

Ordinance #79

AN ORDINANCE ENTITLED, AN ORDINANCE AMENDING CHAPTER 3.12 AP AQUIFER PROTECTION OVERLAY DISTRICT OF ORDINANCE 65, AN ORDINANCE AMENDING ORDINANCE 15, AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR CODINGTON COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, PURSUANT TO SDCL 11-2, 1967, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND/OR ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.12.03.01 [Permitted Uses in Zone A] of CHAPTER 3.12 AQUIFER PROTECTION OVERLAY DISTRICT adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the text in bold and underline font and removing text in strikethrough font:

Section 3.12.03.01 Permitted Uses in Zone A:

The following uses are permitted provided they meet appropriate performance standards outlined for aquifer protection overlay zones:

1. Agriculture, excluding all classes of new Concentrated Animal Feeding Operations.
2. Horticulture.
3. Parks, greenways or publicly owned recreational areas.
4. Necessary public utilities/facilities designed so as to prevent contamination of groundwater.
5. All ~~uses~~ **Permitted Uses** and **Special Permitted Uses** in the underlying district which do not pose a potential risk to groundwater resources and are not a prohibited use.

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.12.03.03 [Prohibited Uses in Zone A] of CHAPTER 3.12 AQUIFER PROTECTION OVERLAY DISTRICT adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the text in bold and underline font:

Section 3.12.03.03 Prohibited Uses in Zone A.

The following uses are expressly prohibited in Zone A:

1. PR Planned Residential District.
2. New concentrated animal feeding operations of all classes after July 31, 2001.
3. Disposal of solid waste except spreading of manure.
4. Outside unenclosed storage of road salt.

5. Disposal of snow containing de-icing chemicals.
6. Processing and storage of PCB contaminated oil.
7. Car washes.
8. Auto service, repair or painting facilities and junk or salvage yards.
9. Disposal of radioactive waste.
10. Graveyards or animal burial sites.
11. Detonation sites, except blasting of rock for farming purposes.
12. Open burning except ditches, fields and non-hazardous yard and household wastes such as paper, wood and leaves.
13. Public sewer systems and wastewater lagoons.
14. Fall application of nitrogen fertilizer except spreading of manure.
15. Land spreading of petroleum contaminated soil.
16. Land spreading or dumping of waste oil.
17. Industrial process water and waste disposal wells--5W20 type Class V injection wells.
18. Automobile service station disposal wells--5X28 type Class V injection wells.
19. All other facilities, not existing at the time of the adoption of this chapter, involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste having a potentially harmful impact on groundwater quality.
19. Expansion of existing Concentrated Animal Feeding Operations (Existing as of June 30, 1997) beyond a cumulative total of three hundred (300) animal units.
21. Earthen storage basins and lagoons.
22. Stockpiling of solid waste.
- 23. New or expansion of existing sand, gravel or quarry operation; mineral exploration and extraction; rock crushers; and concrete and asphalt mixing plants to property without a permit for such use as of May 1, 2022.**

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.12.04.01 [Permitted Uses in Zone B] of CHAPTER 3.12 AQUIFER PROTECTION OVERLAY DISTRICT adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the text in bold and underline font and removing text in strikethrough font:

Section 3.12.04.01 Permitted Uses in Zone B.

The following uses are permitted provided they meet appropriate performance standards outlined for aquifer protection overlay zones:

1. Agriculture, excluding all new Concentrated Animal Feeding Operations
2. Horticulture.
3. Parks, greenways or publicly owned recreational areas.
4. Necessary public utilities/facilities designed so as to prevent contamination of groundwater.
5. All ~~uses~~ **Permitted Uses** and **Special Permitted Uses** in the underlying district which do not pose a potential risk to groundwater resources and are not a prohibited use.

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.12.04.02 [Conditional Uses in Zone B] of CHAPTER 3.12 AQUIFER PROTECTION OVERLAY DISTRICT adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the text in bold and underline font and removing text in strikethrough font:

Section 3.12.04.02 Conditional Uses in Zone B:

The following uses are permitted only under the terms of a Conditional Use Permit and must conform to provisions of the underlying zoning district and meet Performance Standards outlined for Aquifer Protection Overlay Zones.

1. Expansion, modification, alteration, or relocation of existing permitted or conditional uses to the extent they remain or become nonconforming and to the extent allowed by the underlying district. The Board of Adjustment shall not grant approval unless it finds the proposed expansion does not pose greater potential for groundwater contamination than the existing use.
2. Expansion of existing Concentrated Animal Feeding Operations (Existing as of June 30, 1997) not to exceed cumulative total of three hundred (300) animal units.

~~3. Uses permitted by conditional use in the underlying district which do not pose a potential risk to groundwater resources and are not a prohibited use.~~ **All uses permitted by conditional use in the underlying district which do not pose a potential risk to groundwater resources and are not a prohibited use may be approved by the Board of Adjustment provided they can meet Performance Standards outlined for the Aquifer Protection Overlay Zones.**

4. Earthen storage basins and lagoons.
5. Stockpiling of solid waste.

~~6. All uses permitted by conditional use in the underlying district which do not pose a potential risk to groundwater resources and are not a prohibited use may be approved by the Board of~~

Adjustment provided they can meet Performance Standards outlined for the Aquifer Protection Overlay Zones.

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.12.05.01 [Permitted Uses in Zone C] of CHAPTER 3.12 AQUIFER PROTECTION OVERLAY DISTRICT adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the text in bold and underline font and removing text in strikethrough font:

Section 3.12.05.01 Permitted Uses in Zone C.

1. All ~~uses~~ **Permitted Uses** and **Special Permitted Uses** in the underlying zoning districts, with the exception of those prohibited, provided that they can meet the Performance Standards as outlined for the Aquifer Protection Overlay Zones.

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.12.05.02 [Conditional Uses in Zone C] of CHAPTER 3.12 AQUIFER PROTECTION OVERLAY DISTRICT adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the text in bold and underline font and removing text in strikethrough font:

Section 3.12.05.02 Conditional Use in Zone C.

1. All Conditional ~~Use~~ **s** allowed in underlying districts, with the exception of those prohibited, may be approved by the Board of Adjustment provided they can meet Performance Standards outlined for the Aquifer Protection Overlay Zones.
2. New Class 4 and expansion of existing Class 4 up to nine hundred ninety-nine (999) animal units (Class 3). The County shall require soil borings to determine impermeable material between land surface and the aquifer.
3. Earthen storage basins and lagoons.

Passed and adopted this __ day of _____, 2022.

Chairperson

Auditor

Dated this __ day of _____, 20__
Auditor, Codington County, South Dakota