect the public health, safety and welfare.
- C. Special exceptions shall be in effect only as long as sufficient land specified for spreading purposes is available for such purposes and other provisions of the permit are being adhered to.
- D. When considering an application, the County Board of Adjustment will take into consideration current and past violations relating to Concentrated Animal Feeding Operations that the applicant has an interest in.
- E. Permit applicants will be required to file a letter of assurances as required by the Board of Adjustment. The letter of assurances will be prepared by the Zoning Officer and signed by both the applicant and the Zoning Officer.

10. Information Required for Class A and B Concentrated Animal Feeding Operation Permit

- A. Owner's name, address and telephone number.
- B. Legal descriptions of site and site plan.
- C. Number and type of animals.
- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements including site plan to scale.
- H. General permit from South Dakota Department of Environment and Natural Resources if available for animals species.

- I. Review of plans and specifications and nutrient management plan by the South Dakota Department of Environment and Natural Resources.
 - J. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
 - K. Notification of whomever maintains the access road (Township, County and State).
Notification of public water supply officials.
 - L. Any other information as contained in the application and requested by the County Zoning Officer.
- 11. Information Required for Class C, Class D, and Class E of 99 Animal Units and Above For Concentrated Animal Feeding Operation Permit.**
- A. Owner's name, address and telephone number.
 - B. Legal descriptions of site and site plan.
 - C. Number and type of animals.
 - D. Nutrient management plan.
 - E. Manure management and operation plan.
 - F. Management plan for fly and odor control.
 - G. Information on ability to meet designated setback requirements, including site plan to scale.
 - H. Review of plans and specifications and nutrient management plan by the South Dakota Department of Environment and Natural Resources if using lagoon or earthen storage basin.
 - I. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
 - J. Notification of whomever maintains the access road (Township, County and State).
 - K. Any other information as contained in the application and requested by the County Zoning Officer.

SUBDIVISION REGULATIONS

ARTICLE 1

GENERAL PROVISIONS

Section 101. Purposes

These regulations are adopted to provide for the harmonious development of the County of Grant, South Dakota and its environs; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the Comprehensive Plan; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, and convenience through the provision for an adequate scale of street, sanitary, water, utility, and other improvements as land is subdivided.

Section 102. Jurisdiction

These subdivision regulations shall apply to all subdivisions of land as defined herein, located within the unincorporated areas of Grant County.

Section 103. Applicability

The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, regardless of how described, tracts or other division of land for the purpose of sale or building development, whether immediate or future, including the resubdivision or replatting of land or lots.

Section 104. Amendments

Any provision of these regulations from time to time may be amended, supplemented, changed, modified, or repealed by the Grant County Commissioners according to law.

Section 105. Variances

1. Exceptional Conditions
 - a. General. The Planning Commission may grant variances from the provisions of these regulations, but only after determining that:
 - (1) There are unique circumstances or conditions affecting the property.
 - (2) The variance is necessary for the reasonable and acceptable development of the property in question.
 - (3) The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.
 - (4) The variance will not permit or encourage uses contrary to the zoning regulations.
 - b. Conditions. In approving variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements of these regulations.
 - c. Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the County Planning Commission. The petition shall state fully the grounds for the petitioner. Notice of a public hearing shall be given in accordance to State law. Any party may appear in person, or by agent or attorney.

2. Procedural Variance
 - a. Where a proposed subdivision would contain no more than two (2) parcels or plots of land and no new streets, the procedure of preparing a preliminary plat may be waived.

Section 106. Enforcement, Violations, and Penalties

1. General
 - a. It shall be the duty of the Zoning Officer to enforce these regulations and to bring to the attention of the Grant County States Attorney any violations or lack of compliance herewith.
 - b. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the County Commissioners, in accordance with the provisions of these regulations, and filed with the County Register of Deeds.
 - c. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, and no excavations of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.
 - d. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
2. Violation and Penalties. Any person, firm, or corporation who fails to comply with or violates any of these regulations shall be guilty of a misdemeanor and may be punishable by a fine up to one hundred dollars (\$100) for each and every day that the violator fails to comply with the provisions of these regulations. In addition to the penalties described above, the County Commissioners may institute an appropriate action or proceeding to seek an injunction in a court of competent jurisdiction to prevent, restrain, correct, or abate such violation or threatened violation.

Section 107. Interpretation, Conflict, and Separability

1. Interpretation. In their interpretation and application, these regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare.
2. Conflict. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
3. Separability. Should any article, section, sub-section, or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the subdivision ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

Section 108. Effective Date

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

ARTICLE II

SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

Section 201. General Procedure

The procedure for review and approval of a subdivision plat shall consist of three separate steps, in sequence: An informal discussion meeting with the Planning Commission and Zoning Officer, preparation and submission of a preliminary plat of the proposed subdivision, and preparation and submission of a final plat of the subdivision.

Section 202. Advisory Meeting With Planning Commission

Before filing a preliminary plat, the subdivider shall consult with the Planning Commission or Zoning Officer for advice regarding general requirements, minimum standards of design and required improvements as set forth in this ordinance. A sketch of the proposal shall be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to existing or platted streets and existing community facilities. This informal review should prevent unnecessary costly revisions in the layout and development of the subdivision. The informal advisory meeting does not require formal application, fee, or filing of plat with the Planning Commission.

Section 203. Preliminary Plat Approval

1. **General.** After meeting informally with the Planning Commission or Zoning Officer, the subdivider shall cause to be prepared a preliminary plat prior to the making of any street improvements or the installation of any utilities.
2. **Procedure:**
 - a. Three (3) copies of the preliminary plats and the required supplemental material shall be filed with the Auditor who shall transmit them to the Planning Commission. Such filing shall take place at least ten (10) days prior to the meeting of the Planning Commission at which time it is to be considered.
 - b. The Planning Commission shall study the said preliminary plat to see if it is consistent with the standards set forth in this ordinance. Following a hearing before and due consideration by the Planning commission, the Commission shall transmit all copies of the preliminary plat to the County Commissioners, together with its recommendations, at least sixty-five (65) days after receipt thereof, and a discussion of the effect of said plat on the Comprehensive Plan.

Said recommendations shall be of an advisory nature only. If the Planning Commission does not act within sixty-five (65) days, the preliminary plat shall be deemed to have received favorable recommendation in all respects, and shall receive due consideration by the County Commissioners.
 - c. Following a hearing and due consideration of the preliminary plat, the County Commissioners shall approve, disapprove, or modify the recommendations of the Planning Commission and shall impose those requirements or grant those variances in conformance with this ordinance deemed necessary and appropriate by the County Commissioners for final approval. The action of the County Commissioners, together with all modifications, requirements, variances, and reasons thereof, shall be noted on all copies of the preliminary plat application. One (1) copy shall be returned to the subdivider, one (1) copy relayed to the Planning Commission, and one (1) copy retained by the governing body.
 - d. Approval of the preliminary plat by the County Commissioners shall not constitute acceptance of the final plat. The approval of the preliminary plat shall lapse unless

final plat based thereon, is submitted within one (1) year from date of such approval. An extension of time may be applied for by the subdivider and granted by the County Commissioners.

3. **Preliminary Plat Information.** The preliminary plat shall meet the standards of design as set forth in Article III and shall show the following information.
 - a. Name of subdivision, names and addresses of the owners, the engineer or surveyor, and owners of the adjacent property.
 - b. Date, north point and scale. Scale shall not be less than one (1) inch equals two hundred feet.
 - c. Location of property lines, roads, existing utilities with size of lines, and other underground installations.
 - d. Acreage of land to be subdivided.
 - e. Proposed utility system.
 - f. Contours at an interval of not greater than ten (10) feet; the locations of water courses, bridges, wooded areas, and such other topographic features as may be pertinent to the subdivision.
 - g. Lot lines and lot numbers.
 - h. Location of proposed culverts and other drainage provisions.
 - i. Proposed improvements and grading.
 - j. Proposed easements, dedications, and reservations of land to be considered for sale or dedication to public use.
 - k. Names of new streets.
 - l. Copies of proposed deed restrictions, if any, shall be attached to the preliminary plat.
4. **Plat Review Fee.** A fee shall be levied for the examination and approval or disapproval of every plat reviewed by the County Commissioners. At the time preliminary plats are filed with the Auditor, the subdivider shall pay to the Auditor the amount of ten dollars (\$10) for each plat and one dollar (\$1) for each lot shown on each plat.

Section 204. Final Plat Approval

1. **General.** The final plat shall conform substantially to the preliminary plat as approved, and it may constitute only a portion of the preliminary plat which the subdivider proposes to record and develop.
2. **Procedure:**
 - a. Four (4) copies of the final plat and required supplemental material shall be filed with the Auditor who shall transmit them to the Chairman of the Planning Commission. Such filing shall take place at least ten (10) days prior to the meeting of the Planning Commission at which it is to be considered.
 - b. The Planning Commission shall study the said final plat to see if it is consistent with the minimum standards as set forth in this ordinance. Following a public hearing before due consideration by the Planning Commission, the Commission shall transmit three (3) copies of the final plat to the County Commissioners, together with its

recommendations, at least sixty-five (65) days after receipt thereof. Said recommendations shall include approval, disapproval, or suggestions for modifications and reasons thereof, and a discussion of the effect of said plat on the Comprehensive Plan.

Said recommendations shall be of an advisory nature only. If the Planning Commission does not act within sixty-five (65) days, the final plat shall be deemed to have received a favorable recommendation in all respects, and shall then receive consideration by the County Commissioners.

- c. When the final plat has been approved by the County Commissioners, one (1) copy shall be returned to the subdivider with the approval of the County Commissioners certified thereon, for filing with the County Register of Deeds as an official plat of record within ninety (90) days. Another copy certified by the County Commissioners will be transmitted to the Director of Equalization for his records.

3. **Final Plat Information.** The following information is required for final plats for subdivisions:

- a. The original or reproducible final plat shall be drawn in black ink upon tracing cloth or tracing vellum and shall be of uniform size, fifteen (15) inches by twenty-six (26) inches or eight and one-half (8 ½) inches by fourteen (14) inches. The scale shall be one (1) inch equals two hundred (200) feet or larger.
- b. The final plat shall show the following information:
 - (1) Date, title, name, and location of subdivision, graphic scale, and true north line.
 - (2) All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points. Locations and descriptions of said control points shall be given. Except where deemed clearly unreasonable or infeasible by the County Commissioners, these control points shall be located section corners.
 - (3) Name and right-of-way width of each street, easement, or other right-of-way.
 - (4) Lot numbers, lot lines, and frontage dimensions.
 - (5) Location and description of monuments.
 - (6) Names of adjoining properties.
 - (7) Purpose for which sites are dedicated or reserved.
- c. The final plat shall be accompanied by:
 - (1) Certification on plat of title showing that the applicant is the owner, that the making of the plat receives his consent and is in accordance with his desires, and a statement by such owner dedicating streets, right-of-way, and other sites for public use.
 - (2) Certification on plat by registered land surveyor as to the accuracy of survey and plat.
 - (3) Certification that the subdivider has complied with one of the following alternatives:

- (a) All improvements have been installed in accordance with the requirements of this ordinance; or
 - (b) A security bond or certified check has been posted with the Auditor in sufficient amount to assure such completion of all required improvements.
- (4) Protective covenants shall either be placed directly on the final plat or attached thereto in form for recording.
 - (5) Certification by the Zoning Officer, when individual sewerage disposal or water systems are to be installed.
 - (6) Certification on plat by the County Commissioners that the plat has been approved for recording in the office of the County Register of Deeds.
4. **Guarantee in Lieu of Completed Improvement.** No final subdivision plat shall be approved by the governing body or accepted for record by the Register of Deeds until the required improvements have been installed in accordance with the preliminary plat and approved by the County Commissioners; or in lieu of such prior construction, the County Commissioners may accept a security bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the County of Grant in the event of default of the subdivider.

ARTICLE III

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

Section 301. General

- 1. The County Commissioners shall impose the following general requirements and compel all subdivisions to comply with the principles of design in the layout of subdivisions hereinafter described.
- 2. All proposed subdivisions shall conform to the Comprehensive Plan.

Section 302. Suitability of the Land for Subdivision Development

- 1. If the County Commissioners find the land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all public agencies concerned, it has been determined that in the best interest of the public, the land should not be platted and developed for the purpose proposed, the County Commissioners shall not approve the land for subdivision development unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and the development of the land.
- 2. The County Commissioners may refuse to approve what it considers to be scattered or premature subdivision of land which would necessitate an excessive expenditure of public funds for the supply of services, such as undue maintenance costs for adequate roads.

Section 303. Street Extensions

- 1. The arrangement, character, extent, location, and grade of all streets shall be in accordance with good planning principles and shall be considered in their relation to existing and planned

streets, topographical conditions, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

2. Where, at the determination of the County Commissioners, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the County Commissioners deem it necessary, such dead-end streets shall be provided with a temporary turn-around having a radius of at least fifty (50) feet.
3. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

Section 304. Dedication of Right-of-Way and Roadway Width

1. **General.** The following conditions shall govern the designation and minimum street right-of-way and roadway width:

- a. The minimum widths of highways, arterial streets, residential collector streets, local residential streets, and marginal access to be dedicated to the City or County shall be indicated on the Major Street Plan and where not shown thereon shall not be less than as follows:

<u>STREET TYPE</u>	<u>MINIMUM DEDICATED RIGHT-OF-WAY WIDTH</u>
Arterial	100 feet
Collector	66 feet
Minor	60 feet
Marginal Access	50 feet
Residential Alley	16 feet
Industrial Commercial Alley	25 feet
Pedestrian Way	10 feet

- b. In undeveloped or vacant areas, the Planning Commission shall have the discretion to identify or classify a street as a collector street.
- c. Subdivisions which abut or include within the proposed area to be subdivided any highway or arterial street shall provide:
 - (1) A marginal access street; or
 - (2) Reverse frontage with screen planting contained in a non-access reservation along the rear property line; or
 - (3) Deep lots with rear service drives; or
 - (4) Other treatment as may be necessary to adequately protect residential properties and to afford separation of through and local traffic.
- d. Minimum roadway widths:

<u>STREET TYPE</u>	<u>PAVEMENT WIDTH</u>
Arterial	66 feet
Collector	46 feet
Minor	32 feet
Marginal Access	26 feet

Section 305. Intersections

1. Streets shall intersect as nearly possible at right angles and no intersection shall be at an angle of less than eighty (80) degrees.
2. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than ninety (90) degrees, the County Commissioners may require curb radii of greater length.
3. No lot or other parcel of land which abuts on or has access to either a collector or a minor street shall have a service drive, curb out, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.
4. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be made.

Section 306. Alignment and Visibility Conditions

1. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
2. Minimum radii of horizontal curvature on the centerline shall not be less than one hundred (100) feet.
3. Clear horizontal visibility, measured along the centerline, shall equal or exceed two hundred (200) feet; said sight distance being measured from a driver's eyes, which are assumed to be four and one-half (4 ½) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades, drawn to an approved scale, may be required by the County Commissioners.

Section 307. Street Grades and Elevations

1. Street grades shall conform to the following:

<u>STREET TYPE</u>	<u>MAXIMUM PERCENTAGE GRADE</u>
Arterial	7
Collector	8
Minor	10

2. Minimum grades of any roadway shall not be less than 0.5 percent unless otherwise approved by the County Commissioners.

Section 308. Dead-End Streets

Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having a radius at the outside of the pavement of at least seventy-five (75) feet and a radius at the outside of the right-of-way of at least one hundred (100) feet.

Section 309. Private Streets and Alleys

1. There shall be no private streets platted within a subdivision.
2. Alleys shall not be provided in residential blocks except in cases where the subdivider produces evidence of the need for alleys which is satisfactory to the County Commissioners. Alleys may

be required in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access. Such alleys shall be dedicated to the public.

Section 310. Access to Arterial, Collector, and Minor Roads

1. Where a subdivision borders on or contains an existing or proposed arterial, collector, or minor road, access to such a road shall be limited to no more than one (1) non-farm access per one thousand three hundred and twenty (1,320) feet on a single side of a public road. This shall be determined on a mile by mile basis according to section lines.
2. In addition to 310.1, the Planning Commission may require that access to such streets be limited by one of the following means:
 - a. The subdivision of lots so as to back onto the arterial or collector road and front onto a parallel minor road or a parallel local street; no access shall be provided from the arterial or collector road, and screening shall be provided in a strip of land along the rear property line of such lots.
 - b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial or collector road.
 - c. A marginal access or service road (separated from the arterial or collector road by a planting or grass strip and having access thereto at suitable points).

Section 311. Blocks

1. Length. Block lengths shall not exceed one thousand three hundred and twenty (1,320) feet or be less than three hundred (300) feet, except as the County Commissioners consider necessary to secure efficient use of land or desired features of street layout.
2. Width. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. However, where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevents two (2) tiers of lots, the County Commissioners may approve a single tier of lots of minimum depth.

Section 312. Lots

1. The lot size, width, depth, shape orientation, and minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Lot dimensions shall conform to the requirements of the zoning ordinance and the requirements of the South Dakota Environmental Protection Agency.
3. Each lot shall be provided with access to a street.
4. Corner lots shall have sufficient extra width to meet the building setback lines established on both the front street and side street.
5. Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.
6. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

Section 313. Easements

1. Except where alleys are permitted for the purpose, the County Commissioners shall require easements at least twelve (12) feet in width centered along all rear lot lines. Where necessary or advisable in the opinion of the County Commissioners, similar easements shall be provided along sided lot lines or across lots.
2. If the County Commissioners deem it necessary for proper drainage within or through a subdivision, it shall require that a storm water easement or drainage right-of-way be provided.
3. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the County Commissioners by resolution upon the recommendation of the Planning Commission.

ARTICLE IV

REQUIRED IMPROVEMENTS PREREQUISITE TO FINAL APPROVAL

Section 401. General

1. The subdivider is required to install or construct the improvements hereinafter described prior to receiving approval of his final plat or prior to having released the bonds or other securities which guarantee such required improvements.
2. All public and private water mains, sanitary sewers, laterals and storm sewers shall be installed as necessary to prevent the future cutting of pavement of any street, sidewalk, or other required pavement.

Section 402. Property Markers

The corners of all lots and the beginning and ending of all curves on property lines shall be accurately marked on the ground with three-fourths (3/4) inch diameter iron rods or pipes at least twenty-four (24) inches long.

Section 403. Streets and Alleys

The subdivider shall provide street pavements which shall be designed to carry the expected traffic and which shall be approved by the Planning Commission.

Section 404. Curbs and Gutters

Curbs and gutters shall be placed on both sides of all streets in all non-residential subdivisions and residential subdivisions having more than three (3) lots per gross acre, unless waived by the County Commissioners.

Section 405. Sidewalks

Portland cement concrete sidewalks, no less than four (4) feet wide and four (4) inches thick shall be constructed on both sides of all streets within a subdivision having more than three (3) lots per gross acre, unless waived by the County Commissioners.

Section 406. Street Signs

The subdivider shall install durable street name signs at all intersections which shall meet specifications of the County Commissioners. One street sign is required for each intersection.

Section 407. Water Supply System

Where, in the opinion of the County Commissioners, the public water supply is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a complete water distribution system which shall adequately serve all lots and which shall include appropriately spaced fire hydrants, and this system shall be properly connected with the public water supply. If the County Commissioners approve the use of individual wells, lots sizes shall meet its approval.

Section 408. Sanitary Sewers

Where, in the opinion of the County Commissioners, the public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a subdivision sewer system to adequately serve all lots and connect the subdivision system to the public system after the County Commissioners have approved the size of the lines. Where lots in the area of planning jurisdiction cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval of lots sizes for individual septic tanks and disposal fields from the Zoning Officer.

Section 409. Storm Drainage

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., for the proper drainage of all surface water shall be provided. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadways and required slopes.

Section 410. Oversize Facilities

The County Commissioners may participate in the cost of "oversize" improvements within a subdivision if it is adjudged that such oversize improvements are necessary to serve large areas of land not in the subdivision if the cost of such oversize improvements is an unreasonable burden on the subdivider.

Section 411. Inspection

Each facilities constructed in the subdivision shall be installed under inspection of the Zoning Officer.

ARTICLE V**DEFINITIONS**

Alley – A minor public way having a narrow right-of-way and affording secondary means of access to abutting properties.

Auditor – The duly elected Auditor of Grant County.

Comprehensive/Development Plan – Any legally adopted part or element of the Comprehensive/Development Plan of Grant County. This may include, but is not limited to: Zoning Ordinance, Subdivision Ordinance, Community Facilities Plan, Major Street Plan, Capital Improvements Program, and Land Use Plan.

County Commissioners – The duly elected Commissioners of Grant County.

Easement – A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

Engineer – The duly designated engineer acting in behalf of the County Commissioners.

Final Plat – A plat of a tract of land which meets the requirements of these regulations and is in form for recording in the office of the Register of Deeds.

Lot – A parcel of land intended for transfer of ownership or for building development.

Major Street Plan – The Major Street Plan adopted as an element of the Comprehensive/Development Plan.

Planning Commission – The Planning Commission for Grant County.

Preliminary Plat – The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this ordinance, to permit the evaluation of the proposal prior to detailed engineering and design.

Register of Deeds – The duly designated Register of Deeds of Grant County.

Sketch Plan – The sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of this ordinance, to permit the evaluation of the proposal prior to detailed engineering and design.

Standards of Design – Standards of Design are the specifications to landowners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum, or maximum dimensions of such items as right-of-way, blocks, easements, and lots.

Subdivider – The person(s), firm(s), or corporation(s) owning land in the process of creating a subdivision of said land.

A Subdivision – Is twenty (20) acres platted off, anywhere in the rural area, but not less than two (2) acres. Anything less than twenty (20) acres must be platted but cannot be made smaller than two (2) acres. for a building site split off. Division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership, or building development (whether immediate or future); provided that a division of land into lots or parcels of twenty (20) acres or more and not involving a new street shall not be deemed a subdivision. The term includes the establishment or dedication of a road, highway, street or alley through a tract of land; a resubdivision of land or lots; and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Utilities – Municipal and franchised utilities.

Zoning Officer - The duly designated Zoning Officer of Grant County.

Zoning Ordinances – The Zoning Ordinance of Grant County.