

**ARTICLE 3.00
A-1 AGRICULTURAL DISTRICT**

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3.01 INTENT. It shall be the intent of this district to provide for a vigorous agricultural industry by preserving for agricultural production those agricultural lands beyond areas of planned urban development. It is recognized that because of the nature of both agricultural activities and residential subdivisions, that these two uses are generally poor neighbors and therefore a concentration of housing in the A-1 Agricultural District shall be discouraged.

3.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the A-1 Agricultural District:

- (A). Agriculture. A building for the storage of agricultural equipment or products shall be allowed providing the following conditions have been met:*(amended by MC28-11-07 1/16/2007)*
- 1) The parcel(s) consists of not less than forty (40) acres.
 - 2) The property's principal use is devoted to agriculture.
- (B). A single-family dwelling if the following provisions for building eligibility are met: *(amended by MC28-02-04 3/23/04)*
- 1). Each quarter-quarter section shall have one building eligibility when all the following conditions are met:
 - a). There are no other dwellings on the quarter-quarter section.
 - b). The building site shall be a minimum of one acre.
 - c). Approval has been granted by the appropriate governing entity for access onto a public road.
 - d). The remaining portion of the quarter-quarter section is retained as agricultural land or in its present use.
 - e). Prior to any building permit being issued for any new single family residence located in the A-1 Agriculture District, a Right to Farm Covenant shall be filed on the parcel of land upon which the new structure will be located. Only the following shall constitute a Right to Farm Covenant: **“RIGHT TO FARM NOTICE COVENANT**
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

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inconvenience or discomfort from lawful agricultural or agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: the 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 any 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 title without consent of the Dell Rapids and Minnehaha County Planning Commissions.” *(amended MC28-08-06 5/23/06)*

- (C). Elementary or high school.
- (D). Historical sites.
- (E). Church.
- (F). Neighborhood utilities.
- (G). Antenna support structure. *(amended by MC28-01-03 9/25/01)*

3.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the A-1 Agricultural 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 of Article 19.00:

- (A). Cemetery provided there is an area of 20 acres or more.
- (B). Pet cemetery provided there is a minimum area of two acres.
- (C). Wind energy conversion system in conformance with Article 12.02.
- (D). Off-premise signs in conformance with Article 17.00.
- (E). A building eligibility may be used within a farmstead provided: *(amended by MC28-02-04 3/23/04)*
 - 1) The building eligibility exists on property contiguous to and under the same ownership as the farmstead.
 - 2) There will be no more than two dwellings within the farmstead.
 - 3) The residential structure may be a single-family dwelling, manufactured home or mobile home.

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- (F). Greenhouses and nurseries provided there is no retail sale of products conducted on the premises.
- (G). A single-family dwelling located on a lot of record in accordance with the following: *(amended by MC28-02-04 3/23/04)*
- 1) A lot of record consisting of less than 80 acres and containing no other dwellings shall have one building eligibility.
 - 2). A lot of record consisting of 80 acres or more shall qualify for building eligibility as follows:
 - a). The acreage of the lot of record shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings shall represent building eligibility.
 - b). If there is more than one building eligibility, each additional building site shall be required to obtain a conditional use.
 - 3). Approval has been granted by the appropriate governing entity for access onto a public road.
 - 4). Any parcel conveyed from a lot of record must be a minimum of one acre. The remaining portion of the lot shall be retained as agricultural land or in its present use.
- (H). Concentrated Animal Feeding Operation (Class D) provided:
- 1) The operation shall either be located in a farmstead, or shall be separated from a dwelling, church, school or business by a minimum distance of 660 feet, a public park by a minimum distance of 1320 feet and a municipality by a minimum distance of 2640 feet.
 - 2). The operation shall meet the requirements of Table 1 in Section 12.10 (F) and Section 12.10 (G).
 - 3). The operation shall not be in the Water Source Protection Overlay District or a flood plain.
- (I). Concentrated animal feeding operation (existing) shall be allowed to expand provided: *(amended by MC28-05-056/28/05 and MC28-10-06 7/25/06)*
- 1). The operation is located in a farmstead or property contiguous to, and smaller than, the aforementioned farmstead.
 - 2). The operation shall not be located in the Water Source Protection Overlay District, over a mapped shallow aquifer area, or in a flood plain.
 - 3). The operation shall not exceed 1000 animal units.
 - 4). There is conformance with South Dakota Department of Environment and Natural Resources design standards for any newly constructed waste containment facility. A registered professional engineer shall certify the plan specifications and the construction of the facility.
 - 5). Approval by the Planning Director of a nutrient management plan which has been prepared in conformance with the South Dakota Department of Environment and Natural Resources standards.
 - 6). The operation shall meet the requirements of Table 1 in Section 12.10 (F) and Section 12.10 (G).
 - 7). All liquid waste generated by the additional animal units shall be injected.

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In the event of an extraordinary circumstance, surface application may be allowed in accordance with the provisions of Section 12.10 (E)(3). The Planning Director may approve the surface application of livestock production surplus water in accordance with Section 12.10 (E)(3).

- 8). The operation is not located within 2640 feet of a municipality.
 - 9). The expansion shall not exceed 500 animal units.
- (J). Telecommunication and broadcast tower in conformance with Article 12.12.
(*amended by MC28-01-03 9/25/01*)

3.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the A-1 Agricultural District if a conditional use has been obtained in conformance with the requirements of Article 19.00:

- (A). Rock, sand, or gravel extraction in conformance with Article 12.08.
- (B). Mineral exploration in conformance with Article 12.04.
- (C). Airport/heliport.
- (D). A single-family dwelling on a parcel which is not a lot of record provided:
 - 1). The deed to the land or the agreement to convey the parcel was recorded with the Register of Deeds prior to September 27, 1988.
 - 2). There are no other dwellings located on the parcel, except a parcel of 80 acres or more shall have building eligibility determined as follows:
 - a). The acreage of the parcel shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings on the parcel shall represent the building eligibility.
 - b). Each building site shall consist of a minimum of one acre.
 - 3). The building site shall not conflict with other existing or potential land use activities or the prevailing pattern of development.
 - 4). The soil conditions are acceptable for a building site.
 - 5). Approval has been granted by the appropriate governing entity for access onto a public road.
- (E). Group day care.
- (F). Private campground.
- (G). Garden center.
- (H). Kennel.
- (I). Stable.
- (J). Roadside stand.
- (K). Fireworks sales provided the length of sales does not exceed nine (9) days.
- (L). Golf course, golf driving range.
- (M). Recreation Facility. (*amended by MC28-14-10 4/24/10*)
- (N). Trap shoot, rifle range, pistol range.
- (O). Public facility owned and operated by a governmental entity.
- (P). Farmer's Market. (*amended by MC28-01-03 9/25/01 & MC28-14-10 4/24/10*)
- (Q). Bed and breakfast establishment.
- (R). Sanitary landfill, solid waste transfer station, rubble dump, commercial compost

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- site.
- (S). Sewage disposal pond.
 - (T). Livestock sales barn.
 - (U). Concentrated Animal Feeding Operation - New (Class A, B, or C).
 - (V). Electrical substation.
 - (W). Public utility facility.
 - (X). Agriculturally related operations involving the handling, storage and shipping of farm products.
 - (Y). The transfer of a building eligibility from one parcel to another parcel when all the following conditions are met: *(amended by MC28-02-04 3/23/04)*
 - 1). The transfer of building eligibility shall occur only between contiguous parcels under the same ownership. For purposes of this section, same ownership means: Two or more parcels of land owned or controlled by an individual or combination of individuals, corporations, partnerships, or other legal entities; with said owners described uniformly on the deed or other legally binding conveyance of each parcel. *(amended MC28-09-06 7/25/06)*
 - 2). Suitability as a building site based on the following factors:
 - a). Agricultural productivity of the soil.
 - b). Soil limitations.
 - c). Orientation of the building site(s) with respect to road circulation and access to public rights-of-way.
 - 3). The minimum lot size shall be one acre but a larger area may be required when soil conditions warrant.
 - 4). The parcel from which the eligibility is transferred shall continue as agricultural land or remain in its present use.
 - 5). Approval has been granted by the appropriate governing entity for access onto a public road.
 - (Z). Manufactured home in conformance with Article 12.06(C) if there is building eligibility on the parcel.
 - (AA). Major home occupation in conformance with Sections 12.0302 and 12.0303.
 - (BB). Facilities for the storage and distribution of anhydrous ammonia.
 - (CC). Animal Livestock Shelter. *(amended by MC28-14-10 4/24/10)*

3.05 ACCESSORY USES. Accessory uses and buildings permitted in the A-1 Agricultural District are buildings and uses customarily incident to any permitted use in the district.

3.06 PARKING REGULATIONS. All parking within the A-1 Agricultural District shall be regulated in conformance with the provisions of Article 15.00.

3.07 SIGN REGULATIONS. Signs within the A-1 Agricultural District shall be regulated in conformance with the provisions of Article 16.00.

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3.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The maximum height and minimum lot requirements within the A-1 Agricultural District shall be as follows:

(A). General Requirements:

Lot area.....	1 acre *
Lot width	125'
Front yard	30' **
Side yard	7'
Rear yard	30'
Maximum height	35' ***

- * Unless a larger lot size is required by the granting of a conditional use.
- ** The front yard on a major arterial street or section line road shall be 50 feet.
- *** There shall be no height limit for farm structures or wind energy conversion systems.

- (B). There shall be a required front yard on each street of a double frontage lot.
- (C). If a lot of record has less area or width than herein required and its boundary lines along the entire length abutted lands under other ownership on November 20, 1973, and have not since been changed, such parcel of land may be used for any use permitted in this district.
- (D). Buildings with side yard setbacks less than required herein may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.
- (E). Buildings may be located within the required front yard but no closer to the public right-of-way than a legal nonconforming building provided the building is no greater than 150 feet from the nonconforming building.