

## 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 twenty (20) feet. See Section 2.04.05.2.a.**

**39. Decrease of Side Yard Setback by up to ten (10) feet. See Section 2.04.05.4.a.**

**40. Decrease of Rear Yard Setback by up to ten (10). 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 twenty (20) 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 twenty (20) 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 twenty (20) 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 ten (10) 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 ten (10) 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 21st day of July, 2026.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Auditor

Public Hearing Notice Publication June 24, 2026

Planning Commission Public Hearing and Recommendation: July 7, 2026

County Commission Public Hearing and First Reading: July 7, 2026

County Commission Second Reading and Approval: July 21, 2026

Publication: \_\_\_\_\_

Effective: \_\_\_\_\_