

**ORDINANCE # 2006-03**

**AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE 1997 REVISED ZONING ORDINANCE**

WHEREAS, BROOKINGS COUNTY has previously adopted the 1997 Revised Zoning Ordinance; and

WHEREAS, the Brookings County, South Dakota, Board of County Commissioners deems it necessary, for the purpose of promoting the health, safety, and the general welfare of the County, to amend the 1997 Revised Zoning Ordinance.

THEREFORE, BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA, THAT the 1997 Revised Zoning Ordinance of Brookings County be amended as follows:

**SECTION A. That Article XI, Section 1101. "A" Agricultural District be amended by adding thereto the following paragraph:**

**Covenants/Waivers**

1. A RIGHT TO FARM Covenant shall be filed with Register of Deeds on all property to be used as a site for a newly constructed residence (farm and non-farm) or church prior to issuance of a building permit and to all new subdividing of property by platting. Such Right To Farm covenant shall be in the form as set forth in Addendum 1 to this Ordinance

**SECTION B. That Article XII be amended as follows:**

1. That Section 1211, Concentrated Animal Feeding Operation Requirements, Subsection 6, Required Setbacks and Separation Distance for New Concentrated Feeding Operations and those Expanding by 500 or More Animal Units after May 13, 1997 be amended as follows:

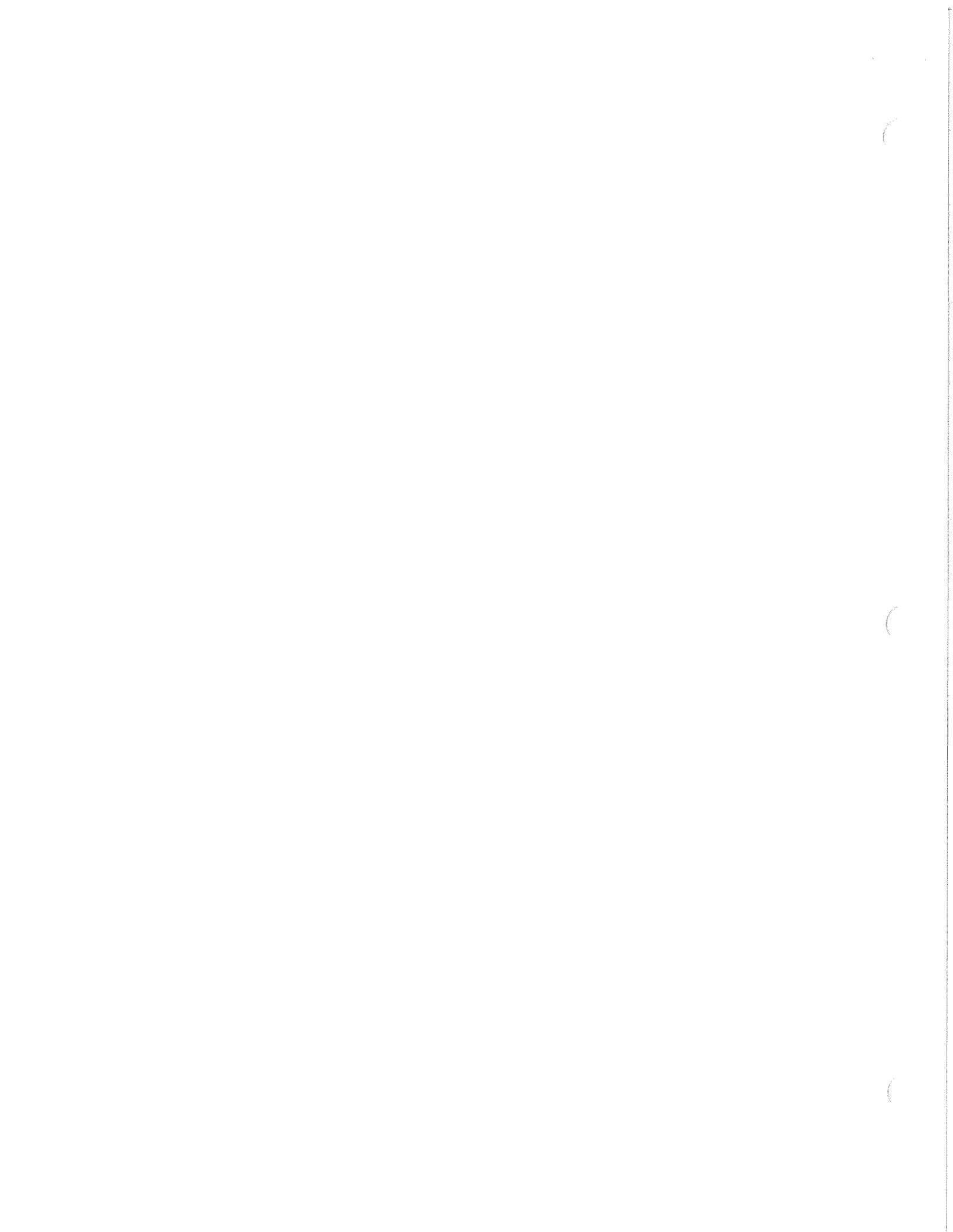
6. Required Setbacks and Separation Distance for New Concentrated Feeding Operations and those Expanding by 500 or More Animal Units after May 13, 1997.

MINIMUMS

	<u>CLASS A</u>	<u>CLASS B</u>	<u>CLASS C</u>	<u>CLASS D &amp; E</u>
Established residences	2,640 feet	1,760 feet	1,320 feet	1,320 feet
Adjoining property lines	200 feet	200 feet	200 feet	200 feet
Churches, Businesses and Commercially Zoned Areas	2,640 feet	2,640 feet	1,320 feet	1,320 feet







Municipal Areas and Incorporated Municipal boundary limits	5,280 feet	5,280 feet	2,640 feet	1,320 feet
Lake Park District boundary limits	5,280 feet	5,280 feet	2,640 feet	1,320 feet
Private Wells other than the operator	2,640 feet	1,760 feet	1,320 feet	1,320 feet
Lakes and Streams classified as Fisheries as identified by the state	500 feet	500 feet	200 feet	200 feet
Federal, State & County Road ROW Confinement	300 feet	300 feet	200 feet	200 feet
Federal, State & County Road ROW Open lot	50 feet	50 feet	50 feet	50 feet
Township Road ROW Confinement	150 feet	150 feet	150 feet	150 feet
Township Road ROW Open lot	50 feet	50 feet	50 feet	50 feet

The County Zoning Commission shall have the power where exceptional topographic conditions or other extraordinary and exceptional situations or conditions exist to require setbacks in excess of the above minimum for proposals for new concentrated animal feeding operations. (Ord. 2006-02, 3-28-06)

**2. That Section 1207, Minimum Mobile Home/Manufactured Home Requirements be amended as follows:**

4. Must have been constructed after June 15, 1976.

**SECTION C.** In all other respects the 1997 Revised Zoning Ordinance shall remain unchanged and is hereby re-ordained.

FIRST READING: September 12, 2006

SECOND READING: September 26, 2006

Chairperson, Brookings County  
Board of County Commissioners

ATTEST *Jane K. Whitemott*

Brookings County Auditor



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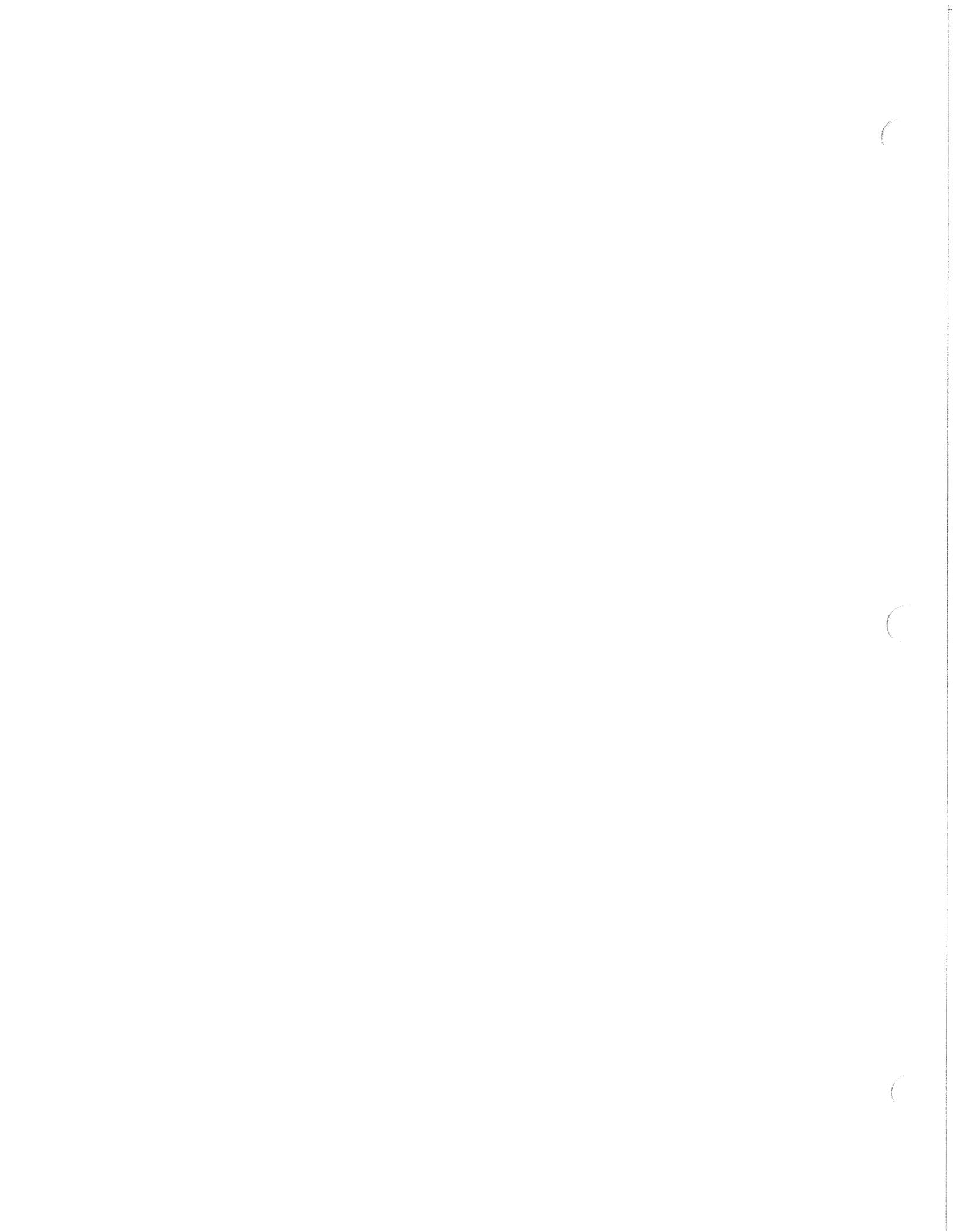
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Federal, State & County Road ROW Confinement	300 feet	300 feet	200 feet	200 feet
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Open lot				
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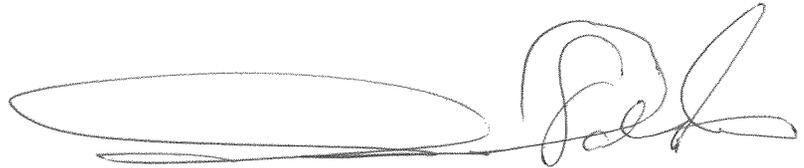
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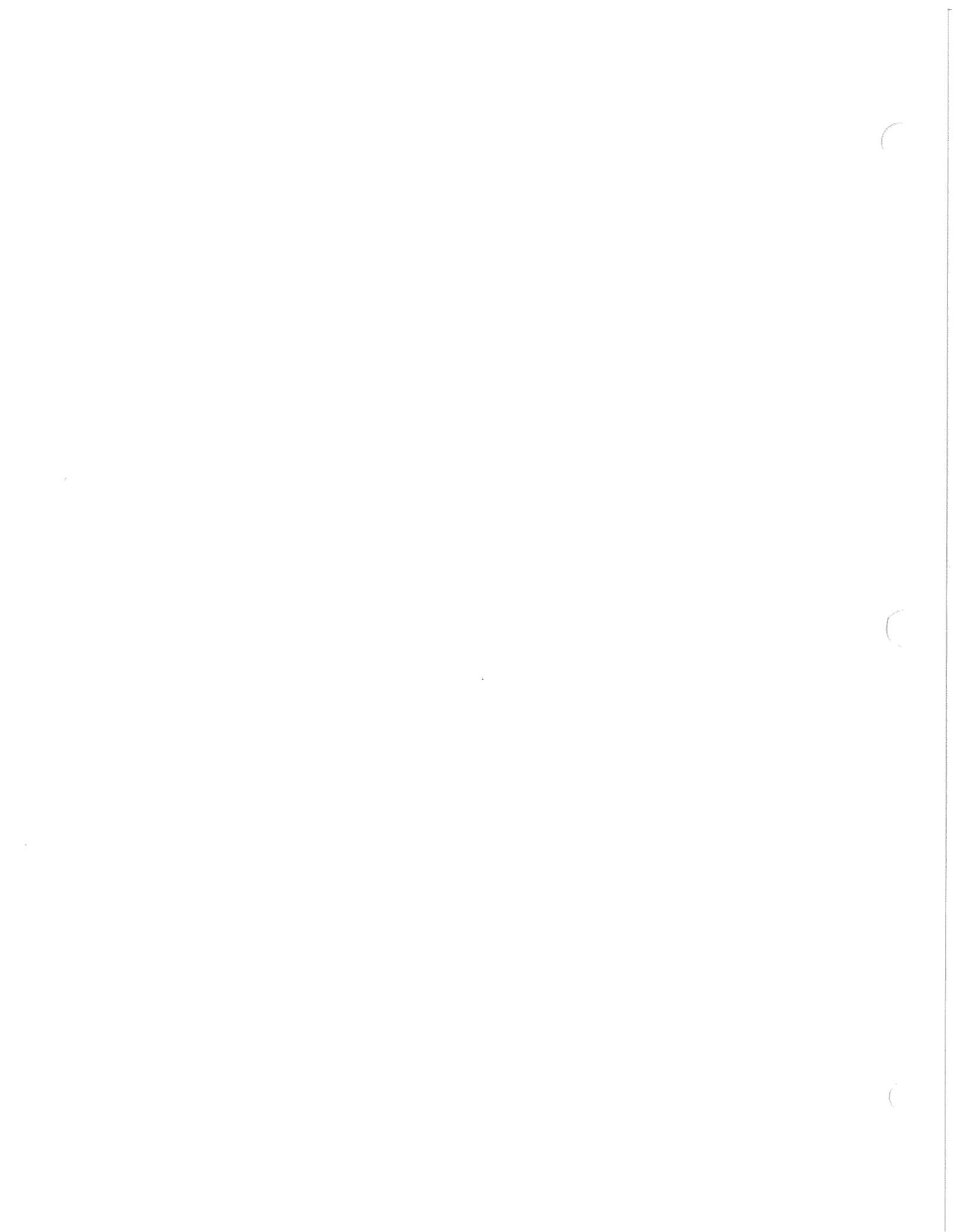


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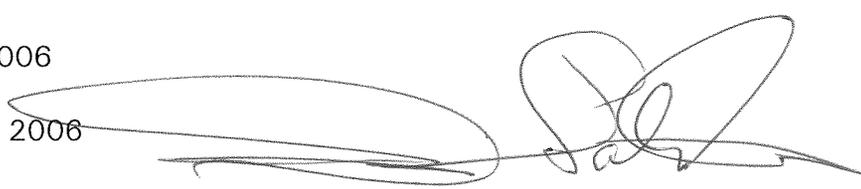
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Chairperson, Brookings County  
Board of County Commissioners

*Jane Kulimott*  
ATTEST

Brookings County Auditor

Prepared by: Robert W. Hill  
Brookings County Zoning Officer  
601 4<sup>th</sup> Street #105  
Brookings, SD 57006

**RIGHT TO FARM NOTICE COVENANT**

You are hereby notified that the property upon which you are constructing a new residence, whether stick-built, modular or manufactured, or upon which you are modifying an existing residence, described in the Legal Description below, is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to 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, transport, and storage of crops; livestock production; ground or aerial application of herbicides and other pesticides; 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 in or 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 and successors or assigns.

Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN WITNESS WHEREOF, the Grantors have executed this covenant on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature, Grantor

\_\_\_\_\_  
Signature, Grantor

STATE OF SOUTH DAKOTA

SS:

COUNTY OF BROOKINGS

This instrument was acknowledged before me on \_\_\_\_\_, 2006 by

\_\_\_\_\_  
(Grantors).

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

ADDENDUM 1, Brookings County Zoning Ordinance