

CLARK COUNTY NOTICE OF ADOPTION OF 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.

Notice is hereby given that Ordinance #02-26, An ordinance amending Section 2.04.04 [Conditional Uses] and Section 2.04.05 [Area Regulations] in Chapter 2.04 Agricultural District of Ordinance 01-14, an ordinance amending Ordinance 03-03, An ordinance establishing zoning regulations for Clark County, South Dakota, as was duly adopted by the Board of County Commissioners on the 21st of July, 2026, and will become effective on the 18th of August, 2026.

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. 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 strike-through 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) single family dwelling 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:

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

Passed and adopted this 21st day of July, 2026.

Published once at the approximate cost of \$69.64 and can be viewed free of charge at www.sdpublicnotices.com