

**ORDINANCE 02-26,
AN ORDINANCE ENTITLED, AN ORDINANCE AMENDING SECTION 2.04.04 CONDITIONAL USES
[AGRICULTURAL DISTRICT] AND SECTION 2.04.05 AREA REGULATIONS [AGRICULTURAL 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]:

41. Residential Density Bonus A. See 2.04.05.9.c.

42. Residential Density Bonus B. See 2.04.05.9.c.

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 and removing the text in strikethrough 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 **contain a minimum of five (5) acres, all lots for other permitted uses shall contain** 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.
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.
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.
6. Maximum Lot Coverage: Dwellings and accessory buildings shall cover not more than twenty-five (25) percent of the lot area.
7. Access

The location of drive-ways accessing individual parcels shall be separated from adjacent driveways on the same side of the road by the following separation distances: Roads identified on the Major Street plan as:

- i. Local road: One hundred (100) foot separation distance.
 - ii. Collector road: Three hundred (300) foot separation distance.
 - iii. Arterial: One thousand (1,000) foot separation distance
- a. For all proposed uses and structures adjacent to a State Highway, an access permit from the State of South Dakota Department of Transportation shall be required prior to the filing of a plat or the issuance of a building/use permit

8. Height Regulations

No main building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. Exceptions include the following structures:

- ~~1.~~a. Agricultural buildings;
- ~~2.~~b. Chimneys, smokestacks, cooling towers;
- ~~3.~~c. Radio and TV towers;
- ~~4.~~d. Water tanks;
- ~~5.~~e. Wind Energy System (WES);
- ~~6.~~f. Elevators and appurtenances;
- ~~7.~~g. Wireless Telecommunications Towers and Facilities;
- ~~8.~~h. Private wind energy systems (PWES).
- ~~9.~~i. Others, providing that they are not used for human occupancy.

9. Maximum Residential Density

Not more than two (2) residences may be constructed in one United States Public Land Survey (USPLS) Quarter Section unless Maximum Residential Density Bonus A or B is granted by Conditional Use Permit:

Residential Density Bonus A:

The Board of Adjustment may by Conditional Use allow up to four (4) residences in a single USPLS Quarter Section provided at least two (2) of the residences contain lots of thirty-five (35) acres or more.

Residential Density Bonus B:

The Board of Adjustment may, by conditional use, allow a permit for a Type B manufactured home is requested on an existing farmstead already containing a single family dwelling, provided:

1. The dwelling is located on the same legal description as an owner occupied site which is used as a base of farming operations (existing farmstead).
2. The maximum number of dwelling units within the existing farmstead lot will not exceed two (2).
3. The dwelling is occupied by employees or relatives of the farm owner.
4. The additional manufactured home shall be removed in the event the structure is no longer operated by an employee of the farm or relative of the farm owner.

[editor's notes: 1) Should this only be allowed on a lot with thirty-five acres? 2) Should this be allowed on any owner occupied lot regardless of affiliation to a farm? 3) Or – do we need to be MORE SPECIFIC and say that “the primary source of income of one of the inhabitants of the existing residence shall be derived from Agriculture” (Agriculture is defined in the ordinance.)]

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

Chairperson

Auditor