Lawrence County

Zoning Ordinance

Effective Date: June 6, 2014

The below is a list of items amended since November 2, 2009:

Amended ORD 09-07: 06/03/2010	CAFO Regulations Addition
Amended ORD 10-01: 06/09/2010	Cemeteries, Building Permits and Fee Schedule
Amended ORD 10-02: 06/09/2010	Whitewood Superfund Site
Amended ORD 10-05: 09/15/2010	Fire Plan
Amended ORD 10-04: 11/09/2010	Sign Regulations
Amended ORD 10-07: 11/09/2010	Ordinance Text Amendment Changes
Amended ORD 11-01: 05/20/2011	Temporary 2nd Residence
Amended ORD 11-02: 11/05/2011	Extractive Industry CUP
Amended ORD 12-01: 03/10/2012	Floodplain
Amended ORD 12-04: 06/01/2012	Variance Text Change
Amended ORD 12-05: 06/12/2012	PF District Additions
Amended ORD 13-01: 05/02/2013	Personal Use Airstrip
Amended ORD 13-02: 09/27/2013	Setbacks, Districts and Uses in all Districts
Amended ORD 13-05: 12/06/2013	Agri-Tourism Addition

Re-Adoption of Entire Zoning Ordinance including the above amendments on June 6, 2014:

Amended ORD 14-01: 06/06/2014:	Re-Adoption of Entire Zoning Ordinance Book with minor changes to formatting, spelling and cross referencing. –No Substantive Changes –
Amended ORD 14-03: 12/30/2014	Change to A-1 Zoning District to read Cemeteries
Amended ORD 15-01: 06/05/2015	Additional verbiage to Chapter 16, 17, & 19 to allow Planning Department to post new metal Public Hearing Signs and a new fee schedule being adopted being passed as a Resolution each year instead of in the Ordinance. Added a refundable sign deposit and increased building permit valuation fees.
Amended ORD 16-01: 06/04/2016	Addition of Guest House Ordinances

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Amended ORD 16-03 : 07/21/217	Extractive Industry Ordinance
Amended ORD 17-01: 08/04/2017	Commercial Recreation Facility
Amended ORD 17-02: 09/29/2017	Restricted Use Solid Waste Disposal Facility

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CHAPTER 1 TITLE AND PURPOSE

★ Article 1 - Title
★ Article 2 – Purpose

ARTICLE 1 - TITLE

These regulations shall be referred to as the 2009 Lawrence County Zoning Ordinances.

ARTICLE 2 - PURPOSE

This ordinance is established under the authority of SDCL Ch. 11-2 which empowers the County Commission to enact a zoning ordinance and to provide for its administration and enforcement for the purpose of promoting the health, safety and general welfare of the County.

These regulations are designed to carry out the goals and objectives of the comprehensive plan, but especially to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to preserve and promote the western heritage in historic buildings, sites, open space areas, town, activities and events; to treasure and manage the natural environment; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration or scattering of population; and to encourage a distribution of population or mode of land utilization that will facilitate the economical and adequate provision of transportation, water, drainage, sewerage, schools, parks, or other public requirements. These regulations have been made with reasonable consideration to the character and intensity of the various land uses and the need for public facilities and services that would develop from those uses. These regulations are necessary for the best physical development of the county. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses by zoning all unincorporated land except those areas where joint zoning jurisdiction has been granted to a municipality.

CHAPTER 2 ADMINISTRATION AND ENFORCEMENT

★ Article 1 – Administrative Standards
★ Article 2 – Powers and Duties of County Commission
★ Article 3 – Powers and Duties of the Board of Adjustment
★ Article 4 – Powers and Duties of the Planning and Zoning Board
★ Article 5 – Powers and Duties of the Planning and Zoning Director

ARTICLE 1 – ADMINISTRATIVE STANDARDS

Whenever, in the course of administration and enforcement of these Zoning Ordinances it is necessary or desirable to make any administrative decision, then, unless other standards are provided in these Zoning Ordinances, the decision shall be made so that the result will not be contrary to the purpose of these Zoning Ordinances or injurious to the surrounding neighborhood.

ARTICLE 2 – POWERS AND DUTIES OF COUNTY COMMISSION

Section 1.1 Duty:

To hear and decide upon all requests for change of zonings and conditional use permits, based upon their findings, the findings of the Planning and Zoning Board, and after the findings of the required public hearing.

Section 1.2 Operational Procedure:

Study and report on all proposed amendments to this Ordinance; further, to review this Ordinance when so recommended by the Planning and Zoning Board, and on the basis of such review, suggest amendments thereto.

ARTICLE 3 – POWERS AND DUTIES OF BOARD OF ADJUSTMENT

Section 1.1 Establishment:

The Board of Adjustment shall be appointed by the Lawrence County Commission. 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.

Section 1.2 Operational Procedure:

1. The Board of Adjustment shall meet at the regularly scheduled meeting of the Lawrence County Commission. Special meetings may be held at the call of the chairperson. All meetings of the Board of Adjustment shall be open to the public and all business coming before the Board of Adjustment shall be transacted at such meetings.
2. The Board of Adjustment shall keep minutes of its proceedings, records of examinations and other official actions, all of which shall be filed in the Lawrence County Planning and Zoning Department and the Lawrence County Auditors Office and shall be of public record.

Section 1.3 Appeals:

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 Lawrence County Planning and Zoning Director in the enforcement of these regulations.

Section 1.4 Appeals Procedure:

Any person, firm or corporation desiring a variance shall make application for such request to the Lawrence County Planning and Zoning Department. Such application shall be provided by the Department and completed in full by the applicant. Appeals procedure shall comply with Chapter 15-Appeals.

Section 1.5 Variances:

The Board of Adjustment shall not vary the regulations unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. The Board of Adjustment shall hear and make determinations on variance to exceed the height limits as established by these regulations.
8. 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.

Section 1.6 Variance Procedure:

Any person, firm or corporation desiring a variance shall make application for such request to the Lawrence County Planning and Zoning Department. Such application shall be provided by the Department and completed in full by the applicant. Variance procedure shall comply with Chapter 16-Variances.

Section 1.7 Appeals of 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.

Section 1.8 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 (2) years from the date of such order. The Lawrence County Planning and Zoning Director shall notify the property owner of record upon invalidation of a variance.

Section 1.9 Jurisdiction Restricted:

The Board of Adjustment shall have no jurisdiction to hear requests or grant variances of the height limitations for broadcast towers, telecommunication towers, antenna support structures, and wireless communications facilities regulated by this ordinance.

ARTICLE 4 – POWERS AND DUTIES OF PLANNING AND ZONING BOARD

Section 1.1 Establishment:

The County Commission may appoint the Planning and Zoning Board of five (5) or more members. The total membership of the Board shall always be an uneven number and at least one (1) member shall be a member of the County Commission. The County Planning Board is also the County Zoning Board.

Section 1.2 Operational Procedure:

The Lawrence County Planning and Zoning Board shall meet at such times as may be necessary to accomplish the purposes of SDCL Ch. 11-2, but, in no event, shall the Board meet less than once every three (3) months.

Section 1.3 Powers:

In general, the Board has all such powers necessary to enable it to fulfill and perform its functions, promote county planning and zoning, or carry out all the purposes of SDCL Ch. 11-2.

Section 1.4 Hearing:

The Lawrence County Planning and Zoning Board shall hold a hearing on all requested zoning changes, interpretations of the Zoning Ordinance and Map, conditional use permits, amendments within forty-five (45) days of receipt of the request (SDCL 11-2-28, 11-2-28.1 and 11-2-28.2) and recommend to the Commission approval, approval with conditions or disapproval of the request. The Board shall review and recommend action to the Commission for all plans, plats, or proposals; including utility and facility proposals. The Commission shall consider the request and information furnished by the Director, staff, persons present at the hearing, and any written statements received to arrive at a decision on the request. The recommendation to the Commission shall be included in a motion of approval, disapproval, or approval with conditions and the reasons for the recommendations.

Section 1.5 Right of Entry:

The Board, its members and employees, in the performance of its functions, may, after thirty (30) days written notice by certified mail to the landowner, enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

ARTICLE 5 – POWERS AND DUTIES OF PLANNING AND ZONING DIRECTOR

The Lawrence County Planning and Zoning Director, designated by the Commission, shall administer and enforce the provisions of these Zoning Ordinances and shall administer the policies established by the Commission. The Director's work shall be performed in cooperation with and under the direction of the Commission and the Board. The Director shall have no power to vary or waive the Zoning Ordinance requirements.

Section 1.1 General:

The Planning and Zoning Director shall:

1. Issue all building permits and make and maintain records thereof;
2. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof;
3. Issue all certificates of zoning compliance and make and maintain records thereof;
4. Issue, where applicable, all conditional use permits and make and maintain records thereof;
5. Issue variances and make and maintain records thereof;
6. Maintain and keep current zoning maps, and records of amendments thereto;
7. Conduct inspections as prescribed by this Ordinance, and such other inspections as are necessary to ensure compliance with the various provisions of the Ordinance;
8. Maintain the records of the Lawrence County Planning and Zoning Board;
9. Collect data and information; be present or represented, and prepared to answer technical questions at hearings or meetings of the Commission;
10. Act as liaison between the Commission and the Board;
11. Prepare and publish all public advertisement and notices for hearings of the Commission and Board relative to Planning and Zoning activities and coordinate publication with the County Auditor.
12. If the administrative official shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions; and
13. No building or other structures shall be erected, moved, added to or structurally altered without a permit therefore, issued by the administrative official. No Building Permit shall be issued by the administrative official except in conformity with the provisions of this Ordinance, unless he/she receives a written order from the Board of Adjustment or County Commission in the form of an administrative review, conditional use or Variance as provided by this Ordinance.

Section 1.2 Right of Entry:

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Planning Director or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises an ordinance violation, the Planning Director or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Planning Director by this ordinance, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Planning Director or an authorized representative shall have recourse to every remedy provided by law to secure entry. When the Planning Director or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Planning Director or an authorized representative for the purpose of inspection and examination pursuant to this ordinance.

Section 1.3 Stop Order:

Whenever any work is being done contrary to the provisions of this ordinance, the Planning Director may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Planning Director to proceed with the work.

CHAPTER 3 DEFINITIONS

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word **SHALL** is mandatory; the word **MAY** is permissive.

The words **USED OR OCCUPIED** include the words intended, designed or arranged to be used or occupied.

ADMINISTRATOR: see Director.

ACCESSORY APARTMENT: See Accessory Living Quarters.

~~**ACCESSORY LIVING QUARTERS**: Living quarters in an accessory building for the use of the occupant or persons employed on the premises, or for temporary use of guests of the occupant. Such quarters have no kitchen and are not otherwise used as a separate dwelling unit.~~ (*Amended ORD 116-01: 06/03/2016)*

~~**ACCESSORY USE OR STRUCTURE**: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.~~ (*Amended ORD 116-01: 06/03/2016)*

~~**ACCESSORY STRUCTURE**: A detached structure(s), the use of which is incidental and subordinate to that of the principal structure and located on the same lot therewith, and contributes to the comfort, convenience, or necessity of the principal use.~~

~~**ACCESSORY USE**: See Accessory Structure.~~ (*Amended ORD 116-01: 06/03/2016)*

ADMINISTRATIVE OFFICIAL: The Planning Director and his/her designee charged with the administration and enforcement of this ordinance.

ADULT USE DEFINITIONS:

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five and fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE: A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(2) Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "adult bookstore, adult novelty store, or adult video store". Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "adult bookstore, adult novelty store, or adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." A principal business purpose is defined as a substantial or significant portion of its

stock or trade for sale or rental, and characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT CABARET: A nightclub, bar, juice bar, restaurant, bottle club or similar commercial establishment whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

ADULT MOTEL: A hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(2) Offers a sleeping room for rent for a period of time that is less than ten hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT THEATER: A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by an emphasis on the exposure of "specified anatomical areas" or by "specified sexual activities."

EMPLOYEE: A person who performs any service on the premises of an adult oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY: A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT: Means and includes any of the following:

(1) The opening or commencement of any adult oriented business as a new business;

(2) The conversion of an existing business, whether or not an adult oriented business, to any adult oriented business;

(3) The additions of any adult oriented business to any other existing adult oriented business; or

(4) The relocation of any adult oriented business.

LICENSEE: A person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on the application for a license.

SEMI-NUDE MODEL STUDIO: Any place where a person who appears semi-nude, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of South Dakota or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

(1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

(2) Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

(3) Where no more than one nude or semi-nude model is on the premises at any one time.

NUDITY OR A STATE OF NUDITY: The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the covered male genitals in a discernibly turgid state.

PERSON: An individual, proprietorship, partnership, corporation, association or other legal entity.

REGULARLY FEATURED OR REGULARLY SHOWN: A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

SEMI-NUDE OR IN A SEMI-NUDE CONDITION: The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

ADULT ORIENTED BUSINESS: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency or nude model studio.

SPECIFIED ANATOMICAL AREAS:

(1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(2) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

SPECIFIED CRIMINAL ACTIVITY: Any of the following offenses:

(1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; unlawful gambling; or distribution of a controlled substance;

(2) For which:

a. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

b. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

c. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

(3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or

(3) Excretory functions as part of or in connection with any of the activities set forth in paragraphs (a) and (b) above.

SUBSTANTIAL ENLARGEMENT OF AN ADULT ORIENTED BUSINESS: The increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on the date this chapter takes effect.

TRANSFER OF OWNERSHIP OR CONTROL OF AN ADULT ORIENTED BUSINESS: Means and includes any of the following:

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

AGRICULTURE: The use of land for agricultural purposes including farming, dairying, raising, breeding, or management of livestock, poultry, or honey bees, truck gardening, forestry, horticulture, viticulture, and the necessary accessory uses for packaging, treating or storing the produce providing that the operations of any such accessory use shall be secondary to the normal agricultural activities. This definition shall not include intensive agricultural activities such as concentrated animal feeding operations and agribusiness activities. (*Amended ORD 13-05: 12/06/2013)*

AGRICULTURAL TOURISM: Agriculturally related accessory uses, that are subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, farm stands, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, thrashing bees, farmland and activities tours, horticulture nurseries and associated display gardens, cider pressing, classes or workshops, wine or cheese tasting, and similar uses. (*Amended ORD 13-05: 12/06/2013*)

AGRICULTURAL TOURISM PRODUCTS: Includes but is not limited to, crops (to include: corn, wheat, hay, vegetables); fruit (to include: apples, peaches, grapes, cherries, berries.); cider; apiary products; floriculture; herbs; forestry; husbandry; livestock products. (*Amended ORD 13-05: 12/06/2013)*

AGRICULTURAL TOURISM PRODUCT(S) STAND: A roadside stand or the like located on a parcel of land which is providing Agricultural Tourism Products. (*Amended ORD 13-05: 12/06/2013)*

AGRICULTURAL TOURISM SEASONAL PERMIT: This permit shall provide for special uses which help to promote and maintain local agricultural tourism operations located along the Lower/Upper Valley areas near the City Limits of Spearfish. No person shall operate an Agricultural Tourism business without first obtaining a permit from the Lawrence County Planning & Zoning Department or County Commission. (*Amended ORD 13-05: 12/06/2013)*

AGRICULTURAL TOURISM SPECIAL EVENT: An activity, involving more than 100 people, that is desirable but unrelated to agriculture, which is held on active, agriculturally productive land in conjunction with agricultural tourism. Special events are open to the public and include festivals, craft shows, and other similar events. Music festivals and/or outdoor concerts are not special events and require temporary use permit approval. (*Amended ORD 13-05: 12/06/2013)*

APPEAL: Means a request for a review of the Planning and Zoning Administrator's interpretation of any provisions of this ordinance or a request for a variance.

APPLICANT: The owner of land or a representative as evidenced by written consent from the legal owner of the premises.

ASSEMBLY: A gathering together of people at any location, at any single time, for any purpose.

BED AND BREAKFAST: As defined by SDCL 34-18-9.1

(1) "Bed and breakfast establishment," any building or buildings run by an operator which is used to provide accommodations for a charge to the public, with at most five rental units for up to an average of ten guests per night and in which family style meals are provided;

(2) "Family style meal," any meal ordered by persons staying at a bed and breakfast establishment which is served from common food service containers, as long as any food not consumed by those persons is not reused;

(3) "Operator," the owner or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.

BOARD: The Planning and Zoning Board of Lawrence County, South Dakota.

BOARD OF ADJUSTMENT: The Board of Adjustment shall be appointed by the Lawrence County Commission. The Board of Adjustment 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.

BUILDABLE AREA: The portion of a lot remaining after required yards or setback allowances have been provided.

CAMPGROUND DEFINITIONS:

CAMPGROUND: A lot that is used or is intended to be used for occupancy by tents and all types of recreational vehicles, including tent trailers, for transient dwelling purposes.

TEMPORARY CAMPGROUND: A lot that is used or is intended to be used for occupancy by tents and all types of recreational vehicles, including tent trailers, for transient dwelling purposes and not operated for more than 14 days in any given year.

COMMISSION: See County Commission.

COMMERCIAL FEED LOT: A lot for the concentrated feeding of livestock, fowl, or fur animals where such feeding is not done as an accessory use to the production of crops on the premises of which the feed lot is a part.

COMMERCIAL RECREATION FACILITY (ORD 17-01: 08/04/2017) **:** Recreational facilities operated as a business and open to the general public for a fee (i.e. CrossFit, coaching, personal training, gymnastic facility, athletic training facility)

COMPREHENSIVE PLAN: A document which describes in words, and may illustrate by maps, plats, charts, and other descriptive matter, the policy, goals and objectives of the board to inter-relate all functional and natural systems and activities relating to the orderly development of the territory under its jurisdiction.

CONDITIONAL USE: A conditional use is any use that, owing to certain special characteristics attendant to its operation, may be permitted in a zoning district subject to the evaluation and approval by the approving authority. A conditional use is subject to requirements that are different from the requirements imposed for any use permitted by right in the zoning district. Example: Private nursery school in a residential area. The use is desirable within the district, but the nature of the use is such that special precautions need be taken to protect neighbors from undue traffic, noise, and inconvenience.

CONDITION(S): A restriction, provision or affirmative duty placed upon the permittee, as a predicate for obtaining or maintaining a Conditional Use Permit. Conditions should relate to the

information provided as part of the conditional use permit application and the considerations required by the County Commission and should mitigate negative impacts and maximize positive impacts thereto. (*Amended 11-02: 11/05/2011*)

CONDOMINIUMS: A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities. The lot or lots are owned in common by individual unit owners.

CONSTRUCTION: Any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route but does not include changes needed for temporary use of sites or routes for non-utility purposes, or uses in securing survey or geological data, including necessary borings to ascertain foundation conditions.

COUNTY COMMISSION: The governing body of Lawrence County.

DESIGN STANDARDS: The specifications to land owners or developers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

DEVELOPER: Any person, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

DEVELOPMENT CONDITIONS: The written development program, dimensional standards, special conditions and restrictions on development submitted with the Change of Zoning application for a PUD District.

DIRECTOR: The Lawrence County Zoning Administrator or employee designated by the Lawrence County Commission.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: Any place or premises used for sale, dispensing or serving of food refreshments or beverages, to persons in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

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, TWO-FAMILY**: A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.~~ (*Amended ORD 116-01: 06/03/2016)*

~~**DWELLING, MULTIPLE-FAMILY**: A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.~~ (*Amended ORD 116-01: 06/03/2016)*

DWELLING UNIT: Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.

EASEMENT: Authorization, filed/recorded with Register of Deeds, by a property owner for the use by another, and for specified purpose, of any designated part of his property.

EXTRACTIVE INDUSTRY DEFINITIONS (*Amended ORD 11-02: 11/05/2011; Amended ORD 16-03: 07/21/2017)*

BUFFER ZONE: A means used to separate, shield, screen, or lessen the effect of the mine operation on the surrounding area by reducing noise or dust, improving aesthetics, and protecting the public health, safety, and welfare.

DISTURBED AREA OR AREA OF DISTURBANCE: Land from which overburden is to be or has been removed and land upon which overburden, waste rock, mine spoil or mill tailings is to be or has been deposited; land which is disturbed by the building of ~~access~~ roads, heap leach pads, process

ponds, railroad loops, warehouses, storage areas, or other support facilities for the purpose of mining; and land affected by surface subsidence, un-stable slopes and other surface effects caused by underground and surface mine workings.

EXTRACTIVE INDUSTRY: An industry whose primary operating activity is the extraction, whether by underground or surface means, of minerals, precious metals, sand, gravel, or stone. Materials extracted may or may not require milling or finishing on or in proximity to the extractive site.

MINERAL: A substance with economic value, whether organic or inorganic, that can be extracted from the earth, excluding water, oil, gas and sand, gravel or rock to be crushed and used in construction, pegmatite minerals, or limestone, sand, gypsum, shale, or iron ore in the process of making cement.

OFF-SITE MITIGATION: The reclamation or improvement of a parcel of land in Lawrence County, whether in public or private ownership, selected by the Lawrence County Board of Commissioners and agreed upon by the operator and landowner for a predetermined present and/or future land use. Off-site mitigation may be required when the County deems the proposed reclamation of land disturbed by an extractive industry to be undesirable or insufficient for practical future beneficial use, and shall bear a reasonable relationship in scope and level of financial effort to the value of the land and resources affected by the mining and the value of reclamation not required in lieu of off-site mitigation requirements. Off-site mitigation measures, when required by Lawrence County, shall be subject to approval and incorporated into the reclamation plan required by the South Dakota Board of Minerals and Environment.

PERMIT AREA: The area, including the affected lands, which includes the disturbed area, roads and the buffer zone, within specified boundaries approved by the Commission

RECLAMATION OPTION: Those choices of reclamation of land disturbed by an extractive industry as outlined in SDCL Ch. 45-6B.

SOCIO-ECONOMIC IMPACT STUDY: A study prepared by a mutually acceptable independent contractor at the operator's expense, for the consideration of Lawrence County and a large-scale extractive industry operator, designed to assess a broad range of actual and potential social and economic impacts arising from the permitting of a large-scale extractive industry. Issues addressed by the socio-economic impact study shall be as determined by the Lawrence County Board of Commissioners.

TYPES OF EXTRACTIVE INDUSTRY:

~~PERSONAL USE MINERAL EXTRACTIVE INDUSTRY:~~

~~The excavation or extraction of any earth products of natural mineral deposits, where such excavation is for purposes of grading for a building lot(s); roadway; approved site plan; or approved subdivision, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot by the owner of the property.~~

PERSONAL USE SAND, GRAVEL OR ROCK EXTRACTION ~~EXTRACTIVE INDUSTRY~~:

The excavation or extraction of any earth products of natural sand, gravel or rock deposits, where such excavation is for purposes of grading for a building lot(s); roadway; approved site plan; or approved subdivision, where grass sod is removed to be used for landscaping, or where materials are excavated for the purpose of the landowner on the landowner's property. ~~from a lot for use on that same lot by the owner of the property.~~

LARGE-SCALE MINERAL EXTRACTIVE INDUSTRY: ~~The construction or operation of an extractive industry which:~~

1. ~~Projects to directly or contractually employ a minimum of thirty (30) persons for any consecutive six (6) month period.~~
2. ~~Disturbs ten (10) or more acres, excluding access roads; or,~~
3. ~~Extracts twenty-five thousand (25,000) tons or more of material per calendar year.~~

The construction or operation of an extractive industry which does not meet the definition of a small scale mineral extractive industry shall be considered a large scale mineral extractive industry.

LARGE–SCALE SAND, GRAVEL OR ROCK EXTRACTIVE INDUSTRY: ~~The construction or operation of an extractive industry which:~~

~~1. Projects to directly or contractually employ a minimum of thirty (30) persons for any consecutive six (6) month period, or;~~
~~2. Disturbs ten (10) or more acres, excluding access roads: or,~~
~~3. Extracts two hundred fifty thousand (250,000) tons or more of material per calendar year.~~

The construction or operation of an extractive industry which does not meet the definition of a small scale sand, gravel or rock extractive industry shall be considered a large scale sand, gravel or rock extractive industry.

SMALL-SCALE MINERAL EXTRACTIVE INDUSTRY: The construction or operation of an extractive industry which:

1. ~~Projects to directly or contractually employ less than thirty (30) persons; or~~
2. A maximum of 20 acres disturbed. ~~Disturbs not more less than ten (10) acres, excluding access roads and areas that have been reclaimed; or~~ and,
3. Extracts less than twenty-five thousand (25,000) tons of material per calendar year.

SMALL-SCALE SAND, GRAVEL OR ROCK EXTRACTIVE INDUSTRY: The construction or operation of an extractive industry which:

~~1. Projects to directly or contractually employ less than thirty (30) persons;~~
2. A maximum of 20 acres disturbed. Disturbs not more less than ten (10) acres, excluding access roads and areas that have been reclaimed; or and,
3. Extracts less than two hundred fifty thousand (250,000) one hundred thousand (100,000) tons of material per calendar year.

FEED LOT: A parcel of land, exclusive of normal ranching operations, whereon, there is contained an operation of feeding or finishing animals in preparation for market.

FIRE PLAN: A fire protection plan is a means to assist in the mitigation of fire hazards in the Wildland Urban Interface.

FLOODPLAIN DEFINITIONS: (*Amended ORD 12-01: 03/10/2012)*

AREA OF FUTURE-CONDITIONS FLOOD HAZARD: The land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

AREA OF SPECIAL FLOOD HAZARD: Is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, or AE. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): The water surface elevation of the one (1) percent annual chance flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

BUILDING: See structure.

CONDITIONAL LETTER OF MAP REVISION (CLOMR): FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations, or the Special Flood Hazard Area. The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EROSION: The process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXISTING STRUCTURES: See existing construction.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD ELEVATION: Determination means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY OR FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD PLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: See regulatory floodway

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on Federal, State and local flood plain maps.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(c) Individually listed on a state inventory of historic places in states with historic reservation programs which have been approved by the Secretary of the Interior; or
(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or
(2) Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP AMENDMENT (LOMA): An official amendment, by letter, to an effective Flood Insurance Rate Map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area. LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F): FEMA's modification of the Special Flood Hazard Area shown on the effective Flood Insurance Rate Map based on the placement of fill outside the existing regulatory floodway. All requests for changes to effective maps, other than those initiated by FEMA, must be made in writing through the Chief Executive Officer of the community or an official designated by the CEO.

LEVEE: A man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Sec. 60.3.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURED HOME PARK OR SUBDIVISION, NEW: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Lawrence County.

MAP: The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE: A vehicle which is:

(a) Built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light duty truck; and
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

SPECIAL FLOOD HAZARD AREA: See "area of special flood hazard".

SPECIAL HAZARD AREA: An area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, or AE.

START OF CONSTRUCTION: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

(1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

(2) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

(3) A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE: A grant of relief by a community from the terms of a flood plain management regulation.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

FARMER'S MARKET: An area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products. (*Amended ORD 13-05: 12/06/2013)*

FILLING STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. This definition does not include auto salvage operations.

FLOATING ZONE: An unmapped zoning district where all the zoning requirements are contained in the ordinance and the zone is fixed on the map only when the application for development meeting the zone requirements is approved.

GOVERNMENT LOT: A subdivision of a section which is not described as an aliquot part of the section, but which is designated by a Lot number. A Government Lot may be regular or irregular in shape and its acreages varies from that of regular section subdivisions. For purposes of these regulations, rights-of-way for public or private transportation shall not impact the completeness of a quarter-quarter section.

GUEST HOUSE: Living space in a detached accessory building with adequate infrastructure to provide service to the additional living space and is intended to provide short-term accommodations for visiting guests of the owners of the primary dwelling unit. (*Amended ORD 116-01: 06/03/2016)*

HIRED HAND: Any person, who as a compensated employee assists with the chores, operation, security or maintenance of a farm or ranch. (*Amended 11-01: 05/20/2011*)

HOME OCCUPATION: A home occupation is a gainful occupation or profession conducted by member of the immediate family residing on the premises and, no more than two (2) additional employees in all zoning districts. The home occupation shall be conducted entirely within an enclosed structure and no stock in trade shall be displayed outside the enclosed structure. Other than an approved home occupation sign, no alteration to the property or any structure thereon shall indicate that it is being utilized in whole or in part for any purpose other than residential use.

HIGHWAY: Every way or place of whatever nature open to the public, as a matter of right, for purposes of vehicular travel, is a highway. The term "highway" shall also include private access easements and roadways.

I.C.C.: International Code Council

INVASIVE SPECIES PLAN: A document stating the immediate and future plan to eradicate and control Invasive Species.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOT: For purposes of this Ordinance, a lot is a plot or parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open space as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

a. A single lot of record;
b. A portion of a lot of record;
c. A combination of complete lots of record, or complete lots of record and portions of lots of record.
d. A parcel or land described by metes and bounds; provided that in no case of division or combination shall a residual lot or parcel be created which does not meet the requirements of this Ordinance.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

LOT MEASUREMENTS:

DEPTH of a lot shall be considered to be the distance between the mid-points of straight lines connecting the end points of the side lot lines at the front and rear.

WIDTH of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES:

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

INTERIOR LOTS: Defined as a lot other than a corner lot with only one frontage on a street.

THROUGH LOT: Defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

REVERSED FRONTAGE LOTS: A lot with frontage on two generally parallel streets or highways having access only from the lesser order roadway.

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.

MEDICAL HARDSHIP: A person determined to have a medical hardship shall have a disabling physical impairment or mental disorder expected to be of an indefinite duration. (*Amended ORD 11-01: 05/20/2011)*

METES AND BOUNDS DESCRIPTION: A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference, such as a monument or other marker, a tree or other permanent feature.

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.

NEW CONSTRUCTION: means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

NONCONFORMING USE: A building, structure or use of land existing at the time of enactment of this Ordinance and which does not conform to the regulations of the District in which it is situated.

OVERLAY DISTRICT: See Zoning District

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PARCEL: A tract or plot of land of any size that may or may not be subdivided or improved.

PARKS AND PLAYGROUNDS: Public lands and open spaces in the County dedicated or reserved for recreational purposes.

PARKING SPACE, OFF-STREET: For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking a motor vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more motor vehicles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering room incidental to parking shall be any public street, walk, or alley and so that any motor vehicle may be parked and un-parked without moving another.

For purpose of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all the ordinances and regulations of the County.

PERSON: Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

PERSONAL USE AIRSTRIP/HELIPORT: Personal Use Airstrip/Heliport- An airstrip or heliport not for the use of the general public.

QUARTER-QUARTER SECTION: A quarter of a quarter section as determined by the United States Rectangular Land Survey land survey system shall be considered a quarter-quarter section for purposes of these regulations. For purposes of these regulations, rights-of-way for public or private transportation shall not impact the completeness of a quarter-quarter section.

RECREATIONAL VEHICLE: means a vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the larges horizontal projections; (3) designed to be self-propelled or permanently tow-able by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

RESTRICTED USE SOLID WASTE DISPOSAL FACILITY: Construction and operation of a restricted use solid waste disposal facility, to include treatment, storage or disposal of any solid waste, which shall be consistent with a General Permit for Restricted Solid Waste Disposal Facilities issued to a permittee by the State of South Department of Environment and Natural Resources, or a successor agency. *(Amended ORD 07-02: 09/29/2017)*

RIGHT(S)-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other utilities or for another special use. The usage of the term "right(s)-of-way " for land platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right(s)-of-way and not included within the dimensions or areas of such lots or parcels.

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.

SETBACKS: The minimum distance by which any building or structure must be separated from the street right-of-way or lot line.

SIGN DEFINITIONS:

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

SIGN: Any device designed to inform or attract the attention of persons.

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

SIGNS, BILLBOARDS: Any sign defined in this ordinance 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-premise or on-premise sign with two adjacent faces oriented in the same direction and not more than 10-feet apart at the nearest point between the two faces.

SIGN, FACING: That portion of a sign structure upon which advertising is affixed or painted and visible in one direction at one time.

SIGN, OFF-PREMISE: A sign/billboard that advertises goods or services not available at the location of the billboard or advertising sign.

SIGN, ON-PREMISE: 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.

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

SPECIAL EXCEPTION: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as special exceptions is made in this Zoning Ordinance. (For more see definition of Conditional Uses).

SPECIALTY RESORT: An establishment complete with building, structures, grounds, and sanitary facilities providing lodging with or without meals or other services for the enjoyment of its guests.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within ninety (90) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations or the erection of temporary forms.

STREET LINE: The right-of-way line of a street.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

SUBDIVIDER: See Developer

SUBDIVISION: The division or re-division of a lot, tract, or parcel of land by any means into one (1) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer, or ownership, or building or lot development. The term shall include the re-subdivision of land.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) Before the improvement or repair is started, or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SURETY: Any form of security including a cash deposit, surety bond, or instrument of credit from a federally insured financial institution in an amount and form satisfactory to the County Commission. All sureties required by these regulations shall be approved by the County Commission.

TEMPORARY SECOND RESIDENCE: A mobile home that is located on the same lot as the primary dwelling and shall not be rented to anyone excepting a person(s) approved under a CUP and shall not be sold as a separate lot. (*Amended ORD 11-01: 05/20/2011)*

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.

TRAVEL TRAILER: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

U-PICK OPERATION: A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant. *(Amended ORD 13-05: 12/06/2013)*

~~**VACATION HOME RENTAL**: One or more dwelling units, including either a single-family, detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than 1 night and not more than 30 days other than ongoing month-to-month tenancy granted to the same renter for the same unit.~~ (*Amended ORD 116-01: 06/03/2016)*

VARIANCE: A departure from any provision of the zoning requirements for a specific parcel accepted use, without changing the zoning ordinance or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district.

VARIANCE EXCEPTION: To provide administrative relief from zoning requirements that does not adversely affect adjacent properties and the nearby area by allowing up to a 25% reduction in minimum setbacks as allowed by Lawrence County Ordinance as determined on each individual application.

WETLANDS: The wetlands depicted on the ARC GIS System for Lawrence County as created by the U.S. Fish and Wildlife Service, U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation and published in January of 2009, or as may be amended. The data set represents the extent, approximate location and type of wetlands and deepwater habitats in the conterminous United States. These data delineate the aerial extent of wetlands and surface waters as defined by Cowardin et al. (1979).

WILDFIRE HAZARD ASSESSMENT 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, S-215 Fire Operations in the Wildland Urban Interface, a www.firewise.org certification for "Assessing Wildfire Hazards in the Home Ignition Zone, and has at least two (2) years of Wildland fire fighting experience with a certified fire department located in a Wildland Urban Interface setting.

WIND ENERGY SYSTEMS DEFINITIONS:

FALL ZONE: The area defined as the furthest distance from the tower base which will collapse in the event of a structural failure.

FEEDER LINE: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WES.

FLICKER OR SHADOW FLICKER: The effect that results when the shadow cast by the rotating blade of a wind energy system moves across a fixed point.

LARGE WIND ENERGY SYSTEM (LWES): All Wind Energy Systems excluding Small Wind Energy Systems.

METEOROLOGICAL TOWER: For the purposes of this Wind Energy System Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to sighting WES. Meteorological Towers do not include towers and equipment used by airports, the South Dakota Department of Transportation, or other similar applications to monitor weather conditions.

NONPARTICIPATING PROPERTY: Real property on which either there is no large or small wind system or there is a large wind system that is in a different wind farm system than another large wind system.

OCCUPIED BUILDING: A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

OPERATOR: The entity responsible for the day-to-day operation and maintenance of the Wind Generator System.

ORNAMENTAL WIND DEVICE: Any flag, banner, pennant, streamer, or similar device that moves freely in the wind. Also includes, an apparatus, with a height of not more than thirty-five (35) feet, for converting wind energy into electrical power to operate machinery (e.g. grain mills, water pumps, and lighting), but in no case is tied into the electrical grid system.

OWNER: The person or entity that owns a wind system or adjacent property.

PARTICIPATING PROPERTY: Property on which a large or small wind system is located and that is in the same wind farm system as another large wind system.

PROPERTY LINE: The boundary line of the area over which the entity applying for a WES permit has legal control for the purposes of installation of a WES. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

ROTOR DIAMETER: The diameter of the circle described by the moving rotor blades.

SMALL WIND ENERGY SYSTEM (SWES): One Wind Energy System with a single tower and a system height not to exceed seventy-five (75) feet and used primarily for on-site consumption of power.

SYSTEM HEIGHT: The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

TOWER: Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

TOWER HEIGHT: The height above grade of the fixed portion of the tower, excluding the wind generator.

TURBINE: The parts of the WES including the blades, generator and tail.

UTILITY: Any person engaged in the generation, transmission or distribution of electric energy in this state, including but not limited to, a private investor owned utility, a cooperatively owned utility, a consumers power district and a public or municipal utility.

WIND ENERGY SYSTEM (WES): A commonly owned and/or managed integrated system that converts wind movement into electricity. All of the following are encompassed in this definition of system:

(a) Tower or multiple towers, including foundations;

(b) Generator(s);

(c) Blades;

(d) Power collection systems, including pad-mount transformers;

(e) Access roads, meteorological towers, on-site electric substations, control building, and other ancillary equipment and facilities; and

(f) Electric interconnection systems or portion thereof dedicated to the WES.

YARD, FRONT: An open space extending between side lot lines across the front of a lot adjoining a public street.

YARD, REAR: An open space extending the full width of the lot between the building and the rear lot line.

YARD SIDE: An open space extending from the front yard to the rear yard between the building and the nearest side lot line.

ZONING DISTRICT: The classification of all land within the jurisdiction of Lawrence County, in accordance with the zoning map of Lawrence County.

CHAPTER 4 ESTABLISHMENT OF DISTRICTS

★ ARTICLE 1 – Official Zoning Map
★ ARTICLE 2 – Rules for Interpretation of District Boundaries
★ ARTICLE 3 – Application of District Regulations
★ ARTICLE 4 – Designated Districts
★ ARTICLE 5 – Incorporated by Reference
★ ARTICLE 6 – Vacation of Streets and Roads

ARTICLE 1 – OFFICIAL ZONING MAP

The County is hereby divided into zones or districts as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Section 1.1 Location and Boundaries of the Districts:

The location and boundaries of the districts established by this Ordinance are set forth on the Zoning Map which is hereby incorporated as part of this Ordinance. A copy of the official Zoning Map shall be kept in the Planning and Zoning Department. It is the responsibility of the Lawrence County Planning and Zoning Director to continually maintain and update this map. The Lawrence County Commission shall record any amendments to the zoning map on such map within thirty (30) days after the official adoption of the zoning amendment.

Section 1.2 Official Zoning Map:

The Official Zoning Map shall be identified by the signatures of the Chairman of the County Commission and Planning and Zoning Board, attested by the County Auditor, and shall bear the Seal of the County.

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

ARTICLE 2 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center

lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;

5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections One (1) through Five (5) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at Variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections One (1) through Six (6) above, the County Commission shall interpret the district boundaries; and
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the County Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portions of the lot.

Any person aggrieved by any interpretation made by the Planning and Zoning Director may appeal such interpretation to the County Commission.

ARTICLE 3 – APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

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

ARTICLE 4 – DESIGNATED DISTRICTS

In order to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of the yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; the county is hereby divided into the following districts:

A-1 – Agricultural
A-2 - Residential Agriculture
PF - Park Forest
RR - Rural Residential
SRD – Suburban Residential
RC – Recreation Commercial
GC – General Commercial
HSC – Highway Service Commercial
C/LI – Commercial/Light Industrial
I-1 – General Industry

The following districts shall be designated as zoning overlay districts, imposing special regulations on the properties that fall within these overlay districts without abrogating the requirements imposed by the underlying land use district regulations:

PUD – Planned Unit Development District
FPD – Floodplain District
WSS – Whitewood Superfund Site District

ARTICLE 5 – INCORPORATED BY REFERENCE

The following are hereby adopted and incorporated by reference:

1. The Official Zoning Map, together with all the explanatory matter thereon and attached thereto, is hereby adopted by reference and is declared to be a part of these regulations.
2. The Lawrence County Subdivision Regulations as adopted and amended, is hereby adopted by reference and is declared to be a part of these regulations.
3. The Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of these regulations.
4. The approved plans submitted in conjunction with any Planned Development are hereby adopted by reference and declared to be a part of these regulations.

ARTICLE 6 – VACATION OF STREETS AND ROADS

Whenever any street, road or other public right of way is vacated, the zoning district adjoining each side of such street, road, or other public right of way is extended to the center of such vacation; and all area included in the vacation shall then and henceforth be subject to the appropriate regulations of the extended districts.

CHAPTER 5 GENERAL DISTRICT PROVISIONS

★ ARTICLE 1 - Intent
★ ARTICLE 2 - Accessory Uses
★ ARTICLE 3 - Conditional Uses
★ ARTICLE 4 - Section Line Setbacks
★ ARTICLE 5 - Additional Height Regulations

ARTICLE 1 - INTENT

The following provisions shall apply to all zoning districts as applicable and shall further modify or define provisions within each district.

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

ARTICLE 2 - ACCESSORY USES

Within each district there are certain accessory uses or structures which are commonly allowed within the district.

Permitted accessory uses shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in extent and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.
5. Not be interpreted to allow a structure or use which would be contrary to the use as allowed under the district.

ARTICLE 3 - CONDITIONAL USES

Within each district there are certain uses which are permitted as a Conditional Use in accordance with the provisions contained in Chapter 19 - Conditional Use Permits. The listed conditional uses under each district are illustrative of those which the Commission may approve temporarily, permanently or for a specific time interval. Other uses may be allowed, which are not listed, provided they are not contrary to the intent of the district in which they are to be located.

Uses which clearly do not meet the intent of the district, may be specifically prohibited by the Commission upon recommendation by the Planning and Zoning Director or the Board.

ARTICLE 4 – SECTION LINE SETBACKS

In all zoning districts, any part of any principal or accessory building or structure shall be set back a minimum of fifty-eight (58) feet from the center of the Section Line. No setback shall

be required from any legally vacated section line; however, if the vacated section line forms a property line, the applicable side, rear, or front yard setbacks shall be observed.

ARTICLE 5- ADDITIONAL HEIGHT REGULATIONS

The regulations herein set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

Section 1.1 Permissible heights of sixty (60) and seventy-five (75) feet:

1. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.
2. Churches and temples and hospitals with a use permit may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise.

Section 1.2 Permissible height and area regulations, exceptions to height restrictions:

1. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lifts, tanks, water towers, and grain elevators and necessary mechanical appurtenances and the screening required for said appurtenances provided that both the appurtenances and the screening therefore do not cover more than fifty (50) percent of the roof area, may be erected to a height not exceeding one hundred (100) feet.
2. In nonresidential districts only, ornamental towers and spires may be erected to a height not exceeding sixty (60) feet. No ornamental tower or spire shall contain occupied space that is higher than the maximum building height for the zone in which such ornamental tower or spire is located.

CHAPTER 6 DISTRICT REGULATIONS

★ ARTICLE 1 – A-1 – General Agriculture District
★ ARTICLE 2 - A-2 – Residential Agriculture District
★ ARTICLE 3 – PF – Park Forest District
★ ARTICLE 4 – RR - Rural Residential District
★ ARTICLE 5 – SRD – Suburban Residential District
★ ARTICLE 6 – GC – General Commercial District
★ ARTICLE 7 – RC – Recreation Commercial District
★ ARTICLE 8 – HSC – Highway Service Commercial District
★ ARTICLE 9 – C/LI - Commercial/Light Industrial District
★ ARTICLE 10 – I-1 – General Industry District
★ ARTICLE 11 - PUD – Planned Unit Development District
★ ARTICLE 12 - FPD – Floodplain District
★ ARTICLE 13 – WSS – Whitewood Superfund Site District

ARTICLE 1 - A-1 – GENERAL AGRICULTURE DISTRICT

Section 1.1 General:

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

Section 1.2 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: (*Amended ORD 13-02: 09/27/2013*)
   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.
   d. Prior to any building permit being issued for any new single family residence located in the A-1 General Agriculture District, a Right to Farm Covenant shall be filed on the parcel of land upon which the new structure will be located. The Right to Farm Covenant shall read as follows:

      "You are hereby notified that the property on which you are constructing a structure is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: cultivation, harvesting, and storage of crops; livestock production; ground rig or

aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws. Discomforts and inconveniences may include; but are not limited to: noise, odors, fumes, dust, smoke burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during a 24-hour period. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. You are also notified that there is the potential for agricultural or agricultural processing operations to expand. This notification shall extend to all landowners, their heirs, successors or assigns and because it is required pursuant to the issuance of a building permit, may not be removed from the record of title without consent of the Lawrence County Commission."

3. Transportation and utility easements and rights-of-way
4. On premise signs, complying with Chapter 8- Sign Regulations
5. Historical monuments and structures
6. Accessory living quarters
7. Accessory uses and structures (except accessory living quarters)
8. Home occupations
9. Home daycare
10. Public parks and playgrounds
11. General ranching and farming
12. Harvesting
13. Forestry
14. Forest preserves
15. Commercial plant nurseries and greenhouses
16. Cemeteries (Church/Family/Pet) (*Amended ORD 14-03: 12/30/2014*)
17. Sod and tree farming
18. Grazing
19. Horticulture, Viticulture, Floriculture and Apiculture
20. Truck gardening
21. Roadside stands exclusive for sale of products raised on the premise
22. Non-commercial riding stables and academies
23. Non-commercial indoor/outdoor arenas
24. Wild crop harvesting
25. Typical Farm/Ranch Operation (*Amended ORD 09-07:06/03/2010*)
26. Personal Use Sand, Gravel or Rock Extraction ~~Extractive Industry~~ *(Amended ORD 16-03: 07/21/2017)*

Section 1.3 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-Conditional Use Permits:

1. A Small Wind Energy System is sited on at least (40) acres and meets the requirements of Chapter 10, Article 1-Small and Large Wind Energy System.
2. Temporary Uses in conjunction with Chapter 10, Article 7-Temporary Use Permits.

3. Personal Use Airstrip/Heliport is allowed if sited on at least (160) acres and the location of airstrip/heliport is at least 500' from the outer perimeter of the 160 acre parcel. *(Amended ORD 12-04:06/01/2012)*
4. Guest Houses in conjunction with Chapter 10-Article 15 Guest Houses *(Amended ORD 16-01:06/03/2016)*

Section 1.4 Conditional Uses:

The following uses may be allowed in the A-1- General Agriculture District under the provisions of Chapter 19 – Conditional Use Permits.

1. Kennels, grooming, boarding, vet clinics and animal shelters
2. Churches, religious structures
3. Schools
4. Golf Courses
5. Fairgrounds and community centers
6. Fire stations
7. Antennas, microwave and communication towers
8. Rental storage units, garages, buildings
9. Temporary Second Residence as per Chapter 10-Additional Use Regulations, Article 13-Temporary Second Residences (Amended ORD 11-01: 05/20/2011)
10. Bed & Breakfast
11. Specialty resort
12. Organized group camps
13. Commercial Gun and archery ranges
14. Fish hatcheries
15. Water treatment, purification, storage, pumping, solid waste disposal sites
16. Mineral exploration
17. Mineral extraction
18. Light manufacturing of agricultural products
19. Commercial indoor/outdoor arenas
20. Commercial outdoor recreation, e.g. paintball, dude ranch, BMX track, motocross, and mud bogging
21. Commercial sawmill/molding mill
22. Campground
23. Eating and drinking establishments
24. Auto repair, maintenance shop, welding shop, trucking, drilling, sheet metal
25. Wildlife sanctuary
26. Airports with FAA Regulations
27. Commercial Feed Lots
28. Livestock auction yards
29. Drilling for oil or natural gas
30. Small and Large Scale Sand, Gravel or Rock Extractive Industry ~~Extraction~~ *(Amended ORD 16-03: 07/21/2017)*
31. Utility substations
32. Small and Large Wind Energy System per Chapter 10, Article 1-Small and Large Wind Energy System.
33. Personal Use Airstrip/Heliport if the location of airstrip/heliport is at least 500' from the outer perimeter of the parcel(s)(*Amended ORD 13-01: 05/02/2013)*
34. Restricted Use Solid Waste Disposal Facility *(Amended ORD 17-02: 09/29/2017)*

Section 1.5 Density, Setback(s) and Lot Requirements: (*Amended ORD 13-02: 9/27/2013)*

A. General Requirements:
   Density/Minimum Lot Size.....40 acre(s) *
   Front, side and rear yard(s) ..... 25'**
   Maximum height .....35' ***
   Lot Width.....….....None

* The maximum average density shall be one (1) residence per a quarter of a quarter-section of land (1/16 of 640 acres or forty (40) acres or a Government Lot.), unless it is a pre-existing lot of record.
** From all lot lines and any Road Right-of-Way, except as approved pursuant to a Variance.
***Shall not exceed three (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)

ARTICLE 2- A-2 - RESIDENTIAL AGRICULTURE DISTRICT

Section 1.1 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.

Section 1.2 Allowed Uses:

In A-2 - Residential Agriculture District, the following uses are allowed: (*Amended ORD 13-02: 9/27/2013)*

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 premise signs, complying with Chapter 8- Sign Regulations
4. Historical monuments and structures
5. Accessory living quarters
6. Accessory uses and structures (except accessory living quarters)
7. Home occupations
8. Home daycare
9. Public parks and playgrounds
10. General ranching and farming
11. Harvesting
12. Forestry
13. Forest preserves
14. Non-retail plant nurseries and greenhouses
15. Family cemetery/pet cemetery
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 premise
21. Non-commercial riding stables and academies
22. Non-commercial indoor/outdoor arenas
23. Wild crop harvesting

Section 1.3 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-Conditional Use Permits:

1. Temporary Uses in conjunction with Chapter 10, Article 7-Temporary Use Permits.
2. Reserved
3. Guest Houses in conjunction with Chapter 10-Article 15 Guest Houses *(Amended ORD 16-01:06/03/2016)*

Section 1.4 Conditional Uses: *(Amended ORD 13-02: 09/27/2013*)

The following uses may be allowed in the A-2 Residential Agriculture District under the provisions of Chapter 19-Conditional Use Permits.

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
7. Antennas, microwave and communication towers
8. Roadside stands
9. Bed & Breakfast
10. Specialty Resort
11. Commercial gun and archery ranges
12. Water treatment, purification, storage, pumping, solid waste disposal sites
13. Commercial indoor/outdoor arenas
14. Commercial sawmill/molding mill
15. ~~Personal Use/Small scale quarries~~ Personal Use Sand, Gravel or Rock Extraction ~~Extractive Industry~~ *(Amended ORD 16-03: 07/21/2017)*
16. Small and Large Wind Energy Systems per Chapter 10, Article 1-Small and Large Wind Energy System.
17. Personal Use Airstrip/Heliport if the location of airstrip/heliport is at least 500' from the outer perimeter of the parcel(s) (*Amended ORD 13-01:05/02/2013*)
18. Commercial Recreation Facility *(Amended ORD 17-01:08/04/2017)*

Section 1.5 Density, Setback(s) and Lot Requirements: *(Amended ORD 13-02 9/27/2013*)

A. General Requirements:
Density/Minimum Lot Size..... (10 acre avg.) (8 acre Min.)*
Front, side and rear yard(s) ..... 25'**
Maximum height .....35' ***
Lot Width..... ….....None

* The maximum average density shall be one (4) residence per a quarter of a quarter-section of land (1/16 of 640 acres or forty (40) acres or a Government Lot.), unless it is a pre-existing lot of record.

** From all lot lines and any Road Right-of-Way, except as approved pursuant to a Variance.

***Shall not exceed three (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)

ARTICLE 3 - PF – PARK FOREST DISTRICT

Section 1.1 General:

The intent of the PF-Park Forest District is to provide the district with an area to be preserved for its natural beauty, resources, and open character.

Section 1.2 Allowed Uses:

1. In PF – Park Forest District, the following uses are allowed:
2. Single family dwellings, including but not limited to: modular homes, manufactured homes, mobile homes, and stick built homes.
3. Transportation and utility easements and rights-of-way
4. On premise signs, complying with Chapter 8- Sign Regulations
5. Historical monuments and structures
6. Accessory living quarters
7. Accessory uses and structures (except accessory apartments)
8. Home occupations
9. Home daycare
10. Public parks and playgrounds
11. General ranching and farming
12. Harvesting
13. Forestry
14. Forest preserves
15. Personal use plant nurseries and greenhouses
16. Personal use airstrip/heliport
17. Family cemetery/pet cemetery
18. Sod and tree farming
19. Grazing
20. Horticulture, Apiculture, Floriculture and Viticulture
21. Truck gardening
22. Non-commercial riding stables
23. Non-commercial indoor/outdoor arenas
24. Roadside stands exclusive for sale of products raised on the premise
25. ~~Personal Use/Small scale quarries~~ Personal Use Sand, Gravel or Rock Extraction ~~Extractive Industry~~ *(Amended ORD 16-03: 07/21/2017)*
26. 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 (6) months of completion or abandonment of the construction work, but in no case more than twelve (12) total months.
29. Typical Farm/Ranch Operation (*Amended ORD 09-07: 06/03/ 2010*)

Section 1.3 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-Conditional Use Permits:

1. Temporary Uses in conjunction with Chapter 10, Article 7-Temporary Use Permits.
2. Personal Use Airstrip/Heliport is allowed if sited on at least (160) acres and the location of airstrip/heliport is at least 500' from the outer perimeter of the 160 acre parcel. *(Amended ORD 12-04:06/01/2012)*
3. Guest Houses in conjunction with Chapter 10-Article 15 Guest Houses *(Amended ORD 16-01:06/03/2016)*

Section 1.4 Conditional Uses: (*Amended ORD 13-02: 09/27/2013*)

The following uses may be allowed in the PF – Park Forest District, under the provisions of Chapter 19 – Conditional Use Permits.

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
6. Playgrounds and parks
7. Fairgrounds and community centers
8. Fire stations
9. Golf Courses
10. Antennas, microwave and communication towers
11. Rental storage units, garages, buildings
12. Bed & Breakfast
13. Specialty resort
14. Lodge, hall, meeting place
15. Organized group camps
16. Gun and archery ranges
17. Water treatment, purification, storage, pumping, solid waste disposal sites
18. Assisted living, elderly care
19. Child care center
20. Mineral exploration
21. Mineral extraction
22. Light manufacturing when contained entirely in a building size constraint
23. Commercial riding stables and academies
24. Commercial indoor/outdoor arenas
25. Commercial outdoor recreation, paintball, dude ranch, BMX track
26. Sawmill/molding mill
27. Campground
28. Airports w/ FAA regulations
29. Temporary second residence Chapter 10-Additional Use Regulations, Article 13-Temporary Second Residences (*Amended ORD 11-01 : 05/20/2011)*
30. Small and Large Wind Energy Systems per Chapter 10, Article 1-Small and Large Wind Energy System.
31. Personal Use Airstrip/Heliport if the location of airstrip/heliport is at least 500' from the outer perimeter of the parcel(s)(*Amended ORD 13-01: 05/02/2013)*

32. 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 (*Amended ORD 12-05: 07/16/2012*)
33. Retail Space under 1,000 sq ft per vendor (e.g. diner, coffee shop, lunch counter, boutique space) if located within the Growth Areas as defined by the Comprehensive Plan (*Amended ORD 12-05: 07/16/2012*)
34. Small and Large Scale Sand, Gravel or Rock Extractive Industry ~~Extraction~~ *(Amended ORD 16-03: 07/21/2017)*
35. Commercial Recreation Facility *(Amended ORD 17-01:08/04/2017)*
36. Restricted Use Solid Waste Disposal Facility *(Amended ORD 17-02: 09/29/2017)*

Section 1.5 Density, Setback(s) and Lot Requirements: (*Amended ORD 13-02: 9/27/2013)*

A. General Requirements:
Density/Minimum Lot Size..... (5 acre avg.); (2 acre min) *
Front, side and rear yard(s) ..... 25'**
Maximum height .....35' ***
Lot Width..... ….....None

* The maximum average density shall be eight (8) single-family dwellings per forty (40) acres, which is an average lot size of five (5) acres. Therefore, in order to have two (2) lots you would need to have at least ten (10) acres of land in order to subdivide. Minimum lots size is two (2) acres, which is allowed by clustering your total overall density in one 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.

*** Shall not exceed three (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)

ARTICLE 4 - RR-RURAL RESIDENTIAL DISTRICT

Section 1.1 General:

The intent of the RR-Rural Residential District is to provide a district that will allow certain areas of Lawrence 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.

Section 1.2 Allowed Uses: (*Amended ORD 13-02:09/27/2013*)

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 premise signs, complying with Chapter 8- Sign Regulations
4. Historical monuments and structures
5. Accessory living quarters
6. Accessory uses and structures (except accessory apartments)
7. Home occupations
8. 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. Non-commercial riding stables
16. Non-commercial indoor/outdoor arenas
17. Raising of farm animals or poultry as long as they do not constitute a public nuisance.

Section 1.3 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-Conditional Use Permits:

1. Temporary Uses in conjunction with Chapter 10, Article 7-Temporary Use Permits.
2. Reserved
3. Guest Houses in conjunction with Chapter 10-Article 15 Guest Houses *(Amended ORD 16-01:06/03/2016)*

Section 1.4 Conditional Uses: (*Amended ORD 13-02:09/27/2013*)

The following uses may be allowed in the RR-Rural Residential district under the provisions of Chapter 19-Conditional Use Permits.

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
8. Antennas, microwave and communication towers
9. Rental storage units, garages, buildings
10. Bed & Breakfast
11. Specialty resort
12. Water treatment, purification, storage, pumping, solid waste disposal sites
13. Assisted living, elderly care
14. Child care center
15. Light manufacturing when contained entirely in a building with size constraints
16. Commercial indoor/outdoor arenas
17. Commercial riding stables and academies,
18. Plant nursery
19. Golf courses, or country clubs, but not including miniature courses and driving tees not operated for commercial purposes
20. Small and Large Wind Energy Systems per Chapter 10, Article 1-Small and Large Wind Energy System.
21. Personal Use Airstrip/Heliport if the location of airstrip/heliport is at least 500' from the outer perimeter of the parcel(s)*(Amended ORD 13-01: 05/02/2013)*
22. Commercial Recreation Facility *(Amended ORD 17-01:08/04/2017)*

Section 1.5 Density, Setback and Lot Requirement: (*Amended ORD 13-02: 9/27/2013*)

A. General Requirements:
Density/Minimum Lot Size.....(5 acre avg.); (2 acre min) *
Front, side and rear yard(s) ..... 25'**
Maximum height .....35' ***
Lot Width..... ….....None

* The maximum average density shall be eight (8) single-family dwellings per forty (40) acres, which is an average lot size of five (5) acres. Therefore, in order to have two (2) lots you would need to have at least ten (10) acres of land in order to subdivide. Minimum lots size is two (2) acres, which is allowed by clustering your total overall density in one 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.
***Shall not exceed three (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)

ARTICLE 5 - SRD – SUBURBAN RESIDENTIAL DISTRICT

Section 1.1 General:

The intent of the SRD-Suburban Residential District is to provide a district permits single 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.

Section 1.2 Allowed Uses: *(Amended ORD 13-02: 09/27/2013)*

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
2. Twin homes, Town homes, Condominiums
3. Transportation and utility easements and rights-of-way
4. Community sign/on premise signs, complying with Chapter 8- Sign Regulations
5. Historical monuments and structures
6. Accessory uses and buildings provided such uses are incidental to the principal use and do not constitute a public nuisance
7. Home occupations
8. Home daycare
9. Public parks and playgrounds

Section 1.3 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-Conditional Use Permits:

1. Temporary Uses in conjunction with Chapter 10, Article 7-Temporary Use Permits.
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 Chapter 10, Article 14-Agricultural Tourism Seasonal Permit. (*Amended ORD 13-05: 12/06/2013)*
3. Guest Houses in conjunction with Chapter 10-Article 15 Guest Houses *(Amended ORD 16-01:06/03/2016)*

Section 1.4 Conditional Uses: (*Amended ORD 13-02: 09/27/2013*)

The following uses may be allowed in the SRD-Suburban Residential District, under the provisions of Chapter 19-Conditional Use Permits.

1. Utility substations
2. Grooming, vet clinics (excluding boarding)
3. Churches, religious structures
4. Schools

5. Playgrounds and parks
6. Fire stations
7. Agricultural Tourism Product(s) stand exceeding 400 sq ft in area (*Amended ORD 13-05: 12/26/2013)*
8. Bed & Breakfast
9. Community hall, Lodge, or meeting place
10. Assisted living, elderly care, convalescent
11. Family and group care facilities
12. Historical monuments
13. Plant nurseries
14. Mobile Home Park
15. Small Wind Energy Systems per Chapter 10, Article 1-Small and Large Wind Energy System.
16. Farmer's Market (*Amended ORD 13-05: 12/26/2013*)
17. Raising of Poultry or Livestock (*Amended ORD 13-05: 12/26/2013)*

Section 1.5 Density, Setbacks and Lot Requirements: (*Amended ORD 13-02 9/27/2013)*

A. General Requirements:
Density/Minimum Lot Size.....2 acre(s) *
Front Yard.....25'**
Side and rear yard(s) ..... …....10'**
Maximum height .....35' ***
Lot Width..... ….....None

* The maximum average density shall be one (1) residence per lot. Smaller lot sizes may be approved through a Planned Unit Development District by the County Commission.
* 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 eight thousand (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.
***Shall not exceed three (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)

ARTICLE 6 - GC – GENERAL COMMERCIAL DISTRICT

Section 1.1 General:

The GC – General Commercial District is a limited application zoning which occurs primarily in St. Onge and Nemo.

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: 1) allow compact and convenient "community" oriented business, 2) provide development standards that are compatible with slower speeds of abutting roads and highways; 3) permit retail, wholesale, businesses, and related services.

Section 1.2 Allowed Uses:(Amended ORD 13-02: 09/27/2013)

In GC-General Commercial District, the following uses are allowed:

1. Residential usage shall be limited to one (1) dwelling for the owner or manager of an enterprise.
2. Mixed use structures
3. Transportation and utility easements and rights-of-way
4. Hotels, motels, rooming and boarding houses
5. Eating and drinking establishments
6. On premise signs, complying with Chapter 8- Sign Regulations
7. Retail establishments, including incidental manufacturing goods for sale at retail premises, when conducted entirely in an enclosed building.
8. Commercial recreation and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys and pool rooms.
9. Public buildings and grounds other than schools
10. 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.
12. Barber and beauty shops, massage and tanning salons
13. Cleaning, dyeing, laundry, pressing, dressmaking, tailoring, garment and shoe repair shops
14. Businesses for repair of jewelry, eye glasses, hearing aids, and prosthetic appliances.
15. Business and vocational schools not involving operations of an industrial character
16. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments.
17. Medical, dental, clinics and laboratories
18. Office spaces
19. Bank and financial institutions
20. Funeral homes/mortuary
21. Bakeries
22. Butcher shop
23. Auditoriums, libraries, art galleries, museums and other cultural structures
24. Community centers
25. Churches, religious structures
26. Bus stations
27. Parking lots and garages

28. Building material sales, not including, concrete, asphalt plants, or lumberyards
29. Group daycare, day care center, group home
30. Car wash
31. Historical monuments and structures
32. Mortuary
33. Nursery or greenhouse

Section 1.3 Allowed Special Uses:

A building or premises may be used for the following purposes in the GC General Commercial 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-Conditional Use Permits:

1. Temporary Uses in conjunction with Chapter 10, Article 7-Temporary Use Permits.
2. Reserved

Section 1.4 Conditional Uses: (*Amended ORD 13-02: 09/27/2013*)

The following uses may be allowed in GC-General Commercial District under the provisions of Chapter 19-Conditional Use Permits.

1. Utility substations
2. Antennas, microwave and communication towers
3. Off premise signage, billboards, complying with Chapter 8- Sign Regulations
4. Construction equipment sales
5. Warehousing, wholesale and distribution establishments
6. Manufacturing and fabricating
7. Kennels, animal hospitals
8. Campground
9. New and used motor vehicle sales, rental and repair, including trailers; boat sales; motorcycles and travel trailers
10. New and used farm equipment sales
11. Equipment sales, display, repair
12. Lumberyard
13. Commercial nursery or greenhouse
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 Chapter 10, Article 1-Small and Large Wind Energy System.

Section 1.5 Density, Setbacks, Lot and Other Requirements: *(Amended ORD 13-02 9/27/2013)*

A. General Requirements:
Density/Minimum Lot Size.....2 acre(s)w/ residence (1) acre w/out residence.*
Front Yard.....25’ **

Side and rear yard .....0'
Maximum height .....35' ***
Lot Width..... ….....None

* Minimum lot size shall be two (2) acres if a residence is on the property. If no residence is located on the property the minimum lot size one (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.
***Shall not exceed three (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)

B. 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.
C. Noise, odor, glare and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.
D. Exterior Lighting: Any lights used for exterior illumination shall shielded "downthrow" lighting onto subject property.
E. Smoke, dust, fumes or gases shall not be emitted at any point in concentrations of amounts that are noxious, toxic or corrosive

ARTICLE 7 - RC - RECREATION COMMERCIAL DISTRICT

Section 1.1 General:

The intent of the RC-Recreation Commercial District is to provide a district that will allow limited commercial development. (1) The proposed development must primarily serve those persons who utilize the surrounding district for recreational purposes or act as a destination, (2) the development designed to primarily serve customers which result from traffic on major roads and highways shall not be permitted in the Recreation Commercial District, (3) the proposed development must not conflict with the purpose of the district; preserving the natural beauty, resources and open character of the lands.

Section 1.2 Allowed Uses: *(Amended ORD 13-02 9/27/2013*)

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 (1) 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
6. Public parks and playgrounds
7. On premise signs complying with Chapter 8- Sign Regulations
8. Forest reserve
9. Retail enterprises providing recreation goods, services, and activities
10. Public service structures: such as police stations, fire stations, and post offices
11. Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges and miniature golf
12. Campgrounds
13. Golf course
14. Historic monuments and structures
15. Roadside stands/vendor space
16. Apartments/Condos if on a community type sewer and water system

Section 1.3 Allowed Special Uses:

A building or premises may be used for the following purposes in the RC Recreational Commercial 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-Conditonal Use Permits:

1. Temporary Uses in conjunction with Chapter 10, Article 7-Temporary Use Permits.
2. Reserved

Section 1.4 Conditional Uses: (*Amended ORD 13-02 9/27/2013*)

The following uses may be allowed in the RC-Recreation Commercial District under the provisions of Chapter 19-Conditional Use Permits.

1. Utility substations
2. Antennas, microwave and communication towers
3. Off premise signage, billboards complying with Chapter 8- Sign Regulations
4. Private outdoor recreation facility
5. Day or summer camp
6. Commercial riding academies, arenas, stables
7. Fairgrounds
8. Gas station, convenience store
9. Small Wind Energy Systems per Chapter 10, Article 1-Small and Large Wind Energy System.

Section 1.5 Density, Setbacks, Lot and Other Requirements: (*Amended ORD 13-02: 9/27/2013)*

A. General Requirements:
   Density/Minimum Lot Size.....2 acre(s)w/ residence (1) acre w/out residence*
   Front Yard.....25' **
   Side and rear yard.....0'
   Maximum height .....35' ***
   Lot Width..... ….....None

* Minimum lot size shall be two (2) acres if a residence is on the property. If no residence is located on the property the minimum lot size one (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.
***Shall not exceed three (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)

B. 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.
C. Noise, odor, glare and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.
D. Exterior Lighting: Any lights used for exterior illumination shall shielded "downthrow" lighting onto subject property.
E. Smoke, dust, fumes or gases shall not be emitted at any point in concentrations of amounts that are noxious, toxic or corrosive.

ARTICLE 8-HSC – HIGHWAY SERVICE-COMMERCIAL DISTRICT

Section 1.1 General:

The intent of the HSC-Highway Service-Commercial District is to provide a district that will: 1) allow compact and convenient highway-oriented business, 2) provide development standards that will not impair the traffic carrying capabilities of abutting roads and highways; and 3) permit retail, wholesale, businesses and related services.

Section 1.2 Allowed Uses:

In HSC-Highway Service Commercial district the following uses are allowed:

1. Residential usage shall be limited to one (1) 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
6. Public parks and playgrounds
7. On premise signs complying with Chapter 8- Sign Regulations
8. Bait Shop
9. 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
13. Public service structures: such as police stations, fire stations, post offices
14. Bus stations
15. Auction houses
16. Mobile/modular home and sales office

Section 1.3 Allowed Special Uses:

A building or premises may be used for the following purposes 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 purposes, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements set out in Chapter 19-Conditional Use Permits:

1. Temporary Uses in conjunction with Chapter 10, Article 7-Temporary Use Permits.
2. Reserved

Section 1.4 Conditional Uses: (*Amended ORD 13-02 9/27/2013*)

The following may be allowed in HSC-Highway Service Commercial district under the provision of Chapter 19-Conditional Use Permits:

1. Utility substations
2. Antennas, microwave and communication towers
3. Off premise signage, billboards complying with Chapter 8- Sign Regulations
4. Golf driving ranges

5. Drive-in theaters
6. Light manufacturing and fabricating
7. Kennels, animal hospitals
8. Campgrounds/RV Parks
9. Commercial recreation 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 Chapter 10, Article 1-Small and Large Wind Energy System.

Section 1.5 Density, Setbacks, Lot and Other Requirements: (*Amended ORD 13-02: 9/27/2013)*

A. General Requirements:
   Density/Minimum Lot Size.....2 acre(s)w/ residence (1) acre w/out residence*
   Front Yard.....25' **
   Side and rear yard(s) .....0'
   Maximum height .....35' ***
   Lot Width..... ….....None

* Minimum lot size shall be two (2) acres if a residence is on the property. If no residence is located on the property the minimum lot size one (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.
***Shall not exceed three (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)

B. 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.
C. Noise, odor, glare and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.
D. Exterior Lighting: Any lights used for exterior illumination shall shielded "downthrow" lighting onto subject property direct light away from adjoining properties.

Smoke, dust, fumes or gases shall not be emitted at any point in concentrations of amounts that are noxious, toxic or corrosive.

ARTICLE 9 - C/LI - COMMERCIAL/LIGHT INDUSTRIAL DISTRICT

Section 1.1 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.

Section 1.2 Allowed Uses: (*Amended ORD 13-02: 09/27/2013*)

In C/LI-Commercial/Light Industrial District the following uses are allowed:

1. Residential usage shall be limited to one (1) dwelling for the owner and/or manager of an enterprise.
2. Transportation and utility easements and rights-of-way
3. Eating and drinking establishments
4. On premise signs complying with Chapter 8-Sign Regulations
5. Retail establishments, including incidental manufacturing goods for sale at retail premises, when conducted entirely in an enclosed building
6. Public service structures: such as police stations, fire stations, post offices
7. 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
8. Accessory buildings and uses
9. Towing/impound yard
10. 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
14. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments
15. Warehousing, wholesale and distribution establishments
16. Contractors shop and storage yard
17. Light manufacturing and fabricating
18. Building material sales, not including, concrete or asphalt plants
19. Well drilling businesses and accessory exterior equipment and material storage
20. Business or professional offices
21. 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;
22. Auction house, except livestock
23. Tire recapping and re-treading
24. Water treatment, purification, storage and pumping
25. The following uses when constructed within a completely enclosed building: The manufacture, compounding, assembling or treatment or articles or merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, precious or semi- precious 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
27. 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
29. Freight or truck yard and terminal
30. Distillation of products

Section 1.3 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-Conditional Use Permits:

1. Temporary Uses in conjunction with Chapter 10, Article 7-Temporary Use Permits.
2. Adult Oriented Business in conjunction with Chapter 10-Article 5-Adult Oriented Business
3. Reserved

Section 1.4 Use Limitations:

A. All permitted uses of an industrial nature shall be operated entirely within an enclosed structure.
B. Noise, dust, odor and glare shall be completely confined within an enclosed building.
C. Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compacted gravel or equivalent surfacing.
D. 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.
E. 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.
F. No loading dock or loading area shall extend into a dedicated street or highway right-of-way.
G. 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 Lawrence 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.

Section 1.5 Conditional Uses: (*Amended ORD 13-02: 09/27/2013*)

The following uses may be allowed in the C/LI-Commercial Light Industrial under the provision of Article 5, Section 5.11-Conditional Use Permits:

1. Utility substations
2. Antennas, microwave and communication towers
3. Off premise signage, billboards complying with Chapter 8-Sign Regulations

4. Bulk storage
5. Frozen food locker, provided no slaughtering of animals
6. Vocational uses
7. Heavy manufacturing
8. Salvage yard
9. 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 Chapter 10, Article 1-Small and Large Wind Energy System.

Section 1.6 Density, Setbacks, Lot and Other Requirements:(*Amended ORD 13-02: 9/27/2013)*

A. General Requirements:
   Density/Minimum Lot Size.....2 acre(s)w/ residence (1) acre w/out residence*
   Front Yard.....25' **
   Side and rear yard(s) .....0'
   Maximum height .....35' ***
   Lot Width..... ….....None

* Minimum lot size shall be two (2) acres if a residence is on the property. If no residence is located on the property the minimum lot size one (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.
***Shall not exceed three (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)

B. 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.
C. Noise, odor, glare and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.
D. Exterior Lighting: Any lights used for exterior illumination shall shielded "downthrow" lighting onto subject property.
E. Smoke, dust, fumes or gases shall not be emitted at any point in concentrations of amounts that are noxious, toxic or corrosive.

ARTICLE 10 - I-1 - GENERAL INDUSTRY DISTRICT

Section 1.1 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.

Section 1.2 Allowed Uses: (*Amended ORD 13-02: 09/27/2013*)

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

1. On premise signs complying with Chapter 8- Sign Regulations
2. Retail 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. 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 re-treading
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
13. Bulk storage
14. Processing of junk, waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking or dismantling
15. Foundries
16. General repair and service of trucks and construction equipment
17. Power plants
18. Tannery or curing or storage of raw hide
19. Concrete batch plant, transit mix plant, and asphalt plant
20. Concrete block, pre-cast concrete and pre-stressed concrete fabrication and storage
21. Structural and reinforcing steel fabrication, welding and storage
22. Grain elevators
23. Electrical generation facilities
24. Airport/ heliport
25. Auction houses not for the sale of livestock
26. Commercial sawmill/molding mill

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.

Section 1.3 Use Limitations:

A. All permitted uses shall be operated entirely within an enclosed structure.
B. Noise, dust, odor and glare shall be completely confined within an enclosed building.

C. Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compacted gravel or equivalent surfacing.
D. 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.
E. No merchandise shall be displayed for sale (except for advertising purposes) nor shall any outdoor storage areas be permitted in any required front yard.
F. No loading dock or loading area shall extend into a dedicated street or highway right-of-way.
G. 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 Lawrence 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.

Section 1.4 Allowed Special Uses:

A building or premises may be used for the following purposes 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 purposes, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements set out in Chapter 19-Conditional Use Permits:

1. Temporary Uses in conjunction with Chapter 10, Article 7-Temporary Use Permits.
2. Reserved

Section 1.5 Conditional Uses: (*Amended 13-02: 09/27/2013*)

The following may be allowed in I-1-General Industry District under the provision of Chapter 19-Conditional Use Permits:

1. Utility substations
2. Antennas, microwave and communication towers
3. Off premise signage, billboards complying with Chapter 8- Sign Regulations
4. Vocational schools
5. Small and Large Scale Sand, Gravel or Rock Extractive Industry ~~Extraction~~ (Amended ORD 16-03:07/21/2017)
6. Railroad repair businesses
7. Solid waste disposal site
8. Rendering
9. Distillation of products
10. Refining
11. Paper manufacturing
12. Tank farm, petroleum products terminal
13. Salvage or junkyard
14. Childcare center only when it directly serves or is auxiliary to the needs of industrial plants or employees thereof.
15. Slaughter of animals, including poultry killing or dressing
16. Salvage yard, junk yard
17. Small Wind Energy Systems per Chapter 10, Article 1-Small and Large Wind Energy System.

Section 1.6 Density, Setbacks, Lot and Other Requirements:(*Amended ORD 13-02: 9/27/2013)*

A. General Requirements:
   Density/Minimum Lot Size.....2 acre(s)w/ residence (1) acre w/out residence*
   Front Yard.....25' **
   Side and rear yard(s).....0'
   Maximum height .....35' ***
   Lot Width.....….....None

* Minimum lot size shall be two (2) acres if a residence is on the property. If no residence is located on the property the minimum lot size one (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.
***Shall not exceed three (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)

B. 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.
C. Noise, odor, glare and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.
D. Exterior Lighting: Any lights used for exterior illumination shall shielded "downthrow" lighting onto subject property.
E. Smoke, dust, fumes or gases shall not be emitted at any point in concentrations of amounts that are noxious, toxic or corrosive.

ARTICLE 11 - PUD – PLANNED UNIT DEVELOPMENT DISTRICT

Section 1.1 General:

To develop a PUD within the County, the property must be rezoned to a PUD designation. 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. The procedure for a PUD rezoning will follow Chapter 17 of the Lawrence County Zoning Ordinance and the procedure listed in this Chapter.

Section 1.2 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 the Lawrence County Subdivision Regulations and shall conform to the Change of Zoning section of the Lawrence County Zoning Ordinance.

Section 1.3 Objectives:

To carry out the above stated intent, a PUD district should provide the following, as appropriate:

A. Nonresidential land uses, if any, which provide convenient service, employment and access, yet do not conflict with residential uses.
B. Conservation of natural topographical and geological features with emphasis upon:

    1. conserving existing surface and sub-surface water resources;
    2. preserving significant natural environmental features;
    3. preventing soil erosion; and
    4. protecting surface and ground water and other environmental resources, including green spaces, significant habitat and land with exceptional scenic beauty.

C. Can efficient network of streets and utilities appropriate to serve the land uses within the PUD District.
D. 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.

E. 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.
F. To ensure the implementation of the policies and criteria contained in this Ordinance 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 Ordinance.

Section 1.4 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 multi-family 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 (3) 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.
9. Any allowed use which is described in the Lawrence County Zoning Ordinance may be proposed. All uses shall be listed within the written report included in the Concept Plan.

Section 1.5 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 premise signage.

Section 1.6 Conditional Uses: (*Amended ORD 13-02: 09/27/2013*)

In PUD-Planned Unit Development District conditional uses are allowed.

Section 1.7 Minimum Requirements for Improvements and Design:

A. Area Regulations:

1. The minimum acreage for a PUD shall be at least twenty-five (25) contiguous acres.
2. Front, side and rear setbacks, lot width and size are governed by the minimum requirements for parking and open space as described in Section 1.7, numbers B, E and F, below.
3. Height restrictions shall be (3) stories, unless otherwise approved by County Commission.

B. Parking: For individual uses, or approved as a comprehensive parking plan for integrated uses or for overall development, as regulated in Chapter 7.

C. 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 burming, 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 burm or natural trees. The use of fire resistive plant species is encouraged (see Lawrence County Community Wildfire Protection Plan for list of plant species).

D. 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 Lawrence County Zoning Ordinances.

E. Common Open Space: A minimum of twenty-five percent (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. Water bodies and land located within the 100-year floodplain may be used to partially fulfill open space requirements; calculations for such may not exceed fifty percent (50%) of the required open space. Parking areas, road right-of-ways, and minimum yards in spacing between dwellings may not be included in determining open space. Any and all open space lands shall be held in common ownership by the dwelling unit owners. To insure 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.

F. 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 the Lawrence County Subdivision Regulations, Chapter 8- Assurance for Completion and Maintenance of Improvements.
G. 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.

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:

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 the Lawrence County Subdivision Regulations and any other County Ordinances. In the event of a conflict between this Article and the Lawrence County Subdivision Regulations or any other County Ordinances, the more stringent regulations shall apply.
C. All utilities, e.g., electrical, telephone, etc., 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 Article 4, Section 4.1.
E. Private covenants and restrictions required: Covenants and restriction for the property within the PUD District are required and must be recorded in the Register of Deeds office of Lawrence 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.
F. Covenants and Restrictions shall:

    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 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.
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.

Section 1.8 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:

A. A written report explaining the type, nature, intent and characteristics of the proposed development.
B. Area location or orientation map of the property.
C. Proposed name or title of project and name of the engineer, architect or developer.
D. Scale of 1" = 200' or larger, acreage in total tract, north arrow, and date.
E. Existing topography in ten foot contour intervals or less. Contours may be interpolated from U.S.G.S. quadrangle maps.
F. Existing wooded areas, streams, lakes, 100-year flood plain, and any other physical conditions affecting the site.
G. Existing historical assets located on the property.
H. Proposed street and lot layout.
I. Proposed buffers, and natural features such as surface drainage and open water.
J. Delineation of proposed uses, including open space, and net acreage in each.
K. Proposed density calculations, in units per acre, for residential uses.
L. General location, square footage and height of proposed non-residential buildings.
M. Delineation of specific areas designated for phased development and proposed dates for beginning and completing construction of each development phase or stage.
N. Proposed amenities, such as schools, parks and recreational facilities.
O. General statement indicating source of potable water and wastewater disposal method.
P. Complete Legal description of the parcel(s).

Q. Phasing Plan: 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.

Section 1.9 Master Plan Requirements:

The Master Plan for each development phase shall conform to the Lawrence County Ordinances and shall include, but not be limited to the following:

A. Area location or orientation map of the property.
B. Proposed name or title of project, phase number and name and certification of the engineer, architect or surveyor.
C. Scale of 1" = 100' or larger, acreage in total tract, north arrow, and date.
D. Existing topography by a registered surveyor along with the surveyor's name, registration number, seal and date.
E. 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.
F. 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.
G. Names of owner of record of all adjoining land and all property boundaries, water courses, roads, easements, utilities and other such improvements, which cross or form any boundary line of the development phase.
H. Roads and alleys including their right-of-way width and name.
I. Lot lines, minimum building setback lines, and lot and block numbers.
J. All dimensions shall be to the nearest one-tenth (1/10) of a foot and all angles shall be to the nearest minute.
K. Location, dimension and purpose (e.g., water, gas, cable) of all easements.
L. Location of all buffers.
M. Number to identify each lot or site.
N. Show all watercourses, wetlands and expected limits of the 100 year flood plain.
O. Proposed topography including finish floor elevations and location of all retention and detention basins for storm water control.
P. Location of existing adjoining property lines.
Q. Area in each subdivided tract in square feet.
R. Final engineering drawings of all roads, water, sanitary sewer and storm drainage systems.
S. Density calculations, in units per acre, for residential uses.
T. Location, square footage and height of proposed non-residential buildings.
U. All items listed in the Lawrence County Subdivision Ordinance under Article 3-Specifications for Documents to be Submitted.

Section 1.10 Procedure:

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. Pre-submittal Meeting: 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 pre-requisite to the County's obligation to accept and act upon an application for zoning or rezoning to a PUD District.
3. Submittal of Change of Zoning Application for PUD District with the Concept Plan: A rezoning application and ten (10) copies of the Concept Plan, along with the fee established by the County Commission, shall be submitted to the Planning Director (22) twenty two 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 Ordinance.
5. If the Planning Department finds the application and the Concept Plan in compliance with this Ordinance 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 Boards 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 five-hundred (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 (7) 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 (10) 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. The Planning and Zoning Board shall make recommendation to approve, approve with conditions, or deny the Change of Zoning Application and Master Plan within thirty (30) days of the initial hearing of the application. 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 1st 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 #8 above. The Planning Department will again submit legal notice to the local newspaper(s).
17. After the 1st Reading has been completed the County Commission shall schedule a 2nd reading for a final decision at the next regular County Commission meeting. No notification is needed for the 2nd reading.
18. Within forty-five (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 twenty (20) days after publication.

Section 1.11 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. Flood Plain.
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 Lawrence County; and
    g. Open space areas.
8. Proposed concept plan and master plan with time schedule.

9. The cumulative effect of the proposed change when considered with previously approved Changes of Zoning within the area.

Section 1.12 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 Section 1.9. Upon the filing of any application for a Major Amendment for a PUD, the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21-Fees. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required. Amendments shall be considered major if they include any of the following:

    a. A change in the PUD Boundary.
    b. Any change in the height, density, setback, or lot coverage development standards, as approved in the Master Plan.
    c. Any change in the location of a land use depicted on the Master Plan map.
    d. 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.
    f. 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 Lawrence County the appropriate fee as designated in Chapter 21-Fees. 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.

Section 1.13 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 Applicants 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.

ARTICLE 12 – PUD – MYSTIC MINER SUBDIVISION

Section 1.1 Planned Unit Development Districts:

Planned development districts shall be as enumerated below and shall include the regulations set forth herein:

COZ #287 MYSTIC MINER PUD

Section 1.2 Intent:

The regulations set forth in this article and as set forth elsewhere in the Zoning Ordinance (the "Ordinance") and specifically references herein are the district regulations in the MYSTIC MINERS PLANNED UNIT DEVELOPMENT DISTRICT.

Section 1.3 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:

Total	West of Terry Summit Road	East of Terry Summit Road	
324	174	150	Suburban Residential (Single Family)
14	7	7	Suburban Residential (Multi Family)
145	95	50	Recreation Commercial
2	0	2	Highway Service Commercial
46	28	18	Road Right of Way
531	276	209	Totals

The Mystic Miner Tract shall include a minimum of 25% of designated common open space, which is 133 acres.

Section 1.4 Definitions:

All defined terms used herein shall be in accordance with those definitions as found in the Lawrence County Subdivision and Zoning Ordinances, unless indicated otherwise herein.

Commercial Unit: An allowed commercial use or uses conducted on at least one (1) acre and meeting all other applicable requirements of the Lawrence County Subdivision and Zoning Regulations. When more than one (1) acre is needed to meet the requirements of the Subdivision and Zoning Regulations, 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.

Section 1.5 Road Improvements:

All streets shall be required to be constructed per the Lawrence County Subdivision Regulations.

Section 1.6 Drainage and Erosion Control Plans:

Drainage and erosion controls plans shall be required to be constructed per the Lawrence County Subdivision Regulations.

Section 1.7 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 of 0.8 MG in three separate storage tanks serving thee separate pressure zones.
7. Booster pumping stations to lift treated water to each pressure zone.
8. Distribution piping ranging from 6-inch to 12-inch diameter, sized to meet peak domestic demands and fire flows (1,000 gpm for single family, 1.500 gpm for multi family 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 relates for existing and future customers have not been established at this time and will depend in part upon actual construction costs.
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.

Section 1.8 Waste Water System:

Mystic Miner plans to construct a centralized wastewater collection and treatment system for all proposed commercial and multi family properties. The central sewer system will also provide sewer service to all single family residential properties with lot sizes less than two (2) acres. An on-site individual septic system will provide sewer for large lots (two acres and more) located West of Terry Peak Summit Road.

The water and sewer treatment facilities shall be located in the same location as the water treatment plant, east of the ski lodge.

Treated effluent will be stored ad used for snowmaking when conditions warrant.

Water will be treated to cold-fishery standards and will meet all South Dakota DENR requirements.

The waste water system shall be a centralized system which has been approved by the South Dakota DENR, with the understanding that the first phases shall be allowed to have a septic system, but must be designed by a South Dakota 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.

Section 1.9 Subareas:

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 Miners Planned Unit Development.

All subareas shall be designed and built in conformance with the Lawrence County Subdivision Regulations, including but not limited to the following:

a. Amendments to the PUD shall be in conformance with Article 11, Section 1.12 Amendments to a PUD of this Ordinance.
b. The buildings and site shall be designed to be consistent with the intent of Section 1.2 of this Ordinance.
c. That prior to County Commission approval of the final plat, the Homeowners Association and Covenants attached to this PUD, shall be recorded in the Lawrence County Register of Deeds office.
d. That 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.
e. That all structures have the required 911 addressing posted and approved by the Lawrence County 911 Coordinator.
f. That 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.

g. That prior to Planning and Zoning Board approval of the Preliminary Plat, the applicant shall submit and complete a Weed Plan written by the Lawrence County Invasive Species Department.
h. That all section lines hall be vacated prior to any building permit being issued.
i. That this PUD shall be reviewed each time a phase is completed and/or a new phase is being started or bonding is released.
j. PARKING REGULATIONS. Parking shall be regulated in conformance with Chapter 7 Parking and Loading Regulations of this Ordinance.
k. SIGN REGULATIONS. Signs shall be regulated in conformance with Chapter 8 Sign Regulations of this Ordinance.

A. SUBAREA "A"- Suburban Residential (Single – Multi Family Residential Area):
1. INTENT:
The intent of the SRD-Suburban Residential District is to provide a district that permits single family 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 and multi-family neighborhoods.
2. DISTRICT BOUNDARY DESCRIPTION:
SRD-Suburban Residential 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' of Terry Summit Road to the west. Approximately 7 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' west of Terry Summit Road and extends to within approximately 1000' of the west property boundary line.
3. ALLOWED USES:
Same as set forth in the Chapter 6, Article 5, Section 1.2 SRD-Suburban Residential District.
4. CONDITIONAL USES PERMITTED:
The following uses may be allowed in the SRD-Suburban Residential District, under the provision of Chapter 6, Article 5, Section 1.4 Conditional Use Permits.
    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 & Breakfast
    11. Community hall, Lodge, or meeting place
    12. Assisted living, elderly care, convalescent
    13. Family and group care facilities
    14. Agricultural crops

15. Historical monuments

5. DENSITY, AREA, SETBACKS, WIDTH, and HEIGHT:
   A. Same as set forth in the Chapter 6, Article 5, Section 1.5 and 1.6 SRD-Suburban Residential District, except where noted below:
      1. That all structures be setback a minimum of 58-feet from the center line of all Section Lines;

B. SUBAREA "B"- Recreational Commercial Area:
   1. INTENT:
      The intent of the RC-Recreation Commercial District is to provide a district that will allow limited commercial development. (1) The proposed development must primarily serve those persons who utilize the surrounding district for recreational purposes or act as a destination, (2) the development designed to primarily serve customers which result from traffic on major roads and highways shall not be permitted in the Recreation Commercial District, (3) the proposed development must not conflict with the purpose of the district; preserving the natural beauty, resources and open character of the lands.
   2. DISTRICT BOUNDARY DESCRIPTION:
      RC-Recreation Commercial 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' 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' 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'. 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 1000' east and from the north property boundary line to the south property boundary line.
   3. ALLOWED USES:
      Same as set forth in the Chapter 6, Article 7, Section 1.2 RC-Recreation Commercial District.
   4. CONDITIONAL USES PERMITTED:
      The following uses may be allowed in the RC-Recreation Commercial District, under the provision of Chapter 6, Article 7, Section 1.4 Conditional Use Permits.
      1. Utility substations
      2. Antennas, microwave and communication towers
      3. Off premise 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 day care
      12. Apartments, condos
      13. Gas station, convenience store

5. DENSITY, AREA, SETBACKS, WIDTH, and HEIGHT:
   A. Same as set forth in the Chapter 6, Article 7, Section 1.5 and 1.6 RC-Recreation Commercial District, except where noted below:
      1. That all structures be setback a minimum of 58-feet from the center line of all Section Lines;
6. OTHER REGULATIONS:
   1. Each proposed commercial use shall be required to submit a development plan pursuant to Chapter 14 Development Procedure prior to the issuance of a building permit.

C. SUBAREA "C"- Highway Service Commercial Area:
   1. INTENT:
      The intent of the HSC Highway Service-Commercial District is to provide a district that will: 1) allow compact and convenient highway-oriented business, 2) provide development standards that will not impair the traffic carrying capabilities of abutting roads and highways; and 3) permit retail, wholesale, businesses and related services.
   2. DISTRICT BOUNDARY DESCRIPTION:
      HSC-Highway Service Commercial land use is planned for the east slope of the Mystic Miner Tract. Approximately 2 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' east of the lodge. The property extends approximately 700' east of Aspen Drive and approximately 125' south of Deer Mountain Road.
   3. ALLOWED USES:
      Same as set forth in the Chapter 6, Article 8, Section 1.2 HSC-Highway Service Commercial District.
   4. CONDITIONAL USES PERMITTED:
      The following uses may be allowed in the HSC-Highway Service Commercial District, under the provision of Chapter 6, Article 8, Section 1.4 Conditional Use Permits.
         1. Utility substations
         2. Antennas, microwave and communication towers
         3. Off premise 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
         10. Commercial recreations and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges and miniature golf.
   5. DENSITY, AREA, SETBACKS, WIDTH, and HEIGHT:
      A. Same as set forth in the Chapter 6, Article 8, Section 1.5 and 1.6 HSC-Highway Service Commercial District, except where noted below:
         1. That all structures be setback a minimum of 58-feet from the center line of all Section Lines;
   6. OTHER REGULATIONS:

1. Each proposed commercial use shall be required to submit a development plan pursuant to Chapter 14 Development Procedure prior to the issuance of a building permit.

ARTICLE 13 - FPD - FLOODPLAIN DISTRICT (*Amended ORD 12-01: 03/10/2012*)

Section 1.1 Statutory Authorization:

The Legislature of the State of South Dakota has in SDCL 7-18-14 & 15 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and welfare of its citizenry. Therefore, the Board of County Commission of Lawrence County, South Dakota, does ordain as follows:

Lawrence County of South Dakota elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid act, provides that areas of the county having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The National Flood Insurance Program was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994. The National Flood Insurance Program is administered by the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security.

Section 1.2 Findings of Fact:

1. The flood hazard areas of Lawrence County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately elevated, floodproofed or otherwise protected from flood damage also contribute to the flood loss.

Section 1.3 Statement of Purpose:

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

Section 1.4 Methods or Reducing Flood Losses:

1. In order to accomplish its purposes, this ordinance uses the following methods:

2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
5. Control filling, grading, dredging and other development which may increase flood damage;
6. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Section 1.5 General Provisions:

A. LANDS TO WHICH THIS ORDINANCE APPLIES. The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Lawrence County.
B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Lawrence County," dated April 17, 2012, with accompanying Flood Insurance Rate Maps (FIRM), dated April 17, 2012 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.
C. ESTABLISHMENT OF DEVELOPMENT PERMIT. A Development Permit shall be required to ensure conformance with the provisions of this ordinance.
D. COMPLIANCE. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.
E. ABROGATION AND GREATER RESTRICTIONS. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
F. INTERPRETATION. In the interpretation and application of this ordinance, all provisions shall be:

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

G. WARNING AND DISCLAIMER OR LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

   This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

H. SEVERABILITY. If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

Section 1.6 Administration:

A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR The Planning and Zoning Administrator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is South Dakota Office of Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of this ordinance.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones AE on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community

first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

C. PERMIT PROCEDURES

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.

Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 1.7 (B);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information.

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

D. VARIANCE PROCEDURES

The Lawrence County Board of Commissioners acting as the Board of Adjustment, as established by South Dakota Law, as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.

1. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
2. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency and the State Office of Emergency Management upon issuing a variance.

3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
4. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
6. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
7. Prerequisites for granting variances:
   a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
   b. Variances shall only be issued upon:
      i. showing a good and sufficient cause;
      ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
      iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
   c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
8. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
   a. the criteria outlined in Article 4, Section D(1)-(9) are met, and
   b. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Section 1.7 Provisions for Flood Hazard Reduction:

A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standards of this ordinance are satisfied.
2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
3. **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

    a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    b. The bottom of all openings shall be no higher than one foot above grade.
    c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. **Manufactured Homes**
   a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
   b. Require that manufactured homes that are placed or substantially improved within Zone AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
   c. All AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that the lowest floor is at or above the Base Flood Elevation; OR the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.

5. **Recreational Vehicles -** Require that recreational vehicles placed on sites within Zone AE on the community's FIRM either:
   a. be on the site for fewer than 180 consecutive days,
   b. be fully licensed and ready for highway use, or
   c. meet the permit requirements of Section 1.6 (C), and the elevation and anchoring requirements for "manufactured homes" of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this ordinance.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. FLOODWAYS

Floodways located within areas of special flood hazard established in Section 1.5 (B), are extremely hazardous areas due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway which will not increase the Base Flood level more than 1 foot.
2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1.7 in this ordinance.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

E. PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class II misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Lawrence County from taking such other lawful action as is necessary to prevent or remedy any violation.

F. CERTIFICATION

It is hereby found and declared by Lawrence County that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

ARTICLE 14 - WHITEWOOD SUPERFUND SITE DISTRICT *(Amended ORD 10-02: 6/09/2010)*

Section 1.1 General:

The intent of the WSS- Whitewood Superfund Site District is to minimize risk to individuals from arsenic at the Site, with the assistance of Lawrence County, Homestake Mining Company (HMC), Environmental Protection Agency (EPA) and the South Dakota Department of Environment and Natural Resources (DENR).

The information provided within this Ordinance and within the Whitewood Creek Tailings Area Building Permit Handbook is offered as part of the remediation requirements for the Whitewood Creek Superfund Site, which is located in Lawrence County. This Ordinance is intended to remind site residents about the EPA Site Remedy, and to identify precautions that should be taken by a Site resident to continue to protect their health and safety.

This Ordinance provides County staff and landowners in the Whitewood Creek Tailings area with guidance on how to proceed with residential construction. It also details those activities prohibited or restricted by land use ordinances applicable to the Area.

The Whitewood Superfund Site only applies to the area as described in Figure 1 of this Ordinance.

Section 1.2 Site Remedy:

Two soil types were identified by the EPA as potentially presenting risks. **Tailings Deposits** were tailings that were actively deposited in the old stream bed and floodplain. **Tailings Impacted Soil Areas** are soils that were impacted by wind blown tailings from the stream bed and flood plain.

EPA chose a twofold remedy for the Whitewood Creek Superfund site:

1. Existing residential yards containing **Tailings Deposits** or **Tailings Impacted Soils** were cleaned up in 1991 and 1992 by removing these materials or covering them with clean soil; and
2. County ordinances were adopted to minimize exposure to **Tailings Deposits** and **Tailings Impacted Soils** in future development. In addition, an existing State rule prohibiting shallow well construction in the Whitewood Creek flood plain has been continued.

Section 1.3 Limitations & Restrictions:

1. Residential and commercial (non-agriculture) development on **Tailings Deposits** is prohibited.
2. Residential development is only allowed in **Tailings Impacted Soil Areas** once the owner has remediated the soils, and only in areas that have soil arsenic levels below 100 parts per million based on an appropriate sampling program, as outlined on Page 3 of the Whitewood Creek Tailings Area Building Permit Handbook -Building Restricted On Tailings Impacted Soils.

3. Excavation of tailings materials and use of tailings materials outside of the **Tailings Deposits** is prohibited. (Mining of the tailings is allowed subject to the regulations of the individual county, the State of South Dakota and applicable federal requirements.)
4. Importation of **Tailings Deposits** or **Tailings Impacted Soils** to residential yards is prohibited. E.g., these materials cannot be used for driveways or as fill in yards or gardens.
5. The construction of shallow wells within the tailings deposits is prohibited by state law. ARSD 74:02:04:26.
6. Please refer to the Lawrence County Zoning map in the Lawrence County Planning and Zoning Department for a general outline of the area. This map identifies tailings deposits and tailings impacted soils.

Section 1.4 Site Residents' Roles:

Residents have an important role in implementing the remedy and minimizing risk. Site residents are asked to do the following:

1. Notify Homestake Mining Co. if floodwaters reach residential yards within the site.
2. Notify potential property owners about the Whitewood Creek Superfund Site and provide them with this Ordinance. The assistance of site residents is necessary to educate potential property owners, as warning signs and deed restrictions were not included in the remedy in response to public comment.
3. Contact the Lawrence County Planning and Zoning Department prior to any construction on your property.
4. Notify Homestake Mining Co. if you are aware of any planned building activities within the Whitewood Creek Superfund Site.

Section 1.5 Site Documents and Contacts:

Documents regarding the former Whitewood Creek Superfund Site, including the Record of Decision and Consent Decree, are available for public review at the Lawrence County Register of Deeds Office, 90 Sherman Street, Deadwood, SD 57732 (605) 578-3930.

For detailed information on the requirements for construction in the Whitewood Creek Superfund Site District you will need to refer to the Whitewood Creek Tailings Area Building Permit Handbook on file in the Lawrence County Planning and Zoning Department. This Handbook is available in order to help guide the landowner to meet all of the requirements of the WSS prior to the County issuing a building permit. All of the information provided will be reviewed by the County Planning Department, as well as, Homestake Mining Company. Be advised the building permit process in this designated zoning district will take longer than the designated 5 days as stated on building permit applications.

CHAPTER 7 PARKING AND LOADING REGULATIONS

Section 1.1 General:

No land shall be used or occupied; no structure shall be erected, altered, used or occupied, and no use shall be operated unless off-street parking facilities, in at least the amount required, are provided or available, and maintained in the manner set forth. Uses existing on the effective date of this ordinance shall not be reduced below the requirements of this section.

Off-street parking facilities shall be provided and maintained as required in this section for any addition to or the extension or enlargement of a use of land or building which existed on the effective date of this ordinance. The provisions and maintenance of the off street parking facilities required shall be the joint and several responsibility of the operator and owner of the use and the operator or owner of the land on which, or the structure in which it is located.

Section 1.2 Minimum Requirements:

A. Standards:

1. Each off-street parking space shall be an area of not less than one hundred seventy-one (171) square feet, exclusive of access or maneuvering area, ramps, and other appurtenances as per the following standards:

			Required Off Street Parking Stall Dimensions
Aisle Width	Stall Width	Stall Length	Parking
25 ft.	9 ft.	19 ft.	90 º
18.5 ft.	9 ft.	19 ft.	60 º
13.5 ft.	9 ft.	19 ft.	45 º
11 ft.	9 ft.	19 ft.	30 º
11 ft.	9 ft.	21 ft	Parallel

2. Off street parking facilities shall be located on the site on which the use or structure for which they are provided is located except as otherwise permitted under a special plan for location or sharing of facilities.
3. A minimum ten (10) foot wide landscape buffer strip is required between public sidewalks and off-street parking stalls, parking lots, and parking lot access driveways that run parallel to a public sidewalk.

    a. The landscape buffer shall be designed so that there is a mix of live plant material and rock, gravel, etc., with not more than ten feet in any direction without plant cover or tree canopy. The buffer shall be visually

distinct from the adjacent sidewalk and discourage vehicles from driving over the sidewalk.

b. Areas within the public right- of-way may be included in the ten (10) foot dimension.
c. This requirement does not apply to the following:

    i. A standard residential driveway that provides access to a garage, carport or uncovered parking space located on private property.
    ii. A driveway needed to cross the buffer strip to provide access from the street to parking stalls.
    iii. Parking that is located within the public right-of-way boulevard.

B. Maintenance. Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

1. Drainage and surfacing. They shall be properly graded for drainage, surfaced with concrete or asphalt and maintained in good condition, free of weeds, dust, trash and debris;
2. Protective barriers. They shall be provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles;
3. Outdoor lighting. When provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the safe use of adjacent streets. All outdoor lighting shall use “downthrow lighting”.
4. Entrances and exits. They shall be provided with designated entrances and exits so located as to minimize traffic congestion;
5. Prohibition of other uses. They shall not be used for the sale, storage, repair, or dismantling of any vehicles, equipment, materials or supplies.
6. In the event they are designed such that the facility abuts a public sidewalk and vehicle parking is diagonal or perpendicular to the sidewalk, a permanent barrier shall be installed three (3) feet from the interior edge of the sidewalk to prevent vehicle encroachment over the sidewalk. If the facility abuts and faces a street and there is no sidewalk, permanent barriers shall be installed seven (7) feet from the curb to provide for a pedestrianway and to prevent vehicle encroachment.
7. In commercial districts, if the parking facility is located at the intersection of two (2) streets and abuts the street curb, a thirty-foot unobstructed sight triangle shall be required at the corner of the intersection, measured on the curb line. At accessways formed by the intersection of the accessway and the public right-of-way line, a ten-foot unobstructed sight triangle, measured on property lines, shall be required. Parking facilities shall be striped accordingly.
8. In residential districts, parking spaces accessed by local roads and required by this ordinance shall be located and designed with a minimum of twenty-three (23) feet or sufficient depth from the back of the sidewalk so that there will be no vehicle encroachment over the public sidewalk.
9. If a parking facility accesses a collector street, major arterial or minor arterial as designated by the major street plan map that functionally classifies streets in the city, or if by reasons of topography as determined by the planning commission, the facility shall have a controlled access with a designated entrance and exit, and sufficient maneuvering space on the interior of the lot to preclude the necessity of vehicles backing onto the street.

C. Minimum amounts of off-street parking facilities required. The following minimum amounts of off-street parking facilities shall be provided. The classification of uses shall be deemed to include and apply to all uses and if the classification is not readily determinable it shall be fixed by the zoning administrator.

1. Dwellings, one-family and two-family. Two (2) spaces per dwelling unit.
2. Dwellings, multi-family. 2.25 spaces per dwelling unit except for senior citizens housing which shall provide 1.5 spaces per unit.
3. Hotels, motels, rooming houses, bed and breakfast establishments. One (1) space per guest room.
4. Manufactured home parks. Two (2) spaces per manufactured home.
5. Nursing, long-term care facilities. One (1) space per four (4) beds.
6. Theaters, auditoriums, gymnasiums. One (1) space per three (3) seats. Convention facilities: One (1) space per fifteen (15) square feet of assembly area. Multiple-screen theater: One (1) space per five (5) seats.
7. Churches. One (1) space per four (4) seats.
8. Funeral homes. One (1) space per four (4) seats.
9. Schools, elementary. Two (2) spaces per classroom.
10. Schools, secondary. Ten (10) spaces per classroom.
11. Restaurants, on-sale liquor establishments. One (1) space per one hundred (100) square feet of gross floor area.
12. Private and public utility substations, commercial storage units. No parking requirements except that all areas of ingress/ egress and loading/unloading/ storage shall be hard surfaced.
13. Health clinics. Single practitioner clinics one (1) space per three hundred (300) square feet of gross floor area; multiple practitioner clinics one (1) space per two hundred (200) square feet of gross floor area.
14. Industrial and manufacturing establishments. One (1) space per four hundred (400) square feet of gross floor area.
15. Warehouses shall provide one (1) parking space per one thousand (1,000) square feet of gross floor area plus one (1) parking space per employee.
16. Group care homes/assisted living and congregate care facilities. One (1) space for each three (3) residents, one (1) handicapped space, and one (1) space for each employee on the most fully staffed shift.
17. Office buildings for general business, commercial and personal service establishments. One (1) space per two hundred (200) square feet of gross floor area.
18. Buildings for retail trade. One (1) space per three hundred (300) square feet of gross retail space.
19. Drive-up windows. Driveways for drive-up service windows shall be of sufficient length to accommodate the stacking of three vehicles.
20. Sports and recreation facilities.
    a. Golf course. Six (6) spaces per hole.
    b. Baseball/softball/soccer. Thirty-six (36) spaces per field.
    c. Tennis court. Four (4) spaces per court.
    d. Swimming pool/water park. As per a parking plan approved by the County Commission.
    e. Bowling alley. Four (4) spaces per lane.

21. Fire/ambulance facilities. Fire, four (4) spaces per bay; ambulance, three (3) spaces per bay.
22. New and used vehicle and equipment sales. All areas used for storage and display shall be paved.
23. Manufactured home sales. Based on standard requirements for permanent structures and sales offices.

D. Combined facilities. The off-street parking facilities required of two (2) or more uses located on the same building site or an immediate proximity may be combined and used jointly, provided that the facilities shall provide the sum total of the facilities required.
E. Maximum amounts of off street parking facilities. For commercial uses, excluding new and used vehicle sales, minimum amounts of off-street parking facilities may be exceeded by only twenty (20) percent. Parking in excess of this maximum may be approved by the County Commission upon justification of need.
F. Special plan for location or sharing of facilities. Off- street parking facilities may be located on another site or shared under the following procedure:

1. Application for approval of special plan. An application for approval of a special plan shall be filed with the Planning and Zoning Department by the owner(s) of the entire land area to be included within the special plan. It shall include the owner(s) of all structures existing on the land and all encumbrances of the land and structures. The application shall contain such information required by this ordinance or deemed necessary by the zoning administrator and shall include plans showing the location of the uses or structures for which off-street parking facilities are required and the location of the proposed off-street parking.
2. Review of application. Applications shall be reviewed by the Planning and Zoning Department and either approved or disapproved by the County Commission within ninety (90) days, except that the applicant may request a continuance.
3. Recording of special plan. A copy of the plan shall be recorded as a restrictive covenant against the property.
4. Amendment or withdrawal of special plan. A plan may only be amended or withdrawn pursuant to the same procedure as for approval.

Section 1.3 Off-street loading and unloading requirements:

In all districts, and on the same premises with every structure involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided adequate space for standing, loading and unloading in order to avoid undue interference with public use of the streets or alleys.

Off-street loading and unloading spaces shall be provided as follows:

A. One (1) off-street loading and unloading space shall be provided for buildings up to and including twenty thousand (20,000) square feet of floor area, plus one (1) additional off-street loading and unloading space for each additional twenty thousand (20,000) square feet of floor area up to and including one hundred thousand (100,000) square feet.
B. There shall be provided an additional off-street loading and unloading space for each additional forty thousand (40,000) square feet of floor area in excess of over one hundred thousand (100,000) square feet.

C. Where trailer trucks are involved, such loading and unloading space shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.
D. All areas devoted to permanent off-street loading and unloading as required under this section shall be of asphalt or concrete construction.

CHAPTER 8 SIGN REGULATIONS

Section 1.1 Intent:

The purpose of this Section 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 right-of-ways. The following regulations are intended to promote and preserve the natural aesthetics of Lawrence 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 right-of-ways.

Lawrence County's authority to regulate signs, billboards and other advertising is specified in South Dakota Codified Law Ch. 31-29. (*Amended ORD 10-04: 11/9/2010*)

Section 1.2 General Provisions:

In any zoning district where signs are allowed, a Lawrence County Sign Permit shall be required unless otherwise stated. In addition to all applicable state and federal regulations, any sign erected within the unincorporated area of Lawrence County shall be required to conform to the following regulations (*Amended ORD 10-04: 11/9/2010*):

1. New Signs

    a. A Sign Permit shall be required for any new on-premise or off-premise sign installation. At the time of installation, the new sign must conform to all requirements of the Zoning Ordinance at the time of installation. All off-premise signs require a Conditional Use Permit.
    b. The provisions of Chapter 19 of this Ordinance 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.

Section 1.3 Applications and Permitting of Signage (*Amended ORD 10-04: 11/9/2010*):

Applications for a Sign Permit shall be made in writing upon forms furnished by the Lawrence County Planning Department. No permit shall be issued until each sign application is approved by the Planning Official or the Lawrence County Commission in the case of a Conditional Use Permit. 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 Systems (GPS) coordinates of proposed sign.
10. Other such data and information deemed necessary by the Lawrence County Planning Department.

Section 1.4 On-Premise Signage: (*Amended ORD 10-04:11/9/2010*)

1. Upon the filing of any application for a sign, the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21-Fees. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.
2. Only one (1) on-premise 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.
3. 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 "down-throw lighting".
4. All on-premise 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-premise sign shall be five (5) feet from the property line.
5. No sign, including political signs are allowed to be located in any public right-of-ways, public or private access easements. All signs issued by the Lawrence County Planning Department for public notice of proposed land use changes are exempt from this requirement.
6. An on-premise sign shall be allowed to share the structure with an off- premise sign.
7. No debris, including but not necessarily limited to, wood material, posts, metal, and 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.
8. On-premise signs shall not exceed a height of thirty (30) feet and shall be measured from the road surface.
9. The maximum display area of any on-premise sign shall not exceed one hundred and fifty (150) square feet.
10. On -Premise Wall, roof, or projecting on-premise signs located in all Commercial and Industrial Districts:

    a. The maximum total sign area on structures which are two stories or less in height shall not exceed two (2) square feet for each linear foot of building frontage.
    b. The total sign area on structures which are greater than two stories in height shall not exceed either two (2) square feet for each linear foot of building frontage, or 15% of the area of the frontage wall, whichever is greater.
    c. Freestanding signs having a total sign area not to exceed one (1) square foot for each linear foot of road frontage or 200 square feet, whichever is less.
    d. On-premise roof signs shall rise no higher than five (5) feet above the top of a parapet or roof line.

11. Home Occupation Signs: A Home Occupation that has been approved in accordance with the regulations of the zoning ordinance shall be allowed one (1) on-premise sign, no greater than three (3) square feet.

12. Neighborhood Identification Signs: Each real estate subdivision that has been approved in accordance with the regulations of the Zoning Ordinance shall be allowed one (1) on-premise sign per entrance, not exceeding one hundred (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.
13. 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 sixty (60) days and shall not exceed thirty two (32) square feet. (Examples: Family reunions, races, rally signage, community events, off right of way signs, etc)

Section 1.5 Off-Premise Signage: (*Amended ORD 10-04: 11/9/2010*)

1. Upon the filing of any application for an off-premise sign the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21-Fees. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.
2. The owner of any sign along a state highway requiring a permit must apply for and obtain a valid permit from the South Dakota Department of Transportation before construction or placement of the sign occurs.
3. No off-premise sign shall be erected or placed closer than five hundred (500) feet from any residential district and/or dwelling unit.
4. Off-premise signs shall be located no closer than a fifteen hundred (1500) foot radius from the center of the face from all other off-premise signs.
5. 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 “down-throw lighting”.
6. Off-premise signs shall not exceed a height of thirty (30) feet. The height of the off-premise sign shall be measured from the road surface.
7. The maximum display area of any off-premise sign located adjacent to a two (2) or more lane highway shall not exceed two hundred and forty (240) square feet on each face of the sign.
8. The maximum display area of any off-premise sign located adjacent to the interstate shall not exceed three hundred seventy-eight (378) square feet on each face.
9. All off-premise 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-premise or off-premise signs shall be five (5) feet from the property line, measured from the outer face.
10. No sign, including political signs are allowed to be located in any public right-of-ways, public or private access easements. All signs issued by the Lawrence

County Planning Department for public notice of proposed land use changes are exempt from this requirement.

11. An off premise sign shall be allowed to share the structure with an on-premise sign.
12. 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.

Section 1.6 Exempt Signage: (*Amended ORD 10-04: 11/9/2010)*

The following signs do not require a permit and are exempt from the specific rules governing signs in Section 1.2 through 1.6 provided the following requirements are met:

1. **Construction Signs**: For construction on or development of lots, not more than three (3) 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.
2. **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.
3. **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.
4. **Private Traffic Directional Signs**: Signs directing traffic movement onto and out of a commercial premise may be located at each vehicular entrance onto a public street and may not be greater than four (4) square feet.
5. **Real Estate Signs**: Not more than one (1) non-illuminated "For Sale" or "For Rent" sign, not exceeding thirty two (32) square feet is allowed for the purpose of advertising the sale, rental or lease of the premises on which the sign is located.
6. **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 3 square feet in size, may not exceed 3 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 (2) directional real estates 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.
7. **Emergency 911 Signs**: Residential locator or E-911 signs are permitted.
8. **Political campaign Signs:** Political campaign signs that are temporarily placed on the ground pending an election, shall not exceed thirty-two (32) square feet and shall be removed within three days after the election. No political signs are allowed to be located in any public right-of-ways, public or private access easements.
9. **Utility Signs**: One (1) sign per utility, not to exceed 6" x 12" mounted on a pole
10. **Banners:** Shall be allowed on a temporary basis for a maximum of twenty-one (21) days during any calendar year.

11. Signs advertising the use of a particular breed, type, variety, hybrid, or brands of plant, chemical or tillage, not exceeding six (6) square feet in area and 1 sided face. Such product must be used on the premises on which the sign is located.
12. No hunting or trespassing signs, not exceeding six (6) square feet in area.
13. Owners of on-premise and off-premise signs are encouraged to allow public service announcements.
14. 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.
15. Sculptures, fountains, murals, mosaics and design features that do not incorporate advertising or identification.
16. Legal notices required by law.

Section 1.7 Prohibited Signage: (*Amended ORD 10-04: 11/9/2010*)

1. **Portable Signs/Vehicle Signs**: Portable signs are prohibited except as authorized as a temporary sign by Section 1.4 of this article. 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.
2. **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 & Zoning Department.

Section 1.8 Illuminations of on premise and off premise signage: (*Amended ORD 10-04: 11/9/2010)*

1. Signs that contain, include, or are illuminated by any flashing, intermittent (less than six (6) seconds) moving light(s) are prohibited.
2. 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 (6) seconds and do not resemble or simulate traffic control or safety devices or signs.
3. 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 "down-throw lighting".

Section 1.9 Supplemental Regulations: (*Amended ORD 10-04:11/9/2010*)

A nonconforming sign or sign structure existing at the time of the adoption of Chapter 8 as amended, may be continued, maintained, and repaired as follows:

1. 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 fifty (50) percent of the depreciated value of the sign or if the same has not been damaged beyond fifty (50) percent 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 maybe waived by the Lawrence County Commission.

2. No sign shall exceed two (2) sides. Signs shall have no more than one frontal face (front) and one back face (back) as viewed from one static position.
3. No sign shall be constructed, placed or erected at or near any intersection with a twenty-five (25) foot sight triangle at intersections. No sign shall be allowed in an easement or in the twenty five (25) foot sight triangle of the intersection of two (2) easements.
4. The changing of advertising messages or face on an existing sign shall be allowed without fee or permit.

Section 1.10 Maintenance and Enforcement of Signs: (*Amended ORD 10-04:11/9/2010*)

1. Every on-premise and off-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 one year (1 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 Lawrence 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 (7) 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.
2. Any new sign or sign structure found to be installed without a permit or not in conformance with this Ordinance shall be removed or renovated within thirty (30) days upon discovery.
3. In addition to any and all remedies allowed under the laws of the State of South Dakota and this Zoning Ordinance, a violation of any requirement of this ordinance shall also be subject to the penalties as outlined in Chapter 23 of this Ordinance.

CHAPTER 9 WATER AND WASTEWATER SYSTEMS

Section 1.1 General:

All water and wastewater systems shall conform with SDCL Ch. 34A and administrative rules promulgated there under.

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.

Section 1.2 Wastewater Treatment Systems:

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.

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.

Section 1.3 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 (DENR). 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 onsite wastewater systems, an amortization schedule should be determined to bring all effected 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, SDCL 9-48)

Section 1.4 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 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.

Section 1.5 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 lots size of two (2) acres, unless served by a

central wastewater system or is located on a pre-existing lot of record, then it shall meet all state requirements.

Section 1.6 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 South Dakota law. All individual or small on-site wastewater system installations shall be performed in accordance with the provisions of ARSD 74:53:01.

Section 1.7 Inspection:

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.

Section 1.8 Septic System Permit Process:

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. The applicant shall:

A. 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.
B. The applicant shall hire a state certified installer to install or modify the system.
C. 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.
D. 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.
E. 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.
F. 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.
G. When the installation of the system is complete, the installer shall contact the engineer no less than twelve (12) hours in advance for inspection of the system. The system shall not be covered until the inspection is complete.

Section 1.9 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 Report and photographs from the engineer inspecting the system shall be provided to the Administrative Official for inclusion in 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, etc.) to the center of the tank and corner of the drainfield. 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.

Section 1.10 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 South Dakota 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 South Dakota law. Failure to correct such deficiencies will result in sanctions provided by law.

Section 1.11 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.

Section 1.12 Prohibited Locations of Sewer Systems:

Due to the alluvial gravels adjacent to the Belle Fourche Water Infiltration Gallery no building permits for structures intended for human habitat in utilizing sewer systems which discharge effluent above or below ground surface or utilizing holding tanks shall be issued for property located in the S1/2 N1/2 and S ½ of Section 28 and Section 33, All lying north of Interstate 90, T7N, R2E, B.H.M., Lawrence County, South Dakota.

CHAPTER 10 ADDITIONAL USE REGULATIONS

★ Article 1 - Small and Large Wind Energy Systems
★ Article 2 - Extraction of Materials and Minerals, Open Pits and Impounding of Waters
★ Article 3 - Home Occupations
★ Article 4 - Mobile Home and Manufactured Home Parks
★ Article 5 - Adult Oriented Businesses
★ Article 6 - Concentrated Animal Feeding Operations
★ Article 7 - Temporary Use Permits
★ Article 8 - Telecommunication Facilities
★ Article 9 - Campgrounds
★ Article 10 - Temporary Campgrounds
★ Article 11 - Automobile Wrecking and Junk Yards
★ Article 12 – Cemeteries

ARTICLE 1 – SMALL AND LARGE WIND ENERGY SYSTEMS

Section 1.1 Purpose:

To oversee the permitting of Wind Energy Systems (WES) for the purpose of protecting and providing for the public health, safety, and general welfare of the county; to allow for the orderly development of land; and to preserve and protect aesthetic conditions within the County. This ordinance does not repeal, abrogate, annul, impair, or interfere with any existing ordinance.

Ornamental wind devices that are not a WES shall be exempt from the provisions of this Section.

Section 1.2 Federal and State Requirements:

All WES facilities shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WES facilities.

Section 1.3 Fees:

Upon the filing of any application for a SWES Conditional Use Permit the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21-Fees-Conditional Use Permit. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.

The Conditional Use Permit fee does not apply to a SWES located in the A-1 General Agriculture District on property of forty (40) acres or more. This fee will be a building permit fee only and will be based on the project costs in the Engineered Plans and the current building permit fee adopted.

Upon the filing of any application for a LWES Conditional Use Permit the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21-Fees-Conditional Use Permits. If the application includes one (1) additional unit there will be an additional charge

of $100.00, if there are more than two (2) units or the units are over a total system height of 120' there will be an additional $1000.00 fee for each unit included in the application. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.

Section 1.4 District Regulations:

A SWES shall be an allowed Conditional Use in the A-2-Residential Agriculture, RR-Rural Residential, PF-Park Forest, SRD-Suburban Residential, RC–Recreation Commercial, GC-General Commercial, HSC-Highway Service Commercial, C/LI-Commercial/Light Industrial, and I-1-General Industry Zoning Districts. A building permit is also required, and shall be issued only after the Conditional Use Permit is approved by the County Commission.

In the A-1-General Agriculture District, a SWES is an Allowed Special Use provided the SWES meets the requirements of Section 1.5 & 1.7, is sited on at least (40) acres and can be authorized by the Planning and Zoning Department with the issuance of a building permit.

A LWES shall be an allowed Conditional Use in the A-1- General Agriculture District, A-2-Residential Agriculture, RR-Rural Residential, PF-Park Forest, RC–Recreation Commercial, GC-General Commercial, HSC-Highway Service Commercial, C/LI-Commercial/Light Industrial, and I-1-General Industry Zoning Districts. A building permit is also required, and shall be issued only after the Conditional Use Permit is approved by the County Commission.

In the SRD-Suburban Residential District, a LWES is prohibited.

Meteorological Towers shall be an allowed Conditional Use in A-1- General Agriculture District, A-2-Residential Agriculture, RR-Rural Residential, PF-Park Forest, SRD-Suburban Residential District, RC–Recreation Commercial, GC-General Commercial, HSC-Highway Service Commercial, C/LI-Commercial/Light Industrial, and I-1-General Industry Zoning Districts.

Meteorological Tower	Large WES	Small WES	Minimum Parcel Size Required to apply (acres)	Zoning District
CUP	CUP	NO CUP needed if you can meet all requirements of a LWES. Administrator may issue a Building Permit.	40	A-1
CUP	CUP	CUP	10	A-2
CUP	CUP	CUP	5	RR
CUP	CUP	CUP	5	PF
CUP	Prohibited	CUP	5	SRD
CUP	CUP	CUP	* No minimum parcel size	GC
CUP	CUP	CUP	5	RC
CUP	CUP	CUP	* No minimum parcel size	HSC
CUP	CUP	CUP	* No minimum parcel size	C/LI
CUP	CUP	CUP	* No minimum parcel size	I-1

Section 1.5 General Standards for Review:

1. Structure: A WES must be of monopole construction. to the extent practicable. If monopole construction is not practicable, a wind tower must be of freestanding construction to the extent practicable.
2. Spacing and Density: A WES must be separated from every other System, to include those on adjacent properties by a sufficient distance so that it does not interfere with another System.
3. Clearance: The vertical distance from ground level to the tip of the wind turbine blade when the blade is at its lowest point must be at least twenty-five (25) feet.
4. Access: All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access, and the tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above ground.
5. Electrical Wires: All electrical wires associated with a WES, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, must be located underground.
6. Code Compliance: All WES must comply with all applicable state and federal codes and regulations.
7. Lighting: All WES may not be artificially lighted unless such lighting is required by the Federal Aviation Administration. If lighting is required, the lighting must comply with the FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.
8. Appearance, Color and Finish: The exterior surface of any visible components of a WES must be a non-reflective or matte, white, grey or another neutral color. Wind Towers and turbines that are located within one mile of each other on a participating property must be of uniform design, including tower type, color, number of blades, and direction of blade rotation.
9. Signs: No wind turbine, tower, building or other structure associated with a WES may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, tower, building, or other structure associated with a WES so as to be visible from any public road.
10. Noise: WES facilities shall not exceed fifty (50) dBA, as measured at any point on the property adjacent to the parcel on which the WES is located.
11. Flicker or Shadow Flicker: The effect that results when the shadow cast by the rotating blade of a wind energy system moves across a fixed point. The owner of a WES must take such reasonable steps as are necessary to prevent, mitigate, and eliminate shadow flicker on any occupied structure on a nonparticipating property.
12. Federal Aviation Administration: All WES shall comply with FAA standards and permits.
13. Interference: The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by ant WES. The applicant shall notify all communication tower operators within two (2) miles of the proposed WES location upon application to the County for permits. No WES shall be constructed so as to interfere with County or South Dakota Department of Transportation microwave transmissions.

14. Utility Notification: No WES shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.
15. Applicant must demonstrate that the proposed use is compatible with the permitted land uses in a given zoning district and that the external effects of the use in relation to the existing and planned uses of adjoining property and neighborhood can be mitigated through imposition of standards and conditions.

Section 1.6 Small Wind Energy Systems:

A. Standards for Review:
   1. Setbacks:
      a. SWES shall not be located closer than one point one (1.1) times the system height from all lot lines, public road right-of-way, all utilities easements or lines, and all private easements.
      b. All SWES shall be at least 300' from any public park.

B. Abandonment of Small Wind Energy Systems:
   1. A Small Wind Energy System that is out of service for a continuous twelve (12) month period will be deemed to have been abandoned and the Administrator may issue a Notice of Abandonment to the owner. If, within thirty (30) days of receipt of a Notice of Abandonment, the owner provides the Administrator with written information showing that the system has not been abandoned, the Administrator will withdraw the Notice.
   2. An owner shall provide the Administrator with a written Notice of Termination of Operations is the operation of a Wind Energy System is terminated. Such notice shall be provided with thirty (30) days of system operation termination.
   3. A Small Wind Energy System must be removed within three (3) months of the mailing date of the Notice of Abandonment unless the Administrator withdraws the Notice or within six (6) months of providing Notice of Termination of Operations. The Notice of Abandonment shall be mailed by certified mail to the address of the property owner as listed by Director of Equalization records. The owner shall remove all:

      a. Wind turbines, above ground improvements, and outdoor storage.
      b. Foundations, pads, and underground electrical wires and reclaim the site to a depth of four (4) feet below the surface of the ground; and
      c. Hazardous material from the property and dispose of the hazardous material in accordance with Federal and State law.

   4. If the owner fails to remove a Small Wind Energy System and reclaim the site, the County may remove or cause the removal of the system and the reclamation of the site.

Section 1.7 Large Wind Energy Systems:

A. Standards for Review:
   1. Setbacks:

a. A LWES shall not be closer than one thousand (1,000) feet or one point one (1.1) times the system height, whichever is greater from any occupied off-site residence, business and public building.

   For the purposes of this section only, the term "business" does not include agricultural uses.

b. LWES shall not be located closer than five hundred (500) feet or one point one (1.1) times the system height, whichever is greater from all lot lines, public road right-of-way, all utilities easements or lines, and all private easements.

2. Footprint Minimization. The permittee shall design and construct the LWES so as to minimize the amount of land that is impacted by the LWES. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers and monitoring systems shall to the extent practicable be mounted on the foundations used for turbine towers or inside the towers unless otherwise allowed by the landowner on whose property the LWES is constructed.
3. Site Clearance: The permittee shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the LWES.
4. Topsoil Protection: The permittee shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.
5. Compaction: The permittee shall implement measures to minimize compaction of all lands during all phases of the projects life and shall confine compaction to as small an area as practicable.
6. Livestock protection: The permittee shall take precautions to protect livestock on the LWES site from project operations during all phases of the projects life.
7. Fences: The permittee shall promptly replace or repair all fences and gates removed or damaged by project operations during all phases of the projects life unless otherwise negotiated by the fence owner.
8. Public Roads: Prior to commencement of construction, the permittee shall identify all state, county or township "haul roads" that will be used for the LWES project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practicable, existing roadways shall be used for all activities associated with the LWES. Where practicable, all weather roads shall be used to deliver concrete, turbines, towers, assemble nacelles and all other heavy components to and from the turbine sites.

   The permittee shall, prior to the use of approved haul roads, make satisfactory arrangements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the LWES for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and LWES components. The permittee shall notify the Planning and Zoning Department of such arrangements.
9. Turbine Access Roads: Construction of turbine access roads shall be minimized and shall be approved by the Lawrence County Highway Department.

10. Private Roads: The permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.
11. Control of Dust: The permittees shall utilize all reasonable measures and practices of construction to control dust during construction.
12. Soil Erosion and Sediment Control Plan. The permittees shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the plan to the County Zoning Office. The Soil Erosion and Sediment Control Plan shall address the erosion control measures for each project phase, and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan that uses native plant species to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material.
13. Feeder Lines. The permittee shall place overhead electric lines, known as feeders, on public rights-of-way if a public right-of-way exists or immediately adjacent to the public right-of-way on private property. Changes in routes may be made as long as feeders remain on public rights-of-way or immediately adjacent to the public right-of-way on private property and approval has been obtained from the governmental unit responsible for the affected right-of-way. If no public right-of-way exists, the permittee may place feeders on private property. When placing feeders on private property, the permittee shall place the feeder in accordance with the easement(s) negotiated. The permittee shall submit the site plan and engineering drawings for the feeder lines to the Board before commencing construction.
14. Site plan Information that may be required in addition to what is listed in Section 1.9:
    a. Boundaries of the site proposed for LWES and associated facilities on United States Geological Survey Map or other map as appropriate.
    b. Map of easements for LWES.
    c. Map of occupied residential structures, businesses and public buildings within one half mile of the proposed LWES site boundaries.
    d. Preliminary map of sites for LWES, access roads and utility lines. Location of other LWES within five (5) miles of the proposed LWES site.
    e. Project-specific environmental and cultural concerns (e.g. native habitat, rare species, and migratory routes). This information shall be provided in the application and obtained by consulting with the following agencies:

        i. South Dakota Department of Game, Fish and Parks;
        ii. U.S. Fish and Wildlife Service;
        iii. Bureau of Land Management;
        iv. United States Forest Service; and
        v. South Dakota State Historical Society
    f. Project schedule.

g. Mitigation measures.
h. Status of interconnection studies/agreements

B. Decommissioning of Large Wind Energy Systems:

1. Cost Responsibility. The owner or operator of a LWES is responsible for decommissioning that facility and for all costs associated with decommissioning that facility and associated facilities. The decommissioning plan shall clearly identify the responsible party.
2. Useful Life. A LWES is presumed to be at the end of its useful life if the facility generates no electricity for a continuous period of twelve (12) months. The presumption may be rebutted by submitting to the Commission for approval of a plan outlining the steps and schedule for returning the LWES to service within twelve (12) months of the submission.
3. Decommissioning Period. The facility owner or operator shall begin decommissioning a LWES facility within eight (8) months after the time the facility or turbine reaches the end of its useful life, as determined in 2 above. Decommissioning must be completed within eighteen (18) months after the facility or turbine reaches the end of its useful life.
4. Decommissioning Requirements. Decommissioning and site restoration includes dismantling and removal of all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings and ancillary equipment to a depth of forty-two (42) inches; and removal of surface road material and restoration of the roads and turbine sites to substantially the same physical condition that existed immediately before construction of the LWES. To the extent possible, the site must be restored and reclaimed to the topography and topsoil quality that existed just prior to the beginning of the construction of the commercial wind energy conversion facility or wind turbine. Disturbed earth must be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas be retained.
5. Decommissioning Plan. Prior to a building permit being issued of a LWES facility, the facility owner or operator shall file with the Commission the estimated decommissioning cost per turbine, in current dollars at the time of the application, for the proposed facility and a decommissioning plan that describes how the facility owner will ensure that resources are available to pay for decommissioning the facility at the appropriate time. The Commission shall review a plan filed under this section and shall approve or disapprove the plan within six (6) months after the decommissioning plan was filed. The Commission may at any time require the owner or operator of a LWES to file a report describing how the LWES owner or operator is fulfilling this obligation.
6. Financial Assurance. The Commission shall require a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance that is acceptable to the Commission to cover the anticipated costs of decommissioning the LWES.
7. Failure to Decommission. If the LWES owner or operator does not complete decommissioning, the Commission may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the bond. The entry into a participating landowner agreement shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Commission may take such action as may be necessary to decommission

a LWES and seek additional expenditures necessary to do so from the facility owner.

8. Pre-construction Filing. At least forty-five (45) days prior to commencement of construction, the applicant/permittee shall submit final maps depicting the approximate location of the proposed wind turbines, access roads and collector and feeder lines. Upon completion, the applicant shall also supply an "as-built" ALTA survey indicating that the proposed facilities are in compliance with the setbacks in the permit.

Section 1.8 Conditional Use Permit Application Process:

Application for a SWES and a LWES Conditional Use shall conform to Chapter 19 and be made in writing upon forms furnished by the Lawrence County Planning and Zoning Department. At a minimum, the following complete information shall be provided before an application is considered:

1. The name, address and phone number of the project applicant.
2. The name, address and phone number of the project owner.
3. The legal description and address of the project.
4. A description of the project including:
    a. Number of units;
    b. Type of unit;
    c. Name plate generating capacity;
    d. Tower height;
    e. Rotor diameter;
    f. Lighting;
    g. Blade Length;
    h. Manufacturer and Model;
    i. Total height of all wind turbines; and
    j. Means of interconnecting with the electrical grid.
5. Tower blueprints or drawings and foundation blueprints or drawings.
6. Scale diagram showing proposed location of above ground and underground electrical wiring, access routes, landscaping and fencing.
7. Statement describing any hazardous materials that will be used on the property and how those materials will be sorted.
8. Documentation of land ownership or legal control of the property.
9. Global Positioning Systems (GPS) coordinates of proposed WES.
10. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WES within ten (10) rotor diameters of the proposed WES.
11. An Acoustical analysis, when deemed necessary by the Planning and Zoning Board or County Commission.
12. FAA Permit Application, if applicable.
13. Description of potential impacts on nearby WES and wind resources on adjacent properties.
14. Certification that each WES shall be installed in compliance with manufacturer's specifications, along with a copy of the manufacturers specifications.
15. Location of any above ground utility lines within or adjacent to the property.
16. Proposed ingress and egress
17. Other such data and information deemed necessary by the Lawrence County Planning Department.

ARTICLE 2 – EXTRACTION OF MATERIALS AND MINERALS, OPEN PITS AND IMPOUNDING OF WATERS (*Amended ORD 16-03: 07/21/2017)*

Section 1.1 General:

All excavations, extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall conform to the rules of the State of South Dakota Department of ~~Water~~ Environment and Natural Resources.

~~Mining and related activities may be allowed in all zoning districts, subject to the provisions of Chapter 19- Conditional Use Permits, Chapter 20-Extractive Industry Conditional Use Permits.~~

ARTICLE 3 – HOME OCCUPATIONS

A home occupation is a gainful occupation or profession conducted by a member of the immediate family residing on the premises and, no more than two (2) additional employees in all zoning districts. The home occupation shall be conducted entirely within an enclosed structure and no stock in trade shall be displayed outside the enclosed structure. Other than an approved home occupation sign, no alteration to the property or any structure thereon shall indicate that it is being utilized in whole or in part for any purpose other than residential use.

ARTICLE 4 - MOBILE AND MANUFACTURED HOME PARKS

Section 1.1 Mobile Home Park Permitted:

A mobile home park may be permitted only in a SRD – Suburban Residential District subject to the issuance of a Conditional Use Permit and compliance with the following:

Section 1.2 Placement of Mobile Home Parks:

To handle the placement of mobile homes within the County, not on permanent foundations, the mobile home park may be established:

A. The mobile home park shall contain not less than five thousand four hundred (5,400) square feet of lot area for each space provide on the site. The space ratio shall not include public or private road rights-of-way or recreational areas.
B. When applying for a Conditional Use Permit there shall be provided five (5) copies of a development plan, to include a comprehensive plot plan drawn to scale and a narrative, complete in detail, addressing each of the following:

    1. Common recreation space shall be provided at the rate of four hundred (400) square feet of space for each mobile home site, but in no case shall the common recreation space be less than ten thousand (10,000) square feet.
    2. Legal access shall be provided to the mobile home park from a public road or highway; however, in no case shall a public right-of-way dissect a mobile home park.
    3. All access and interior roads shall be designed by a registered professional engineer. The driving surface of all access and interior roads shall be, at a minimum, twenty-four (24) feet in width and shall be constructed with an adequate base and surfaces with chip and seal, or better, in compliance with approved plans and specifications. Dead-end roads are prohibited, but cul-de-sacs may be allowed. All cul-de-sacs shall normally not be longer than five

hundred (500) feet and shall include provisions for adequate vehicular turning space.

4. A perimeter yard of fifteen (15) feet shall be provided along the outside boundary lines of each mobile home park. The perimeter yard shall be landscaped with screen planting, as approved by the Planning Commission, and permanently maintained as a greenbelt.
5. Provisions for trash and garbage removal shall be provided.
6. Utility service connections shall be provided. Consideration shall be given to the installation of underground utilities.
7. Provisions for the lighting of roadways, driveways and pedestrian walks shall be provided.
8. Water systems shall be designed by a registered professional engineer and constructed in conformance with the requirements of the Lawrence County Zoning Ordinance, Chapter 9-Water and Wastewater Systems and the Lawrence County Subdivision Ordinance, Chapter 7, Article 10 and Article 11.
9. The location of drainage ways and special flood hazard areas shall be shown. Provisions for adequate storm water drainage shall be designed by a registered professional engineer. Special flood hazard areas as indicated on Lawrence County's Flood Hazard Boundary Map H-01-48 (Community No. 460094-A) shall be used only for recreational and open space areas not requiring a closed building.
10. Wastewater facilities shall not be individual onsite wastewater systems. Public wastewater facilities shall be encouraged; however, when a public wastewater system is not available, a small or central onsite wastewater system, serving all units in the mobile home park, may be allowed provided it is designed by a registered professional engineer and constructed in conformance with the requirements of Lawrence County Zoning Ordinance, Chapter 9-Water and Wastewater Systems and the Lawrence County Subdivision Ordinance, Chapter 7, Article 10 and Article 11.
11. A fire protection plan shall be provided in conformance with the Lawrence County Subdivision Ordinance.
12. All parking shall conform to Chapter 7-Parking and Loading Regulations.
13. Permanent marker shall be installed on all corners of each mobile home space, at least twenty (20) feet from the centerline of any interior road and located outside of the required perimeter yard. Front, side and rear setbacks shall be, at a minimum, ten (10) feet, measured from the permanent markers of the mobile home space.
14. Each mobile home park shall be permitted one community sign in compliance with Chapter 8-Sign Regulations.
15. All parks shall meet Lawrence County Subdivision Regulations
16. The developer shall present a time frame for development. All required improvements and facilities shall be installed, as approved in the development plan, prior to occupancy of the mobile home spaces.

ARTICLE 5 – ADULT ORIENTED BUSINESSES

Section 1.1 General:

In the development and execution of these regulations, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

Section 1.2 Setbacks:

A. None of the following permitted uses may be established, operated or maintained within one thousand (1000) feet of a residential dwelling, a residential district, a church, a school meeting all the requirements of the Compulsory Education Laws of the State of South Dakota, or a public park, as measured from the closest point of the property lines:

    1. Adult bookstore;
    2. Adult theater;
    3. Adult photo studio;
    4. Adult cabaret;
    5. Adult motel;
    6. Nude model studio;
    7. Adult video store;
    8. Adult novelty store;
    9. Escort agencies;
    10. Any use which has as a part of its operation adult entertainment or amusement including but not limited to, a restaurant or eating place, a bar, lounge or tavern.
    11. Any use intended to provide adult amusement or entertainment.

B. No more than one adult use may be established, operated, or maintained within 2,500 feet of another adult use as measured from the closest point of the outside wall of the building or tenant space.

C. The 1,000 foot restriction provided for in section 1.2 (A) above may be waived and a conditional use permit issued upon proper application if the County finds:

    1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of these regulations will be observed.
    2. That the proposed use will not enlarge or encourage the development of a ‘skid row’ area.
    3. That all applicable regulations will be observed.

ARTICLE 6 – CONCENTRATED ANIMAL FEEDING OPERATION

(*Amended ORD 09-07:06/03/2010*)

Section 1.1 Intent:

Adoption of this Ordinance is intended to comply with the Lawrence County Comprehensive Plan, adopted in 1998 and as amended in 2005, wherein it was recommended that the County create regulations to protect potentially conflicting and neighboring land uses from undesirable impacts related to larger scale animal containment and feedlot operations while at the same time balancing the interests of agricultural producers by providing a mechanism by which agricultural uses are preserved and allows for reasonable expansion in such operations.

It is not the intent of Lawrence County to regulate a typical ranch/farm operation. A typical farm/ranch operation, as defined herein, is a cow/calf or yearling operation based on grazing of rangeland or tame grass pastures with supplemental feeding needed for 5-7 months out of every year. This operation may require confinement of livestock in non-vegetated lots/open lots for calving and weaning operations for more than 45 days.

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

Section 1.2 Definitions:

ANIMAL MANURE: Is poultry, livestock, or other animal excreta or mixture of excreta with feed, bedding or other materials.

ANIMAL UNIT: Number of animals necessary to obtain a weight of 1,000 lbs, constitutes 1 animal unit.

APPLICANT: Is an individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.

AQUIFER: Is a geologic formation, group of formations or part of a formation capable of storing and yielding ground water to wells or springs.

BEST MANAGEMENT PRACTICES (BMP): Means schedules of activities, prohibitions of practice, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMP's also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge, manure disposal, manure application, waste or manure stockpiles, or drainage from raw material storage.

BYPASS: Means the intentional diversion of waste streams from any portion of a treatment facility.

COMMON OWNERSHIP: Is defined as single, corporate, cooperative or other joint operation or venture.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): A lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of forty five (45) days or more during any twelve (12) month period, and where crops, vegetation, forage growth, or post harvest residues are not sustained over a portion of the lot or facility. Two or more animal feeding operations under common ownership are single animal operations if they adjoin each other, or if they use a common area, or if they use a common area or system for disposal of manure. **A Typical Farm/Ranch operation does not constitute a CAFO, see definition of a Typical Farm/Ranch operation.**

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

EARTHEN MANURE STORAGE BASIN: Means an earthen cavity, either covered or uncovered, which, on a regular basis, receives waste discharges from a confinement feeding operation if accumulated wastes from the basin are removed at least once each year.

FEEDLOT OPERATOR: Means an individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.

FORMED MANURE STORAGE STRUCTURE: Means a structure, either covered or uncovered, used to store manure from a confinement feeding operation, which has walls and a floor constructed of concrete, concrete block, wood, steel, or similar materials.

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

LETTER OF ASSURANCE: Is a list of conditions signed by the applicant for a permit acknowledging agreement to follow the conditions of the permit.

MAN-MADE: Means a pipeline, ditch, drain, tile, terrace, irrigation system, machine, or other object that carries manure, wastewater, or runoff into waters of the state.

MANURE MANAGEMENT SYSTEM: Means any piping, containment structures, and disposal appurtenances associated with the collection, storage, treatment, and disposal of manure or wastewater at an concentrated animal feeding operation.

NON-FARM DWELLING: Means any occupied dwelling, which is not a farm dwelling.

NO-TILL CROPLAND: Means land which is subject to a conservation farming practice: where the soil is left undisturbed from harvest to planting; where planting or drilling is done in a narrow seedbed or slot created by coulters, row cleaners, disk openers, or in-row chisel; and where this conservation practice has been ongoing for at least four consecutive years to establish the soil characteristics necessary to reduce or eliminate erosion from runoff.

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

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

PROCESS WASTEWATER: Means any process generated wastewater and any precipitation (rain or snow) that comes into contact with the animals, manure, litter or bedding, feed, or other portions of the animal feeding operation. The term includes runoff from an open lot.

PRODUCER: Means the owner or operator of the concentrated livestock feeding operation.

SEDIMENT BASIN: Is a basin constructed to trap and store water-born sediment and debris.

SIGNIFICANT CONTRIBUTOR OF POLLUTION: Means to determine if a feedlot meets this definition, the following factors are considered:

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

TYPICAL FARM/RANCH OPERATION: Involves a cow/calf or yearling operation or equivalent based on grazing of rangeland or tame grass pastures with supplemental feeding needed for 5-7 months out of every year. This operation may require confinement of livestock in non-vegetated lots/open lots for calving and weaning operations for more than 45 days.

UNAUTHORIZED RELEASES: Mean the discharge of water from the lower end of the treatment or containment system through a release structure or over or through retention dikes. An unauthorized release is distinguished from a bypass in that a bypass discharges wastewater prior to any treatment or containment.

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

Section 1.3 Concentrated Feeding Operation Conditional Use Permit Requirements:

Any person who owns, operates, or proposes to operate a CAFO, as defined within these regulations, shall be required to obtain a Conditional Use Permit (CUP) whenever any of the following occur:

1. When a new CAFO is proposed where one does not exist;
2. When an expansion is proposed beyond what a current CUP is permitted for;
3. When an existing CAFO is to be restocked after being idle for five (5) or more years;
4. When a change in ownership or transfer of control.

Section 1.4 Animal Units and Number of Animals to Define Types of Permits:

Animal Feeding Operations listed in the table below shall need a Conditional Use Permit.

ANIMAL NUMBERS = TO OR > THAN:	ANIMAL UNITS	TYPE OF ANIMAL FEEDING OPERATION
700	1.43	Dairy cows (mature – milked or dry)
1,000	0.2	Veal Calves
1,000	1.0	Cattle other than mature dairy cows[1](1000 pounds)
2,500	0.4	Swine (weighing more than 55 pounds)
10,000	0.1	Swine (weighing less than 55 pounds)
500	2.0	Horses
10,000	0.1	Sheep or Lambs
5,000	0.0182	Turkeys
5,000	0.0333	Laying hens or broilers (liquid manure system)
5,000	0.122	Laying hens (regular waste handling)
5,000	0.008	Chickens (regular waste handling)
5,000	0.2	Ducks (with liquid manure system)
5,000	0.0333	Ducks (regular waste handling)
5,000	0.0333	Geese

Sections 1.5 Standards for Review:

1. Nutrient Management Plan shall be required to meet all South Dakota Department of Environment & Natural Resources regulations.

   Assistance on development of a nutrient management plan may be obtained from South Dakota Department of Environment & Natural Resources and NRCS. The South Dakota Department of Environment & Natural Resources and Lawrence County encourage producers to develop a nutrient management plan for phosphorous.

2. Management Plans for Fly and Odor Control:
   Concentrated Animal Feeding Operations shall dispose of dead animals, waste and wastewater in such a manner as to control odors and flies. A management plan is required for submission of a permit. Lawrence County Zoning Commission will review the need for control measures on a site specific basis, taking into consideration prevailing wind direction and topography. The following procedures to control flies and odors shall be considered in a management control plan.

[1] Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs

[1]NOTE: Other animal types not listed in the above table may be considered on a case by case basis

a. Methods to be utilized to dispose of dead animals shall be included in the management plan.
b. Plant trees and shrubs to reduce wind movement of odors away from buildings, manure storage ponds and/or lagoons.
c. Provide adequate slope and drainage to remove surface water from pens and keep pen area dry so odor production is minimized.
d. Store solid manure in containment areas having good drainage to minimize odor production.
e. Consider use of BMP's on open storage systems for liquid manure to control odor production.

3. Invasive Species Control: CAFO's shall adhere to the Lawrence County Invasive Species Management Plan.
4. The operator shall be responsible for any and all damage done to any roads, culverts and /or bridges by the operation (i.e. Delivery of feed, silage chopping or manure disposal), and shall be required to reimburse the County for such damage.
5. All standards set out in Chapter 19-Conditional Use Permits apply.
6. The County Commission may request information relating to a Concentrated Animal Feeding Operation not contained in these Regulations.
7. The County Commission may impose, in addition to the standards and requirements set forth in these regulations, additional conditions which the County Commission considers necessary to protect the public health, safety and welfare.
8. When considering an application, the County Commission will take into consideration current and past violations relating to Concentrated Animal Feeding Operations that the applicant has an interest in.
9. The permit holder shall provide and at all times maintain General Liability insurance in the amount of at least $1,000,000.00 (one million). Proof of such insurance must be received prior to the permit carrier and must be provided annually during the operation of such CAFO. The insurance carrier shall be required to provide Lawrence County with notice of insurance and with a notice of cancellation or change in coverage. Failure to maintain such insurance shall be grounds for cancellation of the Conditional Use Permit.
10. Permit applicants will be required to file a letter of assurances as required by the County Commission. The letter of assurances will be prepared by the administrative official and signed by both the applicant and the administrative official.
11. The permit holder shall notify Lawrence County in writing in the event of closure of the animal confinement operation.
12. Required Setbacks for Concentrated Animal Feeding Operations (see table below):

An exception to the setback requirements may be granted to the extent an operator can demonstrate that deviation from them allows for the protection of neighboring land uses from the undesirable impacts of a CAFO.

CAFO	MINIMUM SETBACKS
1,000 feet	Public Water Supply
250 feet	Private wells other than the owner of the property [2]
150 feet	Private well 2
150 feet	Property Line that defines a change of ownership boundary
1,320 feet	Dwellings other than owner of facility (all animals, except SWINE)
10,560 feet	Dwellings other than the owner of the facility (SWINE)
5,280 feet	Municipalities-Incorporated and Unincorporated
5,280 feet	Municipal Schools, Business Districts, Cemeteries, and Public Use Areas
150 feet	Federal, State, County and Township ROW
Prohibited	100 Year Floodplain/Designated Aquifer

Section 1.6 Application process for a Concentrated Animal Feeding Operation Conditional Use Permit:

Application for a Concentrated Animal Feeding Operation Conditional Use Permit shall be made in writing upon forms furnished by the Lawrence County Planning Department. At a minimum, the following complete information shall be provided before an application is considered:

1. Owner's, Manager's, Management Company's or similar entities name, address and telephone number.
2. Legal description of site.
3. The number and type of animals to be housed by the proposal.
4. Fly and Odor Control plan.
5. Methods to be utilized for the disposal of dead animals.
6. A site plan including all existing and proposed buildings and the area to be used for the CAFO showing applicants ability to meet designated setback requirements.
7. Nutrient Management Plan based on all SD DENR Regulations.
8. Information on the types of soils, possible shallow aquifers, wellhead protection areas, and or 100 year floodplain designation at or within one half mile of the proposed site.
9. Designated wetland areas, as identified by NRCS.

[2] If the well is at a higher elevation than the location of the proposed CAFO, no setbacks shall apply. If the well is at the same, or lower, elevation than the location of the proposed CAFO, all setbacks shall apply.

10. Information on whether or not the applicant has ever violated a CAFO CUP or other permit in Lawrence County, other Counties in South Dakota or the United States.
11. Any other information deemed appropriate by the Lawrence County Planning Department, the Planning and Zoning Board or the County Commission.
12. General permits from South Dakota Department of Environment &Natural Resources if available for animal species.
13. Notification of whoever maintains the access road (township, county and state). Notification of public water supply officials.

ARTICLE 7 – TEMPORARY USE PERMITS

Section 1.1 General:

The requirements of this section are intended to provide for the regulation and permitting of uses and associated improvements on private property which are not so recurring in nature to constitute a permanent use. These requirements are not intended to regulate temporary use on public property, including public right-of-way.

Section 1.2 Permit Required:

No person shall operate a temporary use without first obtaining a permit from the Lawrence County Planning Department or County Commission as prescribed in this section. The County Planning Department may determine that a hearing shall be held due to the scope of the proposed use, if such occurs the temporary use permit shall be referred to the County Commissioners for a public hearing.

Section 1.3 Applications:

1. Submission deadline for all temporary use permit applications shall be made to the County Planning Department at least forty-five (45) days prior to the proposed commencement date of the use, provided a lesser time may be allowed consistent with the requirements of this section.
2. All temporary use permit plans shall be subject to a approval and shall describe the nature and location of all temporary improvements and activities, the location of any permanent buildings intended for use, the time period for which the use is requested, and such other information in sufficient detail as the County Planning Department determines is reasonably necessary to adequately review the application and to ensure the use will be conducted in a manner consistent with the requirements of this section.

Section 1.4 Fees:

Upon the filing of any application for a Temporary Use Permit, the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21-Fees.These fees shall be utilized to help defray necessary administrative costs of processing the applications as required. The fee may be waived, as deemed appropriate by the Administrative Official or County Commission, for a charitable or nonprofit organization or similar entity. Permittee may be required to pay a deposit, in an amount as deemed appropriate by County, which shall serve as security ensuring compliance with the terms and conditions of this permit requiring that the property is cleaned-up and returned to its pre-event condition. Permittee will be billed for the actual labor, materials and other costs associated incurred by County to return the property to its pre-event condition, in the event the County, at its sole discretion, deems it necessary to do so. Permittee and landowner (if different), upon approval of the Permit, expressly grant to the County a right-of-entry to access the property for purposes of inspection and clean-up thereby returning the property to its pre-event condition and further agree that any costs and/or expenses incurred by the County in excess of the deposit may be taxed to the property as a lien. Such deposit, or part remaining thereof, will be refunded to Permittee upon demonstration of compliance with the terms of this Permit.

Section 1.5 Procedure:

1. The Planning Department shall review the completed Temporary Use Application for compliance with this Ordinance. Any application not containing and/or addressing all the information shall be rejected and returned to the applicant together with the reasons for rejection.
2. The Planning and Zoning Department shall be vested with the authority to approve said temporary use, to approve, approve with conditions, or deny the Temporary Use within thirty (30) days of receiving the application. 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 proscribed in Chapter 15 – Appeals.

Section 1.6 Considerations:

The following standards shall be used in determining the suitability and compatibility of a temporary use:

1. The temporary use will have no adverse effect on nearby properties or jeopardize public health, safety, and general welfare.
2. The temporary use will not create hazardous traffic conditions or result in traffic excess of the capacity of the roads serving the use.
3. The site is adequate to accommodate the proposed use, including the provision for on and off site parking.
4. Adequate sanitation facilities will be available on site.
5. The time period and hours of operation for the temporary use are clearly specified.
6. Provision is made for the removal, clean up and restoration of site.
7. The temporary use will not adversely impact the natural environment.
8. The site is suitable for the proposed temporary use, considering flood hazard, drainage, soils, and other conditions which may constitute a danger to life, health or property.
9. All temporary improvements and any permanent structures proposed to be used will comply with all applicable provisions of the county's building code.
10. The applicant shall meet all insurance requirements, pay all applicable fees, and execute the release and hold harmless agreement.

Section 1.7 Conditions of Approval:

Reasonable conditions may be required in connection with the approval of any temporary use permit which are deemed necessary to protect the public health, safety, and welfare and the social and economic well being of those who will use the temporary use, residents and landowners immediately adjacent to the proposed use, and the community as a whole. Any condition imposed must clearly be specified in writing on the temporary use permit.

Section 1.8 Exemptions:

The following use shall not require a temporary use permit:

1. Estate or real estate sales involving the property or items from the property where the sale is held.
2. Garage, yard or rummage sales provided:
   a. Sales last no longer than three (3) days;
   b. Sales are held no more than twice yearly;

c. Sales are conducted on the owner's property or one of the owner's property in case of a multi-party sale.

3. Weddings, purely social parties or similar events where the function or event involves the owner or lessor of the property and where no monetary consideration or fees for such use of the property or attendance is involved.

ARTICLE 8 – TELECOMMUNICATIONS FACILITIES

RESERVED

ARTICLE 9 - CAMPGROUNDS

RESERVED

ARTICLE 10 - TEMPORARY CAMPGROUNDS

RESERVED

ARTICLE 11 – AUTOMOBILE WRECKING AND JUNK YARD

Section 1.1 Setback:

1. No such operations shall be permitted closer than one hundred (100) feet from any road right of way.
2. No such operation shall be permitted closer than fifty (50) feet from any property line.
3. No such operation shall be permitted closer than five hundred (500) feet from any established residential district.

Section 1.2 Screening:

All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed security fence. Screening by fence or natural planting may be required and shall be at least two (2) feet higher than any stock pile. Storage between the street and such fence or wall is expressly prohibited. Any fence or wall erected shall be within the buildable area of the lot and shall be properly painted or otherwise maintained in good condition.

Section 1.3 Off-Street Parking:

As regulated in Chapter 7- Parking and Loading Regulations.

Section 1.4 Signage:

Signs as regulated in Chapter 8-Sign Regulations.

ARTICLE 12 - CEMETERIES

1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
2. All other structures including but not limited to mausoleums, permanent monuments or maintenance buildings shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.
3. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way.
4. All known graves, burial lots, or cemeteries shall be identified and shown on any plat. (*Amended ORD 10-01: 6/09/2010*)
5. All known graves, burial lots, or cemeteries shall be identified and shown on any Building Permit Site Plan.(*Amended ORD 10-01: 6/09/2010*)

ARTICLE 13 – TEMPORARY SECOND RESIDENCES (*Amended ORD 11-01 : 05/20/2011)*

A temporary 2nd residence is a mobile home that is located on the same lot as the primary dwelling and shall not be rented to anyone excepting a person(s) approved under a CUP and shall not be sold as a separate lot. A Temporary Second Residence CUP is only allowed under two (2) specific scenarios:

1. A Temporary 2nd Residence may be allowed for a Medical Hardship as a CUP in the appropriate zoning districts, if the following conditions can be met.

   - Must have at least 40 acres;
   - Only allowed 1 additional residence and must currently have only 1 residence on the property;
   - Annual review will be done each year by the Planning and Zoning Department;
   - Sufficient proof of medical hardship shall be provided to the Planning and Zoning Department; and
   - The person that is obtaining hardship must be listed specifically in the conditions of the CUP.

2. A Temporary 2nd Residence may be allowed for a Hired Hand as a CUP in the appropriate zoning districts, if the following conditions can be met.

   - Must have at least 160 acres;
   - Only allowed 1 additional residence and must currently have only 1 residence on property;
   - Annual review will be done each year by the Planning and Zoning Department;
   - Sufficient proof of hired hand employment shall be provided to the Planning and Zoning Department; and
   - The person that is obtaining hired hand housing must be listed specifically in the conditions of the CUP.

If the County Planning Director finds that at any time that the terms, conditions, or requirements of the conditional use permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, the Director shall report this fact to the permittee, landowner, and/or operator, and the County Commission. The County Commission may, after conducting a public hearing, of which the permittee, landowner and/or operator shall be notified, revoke the conditional use permit for failure to comply with the terms, conditions, or requirements of the permit. (Chapter 19-Conditional Use Permits, Section 1.13)

ARTICLE 14 – AGRICULTURAL TOURISM PERMIT (*Amended ORD 13-05 : 12/06/2013)*

Section 1.1 Intent:

This permit shall provide for special uses which help to promote and maintain local agricultural tourism operations located along the Lower/Upper Valley areas near the City Limits of Spearfish (See Ag Tourism Overlay District).

Section 1.2 Permit Required:

No person shall operate an Agricultural Tourism business without first obtaining a permit from the Lawrence County Planning & Zoning Department or County Commission.The County Planning Department may determine that a hearing shall be held due to the scope of the proposed use, if such occurs the seasonal use permit shall be referred to the County Commissioners for a public hearing.

Section 1.3 Applications:

1. Submission deadline for all Agricultural Tourism Seasonal Permit applications shall be made to the County Planning Department at least forty-five (45) days prior to the proposed commencement date of the use, provided a lesser time may be allowed consistent with the requirements of this section.
2. All Agricultural Tourism Seasonal Permit plans shall be subject to a approval and shall describe the nature and location of all temporary improvements and activities, the location of any permanent buildings intended for use, the time period for which the use is requested, and such other information in sufficient detail as the County Planning Department determines is reasonably necessary to adequately review the application and to ensure the use will be conducted in a manner consistent with the requirements of this section.
3. All applications shall be on forms furnished by the Lawrence County Planning & Zoning Department.

Section 1.4 Fees:

Upon the filing of any application for an Agricultural Tourism Seasonal Permit the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21-Fees-Agricultural Tourism Seasonal Permit . These fees shall be utilized to help defray necessary administrative costs of processing the application required.

Section 1.5 Standard Conditions:

1. Bathroom Facilities if required by County
2. Parking
    a. A parking plan must be submitted for approval by the Planning Director.
    b. Parking facilities may be located on a grass or gravel area for seasonal uses such as produce stands, u-pick operations and agricultural mazes. All parking area shall be defined by either gravel, cut lawn, sand, or other visible markings.
    c. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
3. Signage: All signs must meet Chapter 7-Sign Requirements for an On Premise Sign.

Section 1.6 Specific Conditions:

1. Produce Stands:
    a. All produce stands shall be under 400 sq. ft.
    b. All produce stands have to be utilized for direct marketing of farm products grown on site.
    c. All produce stands may sell in-season fruits and vegetables grown on the farm or from local/regional growers. Locally made products such as honey, jams, jellies, or related bakery items may also be sold.
    d. The produce stand shall remain secondary to the principal use of the property as a residential site and a site for agricultural production. If the residential use or agricultural production on the site ceases, the produce stand shall ceases.
2. Seasonal U-pick: Seasonal U-pick fruits and vegetables operations are allowed. The U-pick operation shall remain secondary to the principal use of the property as a residential site and a site for agricultural production. If the residential use or agricultural production on the site ceases, the U-pick or orchard operation shall cease.
3. Seasonal Outdoor Mazes: Seasonal outdoor mazes of agricultural origin such as straw bales or corn are allowed. The outdoor maze shall remain secondary to the principal use of the property for agricultural production. If the agricultural production on the site ceases, the outdoor maze operation shall cease.
4. All special events or private parties shall have a separate Temporary Use Permit according to Chapter 10-Additional use Regulations-Article 7-Temporary Use Permits.

Section 1.7 Procedure:

1. The Planning Department shall review the completed Agricultural Tourism Seasonal Permit Application for compliance with this Ordinance. Any application not containing and/or addressing all information shall be rejected and returned to the applicant together with the reasons for rejection.
2. The Planning and Zoning Department shall be vested with the authority to approve said seasonal permit, to approve, approve with conditions, or deny the Agricultural Tourism Seasonal Permit within (30) days of receiving the application. If the action is to deny the Agricultural Tourism Seasonal Permit, 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-Appeals.

Section 1.8 Considerations:

The following standards shall be used in determining the suitability and compatibility of a seasonal use:

1. The seasonal use will have no adverse effect on nearby properties or jeopardize public health, safety, and general welfare.
2. The seasonal use will not create hazardous traffic conditions or result in traffic excess of the capacity of the roads serving the use.
3. The site is adequate to accommodate the proposed use, including the provision for on and off site parking.
4. Adequate sanitation facilities will be available on site.
5. The time period and hours of operation for the seasonal use are clearly specified.
6. Provision is made for the removal, clean-up and restoration of site.
7. The seasonal use will not adversely impact the natural environment.

8. The site is suitable for the proposed seasonal use, considering flood hazard, drainage, soils, and other conditions which may constitute a danger to life, health or property.
9. All temporary improvements and any permanent structures proposed to be used will comply with all applicable provisions of the county's building code.
10. The applicant shall meet all insurance requirements, pay all applicable fees, and execute the release and hold harmless agreement.

Section 1.9 Conditions of Approval:

Reasonable conditions may be required in connection with the approval of any temporary use permit which are deemed necessary to protect the public health, safety, and welfare and the social and economic well being of those who will use the temporary use, residents and landowners immediately adjacent to the proposed use, and the community as a whole. Any condition imposed must clearly be specified in writing on the temporary use permit.

ARTICLE 15-GUEST HOUSES (*Amended ORD 16-01 : 06/03/2016)*

Section 1.1 Intent:

The intent is to establish regulations for living space in a detached accessory buildings in order to protect the residential character of the neighborhoods in which they are located and to ensure adequate infrastructure is in place or will be provided to service the additional living space. A Guest House is intended to provide short-term accommodations for visiting guests of the owners of the primary dwelling units that are located in specified zoning districts. Specific regulations regarding the size and location of the Guest House have been established so as to assist the Guest House in appearing accessory to the main dwelling unit.

Section 1.2 Standard Conditions:

An accessory Guest House shall be permitted in A-1 (General Agricultural), A-2 (Residential Agriculture), PF (Park Forest), RR (Rural Residential), and SRD (Suburban Residential District) upon the issuance of an Allowed Special Use Permit and is subject to the following standards:

1. Only one (1) Guest House shall be allowed on a lot and/or parcel.
2. The minimum lot size requirement for the construction of an accessory Guest House shall be three (3) acres.
3. The maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less. Covered decks attached to the Guest House shall be included in the calculation for the overall square footage, but decking and garage space shall not.
4. The Guest House shall use the same driveway approach as the primary dwelling.
5. A single-wide mobile home shall not be allowed as a Guest House.
6. The Guest House shall have a minimum setback of 25 feet from all property lines and shall be located no more than 45’ away from the primary dwelling on the subject lot.
7. The Guest House shall be the same architectural design and construction as the primary residence.
8. The rental or lease of a Guest House or the use of a Guest House as a permanent residence for a second family on the premises shall be prohibited. The Guest House shall not be occupied for more than 180 days per calendar year.
9. Utilities: All utility services including: water, sewer, electricity, and gas for the Guest House shall be extended from the primary dwelling unit’s services and shall have the same street address as the primary residence. No separate meters for the Guest House shall be allowed, unless required by the utility service provider, in which case a written notice shall be required.
10. On-Site Wastewater Treatment Systems: A Guest House shall use the same on-site wastewater disposal system as the primary dwelling, except when a separate system is required by a Registered professional Engineer due to site constraints.
11. Prior to the issuance of a Building Permit for a Guest House, or for use of an existing structure as a Guest House, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence.

CHAPTER 11 NONCONFORMING USES

Section 1.1 General:

The purpose of this article is to provide for the regulation of nonconforming uses, buildings, and structures, and to specify those circumstances under which they shall be permitted to continue. The following provisions shall apply to all nonconforming uses and structures:

1. Any nonconforming use may be continued, but may not be extended or expanded or changed unless to a conforming use, except as permitted by the County Commission in accordance with the provisions of this Ordinance.
2. Any nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is performed within twelve (12) months of such casualty, and if the restored structure covers no greater area and contains no greater cubic content than before such casualty. If damaged to the extent that the existing structure is a total loss, then any new structure and its use shall conform to all requirements of this Ordinance.
3. In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, such nonconforming use shall not be resumed, and any future use shall be in conformity with the provisions of this Ordinance.
4. The nonconforming use of a building may be extended throughout those parts hereof, which were manifestly arranged or designed for such use at the time of adoption of the Ordinance. A nonconforming building or structure may, with the approval of the Planning Board and County Commission, be extended or enlarged a maximum of twenty-five percent (25%) of the gross floor area of the existing structure, but must meet minimum yard requirements of the district in which the structure is located.
5. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.
6. Nothing contained herein, shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, for which official approval and required permits have been granted, or where no approvals or permits are necessary, where construction has been legally started before the enactment of this Ordinance, and completed within a one (1) year period.
7. Any structure or portion thereof declared unsafe by a proper authority shall be restored to a safe condition, or removed.
8. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
9. Whenever the boundaries of a district shall be changed, so as to transfer an area from one district to another district of a different classification, this article shall also apply to any uses which thereby become nonconforming.

CHAPTER 12 EXISTING LOTS OF RECORD

Any lot of record existing at the effective date of this Ordinance, June 17, 1975, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this Ordinance. Where two (2) or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a Variance shall be referred to the County Commission, which may require re-platting to fewer lots, which would comply with the minimum requirements of this Ordinance.

CHAPTER 13 BUILDING PERMITS (*Amended ORD 13-06:01/31/2014)*

★ ARTICLE 1 - Building Permit Requirements
★ ARTICLE 2 - Building Permit Application
★ ARTICLE 3 - Building Contractors
★ ARTICLE 4 - 2012 International Building Codes

ARTICLE 1 - BUILDING PERMIT REQUIREMENTS

Section 1.1

Any lot under forty (40) acres must be platted before a Building Permit can be issued.

Section 1.2

A Building Permit shall be issued for only one (1) single-family dwelling or multi-family dwelling per lot. However, in no case shall the allowable density of any given zoning district be exceeded by such action.

Section 1.3

Buildings permits shall be required for all new construction, additions to structures, decks, replacement of decks, and moving of any buildings, to include mobile homes. (*Amended ORD 10-01: 6/09/2010)*

Section 1.4

Dirt work may be started prior to issuance of a building permit, but no concrete may be poured without a building permit. (*Amended ORD 10-01: 6/09/2010*)

Section 1.5

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. (*Amended ORD 10-01: 6/09/2010*)

ARTICLE 2 - BUILDING PERMIT APPLICATION

Building permits shall be required for all new construction and relocation of buildings, to include mobile homes, and any structures (such as sheds) 144 sq ft. or greater. All applications for building permits shall be accompanied by the following items:

1. Application
2. Two (2) Full Sets of Building Plans drawn to Scale Elevations ¼ scale, floorplans ¼ scale and details ½ scale; 1 for Building Department/Assessor and 1 for Construction Site (*Including floor plans, cross sections, elevations, stair sections, and decks. Plans shall include Elevations with steps in Foundation. Floor plans with dimensions and labeled rooms. Foundation plan with interior footings, step in foundation, rebar schedule. Structural data shall be submitted for floor joists, roof trusses and beams. Homemade roof trusses are not allowed.*)
3. Plot Plan drawn to Scale *(Drawing of your lot showing all property lines and dimensions of the lot; location of all existing and proposed structures; all setbacks measured from all property lines and roads, streets, easements or section lines, etc; all incidental uses such as wells, septic tanks, drainfields, waterways, driveways,*

utilities, existing easements, slopes, etc. Additional information may be required if on commercial property-such as parking, signage and drainage.)

4. Proof of Sewer Permit # 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)*
6. Contractor List <u>All contractors working on the job site shall be listed on the permit and shall have a valid Contractor License with Lawrence County</u>

ARTICLE 3- BUILDING CONTRACTORS

Section 1.1 Definitions:

CONTRACTOR: Any person, firm or corporation who is engaged in the act of *construction*, supervision of *construction*, or excavation on any property within the licensing jurisdiction of Lawrence County. A licensed contractor shall be required on all *construction* other than that which is owned and occupied by permittee as his/her primary residence or is an existing commercial structure under his/her ownership.

CONSTRUCTION: Shall include, but is not limited to, cement or concrete contracting; masonry contracting; carpenter contracting; excavation contracting; all building trade contracting which includes within limitation to electrical, plumbing, roofing, painting, remodeling, siding, rough framing; all phases of new construction; alterations, additions, repairs of structures and any items requiring a permit within the licensing jurisdiction of Lawrence County.

Section 1.2 License Required:

It shall be unlawful to engage in business in the county as a contractor without first having obtained a license, unless the construction is on the permittee's primary residence or an existing commercial structure under his/her direct ownership. However, if the improvements to the commercial property constitute a structural improvement, licensed contractor will be required, regardless of ownership.

No licensed contractor shall allow their name to be used by any other person directly or indirectly, either to obtain a building permit or to perform work outside their personal supervision. A license is not assignable and shall be valid only for the individual/company in whose name it is issued.

Section 1.3 Fees:

Upon the filing of any application for a Contractor License, the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.

All licenses shall be paid on the basis of a full year and shall take effect when issued and shall terminate on December 31 (a grace period of 30 days will apply) in the year for which issued. If the contractor allows a license to expire an additional fee may apply.

Any person who has a valid contractor's license shall not be required to secure an additional license for other building trades with the exception of electricians and plumbers.

Section 1.4 Subcontractors:

Any person doing business as a subcontractor shall be construed as engaged in the business of *construction* for which a license is required by this article.

Section1.5 Compliance with Regulations:

It shall be the duty of all contractors to comply with all ordinances relating to the construction of buildings or other structures and all laws or ordinances pertaining to regulating the activities engaged in.

Section 1.6 Revocation of License:

Any contractor's license may be revoked by the Commission for any violation(s) of any ordinance relating to the construction of buildings, the use of roads or any other ordinance relating to the work performed by such contractor. Such revocation may be in addition to any fine imposed for violating the article.

Section 1.7 Insurance or Bonds:

No permit shall be issued for the construction of a building or structure in the county, or for the repair or alteration of any building or structure, unless a certificate or other proof is filed showing that the contractor is licensed by the county and carries worker's compensation insurance with limits that comply with SD Workers Compensation law. Contractor must also carry public liability insurance with single limits of at least one million dollars ($1,000,000.00) per occurrence; two million dollars ($2,000,000.00) aggregate and shall provide their state excise tax license number.

Before any contractor doing any work for the county on any street or highway or on any building or premises owned by the county commences work, he/she shall file with the County Zoning Administrator a certificate or other proof showing that he/she carries workmen's compensation and public liability insurance as required by ordinance and the terms of his/her contract.

ARTICLE 4 - 2012 INTERNATIONAL BUILDING CODES

The 2012 International Building Codes adopted on June 6, 2013, and acts amendatory thereto, are hereby incorporated herein and made a part of this ordinance.

CHAPTER 14 DEVELOPMENT PLANS

A Development Plan Review shall be required in any zoning district when the original use of the land is changing, and/or an existing use is being expanded. Upon the filing of any application for a Development Plan, the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21-Fees. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required. The review shall include but is not limited to the following:

Section 1.1 Site Plan:

A site plan shall include the following information:

1. Proposed land uses and specific recreation services to be offered;
2. All setbacks (distance in feet from furthest most projection of structure to all lot lines and or road right-of-ways)
3. All existing and proposed structures, dimensions, design specifications and location of all facilities (i.e. pump stations, gas tanks, etc.);
4. Proposed and existing grading, drainage patterns, and landscaping;
5. Proposed and existing improvements, including sewer and water facilities, parking and roads;
6. Proposed and existing signs and locations;
7. Proposed time line of completion of plans;
8. Parking and loading plans pursuant to Chapter 7.
9. Adjacent land use;
10. Relationship of the proposed development to the surrounding area;
11. All property lines and dimensions of the lot(s);
12. Proposed and existing wells; and
13. Proposed and existing septic systems and drain fields.

Section 1.2 Written Comments:

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

1. The appropriate fire district in regard to fire protection;
2. Department of Environment and Natural Resources, or City entity regarding the proposed/or existing water system;
3. Department of Environment and Natural Resources (DENR) regarding the proposed/existing sewage disposal system; or a Registered Professional Engineer with experience in septic system design.
4. Utility companies;
5. Any entity which may have joint jurisdiction over the property;
6. Lawrence County Floodplain Administrators 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.

Section 1.3 Development Plan - Review Criteria:

The County Commission shall consider, but not be limited to, the following criteria when reviewing the Development Plan:

A. Degree of consistency of the proposed use with the surrounding area in terms of character and density.
B. Provision for and adequacy of future public education and recreation facilities, public safety, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation.
C. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of open space.
D. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
E. The conformity and compatibility of the proposed use with the Comprehensive Plan.

Section 1.4 Bonding:

Bonding may be required to insure that development is completed within the specified time limits, and in a manner consistent with the plan.

Section 1.5 Procedure:

1. The Planning Department shall review the completed Development Plan Application for compliance with this Ordinance. Any application not containing and/or addressing all the information required, shall be rejected and returned to the applicant together with the reasons for rejection.
2. If the Planning Department finds the application in compliance with this Ordinance a County Commission Public Hearing will be scheduled for the next regular meeting. The Planning Department shall create a Staff Report with recommendations to the County Commission for either approval or denial of the application.
3. A Notice of Public Hearing sign will be furnished by the Planning Department. The sign must be posted no less than ten (10) days prior to the date of the hearing and must remain posted on the property until final action by the County Commission.
4. The Planning Department will submit legal notice to the local newspaper(s). The notice shall state the date of the County Commission will review and consider the Development Plan Application.
5. The County Commission shall approve, approve with conditions, or deny the Development Plan within thirty (30) days of the initial hearing of the application. If the action is to deny the Development Plan, the reasons for such action shall be stated in the minutes and specific reference shall be made to the requirements not met. The decision of the County Commission may be appealed to the Board of Adjustment in the manner prescribed in Chapter 15 – Appeals.
6. If Development Plan is approved, a building permit may be issued by the appropriate authority. The approved Development Plan shall be incorporated into the building permit. Any change of approved plan shall be processed similarly to the original plan.

CHAPTER 15 APPEALS

Section 1.1 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 Lawrence County Planning and Zoning Administrator and Planning and Zoning Board decisions as provided for in Chapter 14 in the enforcement of these regulations.

Section 1.2 Application:

Any person, firm or corporation desiring to appeal a decision of the Lawrence County Planning and Zoning Administrator or her representatives shall make application for such request to the Lawrence County Planning and Zoning Department. Such application shall be provided by the Department and completed in full by the applicant.

Section 1.3 Fees:

Upon the filing of any application for an Appeal to the Board of Adjustment, the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.

Section 1.4 Procedure:

1. The Planning Department shall review the completed Appeal Application for compliance with this Ordinance. Any application not containing and/or addressing all the information required in Section 1.2, shall be rejected and returned to the applicant together with the reasons for rejection.
2. 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.
3. The Planning Department shall create a Staff Report with recommendations to the Board of Adjustment for either approval or denial of the application.
4. Within forty-five (45) days, the Board of Adjustment shall take action to approve or deny the Appeal request.

CHAPTER 16 VARIANCES

Section 1.1 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.

Section 1.2 Application:

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

Section 1.3 Fees:

Upon the filing of any application for a Variance to the Board of Adjustment, the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.

Section 1.4 Procedure:

1. The Planning Department shall review the completed Variance Application for compliance with this Ordinance. Any application not containing and/or addressing all the information required in Section 1.2, shall be rejected and returned to the applicant together with the reasons for rejection.
2. If the Planning Department finds the application in compliance with this Ordinance a Planning and Zoning recommendation meeting will be scheduled for the next regular meeting.
3. 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 thirty (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.
4. After the recommendation Meeting has been held a Public Hearing will be scheduled in front of the Board of Adjustment.
5. A Notice of Public Hearing sign will be furnished by the Planning Department, and posted by the Planning Department. (*ORD 15:01: June 5, 2015*) The sign must be posted no less than ten (10) days prior to the date of the hearing and must remain posted until final action by the Board of Adjustment.
6. 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.
7. The Planning Department shall create a Staff Report with recommendations to the Board of Adjustment for either approval or denial of the application.
8. Within forty-five (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.

Section 1.5 Considerations:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. The Board of Adjustment shall hear and make determinations on variance to exceed the height limits as established by these regulations.
8. 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.

CHAPTER 17 CHANGE OF ZONING

Section 1.1 General:

An application for a change or addition to present zoning districts as shown on the Official Zoning Map may be filed with the Planning Department. Applications may be filed by a landowner of record for a requested change to alter the zoning on all or a part of his/her property.

Section 1.2 Application:

A completed Change of Zoning Application, along with all supporting documentation shall be submitted to the Planning Department for review at least twenty-two (22) days prior to a regularly scheduled Planning and Zoning meeting. The application shall include a written 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. Flood Plain.
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 Lawrence 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.

No more than one application for an amendment may be submitted by an individual, or his representative, or agent, in any twelve (12) month period concerning the same or similar amendment to a regulation, restriction, area, or boundary except upon a showing by the applicant of a material change of circumstances sufficient to justify reconsideration of the proposed amendment. This section shall not apply to a governmental agency or the Commission.

Section 1.3 Fees:

The applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required. Additional costs are required for mailings which are the applicant's responsibility.

Section 1.4 Procedure:

1. The Planning Department shall review the completed Change of Zoning Application for compliance with this Ordinance. Any application not containing and/or addressing all the information required in Section 1.2, shall be rejected and returned to the applicant together with the reasons for rejection.
2. If the Planning Department finds the application in compliance with this Ordinance a Planning and Zoning informational meeting will be scheduled for the next regular meeting.
3. After the Informational Meeting has been held a Public Hearing will be scheduled in front of the Planning and Zoning Board.
4. An informational meeting will be held in front of the Planning and Zoning Board.
5. The Planning Department will prepare the Notice of Hearing letters and the Property Owner's List of those persons who own land within five-hundred (500) feet of the subject property.

   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 (7) 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.

   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 rezoning 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 (10) days prior to the date of the public hearing before the Planning Commission and shall remain placed until a decision has been made by County Commission. (*ORD 15:01: June 5, 2015*)

6. 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.
7. The Planning Department shall create a Staff Report with recommendations to the Planning and Zoning Board for either approval or denial of the application.
8. The Planning and Zoning Board shall consider the Change of Zoning Application and public comment regarding the application's technical compliance with the Ordinance after receiving and reviewing the Planning Department's recommendation.
9. The Planning and Zoning Board shall make recommendation to approve or deny the Change of Zoning Application within thirty (30) days of the initial hearing of the application. If the action is to deny the Change of Zoning Application, the reasons for such action shall be stated in the minutes and specific reference shall be made to the requirements not met.

10. After the Planning and Zoning Board makes recommendation to the County Commission, the Planning Department shall schedule a 1st Reading in front of the County Commission, which shall also be a public hearing.
11. The applicant shall be required to re-notify the adjacent property owners in the same manner as listed in #5 above. The Planning Department will again submit legal notice to the local newspaper(s).
12. After the 1st Reading has been completed the County Commission shall schedule a 2nd reading for a final decision at the next regular County Commission meeting. No notification is needed for the 2nd reading.
13. Within forty-five (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.
14. 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 twenty (20) days after publication.

Section 1.5 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 Lawrence 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 18 ORDINANCE TEXT AMENDMENT

Section 1.1 General:

The regulations, restrictions, areas, and boundaries set forth in these Zoning Ordinances may, from time to time, be amended, supplemented, revised, or repealed as conditions warrant.

Section 1.2 Application:

A completed Ordinance Text Amendment Application, along with all supporting documentation shall be submitted to the Planning Department for review at least twenty-two (22) days prior to a regularly scheduled Planning and Zoning meeting. The application shall include a written request pertaining to the proposed changes.

Amendments may be initiated by a property owner or his designated representative, by a governmental agency, or the Commission.

No more than one application for an amendment may be submitted by an individual, or his representative, or agent, in any twelve (12) month period concerning the same or similar amendment to a regulation, restriction, area, or boundary except upon a showing by the applicant of a material change of circumstances sufficient to justify reconsideration of the proposed amendment. This section shall not apply to a governmental agency or the Commission.

Section 1.3 Fees:

Upon the filing of any application for an Ordinance Text Amendment, the applicant shall pay Lawrence County the appropriate fee as designated in Chapter 21-Fees. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required.

Section 1.4 Procedure:

1. The Planning Department shall review the completed Ordinance Text Amendment Application for compliance with this Ordinance. Any application not containing and/or addressing all the information required in Section 1.2, shall be rejected and returned to the applicant together with the reasons for rejection.
2. If the Planning Department finds the application in compliance with this Ordinance, a Planning and Zoning informational meeting will be scheduled for the next regular meeting.
3. An informational meeting will be held in front of the Planning and Zoning Board.
4. After the Informational Meeting has been held a Public Hearing will be scheduled in front of the Planning and Zoning Board.
5. 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 Ordinance Text Amendment Application.
6. The Planning Department shall create a Staff Report with recommendations to the Planning and Zoning Board for either approval or denial of the application.

7. The Planning and Zoning Board shall consider the Ordinance Text Amendment Application and public comment regarding the application's technical compliance with the Ordinance after receiving and reviewing the Planning Department's recommendation.
8. The Planning and Zoning Board shall make recommendation to approve or deny the Ordinance Text Amendment Application within thirty (30) days of the initial hearing of the application. If the action is to deny the Ordinance Text Amendment Application, the reasons for such action shall be stated in the minutes and specific reference shall be made to the requirements not met.
9. After the Planning and Zoning Board makes recommendation to the County Commission the Planning Department shall schedule a 1st Reading in front of the County Commission, which shall also be a public hearing.
10. The Planning Department will again submit legal notice to the local newspaper(s).
11. After the 1st Reading has been completed the County Commission shall schedule a 2nd reading for a final decision at the next regular County Commission meeting. In the event a substantive change(s) is made to a proposed ordinance during a 1st or 2nd reading, at least one additional reading of the proposed ordinance shall occur at a regular meeting of the County Commission at which time the modified text of the proposed ordinance may be reviewed by the County Commission, and the public, prior to ratification of the ordinance. (*Amended 10-07:11/9/2010)*
12. Within forty-five (45) days of the receipt of the Planning and Zoning Board's recommendation, the County Commission shall take action to approve or deny the Ordinance Text Amendment request.
13. Before the Ordinance Text Amendment can become effective the Planning Department shall publish the official Change of Zoning in the legal newspaper(s). An Ordinance Text Amendment takes effect twenty (20) days after publication.

CHAPTER 19 CONDITIONAL USE PERMITS

Section 1.1 General:

Conditional Use Permits may be issued or transferred for any and only the uses or purposes for which such permits are required or permitted by provisions of the Ordinance.

Section 1.2 Application:

A completed Conditional Use Permit Application, along with all supporting documentation shall be submitted to the Planning Department for review at least twenty-two (22) days prior to a regularly scheduled Planning and Zoning meeting. The application shall include a written request pertaining to the proposed use.

The application shall be accompanied by a complete legal description of the property, maps identifying the property, diagrams, site plans and a presentation given by the petitioner as prescribed by the County Planning Commission and Office of Planning and Zoning.

Section 1.3 Fees:

The applicant shall pay Lawrence County the appropriate fee for a Conditional Use Permit as designated in Chapter 21-Fees. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required. Additional costs are required for mailings which are the applicant's responsibility.

Section 1.4 Site Plan:

A site plan shall include the following information:

1. Proposed land uses and specific recreation services to be offered;
2. All setbacks (distance in feet from furthest most projection of structure to all lot lines and or road right-of-ways)
3. All existing and proposed structures, dimensions, design specifications and location of all facilities (i.e. pump stations, gas tanks, etc.);
4. Proposed and existing grading, drainage patterns, and landscaping;
5. Proposed and existing improvements, including sewer and water facilities, parking and roads;
6. Proposed and existing signs and locations;
7. Proposed time line of completion of plans;
8. Parking and loading plans pursuant to Chapter 7.
9. Adjacent land use;
10. Relationship of the proposed development to the surrounding area;
11. All property lines and dimensions of the lot(s)
12. Proposed and existing wells
13. Proposed and existing septic systems and drain fields

Section 1.5 Written Comments:

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

1. The appropriate fire district in regard to fire protection;
2. Department of Environment and Natural Resources, or City entity regarding the proposed/or existing water system;
3. Department of Environment and Natural Resources (DENR) regarding the proposed/existing sewage disposal system; or a Registered Professional Engineer with experience in septic system design.
4. Utility companies;
5. Any entity which may have joint jurisdiction over the property;
6. Lawrence County Floodplain Administrators 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.

Section 1.6 Performance Standards:

1. 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.
2. Noise, odor, glare and vibration shall not be discernible to an objectionable degree beyond the property lines where the condition emanates.
3. Exterior Lighting: Any lights used for exterior illumination shall direct light away from adjoining properties.
4. Smoke, dust, fumes or gases shall not be emitted at any point in concentrations of amounts that are noxious, toxic or corrosive.

Section 1.7 Procedure:

1. The Planning Department shall review the completed Conditional Use Permit Application for compliance with this Ordinance. Any application not containing and/or addressing all the information required in Section 1.2, shall be rejected and returned to the applicant together with the reasons for rejection.
2. If the Planning Department finds the application in compliance with this Ordinance a Planning and Zoning informational meeting will be scheduled for the next regular meeting.
3. An informational meeting will be held in front of the Planning and Zoning Board.
4. After the Informational Meeting has been held a Public Hearing will be scheduled in front of the Planning and Zoning Board.
5. The Planning Department will prepare the Notice of Hearing letters and the Property Owner's List of those persons who own land within five-hundred (500) feet of the subject property.

   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 (7) 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.

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 (10) days prior to the date of the public hearing before the Planning Commission and shall remain placed until a decision has been made by County Commission. (*ORD 15:01: June 5, 2015*)

6. 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 Conditional Use Permit Application.
7. 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.
8. The Planning and Zoning Board shall consider the Conditional Use Permit Application and public comment regarding the application's technical compliance with the Ordinance after receiving and reviewing the Planning Department's recommendation.
9. The Planning and Zoning Board shall make recommendation to approve, approve with conditions, or deny the Conditional Use Permit Application within thirty (30) days of the initial hearing of the application. If the action is to deny the Conditional Use Permit Application, the reasons for such action shall be stated in the minutes and specific reference shall be made to the requirements not met.
10. After the Planning and Zoning Board makes recommendation to the County Commission the Planning Department shall schedule a Public Hearing in front of the County Commission.
11. The applicant shall be required to re-notify the adjacent property owners in the same manner as listed in #5 above. The Planning Department will again submit legal notice to the local newspaper(s).
12. Within forty-five (45) days of the receipt of the Planning and Zoning Board's recommendation, the County Commission shall take action to approve or deny the Conditional Use Permit request.

Section 1.8 Considerations:

A. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or diminishes and impair property values within the immediate vicinity;
B. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;
C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
D. For any Conditional Use, lot and performance standards shall be the same as similar type uses located in specific districts.
E. The applicant shall pay Lawrence County the appropriate fee for a Conditional Use Permit as designated in Chapter 21-Fees. These fees shall be utilized to help defray

necessary administrative costs of processing the applications as required. Additional costs are required for mailings which are the applicant's responsibility.

F. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith.
G. Degree of consistency of the proposed use with the surrounding area in terms of character and density.
H. Provision for and adequacy of future public education and recreation facilities, public safety, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation.
I. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of open space.
J. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
K. The conformity and compatibility of the proposed use with the Comprehensive Plan.

Section 1.9 Bonding:

Bonding may be required to insure that development is completed within the specified time limits, and in a manner consistent with the plan.

Section 1.10 Amendments to a CUP:

1. Major Amendments: The applicant shall pay Lawrence County the appropriate fee for a Major Amendment to a Conditional Use Permit as designated in Chapter 21-Fees. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required. Additional costs are required for mailings which are the applicant's responsibility. Major amendments to a CUP require that the applicant modify the approved CUP, according to Section 1.4. Amendments shall be considered major if they include any of the following:
    a. A change in the CUP Boundary.
    b. Any change in the height, density, setback, or lot coverage development standards, as approved in the Development Plan.
    c. Any change in the location of a land use depicted on the Development Plan map.
2. Minor Amendments: The applicant shall pay Lawrence County the appropriate fee for a Minor Amendment to a Conditional Use Permit as designated in Chapter 21-Fees. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required. Minor amendments to a CUP require a written request including all relevant information. 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.

Section 1.11 Expiration of Conditional Use Permit:

A. If the use permitted under the terms of any Conditional Use Permit has not been started within twelve (12) months of the date of issuance or the date of transfer thereof, said permit shall expire and be canceled by the administrative official. Written notice thereof, shall be given to the persons affected, together with the notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

Section 1.12 Annual Review:

The County Commission may, at their discretion, require of the operator a written annual report, onsite review, or attendance at a County Commission meeting, or all of the above, on each anniversary date of the approval of the Conditional Use Permit. The annual report, onsite review, or attendance at a County Commission meeting, or all of the above shall update the Commission on the operator's compliance with the terms, requirements and conditions stipulated in the approval of the Conditional Use Permit.

Section 1.13 Suspension or Revocation of Conditional Use Permit:

If the County Planning Director finds that at any time that the terms, conditions, or requirements of the conditional use permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, the Director shall report this fact to the permittee, landowner, and/or operator, and the County Commission. The County Commission may, after conducting a public hearing, of which the permittee, landowner and/or operator shall be notified, revoke the conditional use permit for failure to comply with the terms, conditions, or requirements of the permit.

CHAPTER 20 EXTRACTIVE INDUSTRY CONDITIONAL USE PERMITS, BUFFER ZONE(S) AND WAIVERS

(***Amended ORD 11/02: 11/05/2011***)

★ Article 1 – Extractive Industry Conditional Use Permits
★ Article 2 – Buffer Zone(s) and Waivers

ARTICLE 1 – EXTRACTIVE INDUSTRY CONDITIONAL USE PERMITS

(Amended ORD 16-03: 07/21/2017)

Section 1.1 General:

This section is to inform the public of the significant potential for the development of extractive industry within Lawrence County and to minimize the adverse ~~a~~effects of extractive industry development on public and private land uses within Lawrence County. The County recognizes that the orderly development of extractive industry is essential to the economic well-being of its residents and to the needs of society. The County likewise recognizes that conflicts may arise when extraction occurs in proximity to less intensive land uses. This section will serve to inform the public that lands in Lawrence County may be subject to extractive industry development by surface and/or underground means. This section also informs developers of additional requirements for securing a Conditional Use Permit for extractive industry development in the County.

Lawrence County Board of Commissioners hereby finds and declares that:

1. Extractive industry is essential to the economic well-being of Lawrence County and to the needs of society, and that reclamation of affected lands is necessary to prevent or minimize adverse effects to the environment, provide for future beneficial land use, and to protect the public health and safety.
2. Extractive industry and associated activities and facilities may be allowed in ~~all zoning districts~~ zoning districts as described in Chapter 6, subject to the provisions and regulations set forth in this section and special requirements and conditions may be required and included in the permit, when deemed necessary, for the protection of public and private interests.
3. Each new large-scale extractive industry development shall be required to prepare a socio-economic impact study, at the operator's expense, to identify actual and potential impacts to units of local government and adjacent land uses arising from the development of lands within the County.
4. Each new small-scale extractive industry development may be required to prepare a socio-economic impact study, at the operator's expense, to identify actual and potential impacts to units of local government and adjacent land uses arising from the development of lands within the County.
5. Land use conflicts that may result from development of lands by extractive industry shall be minimized by the provision for adequate buffer zones, mutually beneficial to all concerned.

6. Off-site mitigation may be required when the County deems the proposed reclamation of land disturbed by an extractive industry to be undesirable or insufficient for practical future beneficial use.
7. Reclamation of lands within the County for future beneficial use is a matter of local concern and jurisdiction, for the protection of the public interest, health and safety.
8. Extractive industry development may occur in areas of diverse geologic, topographic, biological and social character, and reclamation of disturbed lands may vary from site to site.
9. An appropriate buffer zone, extending outward from the area of disturbance, shall be established at the discretion of the County Commission upon evaluation of the considerations found in Section 1.8. The standard Buffer Zone shall be no less than 500 feet from the area of disturbance, subject to the application of the provisions of Chapter 20-Extractive Industry Conditional Use Permits, Buffer Zone(s) and Waivers; Article 2 - Buffer Zone(s) and Waivers in such case the Buffer Zone may be less than 500 feet.
10. ~~A Conditional Use Permit shall be required of all extractive industry operators within the jurisdiction of Lawrence County,~~
11. ~~Surface extraction methods employed by extractive industry affects the aesthetics of the environment in short term, are unavoidable, and uncompensable as an impact to units of local governments.~~

Section 1.2 Scope, Jurisdiction and Conflict

1. The provisions of these regulations shall apply to all lands proposed to be developed by large and small-scale extractive industry, as herein defined, within the jurisdiction of Lawrence County.
2. This Chapter shall supersede the provisions of Chapter 19 Conditional Use Permits for extractive industry only.

Section 1.3 Application:

A completed Conditional Use Permit Application, along with all supporting documentation shall be submitted to the Planning Department for review at least twenty-two (22) days prior to a regularly scheduled Planning and Zoning meeting.

Section 1.4 Fees:

The applicant shall pay Lawrence County the appropriate fee for an Extractive Industry Conditional Use/ Permit as designated below. These fees shall be utilized to help defray necessary administrative costs of processing the applications as required. Additional costs are required for mailings which are the applicant's responsibility.

New Applications:

1. Small-scale Sand, Gravel or Rock Extractive Industry application: one thousand dollars ($1,000.00).
2. Small-scale Mineral ~~Mining~~ Extractive Industry application: three thousand dollars ($3,000.00).
3. Large-scale Sand, Gravel or Rock Extractive Industry application: seven thousand dollars ($7,000.00).
4. Large-scale Mineral ~~Mining~~ Extractive Industry application: ten thousand dollars ($10,000.00)
5. If a unit of state or local government application, no fee shall be required.

Amended Applications:

1. If an amendment to a small-scale CUP is required pursuant to Section 1.15, six hundred dollars ($600.00).
2. If an amendment to a large-scale CUP is required pursuant to Section 1.15, two thousand dollars ($2,000.00).

Section 1.5 Site Plans, Maps and other Information:

A. A map(s) accurately identifying the following:

a. All ~~An~~ adjacent landowners within five hundred (500) feet of the proposed ~~outer boundaries of the~~ permit area of the operation ~~land use map with~~ by name~~s of property owners;~~
~~b. An adjacent land use map with names and property owners within five hundred (500) feet of the proposed disturbance area of the operation;~~
c. Proposed permit and disturbance area;
d. Access roads;
e. Haul roads;
f. Buffer zones;
g. An aerial photo of the site location;
h. A topographic map of the site location; ~~detailing proposed areas of disturbance~~;
i. All waste disposal sites;
j. All material storage areas;
k. All setbacks (distance in feet from furthest most projection of structure to all lot lines and or road right-of-ways);
l. All existing and proposed structures, dimensions, design specifications and location of all facilities (i.e. pump stations, gas tanks, etc.);
m. Proposed and existing grading, drainage patterns, and landscaping;
n. Proposed and existing improvements, including sewer and water facilities, parking and roads;
o. All property lines and dimensions of the lot(s);
p. Proposed and existing wells;
q. Proposed and existing septic systems and drain fields;
r. Access to public roads and intersections of public roads; and
s. Proposed reclamation map.

B. A written Summary to include, but not be limited too:
a. Proposed method of operation and processing;
b. Include the address and telephone number of the operator and authorized local representative;
c. Proposed land uses;
d. Proposed and existing signs and locations;
e. Proposed timeline for completion of operation ~~plans~~;
f. Parking and loading plans pursuant to Chapter 7;
~~g. Adjacent land use;~~
h. Relationship of the proposed operations ~~development~~ to the surrounding area; and
i. Demonstrate sufficient provision for access to adjacent lands during active mining operation and reclamation;

j. Potential impacts to public roads;
k. A justification for exemption of the socio-economic study for small scale mineral and rock, sand & gravel extractive industry; and
l. Proposed reclamation plan.

C. Buffer Zone Waiver(s) Forms (if applicable)

Section 1.6 Socio-Economic Impact Study:

Large-Scale Mineral and Rock, Sand or Gravel Extractive Industry Operations. Each large-scale application shall be accompanied by a socio-economic impact study which identifies the potential impact of the development on the following areas, and mitigation measures proposed to address those impacts. These areas to be addressed by the socio-economic impact study area considered to be minimums. The Board of Commissioners may determine, based upon circumstances unique to the application, that additional areas will be addressed by the study. In such cases, the applicant will be so informed at the earliest practical stage of the application process.

The following areas shall be addressed in the study:

1. population base
2. employment base
3. tax base
4. housing
5. education
6. law enforcement
7. fire protection
8. water
9. sewer, solid waste
10. roads
11. health services
12. parks and recreation
13. proposed reclamation plan ~~option~~
14. adjacent land use
15.

Small-Scale Mineral and Rock, Sand or Gravel Extractive Industry Operations. At a minimum, each small-scale application shall be accompanied by the following impact data:

1. roads
2. proposed reclamation plan ~~option~~
3. adjacent land use

Section 1.7 Procedure:

1. The Planning Department shall review the completed Conditional Use Permit Application for compliance with this Ordinance. Any application not containing and/or addressing all the information required in Section 1.5, shall be rejected and returned to the applicant together with the reasons for rejection.
2. If the Planning Department finds the application in compliance with this Ordinance a Planning and Zoning informational meeting will be scheduled for the next regular meeting.
3. An informational meeting will be held in front of the Planning and Zoning Board. The Planning and Zoning Board shall schedule an on-site visit to the proposed location.

4. After the Informational Meeting has been held a Public Hearing will be scheduled in front of the Planning and Zoning Board.
5. The Planning Department will prepare the Notice of Hearing letters and the Property Owner's List of those persons who own land within five-hundred (500) feet of the ~~subject property~~ proposed permit area. (Note: the 500' buffer zone waiver may be different than the 500' notice to adjacent landowners.)

   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 (7) 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.

   A Notice of Public Hearing sign will be furnished by the Planning Department. The sign must be posted no less than ten (10) days prior to the date of the hearing and must remain posted until final action by the Planning and Zoning Board.
6. 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 Conditional Use Permit Application.
7. All large-scale applicants, and any small scale applicant required by the administrator, shall submit proposed written findings, conditions and recommendations regarding the application to the Planning Department ten (10) days prior to the public hearing. Any interested party shall also be allowed to submit proposed findings up to and at the time of the public hearing.
8. 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.
9. The Planning and Zoning Board shall consider the Conditional Use Permit Application and public comment regarding the application's technical compliance with the Ordinance after receiving and reviewing the Planning Department's recommendation.
10. The Planning and Zoning Board shall make recommendation to approve, approve with conditions, or deny the Conditional Use Permit Application within thirty (30) days of the initial hearing of the application. If the action is to deny the Conditional Use Permit Application, the reasons for such action shall be stated in the minutes and specific reference shall be made to the requirements not met.
11. After the Planning and Zoning Board makes recommendation to the County Commission the Planning Department shall schedule a Public Hearing in front of the County Commission.
12. The applicant shall be required to re-notify the adjacent property owners in the same manner as listed in #5 above. The Planning Department will again submit legal notice to the local newspaper(s).
13. All large-scale applicants, and any small scale applicant required by the administrator, shall submit proposed written findings, conditions and recommendations regarding the

application to the Planning Department ten (10) days prior to the public hearing. Any interested party shall be allowed to submit proposed findings up to and at the time of the public hearing.

14. Within forty-five (45) days of the receipt of the Planning and Zoning Board's recommendation, the County Commission shall take action to approve, approve with conditions or deny the Conditional Use Permit request.

Section 1.8 Considerations:

A. Adjacent land use;
B. Size of development;
C. Access to development;
D. Topography;
E. Population density;
F. Material injury or interference with existing use and enjoyment of ~~other~~ property within five hundred (500) feet, of the proposed area of disturbance;
G. Substantial diminishment or impairment of property values within five hundred (500) feet of the proposed area of disturbance;
H. Good faith efforts made by the applicant to mitigate any injury or interference to ~~adequately compensate~~ landowners within five hundred (500) feet of the proposed area of disturbance for injury or interference with use of their property;
I. The effect of the proposed project upon the population base and tax base of Lawrence County;
J. The effect of the proposed project upon housing, public education, law enforcement, fire protection, public and private water systems, public sewer and solid waste systems, public roads, health services, parks and recreation within Lawrence County;
K. For the purpose of permit conditions only, the cumulative effect of the proposed project when considered with previously approved extractive industry Conditional Use Permits;
L. A socioeconomic study for Small Scale Rock, Gravel or Sand Extractive Industry may be required;
M. All requisite state permits are in process or have been obtained and are current;
N. Additional bonding may be required for Sand, Rock & Gravel Extraction; and
O. A reclamation plan shall be considered.

Section 1.9 Bonding:

The County may require additional bonds or sureties if the same are not required by state law or administrative rule.

Bonding may be required to insure that development is completed within the specified time limits, that required infrastructure is constructed, and that the development is completed in a manner consistent with the plan.

Section 1.10 Annual Review:

The County Commission may, at their discretion, require of the operator a written annual report, on site review, or attendance at a County Commission meeting, or all of the above, on each anniversary date of the approval of the Conditional Use Permit. The annual report, on site review, or attendance at a County Commission meeting, or all of the above shall update the Commission on the operator's compliance with the terms, requirements and conditions stipulated in the approval of the Conditional Use Permit.

Section 1.11 Annual Report:

The Board of County Commissioners may, at their discretion, require of the operator a written annual report on each anniversary date of the approval of the Conditional Use Permit. The annual report shall update the Commission on the operator's compliance with the terms, requirements and conditions stipulated in the approval of the Conditional Use Permit.

Section 1.12 Expiration of Conditional Use Permit:

If the use permitted under the terms of any Conditional Use Permit has not been started within twelve (12) months of the date of issuance or the date of transfer thereof or if the use permitted ceases, for whatever reason, for a period of twelve (12) consecutive months; said permit shall expire and be canceled by the administrative official. Written notice thereof, shall be
given to the persons affected, together with the notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

Section 1.13 Suspension or Revocation of Conditional Use Permit:

If the County Planning Director finds that at any time that the terms, conditions, or requirements of the conditional use permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, the Director shall report this fact to the permittee, landowner, and/or operator, and the County Commission. The County Commission may, after conducting a public hearing, of which the permittee, landowner and/or operator shall be notified, revoke the conditional use permit for failure to comply with the terms, conditions, or requirements of the permit.

Section 1.14 Expansions of a Mine Permit Boundary:

Any expansion of existing mine boundaries shall require a New Conditional Use Permit Application and payment of fees according to the fee schedule.

Section 1.15 Amendments to a Conditional Use Permit:

Any amendment to a Conditional Use Permit or conditions thereto not altering the boundaries of the permitted area shall require that the applicant modify the approved CUP, according to Section 1.7 and pay fees according to the fee schedule.

Section 1.16 Applicability:

These amended regulations shall apply to all applications for extractive industry applying for a Conditional Use Permit after the effective date of the enactment of these regulations.
In the event the proposed Conditional Use Permit is located wholly or partially on lands owned by the United States Government, applicable Federal laws, regulations and rules will apply and prevail where the same are in conflict with or inconsistent with the provision of this Ordinance.

ARTICLE 2 – BUFFER ZONE(S) AND WAIVERS

Section 1.1 General:

When a Conditional Use Permit Application is submitted a buffer zone between the disturbed land and any adjacent or adjoining landowner shall be five hundred (500) feet, measured by map distance.

A buffer zone waiver may be submitted by the applicant as part of the Conditional Use Permit Application.

Section 1.2 Buffer Zone Waiver(s) Form(s):

A request for a buffer zone waiver(s), shall be made on form(s) furnished by the Lawrence County Planning and Zoning Department.

Section 1.3 Buffer Zone Waiver(s):

A buffer zone of less than five hundred (500) feet may be allowed upon public hearing and approved only when the applicant satisfactorily demonstrates that the proposed buffer zone **does not** injure or interfere with existing land uses and enjoyment of other property nor substantially diminish or impair property values within five hundred (500) feet of the proposed area of disturbance.

When the operator secures and provides a waiver from all adjoining or adjacent landowners within five hundred (500) feet of the proposed area of disturbance, a public hearing shall not be required.

All land within the designated buffer zone shall be reserved and only access routes, utility rights-of-way, and haul roads when necessary to remove materials from the extractive site, shall be permitted. In addition, other uses not involving actual mining such as reclamation and disposal of water may be permitted within the buffer zone.

Section 1.4 Procedure:

Any Public Hearing shall follow the process as set forth in Article 1, Section 1.7.

Section 1.5 Considerations:

This decision shall be based upon, but not limited to the consideration of the following:

A. Adjacent land use;
B. Size of development;
C. Access to development;
D. Topography;
E. Population density;
F. Material injury or interference with existing use and enjoyment of ~~other~~ property within five hundred (500) feet of the proposed area of disturbance;
G. Substantial diminishment or impairment of property values within five hundred (500) feet of the proposed area of disturbance;
H. As to the factors (f) and (g) the adjacent landowner(s) or representative(s) shall have the burden of establishing the injury or interference, substantial diminishment or impairment of property values.
I. Good faith efforts made by the applicant to mitigate any injury or interference to ~~adequately compensate~~ landowners within five hundred (500) feet of the proposed area of disturbance for injury or interference with use of their property;

Section 1.6 Release of Buffer Zone:

The County Board of Commissioners upon release of the operator's reclamation liability from the South Dakota Board of Minerals and Environment, shall issue the operator a release of all conditions relating to the established buffer zone surrounding the operating unit.

CHAPTER 21 FEES

Section 1.1 General:

The fees as described in this zoning ordinance are established in the fee schedule adopted by resolution of the County Commissioners. (*ORD 15:01: June 5, 2015*)

Fees shall be paid at the time of filing an application with the Planning and Zoning Department. Such fee shall be payable to the Lawrence County Treasurer and under no conditions shall any fee be refunded after publication of any required legal notice or, if notice is not required, after the Planning and Zoning Board has considered the application. No action shall be taken upon any application unless all fees have been paid. All fees are to be collected by the administrative official and credited to the General Fund.

CHAPTER 22 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

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

CHAPTER 23 GENERAL PROVISIONS

★ ARTICLE 1 - Complaint Regarding Violations
★ ARTICLE 2 - Penalties
★ ARTICLE 3 - Separability Clause
★ ARTICLE 4 - Saving Clause
★ ARTICLE 5 - Purpose of Catch Heads
★ ARTICLE 6 - Effective Date

ARTICLE 1 - COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. The complaining party shall fully complete and submit a Complaint Form, which is available from the Lawrence County Planning Department or the Lawrence County Website. (*Amended ORD 09-01: 06/03/2010*)

ARTICLE 2 - PENALTIES

In addition to all other remedies available to the County to prevent, correct or abate Ordinance violations, a violation of these Zoning Ordinances is also punishable by a fine and/or imprisonment pursuant to SDCL 7-18A-2 as provided below:

1. A fine not to exceed five hundred dollars ($500.00) for each violation or by imprisonment for a period not to exceed thirty (30) days for each violation, or by both such fine and imprisonment. Each day the violation continues shall constitute a separate violation. The date of the first violation shall be the date upon which the property owner first received notice of the violation.

ARTICLE 3 - SEPARABILITY CLAUSE

These Zoning Ordinances and the various parts, chapters, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of these Zoning Ordinances shall not be affected thereby.

ARTICLE 4 - SAVING CLAUSE

These regulations shall in no manner affect pending actions either civil or criminal, founded on or growing out of any regulations hereby repealed. These regulations shall in no manner

affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any regulations repealed.

ARTICLE 5 - PURPOSE OF CATCH HEADS

The catch heads appearing in connection with the sections of these regulations are inserted simply for convenience to serve the purpose of an index. The introductory statements found at the beginning of each article are to serve as general references only. The catch heads, introductory statements, and illustrative examples of zoning terms shall be wholly disregarded by any person, office, court, or other tribunal in construing the terms and provisions of these regulations.

ARTICLE 6 - EFFECTIVE DATE

These regulations shall be in full force and effect from and after its passage and publication as provided by law.