

ORDINANCE 01-26

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND CHAPTER 2.04 AGRICULTURAL DISTRICT AND CHAPTER 2.05 COMMERCIAL/INDUSTRIAL DISTRICT OF THE ZONING ORDINANCE OF CLARK COUNTY ADOPTED BY ORDINANCE 01-14, AS AMENDED.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, SOUTH DAKOTA: that Article II DISTRICT REGULATIONS, Section 2.04.04 Conditional Uses [Agricultural District] adopted by Ordinance 01-14, as amended, of the Zoning Ordinance of Clark County be amended by adding the following use in bold and underline font to Section 2.04.04 Conditional Uses [Agricultural District]:

38. Decrease of Front Yard Setback by up to fifty (50) feet. See Section 2.04.05.2.a.

39. Decrease of Front Yard Setback by up to twenty-five (25) feet. See Section 2.04.05.4.a.

40. Decrease of Front Yard Setback by twenty-five (25) feet. See Section 2.04.05.5.a.

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, SOUTH DAKOTA: that Article II DISTRICT REGULATIONS, Section 2.04.05 Area Regulations [Agricultural District] adopted by Ordinance 01-14, as amended, of the Zoning Ordinance of Clark County be amended by adding the following text in bold and underline font:

Section 2.04.05 Area Regulations.

All buildings shall be set back from road right-of-way lines and lot lines to comply with the following requirements:

1. Lot Size: All residential lots shall be a minimum of one (1) acre not including public road right-of-way, except as provided in 2.04.04.7 of this Section. Other Permitted and Conditional uses shall have minimum area regulations determined by the Board of Adjustment.
2. Front Yard: The minimum depth of the front yard shall not be less than one-hundred (100) feet from the road right-of-way and in no case shall an accessory building be located or extended into the front yard. Structures on all corner lots shall observe two (2) front yards. The depth of the front yard on each street which the lot abuts shall be not less than one hundred (100) feet from the road right-of-way.
 - a. **The Board of Adjustment may allow a minimum front yard reduction of up to fifty (50) feet from any Township Right-of-way provided application includes: written consent in the form of minutes, resolution, or written consent of at least two oath sworn Township Supervisors on behalf of the Township that maintains the street.**
 - b. **The Board of Adjustment may allow a minimum front yard reduction of up to fifty (50) feet from any State or Federal Highway Right-of-way provided application includes: written consent on behalf of South Dakota Department of Transportation by the Area Engineer its designee.**
 - c. **The Board of Adjustment may allow a minimum front yard reduction of up to fifty (50) feet from**

any County Road provided no objection by the Clark County Highway Superintendent is filed prior to the hearing; and the applicant submit an acknowledgment that the construction of an addition closer than the required setback will result in increased dust and noise generated from traffic which might otherwise be mitigated if the structure were placed 100' from the right of way with the application.

3. Lot width: All lots shall have a minimum width of one hundred fifty (150) feet.
4. Side Yard: There shall be a side yard on each side of building having a width of not less than fifty (50) feet.
 - a. **The Board of Adjustment may allow a minimum side yard reduction of up to twenty-five (25) feet from any side property line provided the application includes written consent from the affected adjacent property owner. The affected adjacent property owner shall be considered the property owner sharing the applicable property boundary with the applicant.**
5. Rear Yard: The minimum depth of a rear yard shall be fifty (50) feet or twenty percent (20%) of the depth of the buildable lot at the time of the passage of this ordinance.
 - a. **The Board of Adjustment may allow a minimum rear yard reduction of up to twenty-five (25) feet from any rear property line provided the application includes written consent from the affected adjacent property owner. The affected adjacent property owner shall be considered the property owner sharing the applicable property boundary with the applicant.**

[editor's note: Should we add a Waiver to 2.04.06.3 and in Article IV that can be used for County Roads for 2.c.?)

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, SOUTH DAKOTA: that Article II DISTRICT REGULATIONS, Section 2.05.03 Conditional Uses [Commercial/Industrial District] adopted by Ordinance 01-14, as amended, of the Zoning Ordinance of Clark County be amended by adding the following use in bold and underline font to Section 2.05.03 Conditional Uses [Commercial/Industrial District]:

31. Decrease of Front Yard Setback by up to fifty (50) feet. See Section 2.05.04.2.a.

32. Decrease of Front Yard Setback by up to twenty-five (25) feet. See Section 2.05.04.3.a.

33. Decrease of Front Yard Setback by twenty-five (25) feet. See Section 2.05.04.4.a.

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, SOUTH DAKOTA: that Article II DISTRICT REGULATIONS, Section 2.05.04 Area Regulations [Commercial/Industrial District] adopted by Ordinance 01-14, as amended, of the Zoning Ordinance of Clark County be amended by adding the following text in bold and underline font:

2.05.04 Area Regulations.

1. Lot Area - Lot area shall be determined by need, setback, side yards, rear yards, parking requirements, freight handling requirements, building site and future expansion; however, in no case

shall a lot have less than two (2) acres, not to include the public road right-of-way. An applicant for a conditional use shall provide a proposed site plan which can be reviewed by the Board of Adjustment. For commercial and industrial uses, buildings shall occupy no more than twenty-five percent (25%) of the lot.

2. Front Yard - Structures on all corner lots shall observe two (2) front yards. The depth of the front yard on each street which the lot abuts shall be not less than one hundred (100) feet in depth.
 - a. **The Board of Adjustment may allow a minimum front yard reduction of up to fifty (50) feet from any Township Right-of-way provided application includes: written consent in the form of minutes, resolution, or written consent of at least two oath sworn Township Supervisors on behalf of the Township that maintains the street.**
 - b. **The Board of Adjustment may allow a minimum front yard reduction of up to fifty (50) feet from any State or Federal Highway Right-of-way provided application includes: written consent on behalf of South Dakota Department of Transportation by the Area Engineer its designee.**
 - c. **The Board of Adjustment may allow a minimum front yard reduction of up to fifty (50) feet from any County Road provided no objection by the Clark County Highway Superintendent is filed prior to the hearing; and the applicant submit an acknowledgment that the construction of an addition closer than the required setback will result in increased dust and noise generated from traffic which might otherwise be mitigated if the structure were placed 100' from the right of way with the application.**
3. Side Yards - On lots adjacent to a residential area, all buildings and incidental areas shall be located so as to provide a minimum side yard of one hundred (100) feet, which shall be landscaped on the side adjacent to the residential area. All other side yards shall be a minimum of fifty (50) feet.
 - a. **The Board of Adjustment may allow a minimum side yard reduction of up to twenty-five (25) feet from any side property line provided the side yard is not adjacent to a residential area; and the application includes written consent from the affected adjacent property owner. The affected adjacent property owner shall be considered the property owner sharing the applicable property boundary with the applicant.**
4. Rear Yards - No building shall be constructed within fifty (50) feet of the rear lot line. The rear yard shall be one hundred (100) feet if the lot abuts a State or County asphalt paved/concrete highway.
 - a. **The Board of Adjustment may allow a minimum rear yard reduction of up to twenty-five (25) feet from any rear property line provided the application includes written consent from the affected adjacent property owner. The affected adjacent property owner shall be considered the property owner sharing the applicable property boundary with the applicant.**

Passed and adopted this 7th day of July, 2026.

Chairperson

Auditor

Public Hearing Notice Publication

May 6, 2020

Planning Commission Public Hearing and Recommendation:

May 19, 2020

County Commission Public Hearing and First Reading:

May 19, 2020

County Commission Second Reading and Approval:

June 4, 2020

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