

ORDINANCE AMENDMENT # 22-04

AN ORDINANCE AMENDING THE LAWRENCE COUNTY ZONING ORDINANCE AND THE LAWRENCE COUNTY SUBDIVISION ORDINANCE,

BE IT HEREBY ORDAINED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS THAT THE FOLLOWING SECTION(S) or REGULATION(S) AS ESTABLISHED BY THE LAWRENCE COUNTY ZONING, ORDINANCE NUMBER ONE, AND THE LAWRENCE COUNTY SUBDIVISION ORDINANCE, ESTABLISHED ZONING REGULATIONS FOR THE LAND WITHIN LAWRENCE COUNTY,:

CHAPTER 3: DEFINITIONS

§ II-3.001 DEFINITIONS.

ASSISTED LIVING CENTER. A form of congregate housing principally for the elderly with individual suites or rooms that is regulated by the state. Limited support services are provided such as assistance with activities of daily living, meals, laundry, housekeeping, transportation and social and recreational activities. Assistance or supervision with medications may be provided.

AUTOMOBILE SALES. The use of any building, land area, or their premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

AUTOMOBILE SERVICE STATION. Shall mean any building or premise which provides for the retail sale of gasoline, oil, tires, batteries, and accessories for motor vehicles and for certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Automobile repair work may be done at a service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is permitted. Gasoline pumps and gasoline pump islands shall be located more than twelve (12) feet from the nearest property line.

AUTOMOBILE STORAGE YARD. The temporary storage of vehicles which are impounded, licensed, and operable, in an unroofed area.

CAMP, DAY OR YOUTH. An establishment, either publicly or privately owned, complete with buildings, structures, and sanitary facilities and services designed for recreation and education of youth.

CAMPGROUND. Per SDCL § 34-18-1 a plot of ground for public use upon which two or more campsites are located, established, maintained, advertised, or held out to the public to be a place where camping units can be located and occupied as temporary living quarters for children or adults, or both. Camping units are considered to be trailers, tent campers, campers, tents, recreational park trailers, or other equipment that may be used by the public at individual campsites located at campgrounds or areas used by the public as campgrounds.

CEMETERY. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematoriums, mausoleums, and funeral establishments, when operated in conjunction and within the boundaries of such a cemetery.

CEMETERY, CHURCH ADJUNCTIVE. An area, one acre or less, owned and operated by an adjoining church.

CEMETERY, PET. A parcel of land, buildings, and/or structures used for the interring of animal remains.

CONTRACTOR'S SHOP AND STORAGE YARD. Use of land or building(s) for storage and preparation of materials used by that same individual(s) in conducting the business of construction and repair work, generally completed at some other on-site location.

COMMERCIAL RECREATION FACILITY. A recreation facility operated as a business and open to the public for a fee

DAYCARE, HOME. Home daycare means providing care and supervision of children from more than one unrelated family, in a family home, on a regular basis for part of a day as a supplement to regular parental care, without transfer of legal custody or placement for adoption, paid for directly or indirectly out of public funds. A family day care home may not be registered for care and supervision of more than twelve children at any one time including children under the age of six living in the home. (SDCL) 26-6-14.1

DAYCARE CENTER, LICENSED. Defined as the providing of group care and supervision of children on a regular basis for part of a day as a supplement to regular parental care, with or without compensation, for 21 or more children, including children under the age of six living in the home and children from more than one unrelated family received for care in any facility, including a family home.

- A child care center may be located in the provider's own home or in a separate facility.
- Day care centers are mandated by law to be licensed prior to operating, regardless of funding source.
- Centers are inspected each year.
- A day care center may be operated as a nonprofit organization or as an independent, proprietary facility.

DAYCARE, GROUP FAMILY HOME. Defined as the providing of group care and supervision of children on a regular basis for part of a day as a supplement to regular parental care, with or without compensation, for 13 to 20 children, including children under the age of six living in the home and children from more than one unrelated family received for day care, in any facility, including a family home. (SDCL) 26-6-14

- A group family child care home may be located in the provider's own home or in a separate facility.
- Group family child care homes are mandated by law to be licensed prior to operation, regardless of funding source.
- Group family day care homes are inspected once per year.

DENSITY. The number of families, individuals, dwelling units, or housing structures per unit of land

DEVELOPMENT CONDITIONS/AGREEMENT. The written development program, dimensional standards, special conditions, and restrictions on development submitted with the a change of zoning application in any zoning district ~~for a PUD District~~.

DISTILLER, ARTISAN. A distiller of distiller spirits operating in compliance with South Dakota law, including SDCL Ch. 35-13. *ARTISAN DISTILLER* is a distiller located in South Dakota that produces, rectifies, or blends 50,000 gallons or less of distilled spirits annually and that uses agricultural products grown in South Dakota for at least 30% of the raw materials, other than water, to produce the distilled spirits, unless an exception is granted by the South Dakota Department of Revenue.

DWELLING. A building, or portion thereof, constructed in conformance with the Uniform Building Code, and used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels, or lodging houses. This definition does not include a mobile home or manufactured home.

DWELLING, SINGLE FAMILY. A building designed for or occupied exclusively by one family.

DWELLING, TWO FAMILY. A building designed for or occupied exclusively by two families.

DWELLING, MOBILE HOME. A transportable structure, in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required facilities.

DWELLING, MULTIPLE .A building designed for or occupied exclusively by three or more families.

DWELLING, TOWN HOMES/TWIN HOMES. A single structure consisting of two dwelling units, each on a separate lot, but sharing a common wall or connected at the lot line.

DWELLING UNIT. ~~Any structure or part thereof, designed to be occupied as the living quarters of a single-family or housekeeping unit.~~ One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

ELIGIBLE BUILDING SITE (BUILDING ELIGIBILITY). A site which fulfills the requirements for the construction or placement of a residential dwelling or manufactured home. To compute the number of eligible building sites on a lot of record take the total acreage of the parcel divided by the density allotted for that zoning district. The resulting whole number is the number of building sites eligible on the lot of record.

EQUIPMENT RENTAL AND SALES. Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

FAMILY CARE FACILITY. A home approved under SDCL 28-1-40 or licensed under SDCL 34-12-1 that provides resident service, except nursing care to the sick or injured, to a small number of adults determined by either the State Department of Social Services or Department of Health, not related to the resident household by blood or marriage. These individuals are aged, blind, physically or developmentally disabled and receive care and service according to their individual needs in a family situation.

GARAGE, PRIVATE. Any accessory building, structure, or part of a main building used primarily for parking or storage or for a permitted accessory use and which shall not be used for commercial purposes.

GARAGE, PUBLIC. Any garage other than a private garage, available to the public, which is used for the storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

GARAGE, STORAGE. Any building or premises, used for housing only motor- driven vehicles, other than trucks and commercial vehicles.

GROUP HOME. A residential structure that is licensed by the State of South Dakota or other government agency to provide room, board, and supervised care to persons. The term does not include continuous nursing care for unrelated adults over the age of 18.

HALL. A building that holds regular meetings and that maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of guests. There are no sleeping facilities.

KENNEL. Any premise or portion thereon where dogs, cats, or other household pets are raised, trained, boarded, harbored, or kept for remuneration. Veterinary clinics, animal hospitals and animal shelters are specifically excluded.

LODGE. A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.

~~HOME DAYCARE. As defined by SDCL~~

MANUFACTURING:

- 1). **LIGHT MANUFACTURING.** Those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building.
- 2). **GENERAL MANUFACTURING.** Those manufacturing processes including light manufacturing which have the potential to be a nuisance due to dust, odor, noise, vibration, pollution, smoke, heat, glare, or the operation of the processes outside the building.

~~**MASTER PLAN.** An illustrative drawing, or series of drawings, and a written narrative submitted with the change of zoning application for a PUD District that depicts the general design concept, character, and development intent for the entire property, demonstrates the proposed mix of land uses within the property, general locations of such land uses and the overall transportation pattern within the property. A long-range, land-use plan for development that identifies site access, general improvements, and any plan for future development/subdivision of the property.~~

MICROBREWERY is defined as a manufacturer of malt beverages as defined in SDCL 35-15-1.

MOBILE HOME PARK. A parcel of land, owned by an individual, firm, trust, partnership, public or private association or corporation, that has been planned and improved for the placement of two or more mobile homes, including all accessory buildings used or intended to be used as part of the equipment thereof. In the mobile home park, all land is intended to be held in common ownership, with individual mobile home spaces rented to residents.

MOBILE HOME SPACE. A plot of ground within a mobile home park that is designed as the location for 1 mobile home and any customary accessory use.

MOTOR VEHICLE REPAIR SHOP. Any building or structure in which a business, service or industry involving the maintenance, servicing or repair of vehicles is conducted or rendered. This includes rebuilding of engines, spray paint operations and hourly repair.

RECREATION VEHICLE. A vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel, emergency, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle, including camping trailers, fifth wheel trailers, motor homes, travel trailers, truck campers, and tiny houses on wheels.

RECREATIONAL VEHICLE PARK. A parcel of land on which two or more recreational vehicle sites and/or camping sites are located, established, or maintained for occupancy by recreational vehicles or camping units of the general public as temporary living quarters for vacation or recreation purposes. Recreational vehicle parks require electrical hookups for recreational vehicles on each site.

RETAIL SALES AND TRADE. Establishments engaged in selling products, goods or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including eating establishments, hotels, motels, repair shops, indoor amusement, copying services, health, professional, educational, and social services, and other miscellaneous services.

RETREAT CENTER. A facility used for professional, educational, or religious convalesces, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meals or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved, but kitchen and dining facilities shall be located in a single centrally located building or buildings.

~~**SALVAGE YARD.** An area of land with or without building used for or occupied by a deposit, collection, or the storage, outside of a completely enclosed building, of used and/or discarded materials such as waste paper, rags or scrap metal, used building materials, house furnishing, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same.~~
SALVAGE OR JUNK YARD. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires, bottles, and motor vehicles. This definition includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.

SIGN DEFINITIONS:

SIGN. Any object, device, or structure, or part thereof, visible from the right-of-way or public property, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This definition does not include national or state flags or their emblem or insignia, or the official announcements or signs of government.

SIGN, ABANDONED. A sign or sign structure which contains no sign copy, contains obliterated or obsolete sign copy, or is maintained in an unsafe or unsightly condition for a period of three months shall be considered an abandoned sign.

SIGN, ELECTRONIC MESSAGE. Signs containing a computer or digital software generated message or other automated or remote method of changing copy.

SIGN, FREESTANDING (Ground Sign). A sign supported by one or more uprights, poles, or braces in or upon the ground and not attached to any building.

SIGN, MONUMENT. A ground-mounted, freestanding sign which is attached to the ground or to its base on grade by a solid structure and which extends from the ground or base to the sign face at the same or greater width as the sign face and no taller than 10 feet.

SIGN, PERMANENT AGRICULTURAL TOURISM. A sign erected for an approved agricultural tourism use.

SIGN, PORTABLE. Any sign not permanently attached to the ground or building.

SIGN, SEASONAL AGRICULTURAL TOURISM. A sign erected for a limited period of time during the

year when retailing activities for an approved agricultural tourism use are available to the public.

SIGN, TEMPORARY. A device, display, structure, or pennant that acts as a sign and is intended to be displayed for a limited time period.

SIGN, UNSAFE. A sign on which the display area or structure has deteriorated due to rust, rotting, or physical damage to the point where any portion of the sign has the potential to fall shall be considered unsafe.

SIGN, UNSIGHTLY. A sign which has deteriorated to the point where at least one-fourth of the display area is no longer clearly recognizable at a distance of twenty feet; or where the paint is peeling, chipping or flaking from the structure shall be considered an unsightly sign.

SIGN AREA. The area of the largest single face of the sign within the perimeter which forms the outside shape including any frame which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Sign faces that are erected back to back and do not exceed a forty-five degree (45°) angle are considered one sign for calculating the area. Sign faces which exceed a forty-five-degree (45°) angle are considered two signs for calculating the area.

SIGN FACE. The portion of a sign structure upon which advertising is affixed or painted and visible in one direction of a time.

SIGN (OFF PREMISE). A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN (ON PREMISE). A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

SIGN STRUCTURE. Any structure which supports or has supported a sign.

~~— **OUTDOOR ADVERTISING BUSINESS.** Provisions of outdoor displays or display space on a lease or rental basis only.~~

~~— **SIGN.** Any device designed to inform or attract the attention of persons.~~

~~— **SIGN, ABANDONED/BILLBOARD.** A sign or sign structure that is blank, obliterated, or displays obsolete advertising material for a period in excess of 12 continuous months. The 12-month period for determining if a sign is abandoned commences upon notification of violation to the offender.~~

~~— **SIGN, BACK-TO-BACK.** An off-premises or on-premises sign consisting of two sign facings oriented in the opposite direction with not more than one face per side.~~

~~— **SIGN, BILLBOARD.** Any sign defined in this title which displays or conveys any identification, description, illustration, or device illuminated or non-illuminated, which directs attention to a product, service, business activity, institution, business, or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information, with the exception of window displays.~~

~~— **SIGN, DIRECTIONAL.** A sign erected for the convenience of the public, such as directing traffic~~

movement, parking, or identifying restrooms, public telephones, walkways, and other similar features or facilities and bearing no advertising in the message.

— ~~**SIGN, DOUBLE FACED.** An off-premises or on-premises sign with two adjacent faces oriented in the same direction and not more than ten feet apart at the nearest point between the two faces.~~

— ~~**SIGN, FACING.** The portion of a sign structure upon which advertising is affixed or painted and visible in one direction at one time.~~

— ~~**SIGN, OFF-PREMISES.** A sign/billboard that advertises goods or services not available at the location of the billboard or advertising sign.~~

— ~~**SIGN, ON-PREMISES.** A sign identifying an establishment's activities, products, or services conducted or available on the property upon which it is located and signs advertising the sale or lease of the property upon which they are located.~~

— ~~**SIGN, STRUCTURE.** The sign face and support members that are permanently affixed to the ground or attached to a structure.~~

STABLE. Any premise or part thereon where horses or any equine animal are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.

STORAGE, ENCLOSED. A principal use where goods are kept in a completely enclosed building or buildings. Enclosed storage includes self-storage and mini storage facilities, freezers, and meat lockers.

STORAGE, OUTDOOR. A principal use where goods such as recreational vehicles, boats, and other large items, are stored outside of a building.

WAREHOUSING and WHOLESALE FACILITY. A building or area for storage, wholesale, and/or distribution of goods and materials, supplies, and equipment that are manufactured or assembled off-site. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Accessory uses may include retail and office uses.

WEDDING VENUE An establishment that primarily provides the facilities and services for weddings on a commercial basis. The term does not include churches and similar congregations where weddings are an ancillary use.

WHOLESALE MERCHANDISING/TRADE. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

~~**WILDFIRE HAZARD ASSESSMENT CONTRACTOR.** A person(s) who possesses the following minimum certifications: NWCG certifications S-130 Introduction to firefighting; S-190 Basic Fire Behavior; S-290 Intermediate Fire Behavior; S-215 Fire Operations in the Wildland Urban Interface; a www.firewise.org certification for "Assessing Wildfire Hazards in the Home Ignition Zone" or equivalent NFPA credentials; and has at least two years of wildland fire fighting experience with a certified fire department located in a wildland urban interface setting.~~

WILDFIRE MITIGATION CONTRACTOR. A person who possesses the following minimum certifications: NWCG certifications S-130 Introduction to firefighting; S-190 Basic Fire Behavior; S-290 Intermediate Fire Behavior; or NFPA Certified Wildfire Mitigation Specialist certification or other equivalent certification(s) as deemed sufficient by the County Commissioners and has wildland firefighting experience in a wildland urban interface setting.

CHAPTER 6: DISTRICT REGULATIONS

General Requirements for All Zoning Districts

- Setbacks are required from all lot lines and any road right-of-way, except as approved pursuant to a variance. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of- way.
- No structures shall exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers).
- Refer to Detail listed in each Ordinance Section

	<i>A-1 6.001</i>	<i>A-2 6.002</i>	<i>PF 6.003</i>	<i>RR 6.004</i>	<i>SRD 6.005</i>	<i>GC 6.006</i>	<i>RC 6.007</i>	<i>HSC 6.008</i>	<i>C/LI 6.009</i>	<i>I-1 6.010</i>	<i>PUD 6.011</i>
<i>Density /Minimum Lot Size</i>	40 acres = 1 res / 40 acres	10 acre average and 8 acre minimum 4 res/40 acres	10 acres required = 5-acre average and 2-acre minimum 8 res/ 40 acres	10 acres required = 5-acre average and 2-acre minimum 8 res/ 40 acres	2 acres = 1 res/lot	2 acres with res and 1 without	2 acres with res and 1 without	2 acres with res and 1 without	2 acres with res and 1 without	2 acres with res and 1 without	See detail
<i>Front Setback</i>	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'
<i>Side Setback</i>	25'	25'	25' on lots over 2 acres and 10' on existing lots under 2 acres	25' on lots over 2 acres and 10' on existing lots under 2 acres	10'	0'	0'	0'	0'	0'	0'
<i>Rear Setback</i>	25'	25'	25' on lots over 2 acres and 10' on existing lots under 2 acres	25' on lots over 2 acres and 10' on existing lots under 2 acres	10'	0'	0'	0'	0'	0'	0'
<i>Lot Width</i>	None	None	None	None	None	None	None	None	None	None	None
<i>Max Height</i>	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'

II 6.001 A-1 - GENERAL AGRICULTURE DISTRICT.

(A) *General.* The intent of the A-1 - General Agriculture District is to provide a district that will: allow suitable areas of the county to be retained in agricultural uses; prevent scattered non farm development; and secure the economy in governmental expenditures for public services, utilities, and schools.

(B) *Allowed uses.* In A-1 - General Agriculture District, the following uses are allowed:

(1) Single-family dwellings including, but not limited to, modular homes, manufactured homes, mobile homes, and stick-built homes;

(2) Building eligibility on each quarter-quarter section is determined by the following conditions:

(a) There are no other dwellings on the quarter-quarter section;

(b) Approval has been granted by the appropriate governing entity for access to a public road;

(c) The remaining portion of the quarter-quarter section is retained for agricultural land; and

(3) Transportation and utility easements and rights-of-way;

(4) On-premises signs, complying with [Chapter 8](#) of this zoning title;

(5) ~~Historical monuments and structures;~~

(6) ~~(Reserved);~~

(5) Accessory uses and structures ;

(6) Home occupations;

(7) ~~Daycare, Home~~ Home daycare;

(10) ~~Public parks and playgrounds;~~

(9) General ranching and farming;

(10) Harvesting;

(11) Forestry;

(12) Forest preserves;

(13) Commercial plant nurseries and greenhouses;

(14) Cemetery in conjunction with II-10.009 ~~ies provided (church/family/pet);~~

(15) Pet cemetery in conjunction with II-10.009

(16) Sod and tree farming;

(17) Grazing;

(18) Horticulture, viticulture, floriculture, and apiculture;

(19) Truck gardening;

(20) Roadside stands exclusive for sale of products raised on the premises;

- (21) Noncommercial riding stables ~~and academies~~;
- (22) Noncommercial indoor/outdoor arenas;
- (23) Wild crop harvesting;
- (24) Typical farm/ranch operation; and
- (25) Personal use mineral and sand, gravel, or rock extractive industry.
- (26) **Fire stations**

(C) *Allowed special uses.* A building or premises may be used for the following purposes in the A-1 - General Agriculture District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purposes, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements set out in [Chapter 19](#) of this zoning title:

- (1) A small wind energy system is sited on at least 40 acres and meets the requirements of § [II-10.001](#);
- (2) Temporary uses in conjunction with § [II-10.007](#);
- (3) Personal use airstrip/heliport is allowed if sited on at least 160 acres and the location of airstrip/heliport is at least 500 feet from the outer perimeter of the 160 acre parcel; and
- (4) Guest houses in conjunction with § [II-10.012](#).

(D) *Conditional uses.* The following uses may be allowed in the A-1 - General Agriculture District under the provisions of [Chapter 19](#) of this zoning title:

- (1) Kennels, grooming, boarding, vet clinics, and animal shelters;
- (2) ~~Churches, religious structures;~~
- (3) ~~Schools;~~
- (4) ~~Golf courses;~~
- (2) Fairgrounds ~~and community centers;~~
- (6) ~~Fire stations;~~
- (3) Antennas, microwave and communication towers;
- (8) ~~Rental storage units, garages, buildings;~~
- (4) Temporary second residence as per § [II-10.010](#);
- (5) Bed and breakfast;
- (6) Specialty resort;
- (7) **Camp, Day or Youth** ~~Organized group camps;~~
- (8) Commercial gun and archery ranges;
- (9) Fish hatcheries;
- ~~(17) Water treatment, purification, storage, pumping, solid waste disposal sites;~~

- (10) Mineral exploration;
 - (11) Mineral extraction;
 - (12) Light manufacturing of agricultural products;
 - (13) Commercial indoor/outdoor arenas;
 - (14) Commercial outdoor recreation facility, e.g., paintball, dude ranch, BMX track, motocross, and mud bogging;
 - (15) Commercial sawmill/molding mill;
 - (16) Campground;
 - ~~(23) Eating and drinking establishments;~~
 - (17) Commercial auto repair, maintenance shop, welding shop, trucking, drilling, sheet metal;
 - (18) ~~(Reserved)~~; **Microbrewery**
 - (19) Distiller, Artisan**
 - (20) Airports with FAA regulations;
 - (21) Commercial feedlots;
 - (22) Livestock auction yards;
 - (23) Drilling for oil or natural gas;
 - (24) Small and large scale sand, gravel, or rock extraction;
 - (25) Utility substations;
 - (26) Small and large wind energy system per § [II-10.001](#);
 - (27) Personal use airstrip/heliport if the location of airstrip/heliport is at least 500 feet from the outer perimeter of the parcel(s); and
 - (28) Restricted use solid waste disposal facility.
 - (29) Commercial taxidermy.
 - (30) **Retreat Centers**
 - (31) Cemetery, Church Adjunctive in conjunction with II-10.009**
- (E) *Density, setback(s), and lot requirements.*

<i>General Requirements</i>	
Density/minimum lot size	40 acre(s)*

Front, side, and rear yard(s) Setbacks	25' **
Lot width	None
Maximum height	35'***
<p>Table notes:</p> <p>*: The maximum average density shall be 1 residence per 40 acres. The minimum lot size shall be 40 acres unless it is a pre-existing lot of record.</p> <p>** : From all lot lines and any road right-of-way, except as approved pursuant to a variance. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of-way.</p> <p>***: Shall not exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers, silos).</p>	

§ II-6.002 A-2 - RESIDENTIAL AGRICULTURE DISTRICT.

(A) *General.* The intent of the A-2 - Residential Agriculture District is to provide a district that will provide a large lot buffer between A-1 - Agriculture Districts and municipal boundaries and/or higher density zonings, while maintaining some agricultural uses and a rural feel.

(B) *Allowed uses.* In A-2 - Residential Agriculture District, the following uses are allowed:

- (1) Single-family dwellings including, but not limited to: modular homes; manufactured homes; mobile homes; and stick-built homes;
- (2) Transportation and utility easements and rights-of-way;
- (3) On-premises signs, complying with [Chapter 8](#) of this zoning title;
- ~~(4) Historical monuments and structures;~~
- (4) ~~(Reserved);~~ **Fire Stations**
- (5) Accessory uses and structures;
- (6) Home occupations;
- (7) **Daycare, Home** ~~Home daycare;~~
- ~~(9) Public parks and playgrounds;~~
- (8) General ranching and farming;
- (9) Harvesting;
- (10) Forestry;
- (11) Forest preserves;
- (12) Non-retail plant nurseries and greenhouses;

(13) Cemetery ~~ies provided (church/family/pet);~~ **in conjunction with II-10.009**

(14) Pet cemetery in conjunction with II-10.009

(15) Sod and tree farming;

(16) Grazing;

(17) Horticulture, viticulture, floriculture, and apiculture;

(18) Truck gardening;

(19) Roadside stands exclusive for sale of products raised on the premises;

(20) Noncommercial riding stables ~~and academies;~~

(21) Noncommercial indoor/outdoor arenas; and

(22) Wild crop harvesting.

(C) *Allowed special uses.* A building or premises may be used for the following purposes in the A-2 - Residential Agriculture District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purposes, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements set out in [Chapter 19](#) of this zoning title:

(1) Temporary uses in conjunction with § [II-10.007](#); and

(2) Guest houses in conjunction with § [II-10.012](#).

(D) *Conditional uses.* The following uses may be allowed in the A-2 - Residential Agriculture District under the provisions of [Chapter 19](#) of this zoning title:

(1) Utility substations;

~~(2) Kennels, grooming, boarding, vet clinics, and animal shelters;~~

~~(3) Churches, religious structures;~~

~~(4) Schools;~~

~~(5) Fairgrounds and community centers;~~

~~(6) Fire stations;~~

(2) Antennas, microwave and communication towers;

(3) Roadside stands;

(4) Bed and breakfast;

(5) Specialty resort;

~~(11) Commercial gun and archery ranges;~~

(6) Water treatment, purification, storage, pumping, solid waste disposal sites;

(7) Commercial indoor/outdoor arenas;

(8) Commercial sawmill/molding mill;

- (9) Personal use mineral and sand, gravel, or rock extractive industry;
 - (10) Small and large wind energy systems per § [II-10.001](#);
 - (11) Personal use airstrip/heliport if the location of airstrip/heliport is at least 500 feet from the outer perimeter of the parcel(s);
 - (12) Commercial recreation facility; ~~and~~
 - ~~(19) General Light manufacturing when contained entirely in a building with size constraints.~~
 - (13) Cemetery, Church Adjunctive in conjunction with II-10.009
 - (14) Microbrewery
 - (15) Distiller, Artisan
- (E) *Density, setback(s), and lot requirements.*

<i>General Requirements</i>	
Density/minimum lot size	10 acre average and 8 acre minimum*
Front, side, and rear yard(s) Setbacks	25'**
Lot width	None
Maximum height	35'***
<p>Table notes:</p> <p>*: The maximum average density shall be 4 residences per a quarter of a quarter-section of land (1/16 of 640 acres or 40 acres or a government lot), unless it is a pre-existing lot of record.</p> <p>**: From all lot lines and any road right-of-way, except as approved pursuant to a variance. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of- way.</p> <p>***: Shall not exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers).</p>	

§ II-6.003 PF - PARK FOREST DISTRICT.

- (A) *General.* The intent of the PF - Park Forest District is to provide a district with an area to be preserved for its natural beauty, resources, and open character.
- (B) *Allowed uses.* In PF - Park Forest District, the following uses are allowed:
 - (1) Single-family dwellings including, but not limited to, modular homes, manufactured homes, mobile homes, and stick-built homes;

- (2) Transportation and utility easements and rights-of-way;
- (3) On-premises signs, complying with [Chapter 8](#) of this zoning title;
- (4) Historical monuments and structures;
- (5) ~~(Reserved)~~; **Fire Stations**
- (6) Accessory uses and structures;
- (7) Home occupations;
- (8) **Daycare, Home** ~~Home daycare~~;
- ~~(9) Public parks and playgrounds;~~
- (9) General ranching and farming;
- (10) Harvesting;
- (11) Forestry;
- (12) Forest preserves;
- (13) Personal use plant nurseries and greenhouses;
- (14) Personal use airstrip/heliport;
- (15) Cemetery ~~ies provided (church/family/pet)~~; **in conjunction with II-10.009**
- (16) Pet cemetery in conjunction with II-10.009**
- (17) Sod and tree farming;
- (18) Grazing;
- (19) Horticulture, apiculture, floriculture, and viticulture;
- (20) Truck gardening;
- (21) Noncommercial riding stables;
- (22) Noncommercial indoor/outdoor arenas;
- (23) Roadside stands exclusive for sale of products raised on the premises;
- (24) Personal use mineral and sand, gravel, or rock extractive industry;
- (25) Wild crop harvesting;
- ~~(27) Signs of a noncommercial nature and in the public interest, erected, and maintained by a municipality or township in compliance with all other state and local laws;~~
- ~~(28) Temporary buildings and mobile homes for uses incidental, and adjacent to, construction work should be removed within six months of completion or abandonment of the construction work, but in no case more than 12 total months; and~~
- (26) Garage, Private**

(27) Typical farm/ranch operation.

(C) *Allowed special uses.* A building or premises may be used for the following purposes in the PF - Park Forest District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purposes, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements set out in [Chapter 19](#) of this zoning title:

(1) Temporary uses in conjunction with § [II-10.007](#);

(2) Personal use airstrip/heliport is allowed if sited on at least 160 acres and the location of airstrip/heliport is at least 500 feet from the outer perimeter of the 160-acre parcel; and

(3) Guest houses in conjunction with § [II-10.012](#).

(D) *Conditional uses.* The following uses may be allowed in the PF - Park Forest District, under the provisions of [Chapter 19](#) of this zoning title:

(1) Utility substations;

(2) Kennels, grooming, boarding, vet clinics, and animal shelters;

(3) Home occupations that may constitute a public nuisance;

(4) Churches, religious structures;

(5) ~~Schools~~ Cemetery, Church Adjunctive in conjunction with II-10.009

~~(6) Playgrounds and parks;~~

(6) Fairgrounds and community centers;

~~(8) Fire stations;~~

(7) Golf courses;

(8) Antennas, microwave and communication towers;

~~(8) Rental storage units, garages, buildings;~~

(9) Storage, Outdoor

(10) Storage, Enclosed

(11) Bed and breakfast;

(12) Specialty resort;

~~(14) Lodge, hall, meeting place;~~

(13) ~~Organized group camps;~~ Camp, Day or Youth

(14) Gun and archery ranges;

(15) Water treatment, purification, storage, pumping, solid waste disposal sites;

(16) Assisted living facility, elderly care;

(17) Daycare Center, Licensed ~~Childcare center;~~

- (18) Mineral exploration;
 - (19) Mineral extraction;
 - (20) Light manufacturing when contained entirely in a building size constraint;
 - (21) Commercial riding stables ~~and academies~~;
 - (22) Commercial indoor/outdoor arenas;
 - (23) Commercial outdoor recreation, paintball, dude ranch, BMX track;
 - (24) Sawmill/molding mill;
 - (25) Campground;
 - (26) Airports with FAA regulations;
 - (27) Temporary second residence § [II-10.010](#);
 - (28) Small and large wind energy systems per § [II-10.001](#);
 - (29) Personal use airstrip/heliport if the location of airstrip/heliport is at least 500 feet from the outer perimeter of the parcel(s);
 - (30) **Retail Sales and Trade** ~~Licensed professional offices (e.g., accountant, appraiser, architect, lawyer, real estate professionals, day spa) if located within the growth areas as defined by the Comprehensive Plan;~~
 - ~~(32) Retail space under 1,000 square feet per vendor (e.g., diner, coffee shop, lunch counter, boutique space) if located within the growth areas as defined by the Comprehensive Plan;~~
 - (31) Small and large scale sand, gravel, or rock extraction;
 - (32) Commercial recreation facility;
 - (33) Restricted use solid waste disposal facility; and
 - (34) Liquid and bulk propane storage yard.
 - (35) **Microbrewery**
 - (36) **Distiller, Artisan**
- (E) *Density, setback(s), and lot requirements.*

General Requirements	
Density/minimum lot size	5-acre average and 2-acre minimum*
Front, side, and rear yard(s) setbacks on lots over 2 acres	25'***
Front setback on existing lots under 2 acres	25'***

Side and rear yard(s) setbacks on existing lots under 2 acres	10' **
Lot width	None
Maximum height	35'***
<p>Table notes:</p> <p>*: The maximum average density shall be 8 single-family dwellings per 40 acres, which is an average lot size of 5 acres. Therefore, in order to have 2 lots you would need to have at least 10 acres of land in order to subdivide. Minimum lots size is 2 acres, which is allowed by clustering your total overall density in 1 area and leaving the rest as open space.</p> <p>** : From all lot lines and any road right-of-way, except as approved pursuant to a variance. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of- way.</p> <p>***: Shall not exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers).</p>	

§ II-6.004 RR - RURAL RESIDENTIAL DISTRICT.

(A) *General.* The intent of the RR - Rural Residential District is to provide a district that will allow certain areas of the county to be maintained and utilized as large lot residential acreages. The RR - Rural Residential District shall generally be located where provisions can be made to adequately handle sewage disposal, and where the water supply, roads, and emergency services are easily and economically available.

(B) *Allowed uses.* In RR - Rural Residential District, the following uses are allowed:

- (1) Single-family dwellings including, but not limited to, modular homes, manufactured homes, mobile homes, and stick-built homes;
- (2) Transportation and utility easements and rights-of-way;
- (3) Community signs/on-premises signs, complying with [Chapter 8](#) of this zoning title;
- (4) Historical monuments and structures;
- (5) ~~(Reserved);~~ **Garage, Private**
- (6) Accessory uses and structures;
- (7) Home occupations;
- (8) **Daycare, Home** ~~Home daycare;~~
- (9) Public parks and playgrounds;
- (10) General ranching and farming;
- (11) Forestry;

- (12) Forest preserves;
- (13) Personal use plant nurseries and greenhouses;
- (14) Sod and tree farming;
- (15) Noncommercial riding stables;
- (16) Noncommercial indoor/outdoor arenas; and
- (17) Raising of farm animals or poultry as long as they do not constitute a public nuisance.

(18) Firestation

(C) *Allowed special uses.* A building or premises may be used for the following purposes in the RR - Rural Residential District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purposes, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements set out in [Chapter 19](#) of this zoning title:

- (1) Temporary uses in conjunction with § [II-10.007](#); and
- (2) Guest houses in conjunction with § [II-10.012](#).

(D) *Conditional uses.* The following uses may be allowed in the RR - Rural Residential District under the provisions of [Chapter 19](#) of this zoning title:

- (1) Utility substations;
- ~~(2) Kennels, grooming, boarding, vet clinics, and animal shelters;~~
- ~~(3) Churches, religious structures;~~
- ~~(4) Schools;~~
- ~~(5) Playgrounds and parks;~~
- ~~(6) Fairgrounds and community centers;~~
- ~~(7) Fire stations;~~
- (2) Antennas, microwave and communication towers;
- ~~(8) Rental storage units, garages, buildings~~
- (3) **Storage, Outdoor**
- (4) **Storage, Enclosed**
- (5) Bed and breakfast;
- (6) Specialty resort;
- ~~(13) Water treatment, purification, storage, pumping, solid waste disposal sites;~~
- (7) Assisted living **Center**, elderly care;
- (8) **Daycare, Center** Childcare center;
- ~~(16) Light manufacturing when contained entirely in a building with size constraints;~~

~~(17) Commercial indoor/outdoor arenas;~~

~~(18) Commercial riding stables and academics;~~

~~(19) Plant nursery;~~

(9) Golf courses or country clubs, but not including miniature courses and driving tees not operated for commercial purposes;

(10) Small and large wind energy systems per § [II-10.001](#);

(11) Personal use airstrip/heliport if the location of airstrip/heliport is at least 500 feet from the outer perimeter of the parcel(s);

(12) Commercial recreation facility; and

(13) Small and large scale sand, gravel, or rock extraction.

(E) *Density, setback, and lot requirement.*

<i>General Requirements</i>	
<i>Density/minimum lot size</i>	<i>5-acre average and 2-acre minimum*</i>
Front, side, and rear yard(s) setbacks over 2 acres	25'***
Front setback on existing lots under 2 acres	25'***
Side and rear yard(s) setbacks on existing lots under 2 acres	10' **
Lot width	None
Maximum height	35'****
Table notes: *: The maximum average density shall be 8 single-family dwellings per 40 acres, which is an average lot size of 5 acres. Therefore, in order to have 2 lots you would need to have at least 10 acres of land in order to subdivide. Minimum lots size is 2 acres, which is allowed by clustering your total overall density in 1 area and leaving the rest as open space. **: From all lot lines and any road right-of-way, except as approved pursuant to a variance. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of- way. ***: Shall not exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers).	

§ II-6.005 SRD - SUBURBAN RESIDENTIAL DISTRICT.

(A) *General.* The intent of the SRD - Suburban Residential District is to provide a district that permits single-family dwellings **and multi-family dwellings** and such supportive community facilities as parks, playgrounds, schools, libraries, and churches. It is intended that this district provide protection for those areas existing as, or planned for, single-family neighborhoods.

(B) *Allowed uses.* In SRD - Suburban Residential District, the following uses are allowed:

(1) Single-family dwellings including, but not limited to, modular homes, manufactured homes, mobile homes, and stick-built homes, **twin homes, townhomes.**

(2) **Multi-family dwellings including, but not limited to, condominiums; apartments**

(3) Transportation and utility easements and rights-of-way;

(4) ~~Community sign~~ On-premises signs, complying with [Chapter 8](#) of this zoning title;

~~(5) Historical monuments and structures;~~

(5) Accessory uses and buildings provided such uses are incidental to the principal use and do not constitute a public nuisance;

(6) Home occupations;

(7) **Daycare, Home** ~~Home daycare; and~~

(8) Public parks and playgrounds.

(9) Schools

(10) Fire Stations

(C) *Allowed special uses.* A building or premises may be used for the following purposes in the SRD - Suburban Residential District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purposes, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements set out in [Chapter 19](#) of this zoning title:

(1) Temporary uses in conjunction with § [II-10.007](#);

(2) Agricultural tourism seasonal permit only allowed in the special use area described as Upper Valley/Lower Valley area (see Ag Tourism Overlay District). For purposes of this section only, the sale of agricultural tourism products is allowed. This permit shall follow § [II-10.011](#); and

(3) Guest houses in conjunction with § [II-10.012](#).

(D) *Conditional uses.* The following uses may be allowed in the SRD - Suburban Residential District, under the provisions of [Chapter 19](#) of this zoning title:

(1) Utility substations;

(2) Grooming, vet clinics (excluding boarding);

(3) Churches, religious structures;

~~(4) Schools;~~

~~(5) Playgrounds and parks;~~

- ~~(6) Fire stations;~~
- (4) Agricultural tourism product(s) stand exceeding 400 square feet in area;
- (5) Bed and breakfast;
- (6) ~~Community Hall or lodge, or meeting place;~~
- (7) Assisted living center, elderly care, convalescent;
- (8) **Group Home;**
- (9) Family Care Facility;**
- (10) Daycare Center, Licensed**
- (11) Daycare, Group Family Home**
- ~~(8) Family and group care facilities;~~
- (9) ~~Historical monuments;~~
- (12) Plant nurseries;
- (13) Mobile home park **in conjunction with II-10.004;**
- (14) Small wind energy systems per § [II-10.001](#);
- (15) Farmers' market;
- (16) Raising of poultry or livestock; and
- (17) Small and large scale sand, gravel, or rock extraction.

(E) *Density, setbacks, and lot requirements.*

<i>General Requirements</i>	
Density/minimum lot size	2 acre(s)*
Front yard setback	25'**
Side and rear yard(s) setbacks	10'**
Lot width	None
Maximum height	35'***

Table notes:

*: The maximum average density shall be 1 residence per lot. ~~Smaller lot sizes may be approved through a Planned Unit Development District by the County Commission.~~

Additionally, those lots served by a sanitary sewer system or approved alternate centralized system, and served by a central or public water system shall not be less than 8,000 square feet. All sanitary sewer systems or other methods of sewage disposal must be approved by the County Commission, appropriate state agencies, and sanitary districts if applicable.

** : From all lot lines and any road right-of-way, except as approved pursuant to a variance. A front setback will be used when it fronts a road right-of-way. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of-way.

***: Shall not exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers).

§ II-6.006 GC - GENERAL COMMERCIAL DISTRICT.

(A) *General.*

(1) The GC - General Commercial District is a limited application zoning which occurs primarily in St. Onge and Nemo.

(2) The intent of the GC - General Commercial District is to provide a district that is similar to general commercial zonings found within municipalities and will: allow compact and convenient community oriented business; provide development standards that are compatible with slower speeds of abutting roads and highways; and permit retail, wholesale, businesses, and related services.

(B) *Allowed uses.* In GC - General Commercial District, the following uses are allowed:

~~(1) Residential usage shall be limited to one dwelling for the owner or manager of an enterprise;~~

~~(2) Mixed use structures;~~

(1) Transportation and utility easements and rights-of-way;

~~(4) Hotels, motels, rooming, and boarding houses;~~ [see definition of retail sales and trade](#)

~~(5) Eating and drinking establishments;~~ [see definition of retail sales and trade](#)

(2) On-premises signs, complying with [Chapter 8](#) of this zoning title;

(3) **Retail Sales and Trade** Retail establishments, including incidental manufacturing goods for sale at retail premises, when conducted entirely in an enclosed building;

(4) Commercial recreation **facility** and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys, and pool rooms;

(5) Public buildings and grounds other than schools;

(6) Public service structures such as police stations, fire stations, and post offices;

~~(11) The storage, display, and sale of new, used, repossessed, and traded-in merchandise, when conducted entirely in an enclosed building; see definition of retail sales and trade~~

~~(12) Barber and beauty shops, massage, and tanning salons; see definition of retail sales and trade~~

~~(13) Cleaning, dyeing, laundry, pressing, dressmaking, tailoring, garment, and shoe repair shops; see definition of retail sales and trade~~

~~(14) Businesses for repair of jewelry, eye glasses, hearing aids, and prosthetic appliances; see definition of retail sales and trade~~

~~(15) Business and vocational schools not involving operations of an industrial character; see definition of retail sales and trade~~

~~(16) Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments; see definition of retail sales and trade~~

~~(17) Medical, dental, clinics, and laboratories; see definition of retail sales and trade~~

~~(18) Office spaces; see definition of retail sales and trade~~

~~(19) Bank and financial institutions; see definition of retail sales and trade~~

(7) Funeral homes/mortuary; same as 32

~~(21) Bakeries; see definition of retail sales and trade~~

~~(22) Butcher shop; see definition of retail sales and trade~~

(8) Auditoriums, libraries, art galleries, museums, and other cultural structures;

(9) Community centers;

10) Churches, religious structures;

~~(26) Bus stations;~~

(11) Parking lots and parking garages;

~~(28) Building material sales, not including, concrete, asphalt plants, or lumberyards;~~

(12) Daycare, Group daycare,

(13) Daycare Center, Licensed

(14) Daycare, Group Family Home;

(15) Car wash;

(16) Historical monuments and structures;

~~(32) Mortuary; and~~

(17) Nursery or greenhouse.

(C) *Allowed special uses.* A building or premises may be used for the following purpose in the GC - General Commercial District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purpose, where the prescribed requirement will not be met, shall obtain a conditional use

in conformance with the requirements set out in [Chapter 19](#) of this zoning title: temporary uses in conjunction with § [II-10.007](#).

(D) *Conditional uses.* The following uses may be allowed in GC - General Commercial District under the provisions of [Chapter 19](#) of this zoning title:

- (1) Utility substations;
- (2) Antennas, microwave and communication towers;
- (3) Off-premises signage, billboards, complying with [Chapter 8](#) of this zoning title;
- ~~(4) Construction equipment sales;~~
- ~~(5) Warehousing, wholesale, and distribution establishments;~~
- (4) **Light Manufacturing and fabricating;**
- (5) Kennels, animal hospitals;
- ~~(8) Campground;~~
- (6) **Automobile Sales and Automobile Service Stations** ~~New and used motor vehicle sales, rental, and repair, including trailers, boat sales, motorcycles, and travel trailers;~~
- ~~(7) New and used farm equipment sales;~~
- ~~(11) Equipment sales, display, repair;~~
- ~~(12) Lumberyard;~~
- (7) Commercial nursery or greenhouse;
- (8) Microbrewery**
- (9) Distiller, Artisan**
- ~~(14) Frozen food lockers provided there is no slaughtering of animals on the premises;~~
- ~~(15) Transportation, truck stop, and terminal;~~
- ~~(16) Recycling facility;~~
- ~~(17) Uses which store or handle a regulated substance;~~
- ~~(18) Contractors shop and storage yard;~~
- ~~(19) Airport/heliport;~~
- ~~(20) Small wind energy systems per § [II-10.001](#); and~~
- ~~(21) Small and large scale sand, gravel, or rock extraction.~~

(E) *Density, setbacks, lot, and other requirements.*

- (1) *General requirements.*

Density/minimum lot size	2 acre(s) with residence and 1 acre without residence*
Front yard setback	25'**
Lot width	None
Maximum height	35'***
Side and rear yard setbacks	0'
<p>Table notes:</p> <p>*: Minimum lot size shall be 2 acres if a residence is on the property. If no residence is located on the property, the minimum lot size is 1 acre, unless a central sewer and water system are in place and parking can adequately be handled on less, and it is approved by the County Commission.</p> <p>** : From all lot lines and any road right-of-way, except as approved pursuant to a variance. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of- way.</p> <p>***: Shall not exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers)</p>	

(2) *Landscaping.* All required yards shall either be open landscaped and green areas or be left in a natural state, and shall be properly maintained in a sightly and well-kept condition.

(3) *Noise, odor, glare, and vibration.* Noise, odor, glare, and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.

(4) *Exterior lighting.* Any lights used for exterior illumination shall shielded downthrow lighting onto subject property.

(5) *Smoke, dust, fumes, or gasses.* Smoke, dust, fumes, or gasses shall not be emitted at any point in concentrations of amounts that are noxious, toxic, or corrosive.

§ II-6.007 RC - RECREATION COMMERCIAL DISTRICT.

(A) *General.* The intent of the RC - Recreation Commercial District is to provide a district that will allow limited commercial development. The proposed development must: primarily serve those persons who utilize the surrounding district for recreational purposes or act as a destination; be designed to primarily serve customers which result from traffic on major roads and highways shall not be permitted in the RC - Recreation Commercial District; and not conflict with the purpose of the district, preserving the natural beauty, resources, and open character of the lands.

(B) *Allowed uses.* All proposed developments within a district which are approved for recreational commercial permits must provide recreation-related goods and services. In RC - Recreation Commercial District, the following uses are allowed:

- (1) Residential usage shall be limited to one dwelling for the owner or manager of an enterprise;
- (2) Transportation and utility easements and rights-of-way;
- (3) Accessory uses and structures;
- ~~(4) Hotels and motels;~~
- ~~(5) Eating and drinking establishments;~~
- (4) Public parks and playgrounds;
- (5) On-premises signs complying with [Chapter 8](#) of this zoning title;
- (6) Forest reserve;
- (7) **Retail Sales and Trade enterprises** providing recreation goods, services, and activities;
- (8) Public service structures such as police stations, fire stations, and post offices;
- ~~(9) Commercial recreation facility and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges, and miniature golf;~~
- (10) Campgrounds;
- (11) Golf course;
- (12) Historic monuments and structures;
- (13) Roadside stands/vendor space; and
- (14) Apartments/condos/**multi-family** if on a community type sewer and water system.

(C) *Allowed special uses.* A building or premises may be used for the following purpose in the RC - Recreational Commercial District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purpose, where the prescribed requirement will not be met, shall obtain a conditional use in conformance with the requirements set out in [Chapter 19](#) of this zoning title: temporary uses in conjunction with § [II-10.007](#).

(D) *Conditional uses.* The following uses may be allowed in the RC - Recreation Commercial District under the provisions of [Chapter 19](#) of this zoning title:

- (1) Utility substations;
- (2) Antennas, microwave and communication towers;
- (3) Off-premises signage, billboards complying with [Chapter 8](#) of this zoning title;
- (4) Private outdoor recreation facility;
- (5) **Camp, Day or Youth** ~~Day or summer camp;~~
- (6) Commercial riding academies, arenas, stables;
- (7) Fairgrounds;
- (8) Gas station, convenience store;

- (9) Small wind energy systems per § [II-10.001](#); and
- (10) Small and large scale sand, gravel, or rock extraction.

(E) *Density, setbacks, lot, and other requirements.*

- (1) *General requirements.*

<i>General Requirements</i>	
Density/minimum lot size	2 acre(s) with residence and 1 acre without residence*
Front yard setback	25'**
Lot width	None
Maximum height	35'***
Side and rear yard setbacks	0'
<p>Table notes:</p> <p>*: Minimum lot size shall be 2 acres if a residence is on the property. If no residence is located on the property, the minimum lot size is 1 acre, unless a central sewer and water system are in place and parking can adequately be handled on less, and it is approved by the County Commission.</p> <p>** : From all lot lines and any road right-of-way, except as approved pursuant to a variance. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of- way.</p> <p>***: Shall not exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers).</p>	

(2) *Landscaping.* All required yards shall either be open landscaped and green areas or be left in a natural state, and shall be properly maintained in a sightly and well-kept condition.

(3) *Noise, odor, glare, and vibration.* Noise, odor, glare, and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.

(4) *Exterior lighting.* Any lights used for exterior illumination shall shield downthrow lighting onto subject property.

(5) *Smoke, dust, fumes, or gasses.* Smoke, dust, fumes, or gasses shall not be emitted at any point in concentrations of amounts that are noxious, toxic, or corrosive.

§ II-6.008 HSC - HIGHWAY SERVICE-COMMERCIAL DISTRICT.

(A) *General.* The intent of the HSC - Highway Service-Commercial District is to provide a district that will:

allow compact and convenient highway-oriented business; provide development standards that will not impair the traffic carrying capabilities of abutting roads and highways; and permit retail, wholesale, businesses, and related services.

(B) *Allowed uses.* In HSC - Highway Service-Commercial District, the following uses are allowed:

- ~~(1) Residential usage shall be limited to one dwelling for the owner or manager of an enterprise;~~
- (1) Transportation and utility easements and rights-of-way;
- (2) Accessory uses and structures;
- (3) **Retail Sales and Trade** ~~Hotels and motels;~~
- ~~(5) Eating and drinking establishments;~~
- (4) Public parks and playgrounds;
- (5) On-premises signs complying with [Chapter 8](#) of this zoning title;
- ~~(8) Bait shop;~~
- (6) **Garage, Public** ~~Rental storage units, garages, buildings;~~
- (7) **Garage, Storage**
- (8) **Storage, Outdoor**
- (9) **Storage, Enclosed**
- ~~Service stations, garages, gas store, convenience store;~~
- ~~(10) Souvenir, gift, jewelry, arts, and crafts shops;~~
- ~~(11) Retail businesses;~~
- ~~(12) Coin-operated laundry and dry cleaning establishments;~~
- (10) Public service structures such as police stations, fire stations, post offices;
- ~~(14) Bus stations;~~
- ~~(15) Auction houses; and~~
- ~~(16) Mobile/modular home and sales office.~~

(C) *Allowed special uses.* A building or premises may be used for the following purpose in the HSC - Highway Service-Commercial District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purpose, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements set out in [Chapter 19](#) of this zoning title: temporary uses in conjunction with § [II-10.007](#).

(D) *Conditional uses.* The following may be allowed in HSC - Highway Service-Commercial District under the provision of [Chapter 19](#) of this zoning title:

- (1) Utility substations;
- (2) Antennas, microwave and communication towers;

- (3) Off-premises signage, billboards complying with [Chapter 8](#) of this zoning title;
 - (4) Golf driving ranges;
 - (5) Drive-in theaters;
 - (6) Light manufacturing and fabricating;
 - (7) Kennels, animal hospitals;
 - (8) Campgrounds/~~RV parks~~;
 - (9) Commercial recreation **facility** and amusement structures and uses, including theaters, amusement parks, ~~bowling alleys, ice and roller rinks, archery ranges, and miniature golf~~;
 - (10) Small wind energy systems per § [II-10.001](#);
 - (11) Small and large scale sand, gravel, or rock extraction; and
 - (12) Liquid and bulk propane storage yard.
 - (13) General Manufacturing**
 - (14) Microbrewery**
 - (15) Distiller, Artisan**
- (E) *Density, setbacks, lot, and other requirements.*
- (1) *General requirements.*

<i>General Requirements</i>	
Density/minimum lot size	2 acre(s) with residence and 1 acre without residence*
Front yard setback	25'**
Lot width	None
Maximum height	35'***
Side and rear yard(s) setbacks	0'

Table notes:

*: Minimum lot size shall be 2 acres if a residence is on the property. If no residence is located on the property, the minimum lot size is 1 acre, unless a central sewer and water system are in place and parking can adequately be handled on less, and it is approved by the County Commission.

**: From all lot lines and any road right-of-way, except as approved pursuant to a variance. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of-way.

***: Shall not exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers).

(2) *Landscaping.* All required yards shall either be open landscaped and green areas or be left in a natural state, and shall be properly maintained in a slightly and well-kept condition.

(3) *Noise, odor, glare, and vibration.* Noise, odor, glare, and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.

(4) *Exterior lighting.* Any lights used for exterior illumination shall shield downthrow lighting onto subject property direct light away from adjoining properties.

(5) *Smoke, dust, fumes, or gasses.* Smoke, dust, fumes, or gasses shall not be emitted at any point in concentrations of amounts that are noxious, toxic, or corrosive.

§ II-6.009 C/LI - COMMERCIAL/LIGHT INDUSTRIAL DISTRICT.

(A) *General.* The intent of the C/LI - Commercial/Light Industrial District is to provide a district that will allow a compatible mixture of commercial and light industrial uses which are non-offensive and do not create obnoxious sounds, glare, dust, odors, fumes, or smoke.

(B) *Allowed uses.* In C/LI - Commercial/Light Industrial District, the following uses are allowed:

~~(1) Residential usage shall be limited to one dwelling for the owner or manager of an enterprise;~~

(1) Transportation and utility easements and rights-of-way;

(2) **Retail Sales and Trade** ~~Eating and drinking establishments;~~

(3) On-premises signs complying with [Chapter 8](#) of this zoning title;

~~(5) Retail establishments, including incidental manufacturing goods for sale at retail premises, when conducted entirely in an enclosed building;~~

(4) Public service structures such as police stations, fire stations, post offices;

(5) Building material sales yard and lumber yard, including sale of rock, sand, gravel, and the like as an incidental art of the main business, but not including concrete, transit mix, or asphalt plants;

(6) Accessory buildings and uses;

(7) **Automobile Storage Yard** ~~Towing/impound yard;~~

- (8) Public utility mains, lines, and underground facilities;
- ~~(11) The storage, display, and sale of new, used, repossessed, and traded-in merchandise, when conducted entirely in an enclosed building;~~
- ~~(12) Cleaning, dyeing, laundry, pressing, dressmaking, tailoring, garment, and shoe repair shops;~~
- ~~(13) Bus stations;~~
- (9) **Automobile Service Station** Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments;
- (10) ~~Warehousing, wholesale, and distribution establishments;~~ **Wholesale Merchandising/Trade**
- (11) Contractors shop and storage yard;
- (12) Light manufacturing and fabricating;
- ~~(13) Building material sales, not including, concrete or asphalt plants;~~
- (13) Well-drilling businesses and accessory exterior equipment and material storage;
- (14) Business or professional offices;
- (15) Any kind of scientific research, manufacturing, compounding, assembling, processing, or treatment of products, distribution center, wholesaling, warehousing, and similar non-offensive light, clean industrial uses;
- (16) Auction house, except livestock;
- (17) Tire recapping and re-treading;
- (18) Water treatment, purification, storage, and pumping;
- ~~(25) The following uses when constructed within a completely enclosed building: the manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: aluminum; bone; cellophane; canvas; cloth; cork; feathers; felt; fiber; fur; glass; precious or semiprecious metals or stones; shell; rubber; textiles; tin; iron; steel; and wood;~~
- ~~(26) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity and gas;~~
- ~~(19) The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;~~
- ~~(28) Blacksmith and machine shop;~~
- (19) Freight or truck yard and terminal;
- (20) Distillation of products; and
- (21) Cannabis dispensary (subject to § [II-10.013](#) "Additional Use Regulations").
- (22) **Garage, Public**
- (23) **Garage, Storage**
- (24) **Storage, Outdoor**

(25) Storage, Enclosed

(26) Brewery

(27) Distiller, Artisan

(C) *Allowed special uses.* A building or premises may be used for the following purposes in the C/LI - Commercial/Light Industrial District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purposes, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements set out in [Chapter 19](#) of this zoning title:

- (1) Temporary uses in conjunction with § [II-10.007](#); and
- (2) Adult oriented business in conjunction with § [II-10.005](#).

(D) *Use limitations.*

- (1) All permitted uses of an industrial nature shall be operated entirely within an enclosed structure.
- (2) Noise, dust, odor, and glare shall be completely confined within an enclosed building.
- (3) Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compacted gravel, or equivalent surfacing.
- (4) Outdoor storage areas shall be concealed and screened from view from abutting streets and highways, and from adjoining residential zoning districts by fencing and landscaping.
- (5) No merchandise shall be displayed for sale (except for advertising purposes) nor shall any outdoor storage areas be permitted in any required front yard unless first approved.
- (6) No loading dock or loading area shall extend into a dedicated street or highway right-of-way.
- (7) The area between the building lines and the property lines is to be used either for open landscape or for off-street surfaced parking areas. If said area is to be landscaped, it shall be done according to the plans first approved in writing by the County Office of Planning and Zoning. Any landscaped areas shall be properly maintained thereafter in a sightly and well-kept condition. Parking areas shall likewise be maintained in good condition.

(E) *Conditional uses.* The following uses may be allowed in the C/LI - Commercial/Light Industrial District under the provision of [Chapter 19](#) of this zoning title:

- (1) Utility substations;
- (2) Antennas, microwave and communication towers;
- (3) Off-premises signage, billboards complying with [Chapter 8](#) of this title;
- (4) Bulk storage;
- (5) Frozen food locker, provided no slaughtering of animals;
- (6) Vocational uses;
- (7) **General Heavy** manufacturing;
- (8) Salvage or junkyard in conjunction with [II-10.008](#).

(9) **Daycare Center, licensed Childcare center** only when it directly serves or is auxiliary to the needs of industrial plants or employees thereof;

(10) Small wind energy systems per § [II-10.001](#); and

(11) Small and large scale sand, gravel, or rock extraction.

(F) *Density, setbacks, lot, and other requirements.*

(1) *General requirements.*

<i>General Requirements</i>	
Density/minimum lot size	2 acre(s) with residence and 1 acre without residence*
Front yard setbacks	25'**
Lot width	None
Maximum height	35'***
Side and rear yard(s) setbacks	0'
<p>Table notes:</p> <p>* Minimum lot size shall be 2 acres if a residence is on the property. If no residence is located on the property, the minimum lot size is 1 acre, unless a central sewer and water system are in place and parking can adequately be handled on less, and it is approved by the County Commission. On land with both public water and public sewer facilities - no minimum requirement.</p> <p>** From all lot lines and any road right-of-way, except as approved pursuant to a variance. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of- way.</p> <p>*** Shall not exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers).</p>	

(2) *Landscaping.* All required yards shall either be open landscaped and green areas or be left in a natural state, and shall be properly maintained in a sightly and well-kept condition.

(3) *Noise, odor, glare, and vibration.* Noise, odor, glare, and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.

(4) *Exterior lighting.* Any lights used for exterior illumination shall shield downthrow lighting onto subject property.

(5) *Smoke, dust, fumes, or gasses.* Smoke, dust, fumes, or gasses shall not be emitted at any point in

concentrations of amounts that are noxious, toxic, or corrosive.

§ II-6.010 I-1 - GENERAL INDUSTRY DISTRICT.

(A) *General.* The intent of the I-1 - General Industry District is to provide a district that will allow areas in the county to be used for industrial purposes.

(B) *Allowed uses.*

In I-1 - General Industry District, the following uses are allowed:

- (1) On-premises signs complying with [Chapter 8](#) of this zoning title;
- (2) Retail **Sales or Trade** or service use only when it directly serves or is auxiliary to the needs of industrial plants or employees thereof;
- (3) Public service structures such as police stations, fire stations, post offices;
- (4) **Automobile Storage Yard** ~~Towing/impound;~~
- (5) Manufacturing, requiring yard storage, and fabrication;
- (6) Wholesaling, requiring yard storage and assembly;
- (7) Warehousing, requiring yard storage;
- (8) Building material sales yard and lumber yard;
- (9) Tire recapping and retreading;
- (10) Water treatment, purification, storage, and pumping;
- (11) Contractors equipment storage yard or plant, or rental of heavy equipment;
- ~~(12) Railroad freight or truck yard and terminal;~~
- (12) Bulk storage;
- (13) Processing of junk, waste, discarded, or salvaged materials, machinery, or equipment, including automobile wrecking or dismantling;
- ~~(14) Foundries;~~
- (14) **Automobile Service Station** ~~General repair and service of trucks and construction equipment;~~
- (15) Power plants;
- ~~(16) Tannery or curing or storage of raw hide;~~
- (16) Concrete batch plant, transit mix plant, and asphalt plant;
- (17) Concrete block, precast concrete, and prestressed concrete fabrication and storage;
- (18) Structural and reinforcing steel fabrication, welding, and storage;
- (19) Grain elevators;
- (20) Electrical generation facilities;

~~(22) Airport/heliport;~~

(21) Auction houses not for the sale of livestock; and

(22) Commercial sawmill/molding mill.

(23) Any of the allowed uses which may have regulated emissions or offensive odors that could extend beyond the property line, shall be considered a conditional use in this district, and shall be required to conform to such conditions as the Planning and Zoning Board and the County Commission determines appropriate to mitigate such emissions and/or odors.

(C) *Use limitations.*

(1) All permitted uses shall be operated entirely within an enclosed structure.

(2) Noise, dust, odor, and glare shall be completely confined within an enclosed building.

(3) Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compacted gravel, or equivalent surfacing.

(4) Outdoor storage areas shall be concealed and screened from view from abutting streets and highways, and from adjoining residential zoning districts by fencing and landscaping.

(5) No merchandise shall be displayed for sale (except for advertising purposes) nor shall any outdoor storage areas be permitted in any required front yard.

(6) No loading dock or loading area shall extend into a dedicated street or highway right-of-way.

(7) The said area between the building lines and the property lines is to be used either for open landscape or for off-street surfaced parking areas. If the said area is to be landscaped, it shall be done according to the plans first approved in writing by the County Office of Planning and Zoning. Any landscaped areas shall be properly maintained thereafter in a sightly and well-kept condition. Parking areas shall likewise be maintained in good condition.

(D) *Allowed special uses.* A building or premises may be used for the following purpose in the I-1 - General Industry District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purpose, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements set out in [Chapter 19](#) of this zoning title: temporary uses in conjunction with § [II-10.007](#).

(E) *Conditional uses.* The following may be allowed in I-1 - General Industry District under the provision of [Chapter 19](#) of this zoning title:

(1) Utility substations;

(2) Antennas, microwave and communication towers;

(3) Off-premises signage, billboards complying with [Chapter 8](#) of this zoning title;

(4) Vocational schools;

~~(5) Small and large scale sand, gravel, or rock extractive industry extraction; same as 18~~

~~(6) Railroad repair businesses;~~

(5) Solid waste disposal site;

~~(8) Rendering;~~

(6) Distillation of products;

~~(10) Refining;~~

~~(11) Paper manufacturing;~~

(7) Tank farm, petroleum products terminal;

(8) Salvage or junkyard **in conjunction with II-10.008**

(9) **Daycare Center, Licensed** ~~Childcare center~~ only when it directly serves or is auxiliary to the needs of industrial plants or employees thereof;

(10) Slaughter of animals, including poultry killing or dressing;

~~(16) Salvage yard, junk yard; same as 8~~

(11) Small wind energy systems per § [II-10.001](#); and

(12) Small and large scale sand, gravel, or rock extraction.

(F) *Density, setbacks, lot, and other requirements.*

(1) *General requirements.*

<i>General Requirements</i>	
Density/minimum lot size	2 acre(s) with residence and 1 acre without residence*
Front yard setbacks	25'***
Lot width	None
Maximum height	35'****
Side and rear yard(s) setbacks	0'

Table notes:

*: Minimum lot size shall be 2 acres if a residence is on the property. If no residence is located on the property, the minimum lot size is 1 acre, unless a central sewer and water system are in place and parking can adequately be handled on less, and it is approved by the County Commission. On land with both public water and public sewer facilities - no minimum requirement.

** : From all lot lines and any road right-of-way, except as approved pursuant to a variance. All section lines shall be required to have a 25 foot setback from the edge of the section line right-of- way.

*** Shall not exceed 3 stories, except as approved pursuant to a variance or otherwise specifically exempted from this limitation (e.g., telecommunication towers, wind energy systems, water towers).

(2) *Landscaping.* All required yards shall either be open landscaped and green areas or be left in a natural state, and shall be properly maintained in a sightly and well-kept condition.

(3) *Noise, odor, glare, and vibration.* Noise, odor, glare, and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.

(4) *Exterior lighting.* Any lights used for exterior illumination shall shield downthrow lighting onto subject property.

(5) *Smoke, dust, fumes, or gasses.* Smoke, dust, fumes, or gasses shall not be emitted at any point in concentrations of amounts that are noxious, toxic, or corrosive.

§ II-6.011 PUD - PLANNED UNIT DEVELOPMENT DISTRICT.

(A) *General.* To develop a PUD within the county, the property must be rezoned to a PUD designation **and conform to Chapter 17 of this zoning title.** ~~Rezoning shall be subject to approval of the concept plan and master plan by the County Commission. Approval of a PUD does not eliminate the requirements of subdividing. No building permits shall be issued until the master plan for the particular development phase has been approved by the County Commission.~~

(B) *Intent.* ~~The intent of the Planned Unit Development District (PUD) regulations is to permit greater flexibility, and consequently, more creative and imaginative design for the development of residential and nonresidential areas than generally is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of land uses, a higher level of urban amenities, preservation of natural scenic qualities of open space, environmental protection, concurrent and adequate public facilities, timing, phasing, and sequencing for the proposed development within the PUD, all contingent upon completion of its review process. In addition, reasonable assurance to the developer is intended regarding ultimate approval before expending complete design monies while also providing county officials with assurances that the project will retain the character envisioned and protect public health, safety, and general welfare. All PUD requests shall include the design standards set out in Title I of this code and shall conform to Chapter 17 of this zoning title.~~ **It is the intent of this district to provide flexibility from conventional zoning regulations with increased public review for PUD Planned Unit Development District projects in order to:**

- 1. Encourage well planned, efficient development.**
- 2. Allow a planned and coordinated mix of land uses which are compatible and are harmonious, but previously discouraged by conventional zoning procedures.**
- 3. Encourage the redevelopment of contiguous large lot parcels into an integrated and orderly subdivision**

- pattern, with particular attention to developing an efficient and coordinated network of internal streets.
4. Promote the clustering of residential structures and other uses without increasing overall density of the development area in order to preserve unique and natural features such as forests, woodlands, open pastures,, natural drainage systems and scenic areas.
 5. Protect sensitive areas and areas with restrictive soil conditions within development areas through clustering of uses on land more suited for building.
 6. Reserve adequate public right-of-way within development areas for the eventual extension of arterial and collector streets, including proper width and spacing of such streets.
 7. Improve communication and cooperation among the County, townships, land developers, and interested residents in the development of agricultural land and redevelopment of existing areas.

It is not the intent of the PUD Planned Unit Development District to accommodate or encourage the development of isolated small tracts where adjoining parcels are not considered within an overall development scheme.

~~(C) Objectives. To carry out the above stated intent, a PUD District should provide the following, as appropriate:~~

- ~~— (1) Nonresidential land uses, if any, which provide convenient service, employment, and access, yet do not conflict with residential uses;~~
- ~~— (2) Conservation of natural topographical and geological features with emphasis upon:

 - ~~— (a) Conserving existing surface and subsurface water resources;~~
 - ~~— (b) Preserving significant natural environmental features;~~
 - ~~— (c) Preventing soil erosion; and~~
 - ~~— (d) Protecting surface and ground water and other environmental resources, including green spaces, significant habitat, and land with exceptional scenic beauty.~~~~
- ~~— (3) Can efficient network of streets and utilities appropriate to serve the land uses within the PUD District;~~
- ~~— (4) To ensure that adequate public facilities and services, identified in the ordinances of the county, are available to serve the PUD development as the demands for those facilities are created;~~
- ~~— (5) A concept plan to convey the overall concept and to guide and coordinate any phased development; a master plan providing substantially complete construction and engineering drawings; and~~
- ~~— (6) To ensure the implementation of the policies and criteria contained in this title by providing the necessary prerequisites, authority, and criteria for the county to enter into a development agreement with the applicant that comprises specific conditions and contains an integrated development scheme for a particular phase or phases of development, and contains maps, diagrams, and other appropriate materials by which the applicant agrees to the conditions, construction, and installation of off-site or on-site facilities consistent with the provisions of this title.~~

~~(D) Allowed uses. In PUD Planned Unit Development District, the following uses are allowed:~~

- ~~— (1) Residential uses: residences may be a variety of housing types and ownership types. Single family detached, attached single-family, cluster homes, twin homes, town houses, and multifamily residential developments may be permitted;~~
- ~~— (2) Office uses: such uses shall be designed with respect to their nature, development intensity, and location~~

~~so as to primarily serve the residents of the PUD. Office developments shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic flow or circulation that does not interfere with residential areas inside or outside of the PUD;~~

~~— (3) Commercial uses: such uses shall be designed with respect to their nature, development intensity, and location. Commercial development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic flow or circulation that does not interfere with residential areas inside or outside the PUD. No outside storage of materials or equipment shall be permitted in commercial areas in a PUD, unless specifically approved by the County Commission;~~

~~— (4) Light industrial uses: industrial uses shall include those customarily considered light industrial. Industrial development within a PUD shall be designed and landscaped in a manner which is compatible with residential development and which provides for through traffic circulation that does not interfere with residential areas inside or outside the PUD. Industrial areas occupying more than three acres shall be designed as an industrial park with covenants and restrictions concerning building appearance and landscaping;~~

~~(5) Religious and educational facilities and institutions;~~

~~— (6) Public and private recreation facilities and their ancillary services;~~

~~— (7) Public and private transportation, utility, and public safety facilities;~~

~~— (8) Telecommunication facilities; and~~

~~— (9) Any allowed use which is described in this title may be proposed. All uses shall be listed within the written report included in the concept plan.~~

~~— (E) *Prohibited uses.* In PUD – Planned Unit Development District, the following uses are prohibited:~~

~~— (1) Armories;~~

~~— (2) New and used vehicle or machinery sales and service;~~

~~— (3) Landfills and junkyards;~~

~~— (4) Slaughter houses, concentrated animal feeding operation;~~

~~— (5) Manufactured home sales;~~

~~— (6) Building material sales;~~

~~— (7) Truck terminals associated with stand-alone warehouse facilities;~~

~~— (8) Uses requiring unscreened outside storage;~~

~~— (9) Industrial uses; and~~

~~— (10) Off-premises signage.~~

~~— (F) *Conditional uses.* In PUD – Planned Unit Development District, conditional uses are allowed.~~

~~— (C) *Minimum requirements for improvements and design.*~~

~~— (1) *Area regulations.*~~

~~— (a) The minimum acreage for a PUD shall be at least 25 contiguous acres;~~

~~—(b) Front, side, and rear setbacks, lot width, and size are governed by the minimum requirements in Chapter 6 for parking and open space as described in divisions (G)(2), (G)(5), and (G)(6) below; and~~

~~(c) Height restrictions shall be three stories, unless otherwise approved by County Commission.)~~

~~(2) *Parking.* For individual uses, or approved as a comprehensive parking plan for integrated uses or for overall development, as regulated in [Chapter 7](#) of this zoning title.~~

~~(3) *Buffering/landscaping.* Each application shall include a comprehensive landscaping plan showing location and species of all planted materials and an irrigation plan. There shall be buffering and/or berming, as recommended by the Planning and Zoning Board and County Commission, for the purpose of buffering the adjacent properties from the PUD. However, in cases where nonresidential uses in the PUD are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm or natural trees. The use of fire resistive plant species is encouraged (see County Community Wildfire Protection Plan for list of plant species).~~

~~(4) *Other site improvements.* Signage, lighting, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features. All areas must meet this title.~~

~~(5) *Common open space.* A minimum of 25% of the total site acreage included in the application shall be preserved as common recreation and meaningful open space. The area so occupied may be applied, at the discretion of the Planning and Zoning Board and County Commission, to satisfy a percentage of the total common space requirement. Waterbodies and land located within the 100-year floodplain may be used to partially fulfill open space requirements; calculations for such may not exceed 50% of the required open space. Parking areas, road rights-of-way, and minimum yards in spacing between dwellings may not be included in determining open space.~~

~~(6) *Bonding.* Prior to beginning construction of each development phase of the PUD, the County Commission shall require the developer to post a performance bond or letter of credit, both in form and amount acceptable to the county, guaranteeing that all public improvements and common open areas will be constructed according to the approved master plan. All bonding requirements shall conform to [Title I, Chapter 7](#) of this code. (we do this all ready if they want final platting before services are done?)~~

~~(7) *Availability of public services.* PUD districts shall be so located with respect to major streets and highways or other transportation facilities so as to provide direct access to such districts without creating undue traffic burdens along streets in residential neighborhoods outside such districts. (is this really necessary if we are asking this to be a more flexible district?)~~

~~(8) *Utility systems.* PUD districts shall be so located in relation to sanitary sewers, water lines, storm drainage systems, and other utility systems and installations that neither extension nor enlargement will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located with respect to schools, parks, playgrounds, and other public facilities required so as to have access in the same degree as would development in a form generally permitted in the area. However, the location of the PUD district may be approved if the developer will: is this really necessary if we are asking this to be a more flexible district?)~~

~~(a) Provide private utilities, facilities, or services approved by the public agencies which would normally provide such utilities, facilities, or services as substituting on an equivalent basis, and assure their satisfactory continuing operation and maintenance permanently or until equivalent utilities, facilities, or services are available;~~

~~—(b) All roads, sidewalks, sewer facilities, utilities, and drainage shall be constructed according to the~~

requirements of Title I of this code and any other county ordinances. In the event of a conflict between this section and Title I of this code or any other county ordinances, the more stringent regulations shall apply;

~~— (c) All utilities, e.g., electrical, telephone and the like, shall be underground, unless allowed otherwise by the County Commission. These utilities shall be provided in accordance with the rules, resolutions, and/or regulations established by the appropriate governmental agency;~~

~~— (d) Each building or structure for business, trade, or industry shall provide space for the loading and unloading of vehicles off the right-of-way of the street or public alley. Such space shall meet all loading and unloading regulations in § [H-7.003](#);~~

~~— (e) Covenants and restrictions for the property within the PUD District are required and must be recorded in the Register of Deeds office of the county prior to the approval of a final plat or issuance of a building permit for a structure on the property. These restrictions will run with the land so that if it is subdivided or developed in phases, the covenants and restrictions will still be enforced; and~~

~~(f) Covenants and restrictions shall: (this seems to be cumbersome for us to handle, isn't this what the development plan is for...should these be a part of that area?)~~

~~— 1. Be based on the approved master plan and development agreement of the approved PUD District;~~

~~— 2. Subject each person or person taking title to land located within the property to the terms of conditions of the covenants and restrictions;~~

~~— 3. Subject each property and owner within the development to the approved master master plan and development agreement for the PUD District;~~

~~— 4. Subject each property and owner to general rules and conditions regarding the operations and administration of various aspects of the property/community;~~

~~— 5. Provide for creation of a homeowners' association (HOA) with mandatory membership for each owner or person taking title to the land located within the property and require the collection of assessments from owners in an amount sufficient to pay for its functions. The HOA shall be established and active prior to the transfer or sale of any parcel within the PUD to a third party and such HOA must be properly disclosed to all property owners at the time of contract and as required by state and federal law;~~

~~— 6. Provide for ownership, development, management, and maintenance of private open space, private community facilities, private community meeting halls, and other common areas; and~~

~~— 7. Establish design guidelines that include basic architectural standards, weed control, and fire plan guidelines and procedures for compliance to ensure consistent development of the entire PUD;~~

~~(H) *Concept plan requirements.* The concept plan is an initial plan for tract (s) of land depicting a general configuration and description of potential private and public uses. The concept plan is intended to be flexible and will provide an overall framework within which specific development standards will be met through the master plan. A master plan may be broken into phases. The concept plan shall include, but is not limited to, the following:~~

~~— (1) A written report explaining the type, nature, intent, and characteristics of the proposed development;~~

~~— (2) Area location or orientation map of the property;~~

~~— (3) Proposed name or title of project and name of the engineer, architect, or developer;~~

~~— (4) Scale of one inch equals 200 feet or larger, acreage in total tract, north arrow, and date;~~

- ~~— (5) Existing topography in ten-foot contour intervals or less. Contours may be interpolated from U.S.G.S. quadrangle maps;~~
- ~~— (6) Existing wooded areas, streams, lakes, 100-year floodplain, and any other physical conditions affecting the site;~~
- ~~— (7) Existing historical assets located on the property;~~
- ~~— (8) Proposed street and lot layout;~~
- ~~— (9) Proposed buffers, and natural features such as surface drainage and open water;~~
- ~~— (10) Delineation of proposed uses, including open space, and net acreage in each;~~
- ~~— (11) Proposed density calculations, in units per acre, for residential uses;~~
- ~~— (12) General location, square footage, and height of proposed nonresidential buildings;~~
- ~~— (13) Delineation of specific areas designated for phased development and proposed dates for beginning and completing construction of each development phase or stage;~~
 - ~~— (14) Proposed amenities, such as schools, parks, and recreational facilities;~~
- ~~— (15) General statement indicating source of potable water and wastewater disposal method;~~
- ~~— (16) Complete legal description of the parcel(s); and~~
- ~~— (17) If development is to occur in stages then a detailed phasing plan shall be provided, it shall be a narrative form incorporated into the master plan. It shall include a breakdown of all land use types.~~
 - ~~— (I) *Master plan requirements.* The master plan for each development phase shall conform to the county ordinances and shall include, but not be limited to, the following:
 - ~~— (1) Area location or orientation map of the property;~~
 - ~~— (2) Proposed name or title of project, phase number, and name and certification of the engineer, architect, or surveyor;~~
 - ~~— (3) Scale of one inch equals 100 feet or larger, acreage in total tract, north arrow, and date;~~
 - ~~— (4) Existing topography by a registered surveyor along with the surveyor's name, registration number, seal, and date;~~
 - ~~— (5) Name of all jurisdictions in which the development is located and all political boundaries which cross or form any property boundary line of the development phase;~~
 - ~~— (6) Sufficient data to readily determine and reproduce accurately on the ground the location, bearing, and length of every road and alley line, lot line, easement, boundary line, and building line, whether curved or straight. This shall include the radius, point of tangency, and other data for curved property lines and curved roads, to an appropriate accuracy and in conformance with good surveying practice;~~
 - ~~— (7) Names of owner of record of all adjoining land and all property boundaries, watercourses, roads, easements, utilities, and other such improvements, which cross or form any boundary line of the development phase;~~
 - ~~— (8) Roads and alleys including their right of way width and name;~~~~

- ~~— (9) Lot lines, minimum building setback lines, and lot and block numbers;~~
- ~~— (10) All dimensions shall be to the nearest one-tenth of a foot and all angles shall be to the nearest minute;~~
- ~~(11) Location, dimension, and purpose (e.g., water, gas, cable) of all easements;~~
- ~~— (12) Location of all buffers;~~
- ~~— (13) Number to identify each lot or site;~~
- ~~— (14) Show all watercourses, wetlands, and expected limits of the 100-year floodplain;~~
- ~~— (15) Proposed topography including finish floor elevations and location of all retention and detention basins for stormwater control;~~
- ~~— (16) Location of existing adjoining property lines;~~
- ~~— (17) Area in each subdivided tract in square feet;~~
- ~~— (18) Final engineering drawings of all roads, water, sanitary sewer, and storm drainage systems;~~
- ~~— (19) Density calculations, in units per acre, for residential uses;~~
- ~~— (20) Location, square footage, and height of proposed nonresidential buildings; and~~
- ~~— (21) All items listed in [Title I, Chapter 5](#) of this code.~~

(J) *Procedure.* The procedure for a PUD rezoning will follow [Chapter 17](#) of this zoning ordinance and the procedure listed in this chapter. **A PUD Change of Zoning Request consists of the following:**

1. **A Change of Zoning Application**
2. **Initial Development Plan**
3. **Final Development Plan**

(A) Change of Zoning Application. This request for rezoning is subject to the requirements for amendment of the zoning regulations specified in [Chapter 17](#) of this zoning ordinance and the procedure listed in this chapter. No permit shall be issued within the development until the Final Development Plan is approved and the plat is filed.

(B) Initial Development Plan. Upon application for rezoning to the Planned Unit Development District, the petitioner shall present an Initial Development Plan to the Planning Commission for review, and to County Commission for their approval showing the following information:

- (a) Project name and legal description.
- (b) A preliminary subdivision plan.
- (c) The proposed development scheme showing the following information:
 - (i) The proposed land uses, including the number and type of proposed residential buildings, the proposed number of dwelling units per building, the number and type of any proposed nonresidential buildings and their square footage.
 - (ii) The proposed maximum density of the development, which shall not exceed the density allowed in the traditional zoning districts for similar uses, except where unique physical, environmental or design characteristics make such densities undesirable.
 - (iii) The proposed minimum setbacks which shall be no less than those required in the traditional zoning districts for similar uses, except where unique physical, environmental or design characteristics make such setbacks undesirable.
 - (iv) The proposed maximum height which shall be no greater than that required in the traditional zoning districts for similar uses, except where unique physical, environmental or design characteristics make such heights undesirable.

- (v) Proposed design features illustrating compatibility to the surrounding environment and neighborhood, e.g. buffering/landscaping (The use of fire resistive plant species is encouraged (see County Community Wildfire Protection Plan for list of plant species); lighting; signage.
 - (vi) Anticipated subarea development sequence.
- (C) Final Development Plan. Prior to construction on any lots in the planned development, the petitioner shall present a Final Development Plan showing the information specified below, to the Planning Commission and then the County Commission, who shall have the sole authority to approve, deny, or amend said plan.

The Final Development Plan may be submitted in conjunction with the Initial Development Plan for concurrent approval on any subareas the developer is ready to commit to a final plan. All the information required for both an Initial and Final Development Plan must be shown for the area submitted for concurrent approval, except that the developer may reference the requirements of one of the traditional zoning districts as the development standard for a particular subarea.

The Final Development Plan shall show the following information:

- (a) The subdivision name, the legal description, and the individual project name (if any).
- (b) Boundaries of the subarea or subareas submitted for approval superimposed on the map of the Initial Development Plan.
- (c) A subdivision plat of the subarea or subareas submitted for approval.
- (d) A scale drawing showing the following information will be required for everything except single-family detached dwelling subareas:
 - (i) Size and location of proposed structures including height and number of units.
 - (ii) Calculated floor area for each structure and a generic listing of the uses within said structure.
 - (iii) Off-street parking lot arrangement designating all parking spaces, off-street loading spaces, and any outdoor trash container spaces.
 - (iv) Any sidewalks, bikeways or other paths.
 - (v) Landscaping plans showing the type and location of any walls or fences, the placement, size and species of any trees or shrubs, and berms in areas that will be sod or seeded.
 - (vi) All existing and proposed utilities, drainageways, water courses, and location of above ground existing utilities on adjacent property.
 - (vii) Proposed final ground contours.
 - (viii) Existing and proposed uses adjacent to the area.
 - (ix) Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities including private streets. Any and all open space lands shall be held in common ownership by the dwelling unit owners. To ensure that all common open space in the PUD will be used as intended, the necessary restrictions or covenants will be put in each deed. Such deed restrictions or covenants shall run with the land in order to protect both present and future property owners. The covenants and restrictions shall prohibit the reduction or sale of any common open space.
 - (x) Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.
 - (xi) Proposed parking and loading spaces which shall be in conformance with [Chapter 7](#) and except where unique physical, environmental or design characteristics make such requirements undesirable.
 - (xii) Unless otherwise specified on the Final Development Plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be

referenced for each subarea as a part of the Final Development Plan. For example: townhouses on Block X shall be developed in conformance with the requirements of the SRD Residential District.

~~(1) An application for approval of a PUD may be filed by any person having an interest in the property to be included in the PUD. The PUD application shall be filed with written consent from all of the recorded owner(s) of the property included in the development and with written consent from all holder(s) of an equitable interest in such property. Such consent shall contain a statement that the applicant is authorized to represent the owner(s) in pursuit of a PUD application and that such owner(s) shall agree to be bound by the decision of the County Commission in the event such application is approved. All of the land in a PUD shall be owned by an individual, by a corporation, or by a single legal entity before approval of the final plat. The owner shall be required to provide evidence of full ownership interest in the land, by legal title or the execution of a binding sales agreement before final approval of the final plat. Individual properties may be sold after approval of the final plat subject to private deed covenants that assure the continuance of the PUD as originally approved and developed.~~

~~— (2) Before submitting the PUD application and the concept plan for approval as a PUD, the developer shall meet with the Planning Director, County Highway Superintendent, Director of Equalization, Register of Deeds, and any other such personnel as may be deemed necessary to determine the feasibility and suitability of the application. This step is required so that the developer may obtain information and guidance from county officials before entering into any binding commitments or incurring substantial expenses of the site and plan preparation. The pre-submittal meeting is a prerequisite to the county's obligation to accept and act upon an application for zoning or rezoning to a PUD District.~~

~~— (3) A rezoning application and ten copies of the concept plan, along with the fee established by the County Commission, shall be submitted to the Planning Director 22 days prior to a Planning and Zoning Board meeting.~~

~~— (4) The Planning Department shall review the completed change of zoning application and concept plan for compliance with this title.~~

~~(5) If the Planning Department finds the application and the concept plan in compliance with this title, a Planning and Zoning informational meeting will be scheduled for the next regular meeting.~~

~~— (6) The informational meeting for the change of zoning and the concept plan will be held in front of the Planning and Zoning Board. The applicant has the option to take the Board's comments and create the master plan.~~

~~— (7) After the informational meeting has been held, a public hearing will be scheduled in front of the Planning and Zoning Board for the master plan.~~

~~— (8) The Planning Department will prepare the notice of hearing letters and the property owner's list of those persons who own land within 500 feet of the subject property.~~

~~— (9) The Planning Department will notify the applicant when the property owner's list and the notice of hearing letters have been prepared. The applicant must send a copy of the notice of hearing letter to each of the property owners on the list by certified mail with return receipt requested. The notice letters must be mailed no less than seven days prior to the date of the public hearing. The white receipts for certified mail must be returned to the Planning Department prior to the date of the public hearing. The green return receipt cards must be returned to the Planning Department prior to the file being closed. These are retained in the Planning Department as part of the official record to document that the required mailings were completed. If the mailing has not been completed as stated herein, the hearing must be continued to the next Planning and Zoning meeting and the applicant shall be required to re-notify the affected property owners of the rescheduled hearing date.~~

~~— (10) A notice of public hearing sign will be furnished by the Planning Department. The sign must be posted~~

~~no less than ten days prior to the date of the hearing and must remain posted until final action by the Planning and Zoning Board.~~

~~— (11) The Planning Department will submit legal notice to the local newspaper(s). The notice shall state the date the Planning and Zoning Board will review and consider the change of zoning application.~~

~~— (12) The Planning Department shall create a staff report with recommendations to the Planning and Zoning Board for either approval, approval with conditions, or denial of the application.~~

~~— (13) The Planning and Zoning Board shall consider the change of zoning application and master plan and public comment regarding the application's technical compliance with the ordinance after receiving and reviewing the Planning Department's recommendation.~~

~~— (14) (a) The Planning and Zoning Board shall make a recommendation to approve, approve with conditions, or deny the change of zoning application and master plan within 30 days of the initial hearing of the application.~~

~~— (b) If the action is to deny the change of zoning application and master plan, the reasons for such action shall be stated in the minutes and specific reference shall be made to the requirements not met.~~

~~— (15) After the Planning and Zoning Board makes recommendation to the County Commission, the Planning Department shall schedule a first reading in front of the County Commission, which shall also be a public hearing.~~

~~— (16) The applicant shall be required to re-notify the adjacent property owners in the same manner as listed in division (J)(8) above. The Planning Department will again submit legal notice to the local newspaper(s).~~

~~— (17) After the first reading has been completed, the County Commission shall schedule a second reading for a final decision at the next regular County Commission meeting. No notification is needed for the second reading.~~

~~— (18) Within 45 days of the receipt of the Planning and Zoning Board's recommendation, the County Commission shall take action to approve or deny the change of zoning request and the master plan.~~

~~— (19) Before the change of zoning can become effective the Planning Department shall publish the official change of zoning in the legal newspaper(s). A change of zoning takes effect 20 days after publication.~~

~~(K) *Considerations.* This decision shall be based upon, but not limited to, the consideration of the following:~~

~~(1) Adjacent land use;~~

~~— (2) Distance from municipalities;~~

~~— (3) Type of development (size and density);~~

~~— (4) Access from state and county road systems;~~

~~— (5) Location appropriate for requested zone;~~

~~— (6) Floodplain;~~

~~— (7) The effect of the proposed change of zoning upon:~~

~~— (a) Housing, existing and available;~~

~~— (b) Public services;~~

~~— (c) Water;~~

~~— (d) Sewer;~~

- ~~—(e) Public roads;~~
- ~~—(f) Parks and recreation within the county; and~~
- ~~—(g) Open space areas.~~
- ~~—(8) Proposed concept plan and master plan with time schedule; and~~
- ~~—(9) The cumulative effect of the proposed change when considered with previously approved changes of zoning within the area.~~

(L) *Amendments to a PUD.*

~~(1) *Major amendments.* Major amendments to a PUD master plan require that the applicant modify the approved master plan, according to division (I) above. Upon the filing of any application for a major amendment for a PUD, the applicant shall pay the county the appropriate fee as designated in [Chapter 21](#) of this zoning title. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.~~

Major amendments to the Initial and/or Final Development Plan shall be required to be approved as an amendment to the zoning regulations per Chapter 17 of this zoning title, requiring Planning Commission review, and County Commission approval.

The following changes in an Initial and/or Final Development Plan are considered major amendments:

~~Amendments shall be considered major if they include any of the following:~~

- (a) A change in the PUD boundary;
- (b) **Any change in the proposed land uses.** ~~Any change in the height, density, setback, or lot coverage development standards, as approved in the master plan;~~
- (c) **Any major change in the street pattern.** ~~Any change in the location of a land use depicted on the master plan map;~~
- (d) **An increase in density.** ~~Any addition to the list of uses in the master plan;~~
- ~~—(e) Any change to the design guidelines that is inconsistent with the intent of the PUD as described in the master plan; and~~

(e) Decrease in open space.

~~(2) *Minor amendments.* Minor amendments to a PUD master plan require a written request including all relevant information. Upon the filing of any application for a minor amendment for a PUD, the applicant shall pay the county the appropriate fee as designated in [Chapter 21](#) of this zoning title. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required. Amendments not meeting the criteria for a major amendment shall be deemed to be minor amendments and may be administratively approved by the Planning Department. The Planning and Zoning Department shall be vested with the authority to approve said amendment, to approve, approve with conditions, or deny the amendment use within 30 days of receiving the request. If the action is to deny the temporary use, the reasons for such action shall be in written format and specific reference shall be made to the requirements not met. The decision of the Planning and Zoning Department may be appealed to the Board of Adjustment in the manner prescribed in [Chapter 15](#) of this zoning title.~~

~~—(M) *Development agreements.*~~

~~—(1) Applicant and the county may enter into a development agreement where the applicant shall agree to provide necessary public facility or facilities. This would be at the applicant's sole costs and expense. The agreement shall provide that all such public facilities shall be constructed or bonded prior to the issuance of a building permit for all or any portion of the proposed development.~~

~~—(2) A development agreement shall be in form satisfactory to the County Attorney. The development agreement is subject to the approval of the County Commission as part of the approval process for the PUD master plan and final plats. The development agreement shall, at a minimum, include the following:~~

~~—(a) A legal description of the land subject to the agreement and the names of the legal and equitable owners;~~

~~—(b) The duration of the agreement;~~

~~—(c) A general description of the development, the development uses permitted on the land including proposed densities and building intensities and height, and a description of the impacts and benefits of the development;~~

~~—(d) A description of the public facilities that will service the development, including those that are to be dedicated, constructed, or financed by the developer;~~

~~—(e) The date of construction of such new facilities will be completed and operation of the facilities will begin;~~

~~—(f) A schedule to assure public facilities is available concurrent with impacts of development;~~

~~—(g) A description of any reservations or dedications of land for public purposes;~~

~~—(h) A description of all local development permits approved or needed to be approved for the development of the land;~~

~~—(i) A provision that all public facilities to be provided by the applicant will be constructed or bonded prior to the issuance of a building permit for all or any portion of the proposed development;~~

~~—(j) A development agreement may provide that the entire development or any phase be commenced or concluded within a specific time period; and~~

~~—(k) Such other provisions as are determined by the county to be necessary for the public health, safety, and welfare.~~

~~(Ord. 14-01, passed 6-6-2014, Ch. 6, Art. 11)~~

~~§ II-6.012 PUD - MYSTIC MINER SUBDIVISION.~~ (Can we remove this yet? Is it something that could become a Development Agreement or has it with the Deer Mt Village Stuff)

~~—(A) *Planned Unit Development Districts.* Planned Unit Development Districts shall be as enumerated below and shall include the regulations set forth herein: COZ #287 Mystic Miner PUD.~~

~~—(B) *Intent.* The regulations set forth in this section and as set forth elsewhere in this title and specifically references herein are the district regulations in the Mystic Miner Planned Unit Development District.~~

~~—(C) *Scope.* The Mystic Miner Tract includes 531 total acres. The maximum density allowed is for 531 units, inclusive of road right-of-way, compromised of various types of residential and commercial units, according to the~~

chart set below:

<i>Type</i>	<i>West of Terry Summit Road</i>	<i>East of Terry Summit Road</i>	<i>Total</i>
Highway service commercial	0	2	2
Recreation commercial	95	50	145
Road right-of-way	28	18	46
Suburban residential (multifamily)	7	7	14
Suburban residential (single family)	174	150	324
Totals	276	209	531
<p>Table notes:</p> <p>The Mystic Miner Tract shall include a minimum of 25% of designated common open space, which is 133 acres.</p>			

~~—(D) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning. Additionally, the defined term used herein shall be in accordance with those definitions as found in this code, unless indicated otherwise herein.~~

~~— **COMMERCIAL UNIT.** An allowed commercial use or uses conducted on at least one acre and meeting all other applicable requirements of this code. When more than one acre is needed to meet the requirements of this code, the total number of **COMMERCIAL UNITS** available shall be diminished by a number equivalent to the number of whole acres required to support any given commercial use or uses.~~

~~—(E) *Road improvements.* All streets shall be required to be constructed per Title I of this code.~~

~~—(F) *Drainage and erosion control plans.* Drainage and erosion controls plans shall be required to be constructed per Title I of this code.~~

~~—(G) *Water system improvements.* The Mystic Miner Subdivision will be supplied with domestic water from the existing Deer Mountain Water System. The water is supplied from the Lead-Deadwood Sanitary District. The developer shall upgrade the Deer Mountain Water System to meet future water needs. The principal components of the improvement plan are as follows:~~

~~— (1) New water supply contract with Lead-Deadwood Sanitary District for up to 600 gpm;~~

~~— (2) Reconstruct the Engelwood pump station to enhance supply;~~

- ~~— (3) The water system will provide pumping capacity equal to projected peak-day demands;~~
- ~~— (4) New water treatment plant at Deer Mountain with initial capacity of 300 gpm and space for future expansion to 600 gpm;~~
- ~~— (5) Approximately 0.4 MG raw water storage tank and raw water transmission pipeline to supply untreated water to the treatment plant;~~
- ~~— (6) New treated water storage for approximately 0.8 MG in three separate storage tanks serving three separate pressure zones;~~
- ~~— (7) Booster pumping stations to lift treated water to each pressure zone;~~
- ~~— (8) Distribution piping ranging from six inch to 12 inch diameter, sized to meet peak domestic demands and fire flows (1,000 gpm for single family, 1,500 gpm for multifamily and commercial);~~
- ~~— (9) An emergency power supply will be included in the water treatment plant and key pumping units for maximum reliability;~~
- ~~— (10) Radio telemetry is planned to provide centralized operation and control of all facilities, and to provide advanced warning of impending problems;~~
- ~~— (11) Water meters will be installed on all new and existing customer service lines;~~
- ~~— (12) Existing storage tanks within Deer Mountain residential areas will be renovated and retained in service;~~
- ~~— (13) Existing residential area distribution piping will be substantially retained, but selected improvements will be completed to improve system hydraulics and operation;~~
- ~~— (14) System improvements will be completed in phases corresponding to development phasing. High priority improvements include the water treatment plant, raw water storage tanks, and new storage and distribution piping for lodge and base area developments;~~
- ~~— (15) Water user rates for existing and future customers have not been established at this time and will depend in part upon actual construction costs; and~~
- ~~— (16) Mystic Miner will continue to use the untreated water from the Lead-Deadwood Sanitary District for snowmaking activities and will be transferred separately from the domestic water supply.~~

~~— (H) *Wastewater system:*~~

- ~~— (1) Mystic Miner plans to construct a centralized wastewater collection and treatment system for all proposed commercial and multifamily properties. The central sewer system will also provide sewer service to all single-family residential properties with lot sizes less than two acres. An on-site individual septic system will provide sewer for large lots (two acres and more) located west of Terry Peak Summit Road.~~
- ~~— (2) The water and sewer treatment facilities shall be located in the same location as the water treatment plant, east of the ski lodge.~~
- ~~— (3) Treated effluent will be stored and used for snowmaking when conditions warrant.~~
- ~~— (4) Water will be treated to cold-fishery standards and will meet all State DENR requirements.~~
- ~~— (5) The wastewater system shall be a centralized system which has been approved by the State DENR, with the understanding that the first phases shall be allowed to have a septic system, but must be designed by a state licensed engineer and installed by a state licensed installer. The septic systems shall be pumped as needed and at~~

the time of the centralized sewer system being activated all existing septic tanks shall be either removed or tied into the centralized systems. As the correct amount of homes have been built into this subdivision, the centralized sewer system shall be hooked up.

~~—(f) Subareas.~~

~~—(1) Generally.~~

~~—(a) Prior to Planning and Zoning Board approval of the master plan preliminary plat, the applicant shall submit a sub area map depicting the boundary of each subarea for COZ #287 Mystic Miner Planned Unit Development.~~

~~—(b) All subareas shall be designed and built in conformance with Title I of this code including, but not limited to, the following:~~

~~—1. Amendments to the PUD shall be in conformance with § [H-6.011\(L\)](#);~~

~~—2. The buildings and site shall be designed to be consistent with the intent of division (B) above;~~

~~—3. Prior to County Commission approval of the final plat, the homeowners' association and covenants attached to this PUD, shall be recorded in the County Register of Deed's office;~~

~~—4. Building permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans and building permit requirements to be reviewed and approved by the Planning and Zoning Office;~~

~~—5. All structures have the required 911 addressing posted and approved by the County 911 Coordinator;~~

~~—6. Prior to Planning and Zoning Board approval of the preliminary plat, the applicant shall submit and complete a fire plan written by a wildfire hazard assessment contractor;~~

~~—7. Prior to Planning and Zoning Board approval of the preliminary plat, the applicant shall submit and complete a weed plan written by the County Invasive Species Department;~~

~~—8. All section lines shall be vacated prior to any building permit being issued;~~

~~—9. This PUD shall be reviewed each time a phase is completed and/or a new phase is being started or bonding is released;~~

~~—10. Parking shall be regulated in conformance with [Chapter 7](#) of this zoning title; and~~

~~—11. Signs shall be regulated in conformance with [Chapter 8](#) of this zoning title.~~

~~—(2) Subarea "A" - Suburban Residential District (Single - Multifamily Residential Area).~~

~~—(a) Intent. The intent of the SRD - Suburban Residential District is to provide a district that permits single-family and multifamily dwellings and such supportive community facilities as parks, playgrounds, schools, libraries, and churches. It is intended that this District provide protection for those areas existing as, or planned for, single family and multifamily neighborhoods.~~

~~—(b) District boundary description. SRD - Suburban Residential District land use is planned for both the east and west slopes of the Mystic Miner Tract. Approximately 157 acres are located on the east slope. The east portion of land extends from the north property boundary line to the south property boundary line and is located between the existing ski lodge to the east and extends to within 250 feet of Terry Summit Road to the west. Approximately seven acres of the total 157 acres is located adjacent to the northwest edge of the peak of Deer Mountain. Approximately 181 acres located on the west slope is planned for suburban residential land use. This~~

portion of property extends from the north property boundary line to the south property boundary line and begins approximately 250 feet west of Terry Summit Road and extends to within approximately 1,000 feet of the west property boundary line.

~~— (c) *Allowed uses.* Same as set forth in § [H-6.005](#)(B).~~

~~— (d) *Conditional uses permitted.* The following uses may be allowed in the SRD - Suburban Residential District, under the provision of § [H-6.005](#)(D):~~

- ~~— 1. Utility substations;~~
- ~~— 2. Grooming, vet clinics (excluding boarding);~~
- ~~— 3. Churches, religious structures;~~
- ~~— 4. Schools;~~
- ~~— 5. Playgrounds and parks;~~
- ~~— 6. Fire stations;~~
- ~~— 7. Antennas, microwave and communication towers;~~
- ~~— 8. Rental storage units, garages, buildings;~~
- ~~— 9. Roadside stand/vendor space;~~
- ~~— 10. Bed and breakfast;~~
- ~~— 11. Community hall, lodge, or meeting place;~~
- ~~— 12. Assisted living, elderly care, convalescent;~~
- ~~— 13. Family and group care facilities;~~
- ~~— 14. Agricultural crops; and~~
- ~~— 15. Historical monuments.~~

~~— (e) *Density, area, setbacks, width, and height.* Same as set forth in § [H-6.005](#)(E), except where noted as follows: all structures be setback a minimum of 58 feet from the centerline of all section lines.~~

~~— (3) *Subarea "B" - Recreational Commercial District.*~~

~~— (a) *Intent.* The intent of the RC - Recreation Commercial District is to provide a district that will allow limited commercial development. The proposed development must primarily serve those persons who utilize the surrounding district for recreational purposes or act as a destination; development designed to primarily serve customers which result from traffic on major roads and highways shall not be permitted in the Recreation Commercial District; and the proposed development must not conflict with the purpose of the district preserving the natural beauty, resources, and open character of the lands.~~

~~— (b) *District boundary description.* RC - Recreation Commercial District land use is planned for both the east and west slopes of the Mystic Miner Tract. Approximately 50 acres are located on the east slope. The east portion of recreation commercial land consists of the existing lodge and surrounding area totaling approximately 25 acres as well as a 250-foot strip from the north property boundary line to the south property boundary line. This portion is located adjacent to the east side of Terry Summit Road and extends 250 feet east. Approximately 95 acres located on the west slope is planned for recreation commercial land use. This portion of property consists~~

~~of land adjacent to the west side of Terry Summit Road and extends west approximately 250 feet. The land use area extends from the north property boundary line to the south property boundary line. The west recreation commercial land use area also includes land adjacent to the west property boundary line, which extends 1,000 feet east and from the north property boundary line to the south property boundary line.~~

~~— (e) *Allowed uses.* Same as set forth in § [H-6.007\(B\)](#).~~

~~— (d) *Conditional uses permitted.* The following uses may be allowed in the RC – Recreation Commercial District, under the provision of § [H-6.007\(D\)](#):~~

- ~~— 1. Utility substations;~~
- ~~— 2. Antennas, microwave, and communication towers;~~
- ~~— 3. Off-premises signage, billboards;~~
- ~~— 4. Kennel, animal hospital;~~
- ~~— 5. Private outdoor recreation facility;~~
- ~~— 6. Day or summer camp;~~
- ~~— 7. Commercial riding academies, arenas, stables;~~
- ~~— 8. Fairgrounds;~~
- ~~— 9. Plant nursery;~~
- ~~— 10. Cemetery;~~
- ~~— 11. Group daycares;~~
- ~~— 12. Apartments, condos; and~~
- ~~— 13. Gas station, convenience store.~~

~~— (e) *Density, area, setbacks, width, and height.* Same as set forth in § [H-6.007\(E\)](#), except where noted as follows: all structures be set back a minimum of 58 feet from the centerline of all section lines:~~

~~— (f) *Other regulations.* Each proposed commercial use shall be required to submit a development plan pursuant to [Chapter 14](#) of this zoning title prior to the issuance of a building permit.~~

~~— (4) *Subarea “C” – Highway Service-Commercial District.*~~

~~— (a) *Intent.* The intent of the HSC – Highway Service-Commercial District is to provide a district that will: allow compact and convenient highway-oriented business; provide development standards that will not impair the traffic carrying capabilities of abutting roads and highways; and permit retail, wholesale, businesses, and related services:~~

~~— (b) *District boundary description.* HSC – Highway Service-Commercial District land use is planned for the east slope of the Mystic Miner Tract. Approximately two acres located near the existing Mystic Miner Lodge are planned for this land use. The property is located adjacent to the south side of Deer Mountain Road and is approximately 600 feet east of the lodge. The property extends approximately 700 feet east of Aspen Drive and approximately 125 feet south of Deer Mountain Road.~~

~~— (e) *Allowed uses.* Same as set forth in § [H-6.008\(B\)](#).~~

~~— (d) *Conditional uses permitted.* The following uses may be allowed in the HSC - Highway Service-Commercial District, under the provision of § H-6.008(D):~~

- ~~— 1. Utility substations;~~
- ~~— 2. Antennas, microwave and communication towers;~~
- ~~— 3. Off-premises signage, billboards;~~
- ~~— 4. Golf driving ranges;~~
- ~~— 5. Drive-in theaters;~~
- ~~— 6. Racetracks;~~
- ~~— 7. Light manufacturing and fabricating;~~
- ~~— 8. Kennels, animal hospitals;~~
- ~~— 9. Campgrounds/RV parks; and~~
- ~~— 10. Commercial recreations and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges, and miniature golf.~~

~~— (e) *Density, area, setbacks, width, and height.* Same as set forth in § H-6.008(E), except where noted as follows: all structures be setback a minimum of 58 feet from the centerline of all section lines.~~

~~— (f) *Other regulations.* Each proposed commercial use shall be required to submit a development plan pursuant to Chapter 14 of this zoning title prior to the issuance of a building permit.~~

CHAPTER 8: SIGN REGULATIONS

§ II-8.001 INTENT.

(A) The purpose of this chapter shall be to establish effective local regulation of outdoor advertising so as to promote the health, safety, and general welfare of those persons using and residing adjacent to public rights-of-way. The following regulations are intended to promote and preserve the natural aesthetics of the county while providing for the convenience of the traveling public, for the promotion of locally available facilities, goods, and services, and to minimize negative impacts on property adjacent to public rights-of-way.

(B) The county's authority to regulate signs, billboards, and other advertising is specified in SDCL Ch. 31-29.

§ II-8.002 GENERAL PROVISIONS.

(A) In any zoning district where signs are allowed, a county sign permit shall be required unless otherwise stated.

(B) In addition to all applicable state and federal regulations, any sign erected within the unincorporated area of the county shall be required to conform to the following regulations: new signs.

(1) A sign permit shall be required for any new on-premises or off-premises sign installation. At the time of installation, the new sign must conform to all requirements of this title. All off-premises signs require a conditional use permit.

(2) The provisions of [Chapter 19](#) of this zoning title applies to all conditional use permits. In addition, due consideration shall be given to the relationship between the sign(s) and the natural horizon/view shed in the area

of the proposed sign location.

§ II-8.003 APPLICATIONS AND PERMITTING OF SIGNAGE.

(A) Applications for a sign permit shall be made in writing upon forms furnished by the County Planning Department.

(B) No permit shall be issued until each sign application is approved by the Planning Official or the County Commission in the case of a conditional use permit.

(C) At a minimum, the following complete information shall be provided before an application is considered:

- (1) Parcel number;
- (2) Name and address of the sign owner and the contractor;
- (3) Name and address of the property owner where the sign is to be located;
- (4) The legal description of the proposed sign location;
- (5) Acreage of property;
- (6) Sign specifications;

(7) Clear and legible drawing of the proposed sign to scale with description of the sign showing construction type and lighting;

(8) Site plan showing the location and setbacks on the property where the sign is to be located;

~~(9) Global positioning system (GPS) coordinates of proposed sign; and~~

(9) Other such data and information deemed necessary by the County Planning Department.

(D) Upon the filing of any application for a sign, the applicant shall pay the county the appropriate fee as designated in [Chapter 21](#) of this zoning title. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.

§ II-8.004 ON-PREMISES SIGNAGE

~~(A)~~ [Moved to D above](#)

~~(B)~~ [Moved to A below](#)

~~(C) All illuminated signs shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing premises or safe vision of operators of vehicles on public and private roads. All outdoor lighting shall use downthrow lighting.~~

~~(D) All on-premises signs shall be placed or erected in conformity with all applicable side and rear yard setback requirements for structures. The minimum front yard setback requirement for on-premises sign shall be five feet from the property line.~~

~~(E) No signs, including political signs, are allowed to be located in any public rights-of-way, public or private access easements. All signs issued by the County Planning Department for public notice of proposed land use changes are exempt from this requirement.~~

~~(F) An on-premises sign shall be allowed to share the structure with an off-premises sign.~~

~~—(G) No debris including, but not necessarily limited to, wood material, posts, metal, paper, plastic, cardboard, or other materials from the construction or maintenance of a sign shall be left at the location or vicinity of a sign. Any violation of this section is hereby declared a nuisance and subject to abatement.~~

~~—(H) On-premises signs shall not exceed a height of 30 feet and shall be measured from the road surface.~~

~~—(I) The maximum display area of any on-premises sign shall not exceed 150 square feet.~~

~~—(J) On-premises wall, roof, or projecting on-premises signs located in all commercial and industrial districts:~~

~~—(1) The maximum total sign area on structures which are two stories or less in height shall not exceed two square feet for each linear foot of building frontage.~~

~~—(2) The total sign area on structures which are greater than two stories in height shall not exceed either two square feet for each linear foot of building frontage, or 15% of the area of the frontage wall, whichever is greater.~~

~~—(3) Freestanding signs having a total sign area not to exceed one square foot for each linear foot of road frontage or 200 square feet, whichever is less.~~

~~—(4) On-premises roof signs shall rise no higher than five feet above the top of a parapet or roof line.~~

~~—(K) A home occupation that has been approved in accordance with the regulations of this title shall be allowed one on-premises sign, no greater than three square feet.~~

~~—(L) Each real estate subdivision that has been approved in accordance with the regulations of this title shall be allowed one on-premises sign per entrance, not exceeding 100 square feet in area, advertising the sale of property in such subdivision and/or the name of such subdivision. The subdivision sign shall not encroach into a road right-of-way or road easement. A masonry wall, landscaping, and other similar material or feature may be combined to form an aesthetically pleasing display for a neighborhood or tract identification. All illuminated signs shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing premises or safe vision of operators of vehicles on public and private roads.~~

~~—(M) Signs and sign structures that are temporary in nature used in conjunction with a specific event, that are placed or erected in such a manner to be easily removed from the property and are not permanently affixed, and may be displayed for no more than 60 days and shall not exceed 32 square feet. (Examples: family reunions; races; rally signage; community events; off-right-of-way signs; and the like.)~~

A. INTENT. These regulations provide standards for the erection and maintenance of private signs. The principal feature of this section is the restriction on the total sign area permissible per site. Only one on-premises sign shall be allowed per lot, unless approved otherwise through a conditional use permit. The sign shall be located in the front or side yard, and shall not project over public property. All private signs shall be erected and maintained in accordance with the following standards. The general objectives of these standards are to promote health, safety, welfare and in part to achieve the following:

- a. **SAFETY:** To promote the safety of persons and property by providing that signs:
 - i. Do not create a hazard due to collapse, fire, collision, decay, or abandonment;
 - ii. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to see and interpret any official traffic sign, signal or device.
 - iii. Aid the traveling public in navigation to the locations of businesses and services.
- b. **COMMUNICATIONS EFFICIENCY:** To promote the efficient transfer of information by providing that:
 - i. Businesses and services may identify themselves;
 - ii. Customers and persons may locate a business or service;

- iii. No person or group is arbitrarily denied the use of the sight line from public rights-of-way for communication purposes.
 - c. LANDSCAPE QUALITY AND PRESERVATION: To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
 - i. Do not create a nuisance to persons using the public rights-of-way;
 - ii. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement.
 - iii. Protect and preserve the aesthetic quality and physical appearance of the county.
- B. PERMITTED SIGNS AND SIGN AREA.** In the following districts, the sign area and height set forth shall apply to all signs on the premises except as provided in II.-8.005.
- a. A-1- GENERAL AGRICULTURE; PF - PARK FOREST DISTRICTS:
 - i. Freestanding signs: one or more freestanding signs with the total combined area of one square foot for every 100 linear feet of road frontage.
 - 1. The total area of any one sign shall not exceed 16 square feet.
 - 2. The maximum height shall not exceed 10 feet.
 - ii. Wall signs: On buildings or structures not used as a single family dwelling, a wall sign with the area of one square foot for every 2 linear feet of building frontage with a maximum of 16 square feet of sign area.
 - b. A-2 - RESIDENTIAL AGRICULTURE; RR - RURAL RESIDENTIAL; and SRD-SUBURBAN RESIDENTIAL DISTRICTS:
 - i. Wall signs:
 - 1. On buildings or structures not used as a single family dwelling, a wall sign with the area of one square foot for every 2 linear feet of building frontage with a maximum of 16 square feet of sign area.
 - 2. As allowed below by E. Special Situations, i. Special Use Sign.
 - ii. Freestanding signs:
 - 1. Multi family structures and apartments may have one freestanding sign per street frontage not to exceed 16 square feet in size per sign.
 - 2. Single family dwellings may have one freestanding sign in conjunction with a Home Occupation or Conditional Use Permit as allowed by E. Special Situations, i. Special Use Sign.
 - c. GC-GENERAL COMMERCIAL; RC-RECREATION COMMERCIAL; HSC-HIGHWAY SERVICE COMMERCIAL; C/LI-COMMERCIAL/LIGHT INDUSTRIAL and I-I GENERAL INDUSTRY DISTRICTS:
 - i. Wall, roof, or projecting signs:
 - 1. The total sign area on structures which are two stories or less in height shall not exceed two square feet for each linear foot of building frontage.
 - 2. The total sign area on structures which are greater than two stories in height shall not exceed either two square feet for each linear foot of building frontage, or 15% of the area of the frontage wall, whichever is greater.
 - ii. Freestanding signs having a total sign area not to exceed one square foot for each linear foot of road frontage or 200 square feet, whichever is less.
 - 1. The maximum sign height shall be 30 feet.
- C. REGULATIONS AND LIMITATIONS OF PERMITTED SIGNS**
- a. WALL SIGNS. Wall signs may be located anywhere on the wall of a building.
 - b. PROJECTING SIGNS.
 - i. Projecting signs may project no more than five feet from the building face
 - ii. Projecting signs shall have a minimum clearance of ten feet above grade level about any yard or sidewalk and 16 feet above any road or drive.
 - iii. Projecting signs may project no more than five feet above the top of a parapet or roof line including the framework or support.

- c. **ROOF SIGNS.** Roof signs shall rise no higher than five feet above the top of a parapet or roof line and shall not exceed the height limits for the zoning district.
 - d. **FREESTANDING SIGNS.**
 - i. Freestanding signs within GC-GENERAL COMMERCIAL; RC-RECREATION COMMERCIAL; HSC-HIGHWAY SERVICE COMMERCIAL; C/LI-COMMERCIAL/LIGHT INDUSTRIAL and I-I GENERAL INDUSTRY DISTRICTS: shall be limited to one sign structure per street frontage except that businesses on frontages of 300 feet or more may erect two freestanding signs; however, the total sign area for both signs may not exceed that allowed for the street frontage.
 - ii. Freestanding signs shall be located only in the front or side yard.
 - iii. Freestanding signs shall not project over public property.
 - iv. Freestanding signs shall not be erected within the intersection safety zone triangle of two intersecting streets or a street and railroad. The intersection safety zone triangle, in this case, shall be the triangular area formed by measuring 40 feet from the intersection along both roads and connecting these two points with a straight line. Exceptions: Freestanding signs may be located in the intersection safety zone triangle when the sign and sign structure comply with the following:
 - 1. The sign face is located 12 feet above the grade level of the street; and
 - 2. The sign structure is of such a size and spacing as to not obstruct the view of said intersection.
- D. ELECTRONIC MESSAGE SIGNS.**
- a. Electronic message signs placement:
 - i. Any permitted sign within GC-GENERAL COMMERCIAL; RC-RECREATION COMMERCIAL; HSC-HIGHWAY SERVICE COMMERCIAL; C/LI-COMMERCIAL/LIGHT INDUSTRIAL and I-I GENERAL INDUSTRY DISTRICTS: may be an electronic message sign.
 - ii. No electronic message signs are allowed in A-1- GENERAL AGRICULTURE; PF - PARK FOREST DISTRICTS; A-2 - RESIDENTIAL AGRICULTURE; RR - RURAL RESIDENTIAL; and SRD-SUBURBAN RESIDENTIAL DISTRICTS.
 - iii. Electronic message signs must be setback a minimum 300 feet from any residential structure.
 - b. Message hold time: Electronic message signs shall display a static message which may not change or be changed for a period of 6 seconds.
 - c. Message transitions: The transition from one static display message to the next shall be limited to gradual movements including, but not limited to, dissolve, fade, or traveling; however, sudden movement is prohibited, including, but not limited to blinking and flashing.
- E. SPECIAL SITUATIONS.** The following signs may be allowed in addition to the signs permitted in B. above and do not require a permit or fees, but signs must be in conformance with all other state and local laws.
- a. **AUTOMOBILE SERVICE STATION.** Gasoline dispensing stations may have, in addition to other signs, one 12 square foot sign on each street frontage.
 - b. **INTERSTATE HIGHWAY INTERCHANGE.** In the GC-GENERAL COMMERCIAL; RC-RECREATION COMMERCIAL; HSC-HIGHWAY SERVICE COMMERCIAL; C/LI-COMMERCIAL/LIGHT INDUSTRIAL and I-I GENERAL INDUSTRY DISTRICTS, businesses which are adjacent to both the interstate and the intersecting cross street may by conditional use erect one additional on-premise freestanding sign not to exceed 200 square feet or 60 feet in height.
 - c. **CONSTRUCTION SIGNS.** Additional signage may be placed on a property during the time a property has an active building permit. The total sign area shall not exceed 100 square feet or 20 feet in height and shall be removed within one week after final inspection or upon the expiration of the building permit, whichever comes first.

- d. NEIGHBORHOOD IDENTIFICATION SIGNS. In any zone, a masonry wall, landscaping and other similar material or feature may be combined to form a display for neighborhood or tract identification, provided that the legend of such signs or display shall consist only of the neighborhood or tract name, and the sign area shall not exceed 32 square feet.
- e. INSTITUTIONAL SIGNS. Churches, cemeteries, schools, day care centers, institutional and public uses in the agricultural and residential districts may have an on-premise sign not exceeding 32 square feet in area per frontage. Institutional signs require a building permit prior to construction/placement of the sign.
- f. INTEGRAL SIGNS. Names of buildings, dates of erection, monumental citations, commemorable tablets, and the like, of permanent type construction and made an integral part of the building structure shall be permitted not to exceed 16 square feet per building.
- g. PRIVATE TRAFFIC DIRECTIONAL SIGNS. Signs directing traffic movement into, out of or within the commercial premise. Such signs shall not exceed an area of four square feet per sign face and four feet in height. Only two private directional signs are allowed per legal driveway.
- h. REAL ESTATE SIGNS. Temporary signs shall be permitted while a property is actively listed for sale. The total sign area of such signs shall not exceed 32 square feet for each street frontage.
- i. SPECIAL USE SIGNS: In the A-1- GENERAL AGRICULTURE; PF - PARK FOREST DISTRICTS; A-2 - RESIDENTIAL AGRICULTURE; RR - RURAL RESIDENTIAL; and SRD-SUBURBAN RESIDENTIAL DISTRICTS., uses which are governed by a Conditional Use Permit, Major Home Occupation, or Agricultural Tourism Permit may have freestanding, wall, roof, or projecting signs on the premise in accordance with the stipulations of the permit. The total sign area of each sign shall not exceed 32 square feet. Special use signs require a building permit prior to construction/placement
- j. BANNERS. Each commercial and industrial zoned property may have one banner no larger than 32 square feet at all times. Additional banners within commercial or industrial zoned property can be placed for a maximum of 21 days during any calendar year. Banners shall be securely mounted or affixed with rigid posts, frame, structure, or building.

§ II-8.005 EXEMPTIONS.

~~§ II-8.006 EXEMPT SIGNAGE.~~

~~The following signs do not require a permit and are exempt from the specific rules governing signs in §§ [II-8.001](#) through [II-8.005](#) provided the following requirements are met:~~

- ~~—(A) *Construction signs.* For construction on or development of lots, not more than three signs with a combined total area of 70 square feet, stating the names of contractors, engineers, or architects, is allowed during the time that construction or development is actively underway;~~
- ~~—(B) *Community signs.* A sign erected and maintained by or on behalf of a governmental entity for the purpose of proclaiming the boundary of such entity. Such sign shall not contain advertisement of any private business;~~
- ~~—(C) *Integral signs.* Name, names of buildings, dates of erection, monumental citations, co-memorable tablets, and the like, of permanent type construction and made an integral part of the building structure, shall be permitted;~~
- ~~—(D) *Private traffic directional signs.* Signs directing traffic movement onto and out of a commercial premises may be located at each vehicular entrance onto a public street and may not be greater than four square feet;~~
- ~~—(E) *Real estate signs.* Not more than one non-illuminated “For Sale” or “For Rent” sign, not exceeding 32 square feet, is allowed for the purpose of advertising the sale, rental, or lease of the premises on which the sign is located;~~

- ~~—(F) *Directional real estate signs.* A directional real estate sign, all of which are considered to be temporary in nature, may only be used in conjunction with a real estate sale and may not exceed three square feet in size, may not exceed three feet in height, measured from the ground to the top of the sign, shall be supported on metal or wooden stakes, supplied by the installer, and shall not be attached to trees, street sign poles, utility poles, traffic control signs, traffic signal poles, walls of buildings, barns, sheds, fences, or other physical elements. A maximum of two directional real estate signs are permitted per real estate agency per parcel or per subdivision listed for sale. Any such signs shall not be placed in any county ROW. A temporary real estate sign shall be placed only on private property and with the permission of the property owner;~~
- ~~—(G) *Emergency 911 signs.* Residential locator or E-911 signs are permitted;~~
- ~~—(H) *Political campaign signs.* Political campaign signs that are temporarily placed on the ground pending an election, shall not exceed 32 square feet and shall be removed within three days after the election. No political signs are allowed to be located in any public rights-of-way, public or private access easements;~~
- ~~—(I) *Utility signs.* One sign per utility, not to exceed six inches by 12 inches mounted on a pole;~~
- ~~—(J) *Banners.* Shall be allowed on a temporary basis for a maximum of 21 days during any calendar year;~~
- ~~—(K) *Plants.* Signs advertising the use of a particular breed, type, variety, hybrid, or brands of plant, chemical, or tillage, not exceeding six square feet in area and one-sided face. Such product must be used on the premises on which the sign is located;~~
- ~~—(L) *No hunting or trespassing.* No hunting or trespassing signs, not exceeding six square feet in area;~~
- ~~—(M) *Public service announcements.* Owners of on-premises and off-premises signs are encouraged to allow public service announcements;~~
- ~~—(N) *Flags, emblems, or insignias.* The flag, emblem, or insignia of a nation or other governmental unit or nonprofit organization subject to the guidelines concerning their use set forth by the government or organization that they represent;~~
- ~~—(O) *Sculptures, fountains, murals, mosaics, and design features.* Sculptures, fountains, murals, mosaics, and design features that do not incorporate advertising or identification; and~~
- ~~—(P) *Legal notices.* Legal notices required by law.~~

The following signs and devices are exempt from all aspects of this article, including permit requirements and limitations on size, location, and number:

- A. PUBLIC SIGNS. Signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his duty shall be permitted.
- B. PROPERTY RIGHTS SIGNS. A property owner may post a sign that indicates a property owner's right of exclusion. These signs include no hunting, no trespassing, no soliciting, and similar signs.
- C. SPECTATOR SIGNS. A sign that is physically oriented toward spectators of an event and not physically oriented so as to attract the motoring public, such as a sign located on the fence of a baseball field, football field, racetrack, or outdoor stadium.
- D. WINDOW SIGNS. A sign affixed to a window of an enclosed building, including the window or glass area of a door.
- E. ART. Art as defined as an artistic painting, image, or sculpture created on an individual basis which contains no commercial message, image, trademark, or logo can be created within any zoning district.

§ II-8.006 ILLUMINATION.

Regulations regarding the illumination of signs shall be as follows:

- A. **SHADING.** The light from any illuminated sign or billboard shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing premises or safe vision of operators of vehicles on public or private roads.
- B. **BLINKING AND FLASHING.** Blinking, flashing, pulsating, or fluttering lights are prohibited.
- C. **RESIDENTIAL DISTRICTS.** No illuminated sign or electronic message sign is allowed within any residential zoning district, unless the sign is classified as an institutional sign or neighborhood identification sign.
- D. **SIGN BRIGHTNESS:** No illuminated or electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

AREA OF SIGN (SQ. FT)	MEASUREMENT DISTANCE (FT.)
10-14	32
15-19	39
20-24	45
25-29	50
30-34	55
35-39	59
40-44	63
45-49	67
50-54	71
55-59	74
60-64	77
65-69	81
70-74	84
75-79	87
80-84	89
85-89	92
90-94	95
95-99	97

100-150

100

More than 150

150

§ II-8.007 TEMPORARY AND PORTABLE SIGNS. Temporary and portable signs shall not exceed 32 square feet and may be displayed for 60 days per calendar year in the GC-GENERAL COMMERCIAL; RC-RECREATION COMMERCIAL; HSC-HIGHWAY SERVICE COMMERCIAL; C/LI-COMMERCIAL/LIGHT INDUSTRIAL and I-I GENERAL INDUSTRY DISTRICTS. It shall be the duty of the user of the sign to:

- A. Notify in writing and obtain approval from the Planning Director prior to placement of said sign.
- B. Notify in writing the Planning Director upon removal of said sign. The Planning Director shall continue to deduct one day from the 60 days allowed per calendar year until notice of removal is received or a total of 60 days has elapsed.
- C. Place the signs in locations so that the provisions of this article and all other applicable codes and ordinances are complied with.

§ II-8.008 PROHIBITED SIGNS. The following signs are prohibited:

- A. **PARKING OF ADVERTISING VEHICLES PROHIBITED.** No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premise. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.
- B. **NUISANCE SIGNS.** Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.
- C. **BEACONS, SEARCHLIGHTS, AND FLASHING SIGNS.** Beacons, searchlights, and flashing signs shall be prohibited.
- D. **SIGNS ON PUBLIC PROPERTY.** Except where required by law or permitted by the County, any sign installed or placed within any right-of-way or public property shall be deemed illegal and shall be forfeited to the public and subject to immediate confiscation.
- E. **MOVEMENT.** Signs shall not have moving parts or have the illusion of motion as part of the sign, except banners, pennants and similar lightweight signs which move with the atmosphere.

§ II-8.009 MAINTENANCE AND REMOVAL. Every on-premise sign, including any exempt from this code in respect to permits and permit fees, shall be maintained in good structural and aesthetic condition at all times. Any abandoned, unsafe or unsightly sign shall be removed or renovated within 60 days upon written notice. If the owner fails to remove or renovate the sign within the required time period the County may remove such sign at the owner's expense.

§ II-8.010 PERMIT REQUIREMENTS.

- A. **PERMITTED SIGNS.** The following on-premise sign types require a separate sign permit to be obtained prior to the construction or placement of a sign.
 - a. All permanent signs within a Commercial or Industrial zoning district.
 - b. All permanent signs allowed with a Home Occupation, Conditional Use Permit, or Agricultural Tourism Permit.

- c. All projecting signs and roof signs that extend beyond the face of the wall or roof.
- B. PERMISSIVE SIGNS. All on-premise sign types which are not listed in 8.010 (A). may be placed when all other requirements are met for this ordinance.

§ II-8.011 OFF-PREMISES SIGNAGE.

- ~~—(A) Upon the filing of any application for an off-premises sign, the applicant shall pay the county the appropriate fee as designated in [Chapter 21](#) of this zoning title. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.~~
- ~~—(B) The owner of any sign along a state highway requiring a permit must apply for and obtain a valid permit from the State Department of Transportation before construction or placement of the sign occurs.~~
- ~~—(C) No off-premises sign shall be erected or placed closer than 500 feet from any residential district and/or dwelling unit.~~
- ~~—(D) Off-premises signs shall be located no closer than a 1,500-foot radius from the center of the face from all other off-premises signs.~~
- ~~—(E) All illuminated signs shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing premises or safe vision of operators of vehicles on public and private roads. All outdoor lighting shall use downthrow lighting.~~
- ~~—(F) Off-premises signs shall not exceed a height of 30 feet. The height of the off-premises sign shall be measured from the road surface.~~
- ~~—(G) The maximum display area of any off-premises sign located adjacent to a two or more lane highway shall not exceed 240 square feet on each face of the sign.~~
- ~~—(H) The maximum display area of any off-premises sign located adjacent to the interstate shall not exceed 378 square feet on each face.~~
- ~~—(I) All off-premises signs shall be placed or erected in conformity with all applicable side and rear yard setback requirements for structures. The minimum front yard setback requirement for on-premises or off-premises signs shall be five feet from the property line, measured from the outer face.~~
- ~~—(J) No sign, including political signs, are allowed to be located in any public rights-of-way, public or private access easements. All signs issued by the County Planning Department for public notice of proposed land use changes are exempt from this requirement.~~
- ~~—(K) An off-premises sign shall be allowed to share the structure with an on-premises sign.~~
- ~~—(L) No debris including, but not necessarily limited to, wood material, posts, metal, paper, plastic, cardboard, or other materials from the construction or maintenance of a sign shall be left at the location or vicinity of a sign. Any violation of this section is hereby declared a nuisance and subject to abatement.~~

- A. PURPOSE AND INTENT. The purpose of this article is to prevent the uncontrolled use of off-premise signs so as to promote the health, safety and general welfare of those persons using the public rights-of-way. These regulations are intended to preserve the overall landscape quality of the county while allowing the reasonable use of signs to inform the traveling public. This is accomplished through the application of standards for size, illumination and separation. This article is not intended to regulate objects that traditionally are not considered signs for purposes of governmental regulations.
- B. GENERAL REGULATIONS.

- a. In the A-1- GENERAL AGRICULTURE; PF - PARK FOREST DISTRICTS; A-2 - RESIDENTIAL AGRICULTURE; RR - RURAL RESIDENTIAL; and SRD-SUBURBAN RESIDENTIAL DISTRICTS, off-premise signs shall not be permitted.
- b. The following regulations shall apply to off-premise signs in GC-GENERAL COMMERCIAL; RC-RECREATION COMMERCIAL; HSC-HIGHWAY SERVICE COMMERCIAL; C/LI-COMMERCIAL/LIGHT INDUSTRIAL and I-I GENERAL INDUSTRY DISTRICTS:
 - i. A maximum sign area of 288 square feet.
 - ii. There shall be no more than one sign face per direction of facing.
 - iii. The maximum height shall be 40 feet.
 - iv. No part of the sign face or structure shall be located in or overlap into the required side or rear yard setbacks or public right-of-way.
 - v. Spacing requirements.
 - 1. A sign shall not be within a 500 foot radius of any other off-premise sign intended to be read from the same right-of-way.
 - 2. The sign shall not be within a 300 foot radius of any other off-premise sign intended to be read from a different right-of-way.
 - 3. No off-premise sign shall be located within 500 feet of a residential dwelling located on a different parcel.
 - 4. All spacing measurements in this subsection shall refer to a measurement made along the edge of the right- of-way and shall apply only to structures located on the same side of the highway.
 - 5. These spacing provisions do not apply to signs separated by buildings or other obstructions in such a manner that only one sign located within the above spacing distance is visible from the road right-of- way at any one time.
 - 6. No off-premise signs are allowed within 500 feet of a public park, school, church, or designated historic site.
 - 7. The light from any illuminated sign shall be so shielded, shaded or directed so that the light intensity shall not adversely affect surrounding or facing premises or the safe vision of operators of vehicles on public roads.
 - 8. Electronic message signs.
 - a. All new permitted off-premise signs may be an electronic message sign subject to requirements listed in 8.004 D. ELECTRONIC MESSAGE SIGNS.
 - b. All existing off-premise signs within the HSC; C/LI and I-1 zoning districts may obtain a permit to become an electronic message sign subject to requirements listed in 8.004 D. ELECTRONIC MESSAGE SIGNS.

C. EXCEPTIONS.

- a. Political campaign signs provided the signs are removed within five days after the election.
- b. Directional signs, street name signs, or other signs which have been authorized and directed by a governmental unit.

~~§ H-8.007 PROHIBITED SIGNAGE.~~

~~—(A) *Portable signs/vehicle signs.* Portable signs are prohibited except as authorized as a temporary sign by § H-8.004. Signs which are painted on any motor vehicle or trailer shall be considered as an illegal portable sign if such vehicle and trailer are parked at a location, other than the business which they advertise, or at the home of the operator, for other than making deliveries or while performing work at such location. Any such vehicle or trailer when parked at the place of business that they advertise must be currently licensed and in operating condition.~~

~~—(B) *Nuisance signs.* Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign, or signal shall be removed upon notice from the Planning and Zoning Department.~~

D. PROHIBITED SIGNS. The following signs are prohibited:

- a. **PARKING OF ADVERTISING VEHICLES PROHIBITED.** No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premise. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.
 - b. **NUISANCE SIGNS.** Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.
 - c. **BEACONS, SEARCHLIGHTS, AND FLASHING SIGNS.** Beacons, searchlights, and flashing signs shall be prohibited.
 - d. **SIGNS ON PUBLIC PROPERTY.** Except where required by law or permitted by the County, any sign installed or placed within any right-of-way or public property shall be deemed illegal and shall be forfeited to the public and subject to immediate confiscation.
 - e. **MOVEMENT.** Signs shall not have moving parts or have the illusion of motion as part of the sign, except banners, pennants and similar lightweight signs which move with the atmosphere.
- E. MAINTENANCE AND REMOVAL.** Every off-premise sign shall be maintained in good structural and aesthetic condition at all times. Any abandoned, unsafe or unsightly sign shall be removed or renovated within 60 days upon written notice. If the owner fails to remove or renovate the sign within the required time period the County may remove such sign at the owner's expense.
- F. PERMIT REQUIREMENTS.** All off-premise signs require a building permit to be obtained prior to the construction or placement of each sign, except temporary political campaign signs and signs which were authorized and directed by a governmental unit.

~~§ II-8.008 ILLUMINATION OF ON-PREMISES AND OFF-PREMISES SIGNAGE.~~

~~—(A) Signs that contain, include, or are illuminated by any flashing, intermittent (less than six seconds) moving light(s) are prohibited.~~

~~—(B) Electronic variable message signs giving public information such as, but not limited to, time, date, temperature, weather, or other similar information, and commercial electric variable message signs which function in the same manner as multiple-face signs are permitted, provided such signs do not interfere with traffic safety, do not change messages less than every six seconds, and do not resemble or simulate traffic control or safety devices or signs.~~

~~—(C) Any externally mounted or accessory lighting meant to illuminate a sign must be shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle. All outdoor lighting shall use downthrow lighting.~~

~~§ II-8.009 SUPPLEMENTAL REGULATIONS.~~

~~—A nonconforming sign or sign structure existing at the time of the adoption of this chapter, as amended, may be~~

continued, maintained, and repaired as follows:

- ~~—(A) Any sign or sign structure not required to be removed, or until the time of actual removal, may be used and may be repaired if the expense of ordinary and customary maintenance does not exceed 50% of the depreciated value of the sign, or if the same has not been damaged beyond 50% of its depreciated value by an act of God unless special circumstances warrant a variance by the Board of Adjustment, such as, but not necessarily limited to, acts of vandalism or an accident. Fees may be waived by the County Commission.~~
- ~~—(B) No sign shall exceed two sides. Signs shall have no more than one frontal face (front) and one back face (back) as viewed from one static position.~~
- ~~—(C) No sign shall be constructed, placed, or erected at or near any intersection with a 25-foot sight triangle at intersections. No sign shall be allowed in an easement or in the 25-foot sight triangle of the intersection of two easements.~~
- ~~—(D) The changing of advertising messages or face on an existing sign shall be allowed without fee or permit.~~

~~§ II-8.010 MAINTENANCE AND ENFORCEMENT OF SIGNS.~~

- ~~—(A) Every on-premises and off-premises sign, including any exempt from this code in respect to permits and permit fees, shall be maintained in good structural and aesthetic condition at all times. Any abandoned, unsafe, or unsightly sign shall be removed or renovated within one year upon discovery. The County Planning Department shall send a written notice, sent certified, return receipt. If the owner fails to remove or renovate the sign within specified time period, the county may remove such sign at the owner's expense. Any person receiving notice may appeal the determination of the administrative official by filing a written notice of appeal to the Board of Adjustment within seven days of receipt of the notice. Failure by any person to appeal the notice within that time period shall constitute a waiver of right to an administrative hearing.~~
- ~~—(B) Any new sign or sign structure found to be installed without a permit or not in conformance with this title shall be removed or renovated within 30 days upon discovery.~~
- ~~—(C) In addition to any and all remedies allowed under the laws of the state and this title, a violation of any requirement of this title shall also be subject to the penalties as outlined in [Chapter 23](#) of this zoning title.~~

CHAPTER 9: WATER AND WASTEWATER SYSTEMS

§ II-9.001 GENERAL.

- (A) All water and wastewater systems shall conform with SDCL Ch. 34A and administrative rules promulgated thereunder.
- (B) All wastewater systems shall be designed by a state licensed engineer as per state law (SDCL) and administrative rules (ARSD) pertaining to the same. All wastewater systems shall be installed by state licensed installers and their work shall be inspected by the designing engineer to ensure the system was built substantially in the same manner as it was designed. The engineer shall then submit a post installation report. ~~as to the same on a form as provided by the Administrator.~~

§ II-9.002 WASTEWATER TREATMENT SYSTEMS.

- (A) No person may install, construct, modify, extend, repair, replace, relocate, or operate a wastewater treatment system for the treatment or disposal of human excreta which does not meet the requirements of SDCL Ch. 34A and administrative rules promulgated thereunder.
- (B) Due to the unique circumstances of a holding tank, it shall be used as a waste disposal system of last resort.

~~The DENR shall approve in writing, on a form to be attached to the building permit, the circumstances under which a holding tank will be accepted. A building permit will be issued only when these requirements are met.~~

§ II-9.003 PUBLIC WASTEWATER SYSTEM.

Public wastewater systems shall meet standards and specifications required by state law, as may be administered by the Secretary of the ~~Department of Environment and Natural Resources~~ **Department of Agriculture and Natural Resources** (~~DENR~~) **DANR**. No person may construct, install, or operate an on-site wastewater system where a public wastewater system is available. In the event a public wastewater system becomes available in an area previously served by individual on-site wastewater systems, an amortization schedule should be determined to bring all ~~effected~~ **affected** properties into compliance, and the property owner shall be required to remove or reclaim the old system and hook into the public wastewater system (ARSD 74:53:01:07, SDCL §§ 9-54-10 and 9-48).

§ II-9.004 PLANS AND SPECIFICATIONS.

Plans and specifications for all installations which receive human excreta, other than a conventional individual on-site wastewater system, must be submitted to the ~~DENR~~ **DANR** for review and approval prior to construction. Installation and operation of such systems shall be in accordance with approved plans and specifications. Plans and specifications must be prepared by a state licensed engineer, and must be installed by a state licensed installer. The seal of registration must be on all plans and specifications.

§ II-9.005 MINIMUM LOT SIZE.

State rules and zoning shall dictate the lot size requirement for septic systems. All small on-site wastewater systems shall be on a minimum lot size of two acres, unless served by a central wastewater system or located on a preexisting lot of record, then it shall meet all state requirements.

§ II-9.006 INSTALLATION.

No installer may engage in the business of the installation of individual or small on-site wastewater systems without first obtaining a certificate to conduct such activities pursuant to state law. All individual or small on-site wastewater system installations shall be performed in accordance with the provisions of ARSD 74:53:01.

§ II-9.007 INSPECTION.

~~All wastewater systems shall be designed by a state licensed engineer as per state law (SDCL) and administrative rules (ARSD) pertaining to the same. All wastewater systems shall be installed by state licensed installers and their work shall be inspected by the designing engineer to ensure the system was built substantially in the same manner as it was designed. The engineer shall then submit a post installation report. All inspections—Inspection of the installation, equipment, and operation of an on-site wastewater system may be made at any time by authorized representatives of the state or the county. The Planning Commission is authorized to oversee individual on-site wastewater systems in the interest of public health and welfare and may require additional percolation or other tests in order to determine the feasibility of on-site wastewater systems.~~

§ II-9.008 SEPTIC SYSTEM PERMIT PROCESS.

(A) A septic permit shall be required prior to the installation or modification of any wastewater treatment system. The term modification shall include any repair that requires the relocation or replacement of any drainfield or septic tank.

(B) The applicant shall:

- (1) Contact a professional engineer and provide the following information: name; address; phone; contractor; general location of the property; legal description; number of bedrooms; garbage disposal; water softener; and any additional information requested by the engineer. For a commercial facility, the applicant shall provide the following information to the engineer: name; address; phone; contractor; general location of the property; legal description; type of facility; maximum number of employees; maximum capacity; number of hand washing sinks; toilets; urinals; showers and baths; washing machines; cafeterias; kitchens; service bays; and any additional information as requested by the engineer;
- (2) Hire a state certified installer to install or modify the system;
- (3) The engineer, installer, property owner, and/or the builder shall do an on-site evaluation to determine the best location for the septic tank and the drain field;
- (4) Percolation tests in the proposed drain field area shall be done under the supervision of either the engineer or a state certified installer approved by the engineer. The engineer should require a soil profile;
- (5) After the engineer has evaluated the percolation test data and/or soil profile, the engineer shall design the septic system. The installer shall install the system per the engineer's design and specifications. For a commercial facility or where a septic system is serving more than one residence, the engineer's design shall be provided to DENR for a review and approval;
- (6) A building permit for a residential dwelling or a commercial facility requiring a wastewater treatment system shall not be issued until a professional engineer has designed the system; and
- (7) When the installation of the system is complete, the installer shall contact the engineer no less than 12 hours in advance for inspection of the system. The system shall not be covered until the inspection is complete.

§ II-9.009 SEPTIC SYSTEM POST INSTALLATION REPORT.

The engineer shall supervise or perform an on-site inspection of the system to ensure the system was built substantially in the same manner as it was designed, ~~and complete the report on a form provided by the Administrator.~~ The A written report and photographs from the engineer inspecting the system shall be provided to the administrative official for inclusion in the applicant's building permit file and for closure of the sewage permit file. There should also be an exhibit with location ties from prominent landmarks (structure, mature trees, property corners, and the like) to the center of the tank and corner of the drain field. The septic system post installation report shall be due in the office of Planning and Zoning no later than 30 days after the engineer inspects the system. A Certificate of Occupancy will not be issued until such time as these items have been provided. It is the responsibility of the landowner to make sure all contractors; installers and engineers are following procedure.

§ II-9.010 SUBSEQUENT INSPECTION.

The administrative official may require, at landowner expense, subsequent inspection at any time of any wastewater treatment system to assure adequate and functional capacity and design. In the event such inspection reveals inadequate capacity, design, or functioning, a state registered professional engineer may examine, at landowner expense, the results of the inspection data including pumping and video information, and recommend modifications sufficient to meet minimum requirements of state law. Failure to correct such deficiencies will result in sanctions provided by law.

§ II-9.011 SANITARY DISTRICT.

When populated areas in the unincorporated county shall be so situated that sewage becomes, or may become, a menace to the residents of the area or to the residents of any municipality, the same may be incorporated as a sanitary district under SDCL Ch. 34A-5. If satisfied that the requirements have been fully complied with, the

Board shall declare, with the assent of the electors pursuant to SDCL Ch. 6-16, an incorporated sanitary district. The Board shall consider impediments to annexation with any municipality. The sanitary district may construct and operate storm and sanitary sewers and sewage disposal plants as permitted by law. The district shall have the power to enter into contracts with any municipality for the purpose of using the facilities of said municipality for the treatment and disposal of sewage of the district or making such facilities of the district available to a municipality. The sanitary district may require by ordinance or resolution that all dwellings or structures within a district defined area be connected with the sewers of the district, among other requirements as provided in SDCL 34A-5. The district shall have exclusive jurisdiction to establish by ordinance or resolution standards for construction and inspection of private sewer systems within its boundaries in conformity with state and county laws and regulations. A municipality or a sanitary district may also form a consolidated sanitary district.

CHAPTER 13: BUILDING PERMITS

§ II-13.001 BUILDING PERMIT REQUIREMENTS.

(D) Dirt work may be started prior to issuance of a building permit, but no ~~concrete may be poured~~ **concrete forms may be set** without a building permit.

(E) All new driveways, approaches, or access points from a county or state road are required to have a permit from the appropriate county or state departments prior to issuance of a building permit.

(F) Fees. Upon the filing of any application for Building Permit, the applicant shall pay the county the appropriate fee as designated in Chapter 21 of this zoning title. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.

(G) Other pertinent information, as required, to include, but not be limited to, e.g., outside engineer/plan/inspector review of all plans and drawings; wetland information, streams, geotechnical information, on-site wastewater disposal systems, percolation tests, soil profiles, and the like, solely at the owner's expense.

§ II-13.002 BUILDING PERMIT APPLICATION.

(A) Building permits shall be required for all new construction and relocation of buildings, to include mobile homes, and any structures (such as sheds) ~~144~~ **200** square feet or greater.

(3) Site plans ~~drawn to a legible scale including the following information,~~ **shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this ordinance and all relevant laws, ordinances, rule, and regulations, at a minimum they shall include:**

(a) Property lines with dimensions;

(b) Location of all existing and proposed structures;

(c) Setbacks from all property lines, roads, streets, easements and section lines, if applicable;

(d) All incidental uses such as wells, septic tanks, drain fields, waterways, driveways, utilities, existing easements, slopes, and the like; and

(e) Additional information may be required if on commercial property, such as parking, signage and drainage.);

(4) Proof of sewer permit number and septic design if new (if existing need to have receipt of last time it was pumped);

(5) Wildfire mitigation plan or survivable space plan (if the lot was approved on or after September 15,

2010); and

(6) All contractors working on the job site shall be listed on the permit and shall have a valid contractor license with the county.

(7) Other pertinent information, as required, to include, but not be limited to, e.g., outside engineer/plan/inspector review of all plans and drawings; wetland information, streams, geotechnical information, on-site wastewater disposal systems, percolation tests, soil profiles, and the like, solely at the owner's expense

§ II-13.003 BUILDING CONTRACTORS.

(C) *Fees.*

(4) Any contractor who fails to have a current contractor license while working in Lawrence County shall be subject to double the current fee.

CHAPTER 14: DEVELOPMENT PLANS

§ II-14.002 SITE PLAN.

~~A site plan shall include the following information:~~ Site plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this ordinance and all relevant laws, ordinances, rule, and regulations. at a minimum they shall include:

- ~~(A) Proposed land uses and specific recreation services to be offered;~~ moved to written summary
- (A) Setbacks from all property lines, roads, streets, easements and section lines, if applicable;
All setbacks (distance in feet from furthest most projection of structure to all lot lines and or road rights-of-way);
- (B) Location of all existing and proposed structures; ~~All existing and proposed structures, dimensions, design specifications, and location of all facilities (i.e., pump stations, gas tanks, and the like);~~
- (C) All incidental uses such as wells, septic tanks, drain fields, waterways, driveways, utilities, existing easements, slopes, and the like; ~~and Proposed and existing grading, drainage patterns, and landscaping;~~
- (E) ~~Proposed and existing improvements, including sewer and water facilities, parking, and roads;~~ combined into C above
- (F) ~~Proposed and existing signs and locations;~~ moved to written summary
- ~~(G) Proposed time line of completion of plans;~~ moved to written summary
- ~~(H) Parking and loading plans pursuant to Chapter 7 of this zoning title;~~ moved to written summary
- ~~(I) Adjacent land use;~~ moved to written summary
- ~~(J) Relationship of the proposed development to the surrounding area;~~ moved to written summary
- (D) Property lines with dimensions; ~~All property lines and dimensions of the lot(s);~~
- (E) ~~Proposed and existing wells; and;~~ combined into C above
- (F) ~~Proposed and existing septic systems and drain fields.;~~ combined into C above

(Ord. 14-01, passed 6-6-2014, Ch. 14, § 1.1)

§ II-14.003 WRITTEN SUMMARY / COMMENTS.

A written summary shall include, at a minimum, ~~comments from appropriate officials including, but not limited to,~~ the following information:

- (A) Proposed land uses and specific recreation services to be offered;
- (B) Proposed and existing signs and locations;
- (C) Proposed time line of completion of plans;
- (D) Parking and loading plans pursuant to Chapter 7 of this zoning title;
- (E) Adjacent land use;
- (F) Relationship of the proposed development to the surrounding area;
- (G) A letter from the appropriate fire district in regard to fire protection;
- (H) A letter from Department of ~~Environment~~ Agriculture and Natural Resources, or county entity regarding the proposed or existing water system;
- (I) A letter from Department of ~~Environment~~ Agriculture and Natural Resources (DANR) regarding the proposed/existing sewage disposal system; or a registered professional engineer with experience in septic system design;
- (J) A letter from any entity which may have joint jurisdiction over the property; and
- (K) A letter from the County Floodplain Administrator's review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) to determine if the proposed commercial location lies within the designated flood hazard area. If it is determined to be the floodplain area, a professional engineer will have to review the specifics of the property and obtain a development permit and elevation certification.
- (L) Other pertinent information, as required, to include, but not be limited to, e.g., outside engineer/plan/inspector review of all plans and drawings; wetland information, streams, geotechnical information, on-site wastewater disposal systems, percolation tests, soil profiles, and the like, solely at the owner's expense

CHAPTER 15: ZONING BOARD OF ADJUSTMENT APPEALS (this will combine Chapter 15 & 16)

§ II-15.001 ESTABLISHMENT

The Lawrence County Commissioners shall provide for the appointment of a Board of Adjustment. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances, and hear appeals to the terms of these regulations in harmony with the general purpose and intent and in accordance with general and specific rules herein contained.

§ II-15.002 OPERATIONAL PROCEDURE.

(A). The Board shall meet at the regularly scheduled meetings of the County Commission. All meetings of the Board shall be open to the public and all business coming before the Board shall be transacted at such meetings.

(B). The Board shall keep minutes of its proceedings, records of examinations and other official actions, all of which shall be filed in the Auditor's Office and shall be a public record.

§ II-15.003 APPEALS. The Board shall hear and decide appeals where it is alleged there is error in any order,

requirement, decision or determination made by the Planning Director in the enforcement of these regulations.

§ II-15.004 VARIANCES. The Zoning Board of Adjustment shall not vary the regulations unless it shall make findings based upon the evidence presented to it in each specific case and shall use the following considerations to do so:

(A). The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

(B). The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification or other property substantially similar in use.

(C). The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.

(D). The proposed variance will not unreasonably impair an adequate supply of light and air to adjacent property; increase the congestion in the public streets; increase the danger of fire; endanger the public safety; or diminish or impair property values within the area.

(E). That because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(F). That the variance, if authorized, will represent the minimum variance that will afford reasonable relief and will represent the least modification desirable of the zoning regulations.

(G). The Board of Adjustment shall hear and make determinations on variance to exceed the height limits as established by these regulations.

(H). The Board of Adjustment, under its authority to grant variances may impose reasonable conditions on the grant, and one accepting those conditions is bound by them.

§ II-15.005 APPLICATION TO COUNTY FOR VARIANCE. Any person, firm or corporation desiring a variance or wishing to appeal a decision of the Planning Director or authorized representatives shall make application for such request to the Office of Planning and Zoning. Such an application shall be provided by the Office and be completed in full by the applicant.

The application for a variance shall include a site plan and a written summary to include, at a minimum, the following information:

- A. SITE PLANS shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this ordinance and all relevant laws, ordinances, rule, and regulations. at a minimum they shall include:
 - a. Setbacks from all property lines, roads, streets, easements and section lines, if applicable;
 - b. Location of all existing and proposed structures;
 - c. All incidental uses such as wells, septic tanks, drain fields, waterways, driveways, utilities,

- d. existing easements, slopes, and the like;
- d. Property lines with dimensions;
- B. WRITTEN SUMMARY:
 - a. A detailed reason for the request
 - b. Proposed time line of completion of plans;
 - c. Adjacent land uses
 - d. Relationship of the proposed development to the surrounding area;
 - e. A letter from the appropriate fire district in regard to fire protection;
 - f. A letter from any entity which may have joint jurisdiction over the property; and
 - g. Other pertinent information, as required, to include, but not be limited to, e.g., outside engineer/plan/inspector review of all plans and drawings; wetland information, streams, geotechnical information, on-site wastewater disposal systems, percolation tests, soil profiles, and the like, solely at the owner's expense

The application for a an appeal shall include a written summary to include, at a minimum, the following information:

- A. WRITTEN SUMMARY:
 - a. A detailed reason for the request

§ II-15.006 FEES. Upon the filing of any application for a variance to the Board of Adjustment, the applicant shall pay the county the appropriate fee as designated in Chapter 21 of this zoning title. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.

§ II-15.007 PROCEDURE. The Planning Department shall review the completed variance or appeal application for compliance with this title. Any application not containing and/or addressing all the information required in § II-15.005 shall be rejected and returned to the applicant together with the reasons for rejection. If the Planning Department determines the application in compliance with this title then the following specific procedure will apply, depending on the type of application listed:

- A. VARIANCE PROCEDURE:
 - a. A Planning and Zoning recommendation meeting will be scheduled for the next regular meeting.
 - b. A recommendation meeting will be held in front of the Planning and Zoning Board. The Planning and Zoning Board shall make recommendation to approve or deny the variance application within 30 days of the initial hearing of the application. If the action is to deny the variance application, the reasons for such action shall be stated in the minutes and specific reference shall be made to the requirements not met.
 - c. After the recommendation meeting has been held, a public hearing will be scheduled in front of the Board of Adjustment.
 - d. A notice of public hearing sign will be furnished by the Planning Department, and posted by the Planning Department. The sign must be posted no less than ten days prior to the date of the hearing and must remain posted until final action by the Board of Adjustment.
 - e. The Planning Department will submit legal notice to the local newspaper(s). The notice shall state the date the Board of Adjustment will review and consider the variance application.
 - f. The Planning Department shall create a staff report with recommendations to the Board of Adjustment for either approval or denial of the application.
 - g. Within 45 days of the receipt of the Planning and Zoning Board's recommendation, the Board of Adjustment shall take action to approve or deny the variance request.

B. APPEAL PROCEDURE:

- a. A Public Hearing in front of the Zoning Board of Adjustment will be scheduled for the next regular meeting.
- b. The Planning Department will submit legal notice to the local newspaper(s). The notice shall state the date the Board of Adjustment will review and consider the appeal application.
- c. The Planning Department shall create a staff report with recommendations to the Board of Adjustment for either approval or denial of the application.
- d. Within 45 days, the Board of Adjustment shall take action to approve or deny the appeal request.

§ II-15.008 DECISION. All requests under this article shall be acted upon at a meeting of the Zoning Board of Adjustment. A favorable vote by a majority of the members of the Board shall be required to approve each request.

§ II-15.009 APPEALS FROM DECISION OF BOARD. Appeals may be taken to the Circuit Court by any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the County, aggrieved by any decision of the Board of Adjustment, in the manner and form provided by the statutes of the State of South Dakota, in such cases made and provided.

§ II-15.010 LIMITATIONS. Any order of the Board of Adjustment granting a variance may be declared invalid by the Board of Adjustment unless substantially completed within two years from the date of such order. The Planning Director shall notify the property owner of record upon invalidation of a variance.

~~GENERAL.~~

~~—The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the County Planning and Zoning Director and Planning and Zoning Board decisions as provided for in [Chapter 14](#) of this zoning title in the enforcement of these regulations.~~

~~(Ord. 14-01, passed 6-6-2014, Ch. 15, § 1.1)~~

~~§ II-15.002 APPLICATION.~~

~~—(A) Any person, firm, or corporation desiring to appeal a decision of the County Planning and Zoning Director or his or her representatives shall make an application for such request to the County Planning and Zoning Department.~~

~~—(B) Such application shall be provided by the Department and completed in full by the applicant.~~

~~(Ord. 14-01, passed 6-6-2014, Ch. 15, § 1.2)~~

~~§ II-15.003 FEES.~~

~~—(A) Upon the filing of any application for an appeal to the Board of Adjustment, the applicant shall pay the county the appropriate fee as designated in [Chapter 21](#) of this zoning title.~~

~~—(B) These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.~~

~~§ II-15.004 PROCEDURE.~~

~~—(A) The Planning Department shall review the completed appeal application for compliance with this title. Any application not containing and/or addressing all the information required in § [H-15.002](#) shall be rejected and returned to the applicant together with the reasons for rejection.~~

~~—(B) The Planning Department will submit legal notice to the local newspaper(s). The notice shall state the date the Board of Adjustment will review and consider the appeal application.~~

~~—(C) The Planning Department shall create a staff report with recommendations to the Board of Adjustment for either approval or denial of the application.~~

~~—(D) Within 45 days, the Board of Adjustment shall take action to approve or deny the appeal request.~~

~~(Ord. 14-01, passed 6-6-2014, Ch. 15, § 1.4)~~

~~(Ord. 14-01, passed 6-6-2014, Ch. 15, § 1.3)~~

CHAPTER 16: ~~VARIANCES (RESERVED)~~

~~§ H-16.001 GENERAL.~~

~~The Board of Adjustment shall hear all variances and shall not vary the regulations unless it shall make findings based upon the evidence presented, specific to each case.~~

~~(Ord. 14-01, passed 6-6-2014, Ch. 16, § 1.1)~~

~~§ H-16.002 APPLICATION.~~

~~—Any person, firm, or corporation desiring a variance shall make application for such request to the County Planning and Zoning Department. Such application shall be provided by the Department and completed in full by the applicant.~~

~~(Ord. 14-01, passed 6-6-2014, Ch. 16, § 1.2)~~

~~§ H-16.003 FEES.~~

~~—Upon the filing of any application for a variance to the Board of Adjustment, the applicant shall pay the county the appropriate fee as designated in [Chapter 21](#) of this zoning title. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.~~

~~(Ord. 14-01, passed 6-6-2014, Ch. 16, § 1.3)~~

~~§ H-16.005 CONSIDERATIONS.~~

~~—Considerations are as follows:~~

~~—(A) The particular physical surroundings shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;~~

~~—(B) The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification or other property substantially similar in use;~~

~~—(C) The granting of the variance will not be detrimental to the public welfare or injurious to other property or~~

~~improvements in the area in which the property is located;~~

~~—(D) The proposed variance will not unreasonably impair: an adequate supply of light and air to adjacent property; increase the congestion in the public streets; increase the danger of fire; endanger the public safety; or diminish or impair property values within the area;~~

~~—(E) Because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;~~

~~—(F) The variance, if authorized, will represent the minimum variance that will afford reasonable relief and will represent the least modification desirable of the zoning regulations;~~

~~—(G) The Board of Adjustment shall hear and make determinations on variance to exceed the height limits as established by these regulations; and~~

~~—(H) The Board of Adjustment, under its authority to grant variances, may impose reasonable conditions on the grant, and one accepting those conditions is bound by them.~~

~~(Ord. 14-01, passed 6-6-2014, Ch. 16, § 1.5)~~

CHAPTER 17: CHANGE OF ZONING

§ II-17.002 APPLICATION.

(A) A completed change of zoning application, along with all supporting documentation, shall be submitted to the Planning Department for review at least 22 days prior to a regularly scheduled Planning and Zoning meeting. The application shall include a written **summary shall include, at a minimum, the following information:**~~request pertaining to the following:~~

- (1) Adjacent land use;
- (2) Distance from municipalities;
- (3) Type of development (size and density);
- (4) Access from state and county road systems;
- (5) Location appropriate for requested zone;
- (6) Floodplain;
- (7) The effect of the proposed change of zoning upon:
 - (a) Housing, existing and available;
 - (b) Public services;
 - (c) Water;
 - (d) Sewer;
 - (e) Public roads;
 - (f) Parks and recreation within the county; and
 - (g) Open space areas.

(8) The cumulative effect of the proposed change when considered with previously approved changes of zoning within the area.

CHAPTER 19: CONDITIONAL USE PERMITS

§ II-19.004 SITE PLAN.

~~A site plan shall include, the following information:~~ Site plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this ordinance and all relevant laws, ordinances, rule, and regulations. at a minimum they shall include:

- (A) ~~Proposed land uses and specific recreation services to be offered;~~ moved to written summary
- (B) ~~Setbacks from all property lines, roads, streets, easements and section lines, if applicable;~~
All setbacks (distance in feet from furthest most projection of structure to all lot lines and or road rights-of-way);
- (C) ~~Location of all existing and proposed structures;~~ All existing and proposed structures, dimensions, design specifications, and location of all facilities (i.e., pump stations, gas tanks, and the like);
- (D) ~~All incidental uses such as wells, septic tanks, drain fields, waterways, driveways, utilities, existing easements, slopes, and the like;~~ and Proposed and existing grading, drainage patterns, and landscaping;
- (E) ~~Proposed and existing improvements, including sewer and water facilities, parking, and roads;~~ combined into C above
- (F) ~~Proposed and existing signs and locations;~~ moved to written summary
- ~~(G) Proposed time line of completion of plans;~~ moved to written summary
- ~~(H) Parking and loading plans pursuant to [Chapter 7](#) of this zoning title;~~ moved to written summary
- ~~(I) Adjacent land use;~~ moved to written summary
- ~~(J) Relationship of the proposed development to the surrounding area;~~ moved to written summary
- (E) ~~Property lines with dimensions;~~ All property lines and dimensions of the lot(s);
- (F) ~~Proposed and existing wells; and;~~ combined into C above
- (G) ~~Proposed and existing septic systems and drain fields.;~~ combined into C above

§ II-19.005 WRITTEN SUMMARY/ COMMENTS.

Written comments from appropriate officials including, but not limited to, the following:

- (A) Proposed land uses and specific recreation services to be offered;
- (B) Proposed and existing signs and locations;
- (C) Proposed time line of completion of plans;

- (D) Parking and loading plans pursuant to Chapter 7 of this zoning title;
- (E) Adjacent land use;
- (F) Relationship of the proposed development to the surrounding area;
- (G) A letter from the appropriate fire district in regard to fire protection;
- (H) A letter from Department of Environment Agriculture and Natural Resources, or county entity regarding the proposed or existing water system;
- (I) A letter from Department of Environment Agriculture and Natural Resources (DANR) regarding the proposed/existing sewage disposal system; or a registered professional engineer with experience in septic system design;
- (J) A letter from any entity which may have joint jurisdiction over the property; and
- (K) A letter from County Floodplain Administrator's review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) to determine if the proposed commercial location lies within the designated flood hazard area. If it is determined to be the floodplain area, a professional engineer will have to review the specifics of the property and obtain a development permit and elevation certification.
- (L) Other pertinent information, as required, to include, but not be limited to, e.g., outside engineer/plan/inspector review of all plans and drawings; wetland information, streams, geotechnical information, on-site wastewater disposal systems, percolation tests, soil profiles, and the like, solely at the owner's expense

§ II-19.006 PERFORMANCE STANDARDS.

- (D) Smoke, dust, fumes, or gasses shall not be emitted at any point in concentrations of amounts that are noxious, toxic, or corrosive.

§ II-19.007 PROCEDURE.

- (E) (3) The Planning Department shall provide a notice of public hearing sign, which is to be posted by the Planning Department on or near the property involved in the conditional use request in a location with the greatest public visibility. If the property is not adjacent to any public right-of-way, the sign shall be placed at the access point to the property along the nearest public right-of-way. Said sign shall be so placed no less than ten days prior to the date of the public hearing before the Planning Commission and shall remain placed until a decision has been made by the County Commission.

CHAPTER 21: FEES

§ II-21.001 GENERAL.

- (C) Other inspections and fees:

Other pertinent information, as required, to include, but not be limited to, e.g., outside engineer/plan/inspector review of all plans and drawings; wetland information, streams, geotechnical information, on-site wastewater disposal systems, percolation tests, soil profiles, and the like, solely at the owner's expense.

THAT this amendment will become effective on the twentieth (20th) day following publication.

Robert Ewing
Chair, Lawrence County Commission

Brenda McGruder
Lawrence County Auditor

Bruce Outka
Deputy State's Attorney

First Reading: March 28, 2023
Second Reading: April 11, 2023
Publication Date: April 15, 2023
Date Effective: May 5, 2019

Publish:
Black Hills Pioneer - April 15, 2023
Published once at the total approximate cost of _____.