

**ARTICLE 15.00
ADDITIONAL USE REGULATIONS**

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15.01 FENCES. Regulations regarding fences shall be as follows:

- (a) Fences up to four feet in height may be located on any part of the lot except that such a fence may not be more than 30 percent solid if located within 30 feet of a street intersection, measuring along the property line.
- (b) Fences up to six feet in height may be erected on those parts of a lot that are as far back or farther back from the street than the main building.

EXCEPTIONS:

- (1) Fences up to six feet in height may be placed in the side-street-side front yard where:
 - a) The side-street-side front yard abuts an arterial street shown on the major street plan.
 - b) The side-street-side front yard is not adjacent to a side yard.
 - c) The fence is located no closer to the front yard than the rear wall of the main building.
 - d) No driveways exit on to the arterial street.
- (2) In the C, I-1 and I-2 zoning districts, fences not more than eight feet in height may be located on any part of a lot other than the required front yard except when such lot is adjacent to a residential district.

15.02 ADULT USES. In the development and execution of these regulations, it is recognized

that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

- (a) None of the following permitted uses may be established, operated or maintained within 1320 feet of a residence, a residential district, a public playground, a child welfare agency, a place of worship, a private or public school meeting all the requirements of the Compulsory Education Laws of the State of South Dakota, or a public recreation facility.
- (1) Adult bookstore and /or video/DVD store.
 - (2) Adult theater.
 - (3) Adult photo studio.
 - (4) Any use which has as a part of its operation adult entertainment or amusement including but not limited to, a restaurant or eating place, a bar, lounge or tavern.
 - (5) Any use intended to provide adult amusement or entertainment.
 - (6) Adult mini motion picture theater.
- (amended 8-18-08 by MC30-20-08)*
- (b) Not more than two of the following permitted uses may be established, operated or maintained within 1,000 feet of each other:
- (1) Adult bookstore and /or video/DVD store.
 - (2) Adult theater.
 - (3) Adult photo studio.
 - (4) Any use which has as a part of its operation adult entertainment or amusement including but not limited to, a restaurant or eating place, a bar, lounge or tavern.
 - (5) Any use intended to provide adult amusement or entertainment.
 - (6) A bar.
 - (7) A liquor store.
 - (8) Adult mini motion picture theater.
- (amended 8-18-08 by MC30-20-08)*
- (c) The 1,000 foot restriction provided for in 15.02(B) above may be waived and a conditional use permit issued upon proper application if the County and City find:
- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of these regulations will be observed.
 - (2) That the proposed use will not enlarge or encourage the development of a 'skid row' area.
 - (3) That all applicable regulations will be observed.
- (d) None of the uses listed in 15.02(a) may remain open at any time between the hours of 2:00 a.m. and 8:00 a.m. on Monday through Saturday and between the hours of 2:00 a.m. and 12:00 noon on Sunday.
- (amended 8-18-08 by MC30-20-08)*

15.03 WIND ENERGY CONVERSION SYSTEMS. The regulations regarding Wind Energy Conversion Systems (hereafter referred to as WECS) shall be as follows:

- (a) Limited Use. No WECS installed in accordance with the requirements of these regulations shall generate power as a commercial enterprise as defined by the Public Utility Commission.
- (b) Setback Requirements. The minimum distance between the property line, overhead utility lines or another wind turban, and any tower support base of a WECS shall be equal to the proposed tower height (plus the radius of the rotor for the horizontal access machines).

Contiguous property owners and planned developments may construct a WECS for their use in common. If property held by more than one single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted to the Planning Commissions for their approval.

- (c) Tower Access. Climbing access to the WECS tower shall be limited either by means of a fence six feet high around the tower base with a locking portal, or by limiting tower climbing apparatus so there is access to it no lower than 12 feet from the ground.
- (d) Electromagnetic Interference. If a WECS is installed in any location along or within the major access of an existing microwave communications link, the person desiring to install the WECS shall be required to provide a letter from the business whose link they are within or adjacent to stating that the business whose link is affected would have no objection to the installation of the WECS.
- (e) Air Space. A WECS shall be located or installed in compliance with the guidelines of the Federal Aviation Administration Regulations with regard to Airport Approach Zones and clearance around VOR stations.
- (f) Interconnect. The WECS, if interconnected to an electric utility distribution system, shall meet the interconnect requirements of the electric utility company.

15.04 HOME OCCUPATIONS. The regulations regarding home occupations shall be as follows:

- (a) The occupation must be conducted within a dwelling.
- (b) The occupation must be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes.
- (c) Only members of the immediate family residing on the premises may be employed by or participate in the home occupation.

- (d) The entrance to the space devoted to such occupation must be from within the building.
- (e) There shall be no display of products visible in any manner when viewed from outside the dwelling.
- (f) No advertising or display signs shall be permitted other than a name plate attached to the dwelling. The nameplate shall not be illuminated and shall not be more than two square feet in area. No off premise signs shall be used.
- (g) Such occupations shall not required substantial internal or external alterations or involve construction features not customary in a dwelling.
- (h) No merchandise, including samples, can be sold on the premises.
- (i) The occupation shall not generate more than four (4) visits per day from clients, customers and delivery vehicles. Delivery vehicles shall be limited to auto, pick up, or service truck.
- (j) The occupation shall not result in additional off-street parking spaces for clients or customers.
- (k) Toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials are prohibited.
- (l) No equipment or process shall be used in the occupation which creates, noise, vibration, glare, fumes, or odor detectable to the normal senses off the property.
- (m) No equipment or process shall be used in the occupation which creates visual or audible electrical interference in any radio or television receiver or causes fluctuation in line voltage off the property.
- (n) A zoning permit shall be secured for all home occupations in conformance with the procedure outlined in Article 23.00.

15.05 MINERAL EXPLORATION & DEVELOPMENT. The regulations regarding mineral exploration and development shall be as follows:

- (a) Exploration for minerals may be approved by conditional use permit only as long as the following minimum requirements are met:
 - (1) The applicant shall provide:
 - a) A description of the mineral or minerals which are the subject of the exploration.
 - b) Maps showing the general area within which the exploration operation will be conducted.
 - c) A detailed description of the regional environmental conditions, to include surface land use and vegetation, as well as a detailed description of the

area's geologic formations and hydrology from the best available scientific sources.

- d) Maps indicating the location of the drill sites to the nearest section of land, a technical description of the exploration process, the types of equipment to be used, and the estimated time table for each phase of work and for final completion of the program.
 - e) A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the proposed exploration.
 - f) A description of the proposed plan to address the identified environmental impacts to include all measures to be taken to prevent soil erosion, water contamination, air contamination, disruption of the areas ecological balance and any other related hazard to public health and safety.
 - g) A plan for reclamation of the land to its original condition after exploration is completed. Measures to be taken for surface reclamation shall take into account the impact on adjacent land uses and natural resources and the proposed future use of the lands explored and adjacent lands. The reclamation plans include :
 - reclamation schedule
 - methods of plugging drill holes
 - methods of severing and returning topsoil and subsoil.
 - methods of grading, backfilling and contouring of exploration sites and access roads
 - methods of waste management and disposal, including liquid and solid wastes
 - methods of revegetation
 - h) A surety performance bond in an amount to be determined by the City Council and Board of County Commissioners to assure that sufficient funds will be available to carry out required reclamation and, if necessary, decontamination of the affected ground and surface waters. The amount shall be set by the City Council and Board of County Commissioners based on an estimate of the cost of reclamation and decontamination. The bond shall be released five years after exploration has ceased unless the governing bodies find for good cause shown, that the water quality of the affected area has not been restored or the reclamation plan has not been completed. The amount of the surety bond may be reduced by the governing bodies, if a bond is held by the State of South Dakota for the same purpose, by the same amount of the latter bond.
- (2) The applicant shall identify specific phases when monitoring and inspection of the exploration activities shall be conducted by city, county, state, federal or independent personnel to assure compliance with all applicable rules and regulations. If a conditional use permit is granted, the permit shall identify such inspection agency and it shall be the responsibility of the applicant to notify said

agency when monitoring or inspection is required. The applicant shall bear the burden of the cost of the monitoring and inspection program as determined by the governing bodies.

- (3) A conditional use permit shall be issued only after all of the conditions specified herein have been met. Evidence of violation of the regulations, including but not limited to air and water contamination, shall be cause for an immediate cessation of exploration activities.
- (b) Mineral extraction and/or mining may be approved by conditional use permit only as long as the following minimum requirements are met:
 - (1) The Applicant shall provide:
 - a) A description of the mineral or minerals to be mined or milled.
 - b) Maps showing the area within which the mining or milling operations will be conducted.
 - c) A description of the surface land use and vegetation, as well as a description of the nature and depth of the top soil and subsoil.
 - d) An environmental assessment which establishes base line conditions for radioactive intoxicant materials and air, ground and surface waters, soils, vegetation and animals.
 - e) A description of the overburden, mineral seams, and other geologic formations, their conductivities and hydraulic gradients, known to exist above the deepest projected depth of the mining operation.
 - f) A description of the hydrology to the deepest projected depth of the mining operation, including mapping of the depth, water table level, extent, and flow characteristics of ground water and aquifers for the hydrologic regime of the ground water and drainage basins affected by the mining or milling operation.
 - g) A technical description of the mining or milling, types of equipment to be used, detailed site plan of all anticipated construction, an estimated timetable for each phase of work and for final completion of the program, a statement of source, quality, and quantity of water to be used in the mining or milling operations, as well as the chemical and radioactive characteristics of all mined or milled products, waste products, and emissions to the environment.
 - h) A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the mining or milling operations.
 - i) A description of the proposed plan to address the identified environmental impacts to include:
 - methods of separating the topsoil, subsoil, and soil piles, protecting them from erosion before reclamation begins, and keeping the topsoil free from acid or toxic materials

- plan for insuring that acid forming or toxic materials constituting a hazard uncovered or created during mining or milling are promptly treated in a manner to prevent water and air contamination
 - measures to maintain the quantity and quality of ground and surface water, hydrologic balance, productivity of farmland, and soil and water recharge capacity
 - procedures to prevent water and air contamination through radioactive or toxic seepage of runoff from tailings, ponds, mine wastes, mine dewatering discharge, or other mining and milling related operations.
- j) A plan for the reclamation of the land after mining is completed. Measures to be taken for surface reclamation shall take into account the impact on adjacent land uses and natural resources, and the proposed future use of the lands mined and adjacent lands, and shall include:
- a reclamation schedule
 - methods of grading, backfilling and contouring of disturbed areas and access roads.
 - methods of waste management and disposal, including liquid and solid wastes
 - methods of revegetation.
- k) A surety performance bond in an amount to be determined by the City Council and Board of County Commissioners to assure that sufficient funds will be available to carry out required reclamation and, if necessary, decontamination of affected ground and surface waters. The amount shall be set by the City Council and Board of County Commissioners based on an estimate of the cost of reclamation and decontamination. The bond shall be released five years after mining and milling has ceased unless the governing bodies find, for good cause shown, that the water quality of the affected area has not been restored or the reclamation plan has not been completed. The amount of the bond may be reduced by the Commissioners if a bond is held by the State of South Dakota for the same purpose, by the same amount of the latter bond.
- (2) The applicant shall identify specific phases when monitoring and inspection of the mining and milling process shall be conducted by city, county, state, federal or independent personnel to assure compliance with all applicable rules and regulations. If the conditional use permit is granted, the permit shall identify the inspection agency and it shall be the responsibility of the applicant to notify said agency when monitoring or inspection is required. The applicant shall bear the burden of the cost of the monitoring and inspection program as determined by the

governing bodies.

- (3) A conditional use permit shall be issued only after all conditions specified therein have been met. Evidence of violation of the regulations, including but not limited to air and water contamination, shall be cause for an immediate cessation of the mining and milling.
- (c) Solution mining and/or in situ mining of an ore body with the circulation of chemicals through injection and recovery wells for minerals is prohibited.

15.06 MOBILE HOMES/MANUFACTURED HOMES. Regulations regarding mobile homes and manufactured homes shall be as follows:

- (a) A park intended for the placement of mobile homes and manufactured homes on rented lots and where the roads are not publicly dedicated shall meet the following minimum standards:
 - (1) A plan shall be prepared showing the layout of the park, including lot lines and road system. Upon approval of the conditional use permit for the park, the plan shall be filed in the County Planning Department and govern all future development.
 - (2) Each lot shall have a minimum size required for the zoning district in which the park is located. However, a smaller lot size may be approved as part of the conditional use permit.
 - (3) No dwelling or any structure, addition, or appurtenance thereto shall be located less than the minimum setback required by the district in which the park is located. The setback requirements may be changed as part of the approval of the conditional use permit.
 - (4) Each lot shall abut or face a clear unoccupied space, roadway, or street having a width of at least 34 feet where parking is permitted on both sides, 27 feet in width where parking is restricted to one side only and 24 feet wide where parking is prohibited, or be connected to such street or roadway by a private driveway not less than 12 feet in width, serving no more than four lots. A hard surfaced material shall be used on all roadways except in the RR District, in which case gravel may be used.
 - (5) The park shall be a minimum of 10 acres in size.
- (b) A subdivision for manufactured homes shall be required to meet the subdivision regulations and the density, area and yard requirements for the district in which it is located. The subdivision shall be a minimum of 10 acres in size.
- (c) A conditional use application for a manufactured home, when located outside a park or subdivision, will be judged on the compatibility of the structure compared to neighboring dwelling units, including, but not limited to, width; length; area; number of stories; siding and roofing materials; roof style and pitch; and condition. In no instance shall the minimum width of the structure, exclusive of overhangs, be less than 22 feet.

- (d) Manufactured homes and mobile homes existing prior to the effective date of adoption of these regulations may be replaced with another such structure by making application for a conditional use permit. The compatibility of the replacement dwelling with neighboring dwellings shall be considered in reviewing the conditional use request.
- (e) A mobile home or manufactured home may be located on land owned by the residents during the construction of a dwelling thereon, and must be removed upon completion of the dwelling or after one year, whichever occurs first.
- (f) All mobile homes and manufactured homes as defined in Article 24.00 must be located in conformance with these requirements.

15.07 ACCESSORY BUILDING AND USES. The regulations regarding accessory buildings and uses shall be as follows:

- (a) Limited Use. Accessory buildings and uses are buildings and uses customarily incident to any of the permitted uses in the district in which it is located. In the A-1, RR, RS, RD, and RA districts, accessory buildings and uses are limited to:
 - (1) A noncommercial greenhouse that does not exceed in floor area 25 percent of the ground floor area on the main building.
 - (2) A private residential structure used only for the storage of noncommercial vehicles and other related material.
 - (3) Tennis court, swimming pool, garden house, pergola, ornamental gate, barbeque oven, fireplace, and similar uses customarily accessory to residential uses.
 - (4) Home occupation in conformance with Section 15.04.
 - (5) Temporary storage and distribution of seed and similar type products provided the use is located within a farmstead, the product is stored within a completely enclosed building typical of farm buildings and the use is limited to the seasonal sale of products from the premises.
- (b) Time of Construction. No accessory buildings shall be constructed upon a lot until the construction of a main building has been actually commenced, and no accessory buildings shall be used unless the main building on the lot is also being used.
- (c) Setback Requirements.
 - (1) Accessory buildings which are attached to or located within 10 feet of the main building shall be considered a part of the main building and shall comply with the same yard requirements as the main building.
 - (2) Accessory buildings not a part of the main building, when located in the required rear yard, shall be no closer than three feet to the side and rear property lines.
- (d) Location of Accessory Buildings. Accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:
 - (1) In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use permit has been approved.
 - (2) In all Residential Districts, the total area of accessory buildings shall not exceed

- 1200 square feet unless a conditional use permit has been approved.
- (3) In a Planned Development District, the total area of accessory buildings shall not exceed 1200 square feet unless a minor amendment has been approved.

15.08 SALVAGE OPERATION OR JUNKYARD

A business may be operated within a permanent building which complies with the adopted building code, or in a yard enclosed by a solid fence, which must totally screen the salvage material from view from outside the property. The fence must extend from grade level to a height equaling the maximum height to which fences may be built under Chapter 15.01 of this Code for the district where the property is located. *(amended by MC30-15-07 07-18-07)*

15.09 SOLAR ENERGY CONVERSION SYSTEM. *(amended by MC30-34-14 on 7-28-14)*

The regulations regarding commercial Solar Energy Conversion Systems (hereafter referred to as SECS) shall be as follows:

- 1) Intent
 - a) The intent of regulations for Solar Energy Conversion Systems is to encourage the development of alternative sources of energy while protecting the health, safety and welfare of the public.
- 2) SECS Standards. The following standards apply to Commercial SECS:
 - a) Commercial SECS shall be permitted only on lands zoned A-1 Agricultural, C-Commercial, I-1 or 1-2 Industrial, or RC Recreation/Conservation with the issuance of a conditional use permit.
 - b) Signs. No advertising signs or logos shall be permitted on the SECS. One (1) project identification sign, not to exceed twenty (25) square feet, shall be allowed.
 - c) An interconnection agreement must be completed with an electric utility.
 - d) Public Roads. The permittee shall obtain all locally required road permits for construction. Prior to commencement of construction, the permittees shall identify all state, county or township "haul roads" that will be used for the SECS project and shall notify the governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the SECS. Where practical all-weather roads shall be used to deliver all other heavy components to and from the SECS site.

The permittees shall, prior to the use of approved haul roads, make satisfactory arrangements with the appropriate governmental body having jurisdiction over approved haul roads for construction of the SECS for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and

components. The permittees shall notify the County Planning Department of such arrangements.

- e) Private Roads. The permittee shall promptly repair private roads, easements or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.
- f) Dust Control. The permittees shall utilize all reasonable measures and practices of construction to control dust.

- g) Stormwater Pollution Prevention Plan (SWPPP) and Soil Erosion and Sediment Control Plan.

The permittees shall develop a SWPPP and Soil Erosion and Sediment Control Plan prior to construction and submit the plan to the County Planning Department. The SWPPP and Soil Erosion and Sediment Control Plan shall address the erosion control measures for each project phase, and shall at a minimum identify plans for grading, construction and drainage of roads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive revegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material.

- h) Other standards and codes. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards for solar energy systems.

Standards i through k must be provided as part of a complete Conditional Use Permit Application

- i) Application Contents. Every application for a commercial SECS permit shall include the following information:
 - i) Name and address of the applicant.
 - ii) Evidence that the applicant is the owner of the property involved or has written permission of the owner to make such application.
 - iii) Site Plan. A plot and development plan drawn in sufficient detail to clearly describe the following:
 - (1) Physical dimensions and locations of the property, existing structures, and proposed structures.
 - (2) Location of electrical lines and facilities.
 - (3) Existing topography.

- (4) Proposed grading and removal of natural vegetation.
- (5) Setbacks.
- iv) General information on the typical type, size, height, rated power output, performance, and safety, of each SECS model, and electrical transmission equipment.
- v) A location map to scale of all occupied structures within ½ mile of the boundary of the property upon which the SECS is to be located.
- vi) An application including any SECS which is located within a 100-year flood plain area, as such flood hazard areas are shown on the maps designated by FEMA, shall be accompanied by a Flood Plain Development Permit.
- vii) Project schedule with anticipated construction date and completion date.
- viii) A Staging Area Plan depicting properties where materials and construction equipment will be stored during the installation process.
- j) If the Planning Director determines it is necessary, the application shall be accompanied by a photograph or detailed drawing of each model of SECS; and one or more detailed computer or photographic simulation drawing showing the site fully developed with all proposed SECS and accessory structures. Such additional information as shall be required by the Planning Director.
- k) Decommissioning/Restoration/Abandonment
 - i) Decommission Plan. Within 120 days of completion of construction, the permittees shall submit to the County Planning Department a decommissioning plan describing the manner in which the permittees anticipate decommissioning the project in accordance with the requirements of paragraph (b) below. The plan shall include a description of the manner in which the permittees will ensure that it has the financial capability to carry out the restoration requirements when they go into effect. The permittee of the SECS shall ensure that it carries out its obligation to provide the resources necessary to fulfill these requirements. The County Planning Department may at any time request the permittee of the SECS to file a report with the County Planning Department describing how the permittee is fulfilling this obligation. A Commercial SECS shall be deemed inoperable if it has not generated power for 12 consecutive months.
 - ii) Site Restoration. Upon expiration of this permit, or upon earlier termination of operation of the SECS, the permittee shall have the obligation to dismantle and remove from the site all electrical generating equipment, overhead and underground cables, foundations, buildings and ancillary equipment to a depth of four feet. To the extent possible, the permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no

removal shall be recorded with the County Planning Department and shall show the locations of all such foundations. All such agreements between permittee and the affected landowner shall be submitted to the County Planning Department prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition with eighteen (18) months after expiration.

- iii) Providing Surety. The Planning Director shall decide if it is prudent to include provisions that ensure financial resources will be available for decommissioning. This may include establishing an escrow account into which the project developer/ permittee will deposit funds on a regular basis over the life of the project. The unit of government shall then have access to the escrow account for the explicit purpose of decommission. Financial provisions shall not be so onerous as to make SECS projects unfeasible.

3) Application Review

- a) Conditional Use Permit. A conditional use permit is required for a Commercial SECS
- b) Technical Issues and Expert Review.

Solar Energy Conversion Systems may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Planning Director may require the applicant to pay reasonable costs of a third- party technical study of a proposed facility. Selection of expert(s) to review the proposal will be in the sole discretion of the County.

- c) Building Permit. Conditional Use Permit approval of Solar Energy Conversion Systems is separate from the building permit process. Building permits for the construction of facilities cannot be issued until the facility is approved through the conditional use permit process.

15.10 INTERSECTION SAFETY ZONE *(amended by MC30-15-07 07-18-07)*

- (A). There shall be no obstructions, such as buildings structures, grain bins, baled agricultural products, farm machinery, vehicles or other objects, not including vegetation, within fifty (50) feet from a State, County, or section line highway right-of-way or thirty (30) feet from a platted right-of-way.
- (B). Intersection Safety Zone Requirements
 - 1) At every intersection of two roads or a road and a railroad right-of-way, there shall be an intersection safety zone triangle. Within the triangle, no obstructions such as structures, parking or vegetation shall be allowed between two and one half (2.5) feet and ten (10) feet above the elevation of the roadway. Agricultural crops, such as corn, are exempt from this regulation. Fences shall conform to Section 12.01 of this ordinance.
 - 2) Such intersection safety zone triangles shall be formed by the intersection centerlines and a line connecting points on the centerlines of the intersection roads or railroad right-of-way one hundred (100) feet distant from the

intersecting centerlines

15.11 ADDITIONAL YARD REGULATIONS.

- (a) Number of Main Buildings on Tract. No more than one main building shall be located on a tract or lot when used for residential purposes. When a tract or lot is used for commercial purposes, more than one main building may be located on the tract or lot provided such buildings conform to all yard requirements around the lot for the district in which the tract or lot is located.
- (b) Adjustments to Front Yard Requirements. Where, on the effective date of these regulations, 40 percent or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:
 - (1) Where the building further most from the street provides a front yard not more than 10 feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
 - (2) Where this (1) is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
 - (3) Where neither (1) or (2) is the case, and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
- (c) Adjustment to Side Yard Requirements. Buildings with side yard setbacks less than required by this ordinance, may have additions erected in line with the existing building and provided further that said addition will be erected no closer to the lot line than the existing building.
- (d) Projections From Buildings. Every part of any required yard shall be open to the sky and unobstructed except:
 - (1) Eaves may project into a front or rear yard thirty-six (36) inches, exclusive of gutters;
 - (2) Eaves may project into a side yard twenty-four (24) inches, exclusive of gutters;
 - (3) Ordinary projection of sills, belt courses, cornices, vertical solar screen, and ornamental features which may project twelve (12) inches;
 - (4) Air conditioners, not to exceed five (5) ton unit or parts thereof, may project into a required side yard, provided that such projections shall be distant at least three (3) feet from the adjacent lot line and shall not extend more than three (3) feet from the building. Such air conditioners may project into a required front yard, but shall not extend more than three (3) feet from the building, and such air conditioner may extend into one side of a corner lot;
 - (5) Solar collectors which are a part of the main building may extend into a required rear yard for a distance not to exceed ten (10) feet.
- (e) Porches and Terraces in Front Yards. An open, unenclosed porch may project into a required front yard for a distance not exceeding ten (10) feet. Balconies and paved

terraces may project into a required front yard for a distance not exceeding six (6) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed four (4) feet.

- (f) Projection of Terraces, Porches, Platforms, and Ornamental Features. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side or rear yard, provided these projections be distanced at least three (3) feet from the adjacent side lot line.

15.12 ADDITIONAL HEIGHT REGULATIONS.

- (a) Exceptions. The height regulations established in these regulations shall not be applied to:
- (1) Flag poles, domestic television antennas, church spires, chimneys or water towers, except when such structures shall be located in the airport approach zones.
 - (2) Mechanical appurtenances and elevator penthouses which are located on top of a building shall not exceed 12 feet in height above the maximum permitted in the district in which they are located.
 - (3) The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.
 - (4) Broadcast towers are exempt from the maximum height restrictions of this ordinance.

15.13 AIRPORT APPROACH ZONES.

- (a) Approach Zone:
- (1) Within the air space above the approach zone to each end of a runway designed to be used for instrument landings, no building, structure or growth shall be erected, altered or permitted to project above a plane with a slope of one (vertical) to fifty (horizontal) projected from a point 200 feet beyond the end of a runway for a distance of 10,000 feet, said plane to be in the shape of symmetrical trapezoid 1,000 feet in width at its lowest point and 4,000 feet in width at its highest point; combined with a second plane with a slope of one (vertical) to forty (horizontal) extending from the upper edge of the first plane for an additional distance of 40,000 feet, said plane to be in the shape of a symmetrical trapezoid 4,000 feet in width at its lowest point and 16,000 feet in width at its highest point.
 - (2) Within the air space above the approach zone to each end of a runway not designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of one (vertical) to forty (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, said plane to be a symmetrical trapezoid (*) feet wide at its lowest point and (*) feet wide at its highest point.

- (b) Transition Zones. Within the established transition zones adjacent to each instrument and non-instrument runway and approach zone, no building, structure or growth shall be erected, altered or permitted to project above a plane with a slope of one (vertical) to seven (horizontal). Transition zones extend outward and upward from a line (*) feet on either side of the center line of non-instrument runways for the length of such runway plus 200 feet on each end; to a height 150 feet above the elevation of the airport reference point. In addition, transition zones are established adjacent to both instrument and non-instrument approach zones which flare outward and upward symmetrically along the entire length of each approach zone to where they intercept to the surfaces of the horizontal and conical zones.
- (c) Conical Zone. Within (*) feet from the established airport reference point, no building or structure shall be erected or altered to project above a horizontal plane 150 feet above the established airport elevation. This horizontal zone does not include the approach or transition zones.

Within the conical zone, which commences at the periphery of the horizontal zone and extends outward there from a distance of (*) feet, no building or structure shall be erected or altered to project above a plane with a slope of one (vertical) to twenty (horizontal).

Exception: Nothing in this subparagraph shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to twenty feet above the surface of the land.

(*) The applicable distance in feet must be based on runway length as set forth in Section 77.27 of Part 77 of the Federal Aviation Regulations.

15.14 ROCK, SAND AND GRAVEL EXTRACTION

- (a) Intent. This section addresses the application, review and regulation of extraction and on-site processing of rock, sand and gravel. An applicant must meet certain requirements as specified in Subsection C when filing for a conditional use permit in addition to the general requirements contained in other sections of the zoning regulations.

The developmental and operational criteria contained in Subsection G are intended to assist in the formulation of conditions to be imposed on individual extraction operations. The criteria have been designed to eliminate potential health risks and minimize the adverse impact on other land uses due to extraction operations.

The County and City will have the discretion of requiring more or less stringent conditions based upon the location of a proposed operation. It is also recognized that such operations will not be appropriate throughout all areas of the joint zoning jurisdiction. *(amended by MC30-04-03)*

- (b) Submission of Application. The application for rock, sand or gravel extraction shall be filed with the Office of Planning and Zoning on the prescribed conditional use form at

least 30 days in advance of a regularly scheduled joint meeting of the Planning Commissions.

- (c) Application. The conditional use application shall be accompanied by the following:
- (1) Maps showing the area within which the extraction operations will be conducted, including areas to be disturbed, setbacks from property lines, and the location of all structures, equipment and access and haul roads.
 - (2) A description of the surface land use and vegetation, including all pertinent physical characteristics.
 - (3) A hydrologic study which shall include all available information from the State Geological Survey and other information pertinent to the application. If the applicant believes a study is not warranted, documentation shall accompany the application in support of this position.
 - (4) A reclamation plan which takes into consideration the criteria listed in Subsection G - reclamation.
 - (5) The applicant shall meet with the township supervisors of the affected township to discuss repair and maintenance responsibilities on township roads to be used as haul routes. A summary of the meeting(s) shall be presented with the application.
- (d) Fee. If a conditional use permit is granted, the operator shall pay to the County an annual fee of \$10 per acre of land which is being disturbed by the extraction activities and has not been reclaimed. The fee shall be used to defray the direct and indirect costs associated with general administration and enforcement of this section. The fee shall be payable by January 20th of each year and deposited in the general fund of the County. The disturbed land area existing on January 1 of each year shall be used in calculating the fee.
- (e) Notification Requirements. In addition to the notification requirements of Article 19.00, the Planning Director shall notify by U.S. mail all property owners of record within one mile of the proposed conditional use area or the owners of the thirty properties nearest to the affected property, whichever affects the least number of owners, of the time, date, place and purpose of the public hearing. The notice shall be mailed not less than 15 days prior to the public hearing.
- (f) [Reserved].
- (g) Developmental and Operational Criteria.. The following criteria shall be considered in developing conditions for applications involving rock, sand and gravel extractions. More stringent requirements may be imposed by the County and City or the applicant may present arguments to relax the requirements based on specific characteristics of the site.
- (1) Buffer Area.
 - a) A minimum distance of 1000 feet should be maintained between an existing residence and a rock, sand or gravel operation, except in those instances when the operator secures a waiver from the affected landowner.

- (2) Hours of Operation.
- c) Monday thru Friday - 7:00 A.M. to 6:00 P.M., Saturday - 8:00 A.M. to 12:00 noon. Operations should not be conducted on legal holidays. Activities such as office or maintenance operations which produce no noise off-site should not be restricted by the hours of operation.
 - b) Blasting should be scheduled on weekdays at 12:00 noon. There should be no blasting on legal holidays. Area residents should be notified of the date and time of each blast.
- (3) Visual Considerations.
- a) Earth berms and vegetation should be employed to minimize visual impacts and reduce the effects of noise.
 - b) The need for and placement of berms should be determined by the orientation and position of the excavation site with respect to residences and roadways. Berms should be located in such a way as to restrict the public's view of the property. Consideration should be given to placing the berms as close to the public point of view as practical. Generally, berms should be six feet in height and seeded immediately after construction to avoid soil erosion. Berms should be maintained and kept reasonably free of weeds.
 - c) The operator should work with the County Conservation District and County Planning Director to develop a planting program. Consideration should be given to planting one or more of the following: evergreen, Russian olive, ash, caragana, crab apple, lilac and buffalo berry. The plants should be properly cared for to ensure the highest survival rate and all dead plants replaced during the current planting season. As a minimum, the program should include trees of varying maturity. The planting program should be reduced to writing and kept on file in the County Planning Department.
 - d) At a minimum, berms should be constructed prior to blasting or the extraction of rock, sand or gravel.
- (4) Blasting.
- a) Ground vibration and over pressure (air blast) should be monitored for each blast and not exceed guidelines established by the U. S. Bureau of Mines.
- (5) Noise.
- The noise level produced from rock, sand and gravel operations should not exceed an average of 55 decibels recorded over a 10 minute period measured at the nearest existing residence to the extraction operation. Off-site activities which contribute to background noise levels should be taken into consideration when monitoring an operation. Blasting should not be recorded as part of the noise level.
- (6) Air Quality.

- a) Air quality monitoring should be conducted at the operator's expense when conditions warrant.
 - b) Ambient air quality: total suspended particulate matter - 150 micrograms per cubic meter of air as a 24-hour average not to be exceeded more than once per year, and 60 micrograms per cubic meter of air as an arithmetic mean; PM¹⁰ (10 micrometers or less in size) consistent with the regulations of the State of South Dakota.
 - c) Employ techniques that minimize the release of particulate matter created by material stockpiles, vehicular movement and process operations.
 - d) Dust control agents should be applied to township gravel roads designated as haul routes and all driving surfaces within the extraction area.
- (7) Hydrology, Dewatering and Drainage.
- a) Existing wells should be monitored at the operator's expense to document changes in hydrologic conditions around extraction sites.
 - b) Dewatering of the extraction site should not result in downstream flooding.
 - c) Berms should not interrupt the natural drainage of the area, unless such diversion is part of an approved drainage control system.
- (8) Haul Roads.
- a) In order to minimize the negative impact of truck traffic on area residents, extraction operations should be located on or near existing hard surfaced roads. Consideration should be given to the number of residents located along gravel surfaced roads intended for use as haul roads.
 - b) Identify repair and maintenance responsibilities through a haul road agreement.
 - c) Consider the potential impact on County highways to be used as haul routes.
- (9) Operator Surety.
- a) A surety performance bond may be required in an amount to be determined by the Planning Commissions to assure that sufficient funds will be available to protect the County and City in the event the operator abandons a site without completing the conditions imposed by the conditional use permit, including reclamation, fulfillment of the agreement with the township concerning repair of designated haul roads and, if necessary, decontamination of affected ground and surface waters. In lieu of the required surety, the operator may deposit cash with the County in the amount equal to the required surety.
- (10) Reclamation.
- a) The type and extent of reclamation should be based on the type of material extracted on the intended post-mining land use, but in all cases the reclamation procedures should result in the rehabilitation of affected land through contouring and soil stabilization, revegetation and other

appropriate means so as to create the least amount of unsightliness and most appropriate future use of the reclaimed area. Bodies of water may be incorporated into an acceptable reclamation plan.

- b) Provide maps, including cross sections, showing the existing natural topography and anticipated topographic conditions upon completion of reclamation.
- c) Grading should achieve a contour that is most beneficial to the proposed future land use. All berms should be removed where sand and gravel operations were conducted. In most cases involving quarry operations, the berms should remain in place unless their removal would serve a more useful purpose.
- d) Topsoil should remain on site and be used during reclamation.
- e) A seeding and revegetation plan should be developed for the affected area in consultation with the County Conservation District.
- f) All required reclamation activities should be completed and a compliance inspection performed by the County Planning Director prior to the release of the surety.

(11) Additional Considerations.

The maximum height of a bench in a quarry should be 30 feet.

The property should be secured during non-working hours by means of gates and fencing. The property should continue to be secured until all required reclamation activities have been completed.

15.15 TELECOMMUNICATIONS TOWERS, ANTENNA SUPPORT STRUCTURES AND WIRELESS COMMUNICATIONS FACILITIES.

- (a) Intent. Regulations regarding development of telecommunications towers, antenna support structures and wireless communications facilities are intended to encourage the development of a competitive wireless communications marketplace while protecting the health, safety, and welfare of the public and maintaining the aesthetic integrity of the community. The regulations cover the placement, construction, and modification of telecommunications towers, antenna support structures and wireless communications facilities. The specific intent of this section is:
 - (1) To regulate the location of telecommunications towers, antenna support structures and wireless communications facilities;
 - (2) To protect residential areas and land uses from potential adverse impact of telecommunications towers, antenna support structures and wireless communications facilities;
 - (3) To minimize adverse visual impact of telecommunications towers, antenna support structures and wireless communications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
 - (4) To promote and encourage shared use/co-location of telecommunications towers, antenna support structures and wireless communications facilities;
 - (5) To avoid potential damage to property caused by telecommunications towers, antenna support structure and wireless communications facilities by insuring that

- such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
- (6) To insure that telecommunications towers, antenna support structures and wireless communications facilities are compatible with surrounding land uses;
 - (7) To facilitate the provision of wireless communications services to residents and businesses in an orderly fashion;
 - (8) To promote the location of telecommunications towers in non-residential areas.
- (b) Application Required. The following item must be satisfactorily addressed in a formal application to obtain a building permit at any given location in any zoning district:
- (1) Compliance with all applicable building codes, Federal Aviation Administration Regulations and Section 15.13, Airport Approach Zones.
- (c) Location/Setbacks.
- (1) Where a telecommunications tower is located within 300 feet of any residential zoning district, existing residential use except a farmstead, or future residential area designated on the adopted Land Use Plan, the minimum distance from the telecommunications tower base to the nearest existing residential structure or building setback line is not less than the proposed height of the tower.
 - (2) Where a telecommunications tower is required to meet Federal Aviation Administration paint and/or lighting regulations, the distance between the telecommunications tower and any residential zoning district or use, or any Recreation/Conservation District, shall not be less than one-half mile.
- (d) Design Character.
- (1) Telecommunications towers and antenna support structure design shall use materials, colors, textures, screening and landscaping that create compatibility with the natural setting and surrounding structures.
 - (2) Telecommunications towers shall be protected from corrosion or rusting, and if painted, be a neutral color, unless otherwise required by the Federal Aviation Administration.
- (e) Stealth. Telecommunications towers in any non-residential district where located within 300 feet of a residential zoning district or existing residential use except a farmstead, shall be monopole design.
- (f) Interference With Public Safety Radio Services. In order to insure that public safety radio services will be free from harmful or destructive interference, any applicant requesting a permit to site a telecommunications tower, antenna support structure or wireless communications facility shall provide documented Federal Communications Commission approval prior to permit issuance.
- (g) Illumination. Telecommunications towers shall not be artificially lighted except as required by the Federal Aviation Administration.

(h) Maintenance.

- (1) All telecommunications towers, antenna support structures and wireless communications facilities shall be maintained in good condition, order, and repair so that they shall not endanger the life or property of any person.
- (2) Telecommunications towers, antenna support structures and wireless communications facilities shall be maintained in compliance with Electronic Industries Association/Telecommunications Industries Association Standard EIA/TIA 222 (latest revision), all applicable laws, and so as not to interfere with the use of other property. Upon the County Planning Director's determination that a tower structure is a hazard to public safety, the owner shall be required to perform an inspection by a registered professional engineer and make all recommended corrections.
- (3) All maintenance or construction on telecommunications towers, antenna support structures and wireless communications facilities shall be performed by persons employed by, or under contract to the owner.
- (4) If an owner discontinues use of a telecommunications tower, or if an owner files notice with the Federal Communications Commission of its intent to cease operating the tower, the owner shall give written notice to the County Planning Director of the date of such discontinuance.

(i) Abandonment.

- (1) If the County receives notice of discontinuance, or if any telecommunications tower is not used for 365 consecutive days, the owner may be notified that a determination of abandonment has been made. If, within 30 days of receipt of notice, the owner fails to show that the tower has been in use or under repair during the period, the County Planning Director may determine that the site has been abandoned.
- (2) Within 75 days of notice of such determination of abandonment, the owner shall remove the tower from the site. If an owner fails to do so, the County may remove the tower and recover the cost from the owner.

- (j) Where a conditional use permit is required for approval of telecommunications towers and antenna support structures, the following will be considered: *(amended 08/17/09 by MC 30-02)*

(1) Design Character.

- (a) Telecommunications towers, antenna support structures and equipment buildings shall be compatible with the architectural style of the surrounding built environment, considering exterior materials, roof form, scale, mass, color, texture and character. Equipment buildings may be located underground where feasible. To prevent undue concentration of telecommunications towers, consideration should be given to co-location as a first alternative.
- (b) Wireless communications facilities on new telecommunications tower structures, antenna support structures, or co-located on existing telecommunications towers shall minimize visual impact.

(2) Screening.

- (a) A telecommunications tower site and tower base adjacent to residential property, except when located in a farmstead, shall be provided with a fence, wall, berm, or shrubbery of sufficient height and of a character necessary to provide adequate visual screening. Where the adjacent property is across public right-of-way from a telecommunications tower site, screening shall be provided in all cases except when the right-of-way is an arterial street.
- (b) Existing vegetation and grades on the site shall be preserved as much as possible. Natural growth around the property perimeter on large, wooded lots may be considered a sufficient buffer to telecommunications towers. In locations where the visual impact of the telecommunications tower would be minimal, the screening requirement may be reduced or waived.

- (3) Fencing. Adjacent to a residentially used or zoned property, natural materials shall be used for fence screening. If chain-link fencing is needed for safety and security, additional landscape screening shall be required outside the chain-link fence to screen public view of the telecommunications tower site.

15.15-1 BROADCAST TOWER.

- (a) Location of the tower shall be done with consideration for public safety in the event that the tower would fall and to minimize adverse visual impact of broadcast towers through careful design, siting, and screening. Care should be taken to avoid interference with any similar broadcast use and in no event shall such tower be located in any airport approach zone. The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb. *(amended 08/17/09 by MC 30-02)*

15.16 TEMPORARY USES

- (a) Intent. The requirements of this section are intended to provide for the regulation and permitting of uses and associated improvements on private property which are not so recurring in nature as to constitute a permanent use. These requirements are not intended to regulate temporary uses on public property, including public rights-of-way.
- (b) Permit Required. No person shall operate a temporary use without first obtaining a permit therefor from the County Planning Department as prescribed in this section. If an objection is filed pursuant to Section 15.16 (F) or if the County Planning Department determines that a hearing should be held due to the scope of the proposed use, the temporary use application shall be referred to the Planning Commissions for action. A date for public hearing shall be set at which time the County and City Planning Commissions shall meet jointly to consider the application. At the joint meeting, the Planning Commissions shall decide by a vote of each body whether to grant the temporary use permit. When the Planning Commissions are not in agreement, the application shall be considered denied.

- (c) Applications.
- (1) Submission deadline. All applications for a temporary use permit shall be made to the County Planning Department at least 60 days prior to the proposed commencement date of the use, provided a lesser time may be allowed consistent with the requirements of this section.
 - (2) Temporary use plan. All temporary uses shall be subject to approval of a temporary use plan. The plan shall describe the nature and location of all temporary improvements and activities, the location of any permanent buildings intended to be used, the time period for which the temporary use permit is requested, and such other information in sufficient detail as the County Planning Department determines is reasonably necessary to adequately review the application and to ensure the use will be conducted in a manner consistent with the requirements of this section.
- (d) Fee. A fee of \$250 shall accompany the application for a temporary use permit. (*amended by MC30-08-05*)
- (e) Standards for Review. The following standards shall be used in determining the suitability and compatibility of a temporary use:
- (1) The temporary use will have no adverse effect on nearby properties or jeopardize public health, safety, and general welfare.
 - (2) The temporary use will not create hazardous traffic conditions or result in traffic in excess of the capacity of the roads serving the use.
 - (3) The site is adequate to accommodate the proposed use, including the provision for on and off site parking.
 - (4) Adequate sanitation facilities will be available on the site.
 - (5) The time period and hours of operation for the temporary use are clearly specified.
 - (6) Provision is made for the removal, clean-up, and restoration of the site.
 - (7) The temporary use will not adversely impact the natural environment.
 - (8) The site is suitable for the proposed temporary use, considering flood hazard, drainage, soils, and other conditions which may constitute a danger to life, health or property.
 - (9) All temporary improvements and any permanent structures proposed to be used will comply with all applicable provisions of the county's building code.
- (f) Notice. The County Planning Department shall send written notice of the temporary use permit application to the owners of all property located within 600 feet of the property involved. Written notice shall also be sent to the Sioux Falls Planning Department. Such notice shall be sent at least 14 days before the County Planning Department makes its determination on the temporary use permit. If any property owner so notified files a written objection prior to the time the County Planning Department makes its determination regarding the application, the application shall be referred to the Planning Commissions for action.
- (g) Conditions of Approval. Reasonable conditions may be required in connection with the approval of any temporary use permit which are deemed necessary to protect the public

health, safety and welfare and the social and economic well being of those who will use the temporary use, residents and landowners immediately adjacent to the proposed use, and the community as a whole. Any condition imposed must be clearly specified in writing on the temporary use permit.

- (h) Appeal of Planning Department or Planning Commission Decision. Any person aggrieved by an action of the County Planning Department in granting, denying, revoking, or suspending a temporary use permit may appeal such action to the Planning Commissions. Such appeal shall be in writing and filed with the County Planning Department within five working days of the decision. The action of the Planning Commissions may be appealed to the Board of County Commissioners and City Council in the same manner.
- (i) Hearing by Board and City Council. In the case of an appeal of a decision of the Planning Commissions, a date for public hearing shall be set at which time the Board of County Commissioners and City Council shall meet jointly to consider the temporary use application. At the joint meeting, the Board of County Commissioners and City Council shall decide by a vote of each body whether to grant the temporary use permit.
- (j) Exemptions. The following uses shall not require a temporary use permit:
 - (1) Estate or real estate sales involving the property or items from the property where the sale is held.
 - (2) Garage, yard or rummage sales provided: a) Sales last not longer than three (3) days; b) Sales are held no more than twice yearly; c) Sales are conducted on the owner's property or one of the owner's property in case of a multi-party sale.
 - (3) Weddings, purely social parties or similar family events where the function or event involves the owner or lessor of the property and where no monetary consideration or fees for such use of the property or attendance is involved.

15.17 Vehicle & Equipment Restrictions. *(amended by MC30-25-10 on 3/15/10)*

(A). Intent. It is the intent of this section to limit the impact of commercial vehicles and equipment, recreational vehicles, and agricultural vehicles and equipment upon those areas of the county in which the land use is residential or agricultural in nature. Fire, law enforcement, emergency vehicles, and those vehicles designed for persons with disability are exempt from this section of the ordinance.

Section 15.17 shall apply to the Agricultural, Recreation/Conservation, and Residential zoning districts. Commercial vehicles, agricultural vehicles, recreational vehicles, and equipment are prohibited unless in compliance with Section 15.17.

(B). Commercial Vehicles and Equipment. It is not the purpose of the section to prohibit commercial vehicles as described herein from residential parcels when actually engaged in a business activity which requires their presence for a specific purpose and limited time period.

1. One commercial vehicle per resident, not to exceed a maximum of two commercial vehicles, shall be permitted on a property with an occupied residence provided that:
 - a. In a residential development area, the vehicle shall be currently licensed, fully functional, and have a gross vehicle weight of 12,000 pounds or less and not exceed 22 feet in length. Exclusive of a residential development area, the vehicle shall be currently licensed, fully functional and have a gross vehicle weight of 26,000 pounds or less and not exceed 22 feet in length.
 - b. A semi-tractor is exempt from the gross vehicle weight requirement for Section (B)1a.
 - c. The vehicle shall be operated by a person residing on the premises, and shall provide primary transportation for the resident to and from their place of employment.
 - d. The vehicle shall not be parked or stored within the right-of-way.
 - e. No attached vehicle, equipment, or trailer shall be allowed.
2. Commercial vehicles and equipment that are currently licensed (if required) and fully functional and are in use as part of a permitted construction project shall be allowed for the duration of the said project. Should the construction project cease for period of six (6) months, the commercial vehicles and equipment shall be removed from the property. Commercial vehicles and equipment shall not be stored or parked for longer than seventy-two (72) hours upon any right-of-way.
3. Commercial equipment that is fully functional, owned by the resident, and used by the resident for regular or ongoing maintenance of the property (i.e. lawn care, driveway maintenance, snow removal) and not for profit, shall be allowed on properties used for residential and agricultural uses.
4. Commercial vehicles or equipment shall not be used for human or animal occupancy. Semi –trailers shall not be used for storage.

(C). Recreational Vehicles and Equipment.

1. The parking and storage of recreational vehicles shall be allowed provided that:
 - a. The vehicle title holder for any and all recreation vehicles parked or stored on the property shall be the property owner or permanent resident of the dwelling, or
 - b. If the property owner or permanent resident of the dwelling does not hold vehicle title to all of the recreational vehicles on the property, no more than three recreational vehicles shall be allowed to stored or parked on the property, regardless of ownership.
2. The vehicle and equipment shall be fully functional and licensed if required.
3. No recreational vehicles shall be stored or parked for longer than 72 hours upon any right-of-way in a residential development district.

4. No recreational vehicle or trailer shall be connected to gas, water, septic or sewer service unless approved by a county issued permit.
5. Recreational vehicles shall not be used as accessory structures nor shall they be used for human or animal occupancy.
6. Recreational vehicles shall not have their wheels removed or be affixed to the ground so as to prevent ready removal of the vehicle.

(D). Agricultural Vehicles and Equipment.

Agricultural vehicles and equipment shall meet the following conditions.

1. Shall be fully functional and currently licensed if required.
2. Shall be owned by the property owner or tenant.
3. Shall be presently used in the activity of agricultural operations or used for regular or ongoing maintenance of the property.

(E). Township Road Maintenance Vehicles and Equipment.

Those persons employed by and/or operating township road maintenance vehicles and equipment shall be allowed to store said vehicles and equipment on their property. If the property is located within a residential development area, the vehicles and equipment shall be screened from public view.