

ORDINANCE NO. B2022-01-04

**#B2022-01-04, AN ORDINANCE AMENDING ORDINANCE B2022-01, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR DEUEL COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH.**

BE IT ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XI, "Zoning Districts," Section 1103 "LP" Lake Park, Section 1103.05. Conditional Uses, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline and removing strikeout language:

**19. Private storage facilities provided they meet the requirements of Section 1245;**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XI, "Zoning Districts," Section 1103 "LP" Lake Park District, Section 1103.07. Shoreline Stabilization, Filling, Grading, Lagooning and Dredging, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by by adding language in bold and underline language:

5. Shoreline stabilization (including but not limited to riprapping and retaining wall(s) , filling, grading, lagooning or dredging projects shall require a special permitted use permit.
  - a. A special permitted use permit shall be issued by the Zoning Officer if the project complies with all of the following:
    - i. Approval from adjoining **lake-front** property owners

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XII, "GENERAL REGULATIONS" Section 1236.02 Modular Homes, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline language:

- b. Modular homes will include **all prefab** off-site constructed homes, which may be transported to the site in ~~one or more sections.~~ **multiple sections called modules and put together on site by your builder.**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XI, "Zoning Districts" Section 1101. "A" Agricultural District, Section 1101.02 Permitted Uses adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline language:

3. Site-built single-family residences; **and Moved in single-family residences provided that they meet the requirements of Section 1205**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XI, "Zoning Districts" Section 1103. "LP" Lake-park District, Section 1103.03 Permitted Uses adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline language:

1. Site-built single-family residences usage; **and Moved in single-family residences provided that they meet the requirements of Section 1205**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XI, "Zoning Districts" Section 1106. "TD" Town District, Section 1106.02 Permitted Uses adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline language:

1. Single-family residential usage, including Type A and Type B Manufactured Homes, provided that provisions of Section 1236 are met. **Also including Moved in single-family residences provided that they meet the requirements of Section 1205**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XII, "GENERAL REGULATIONS" Section 1238 Accessory Buildings, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline and removing strikeout language:

Table 1238-1

1.c. Unattached garages shall be limited to maximum sidewalls of fourteen (14) feet; and a **maximum minimum** of 4/12 roof pitch or to conform to the design of the house.

2. Buildings or structures for customary residential storage purposes not over ten (10) feet in height and not exceeding ~~one hundred fifty (150)~~ **two hundred forty (240)** square feet in gross floor area **with a door opening no wider than seven (7) feet.**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XI, "Zoning Districts," Section 1101 "A" Agriculture District, Section 1101.05 Area Regulations, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline and removing strikeout language:

1. Lot Size: All residential lots shall be a minimum of three (3) acres, except as provided in item ~~7~~ **6** below. All other permitted uses and conditional use permits shall have a minimum area and setback regulations as determined by the Board of Adjustment.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XIII, "Concentrated Animal Feeding Operations Regulations," Section 1303. Concentrated Animal Feeding Operation Permit Requirements, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline and removing strikeout language:

8. Notwithstanding ~~1103.4~~ **1303.4** (above) a change in ownership of a Class A or Class B concentrated animal feeding operation which does not have a previously issued county-permit.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XIII, "Concentrated Animal Feeding Operations Regulations," Section 1304. Concentrated Animal Feeding Operation Control Requirements, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline and removing strikeout language:

5. Management Plan for Fly and Odor Control

New Class A, B, C, and D (with more than five hundred (500) animal units) Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The Zoning Officer and/or Board of Adjustment will review the need for control measures on a site-specific basis, The following procedures to control flies and odors shall be considered in a management control plan:

~~New Class A, B, C, and D Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The Zoning Officer and/or Board of Adjustment will review the need for control measures on a site-specific basis. The following procedures to control flies and odors shall be considered in a management control plan:~~

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XII, "GENERAL REGULATIONS" Section 1208 Shelterbelt Setback Requirements, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline and removing strikethrough language:

7. Shade trees, ornamental trees or shrubs generally used for landscaping and windbreak are allowed in a controlled area. The controlled area is defined as the area within one hundred (100) feet of homes or farm buildings, but not closer to the right-of-way than fifty (50) feet. Except for the following, plantings within the controlled area are exempt from this regulation. **Four** or more trees in a row are not allowed with the controlled area. Deciduous trees which are spotted or staggered within the controlled area can be no closer than twenty (20) feet. Conifer trees which are spotted or staggered within the controlled area can be no closer than twenty-five (25) feet. The distance between trees shall be determined by measuring distance between tree trunks. See Figure 1208.3.

Passed and adopted this 15<sup>th</sup> day of August, 2023.

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Chairperson  
Deuel County, SD

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Auditor  
Deuel County, SD

This ordinance shall become effective upon the date of publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in timely involved prior thereto.

1st Reading: August 1, 2023  
2nd Reading: August 15, 2023  
Adopted: August 15, 2023  
Published: August 23, 2023  
Effective: September 12, 2023