

## Ordinance #80

AN ORDINANCE ENTITLED, AN ORDINANCE AMENDING ARTICLE III DISTRICT REGULATIONS AND CHAPTER 5.12 EXTENDED HOME OCCUPATIONS 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 FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.04.01 [Permitted Uses] of CHAPTER 3.04 AGRICULTURAL 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:

### **15. Extended Home Occupation "A." (See Section 5.12.2.a).**

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: CHAPTER 3.04 AGRICULTURAL DISTRICT adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding **Section 3.04.01A Special Permitted Uses** and the text in bold and underline font:

### **Section 3.04.01A Special Permitted Uses.**

#### **1. Extended Home Occupation "B." (See Section 5.12.2.b).**

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.04.02 [Conditional Uses] of CHAPTER 3.04 AGRICULTURAL 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:

### **45. Extended Home Occupation "C." (See Section 5.12.2.c).**

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.07.02 [Permitted Uses] of CHAPTER 3.07 "LP" LAKE PARK 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:

### **10. Extended Home Occupation "D." (See Section 5.12.3.a).**

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.07.03 [Conditional Uses] of CHAPTER

3.07 "LP" LAKE PARK 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:

**10. Extended Home Occupation "E." (See Section 5.12.3.b).**

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.10.02 [Permitted Uses] of CHAPTER 3.10 "TD" TOWN 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 the text in strikethrough font:

**Section 3.10.012 Permitted Uses.**

1. Single-family residential usage, including Type A manufactured homes permitted; Type B manufactured homes, provided that provisions of Section 5.7 are met.
2. Public parks.
3. Agriculture and horticulture uses, excluding feedlots.
4. Shop-style dwellings provided written consent of one hundred (100) percent of adjacent landowners is obtained. (*Amended: Ord. 72; April 27, 2021*)

**5. Extended Home Occupation "D." (See Section 5.12.3.a).**

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.10.02 [Conditional Uses] of CHAPTER 3.10 "TD" TOWN 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 the text in strikethrough font:

8. **Extended Home Occupation "E." (See Section 5.12.3.b).** ~~The Board of Adjustment may permit other uses which in its opinion are not detrimental to other uses. These may include manufacturing and processing uses.~~

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.13.02 [Permitted Uses] of CHAPTER 3.13 "RR" RURAL RESIDENTIAL 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:

**10. Extended Home Occupation "D." (See Section 5.12.3.a).**

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.13.04 [Conditional Uses] of CHAPTER 3.13 "RR" RURAL RESIDENTIAL 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:

**12. Extended Home Occupation "E." (See Section 5.12.3.b).**

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that CHAPTER 5.12 EXTENDED HOME OCCUPATIONS 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 striking the text in strikethrough font:

**CHAPTER 5.12 EXTENDED HOME OCCUPATION.**

There are significant differences between home occupations conducted in residential dwellings ~~on small tracts~~ and ~~agricultural-based~~ extended home occupations. **Extended home occupations are not intended to provide services that encourage traffic to leave urban commercial areas for, but they provide services complimentary to the uses in the same zoning district with little indication to the neighborhood that the business is being operated on the property.** The nature of resources available for use, the benefits and disadvantages created by home occupations, and the problems generated necessitate a distinction between home occupations conducted in residential dwellings on small tracts and agricultural-based extended home occupations.

1. **Businesses operated as extended home occupations shall be principally owned and operated by the resident of the lot.** ~~For the purposes of this section, provided all requirements are met, the following shall be considered extended home occupations:~~
  - a. ~~Welding repair conducted in a safe manner;~~
  - b. ~~Veterinarian's office;~~
  - c. ~~Blacksmith;~~
  - d. ~~Service office.~~
  - e. ~~Others which, in the opinion of the Board of Adjustment would not conflict with adjoining land uses.~~
2. **Extended Home Occupation standards in the Agricultural District:** ~~Performance Standards~~
  - a. **Extended Home Occupation "A" as a Permitted Use:**

	Types of Businesses	Number of Employees	Signs	Retail Sales	Appearance	Traffic and Parking	Performance Standards
<b>Section 5.12.2.a</b>  <b>Extended Home Occupation 'A'</b>  <b>(Permitted Uses)</b>	Agribusiness services	Not more than one (1) employee other than the owner/operator and family members living on-site. (Exception: additional seasonal employees may be allowed provided said employees report directly to the off-premise job site rather than the site of the extended home occupation.)	<b>Number:</b> One (1) sign  <b>Maximum Area:</b> 16 Sq. Ft.  <b>Type:</b> Wall or Freestanding  <b>Prohibitions:</b> Illumination of any kind; off-premise signs associated with the business (SDDOT commercial, directional signs known as "blue signs" may be allowed adjacent to State and Federal Highways.)	Sale of products necessary to perform the service provided by the business and incidental accessory sale of excess inventory	There shall be no visible evidence of the conduct of such home occupation (other than signs allowed herein)  There shall be no outdoor storage of materials, vehicles, etc. related to the Extended Home Occupation except operable farm related equipment or vehicles without advertising and owned by the operator.	No traffic shall be generated by such Extended Home Occupation in greater volumes than would normally be expected for an Agricultural Use at a residence.  No on-street parking will be allowed with the Extended Home Occupation.	No equipment or process shall be used in such Extended Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.  <i>All services performed by the Extended Home Occupation shall occur "off-premise" from the place of business. (Exception: a home office/ storage/ shop associated with the business is allowed provided all other conditions are met.)</i>
	Agronomic and horticultural services						
	General residential and agricultural contracting (home and accessory building builders, electrical contractors, plumbing contractors, grain bin contractors)						
	Custom farm services (combining, fertilizer application, drain tile contracting, herbicide application, custom tillage, custom planting) not including commercial grain storage						
	Truck driver and traveling sales of farm related products in which no phase of the sale (viewing, sampling, sale, pick-up, etc.) occurs at the site of the extended home occupation						
	Traveling small engine and automobile repair in which no phase of the repair occurs at the site of the extended home occupation.						

**b. Extended Home Occupation "B" as a Special Permitted Use:**

	Types of Businesses	Specific Requirements	Number of Employees	Signs	Retail Sales	Appearance	Traffic and Parking	Performance Standards
Section 5.12.2.b Extended Home Occupation 'B' (Special Permitted Uses)	Any use in Section 5.12.2.A without Specific Requirements listed, where the applicant may meet the conditions of Section 5.12.2.B, but not 5.12.2.A.	N/A	Not more than three (3) employees other than the owner/operator and family members living on-site.	<b>Number:</b> One (1) sign  <b>Maximum Area:</b> 16 Sq. Ft.  <b>Type:</b> Wall or Freestanding  <b>Prohibitions:</b> Illumination of any kind; off-premise signs associated with the business (SDDOT commercial, directional signs known as "blue signs" may be allowed adjacent to State and Federal Highways.)	Sale of products necessary to perform the service provided by the business and incidental accessory sale of excess inventory	There shall be no visible evidence of the conduct of such home occupation (other than signs allowed herein)	No traffic shall be generated by such Extended Home Occupation in greater volumes than would normally be expected for an Agricultural Use at a residence.  The applicant shall provide documentation of notification of the the applicable road authority.  The administrative official may require a haul road agreement at request of the road authority.  No on-street parking will be allowed with the Extended Home Occupation.	No equipment or process shall be used in such Extended Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
	Repair or manufacture by welding	N/A						
	Veterinarian	See Section 5.12.2.d.i						
	Blacksmith/metal fabrication	N/A						
	Seed cleaning and sales	N/A						
	Slaughterhouse or butcher shop	See Section 5.12.2.d.iii						
	Farm equipment or implement repair	N/A						
	Small engine and automobile repair (including auto body repair and detailing)	N/A						
Private storage business	See Section 5.12.2.d.iv			Sale of products associated with the business, produced on site.	There shall be no outdoor storage of materials, vehicles, etc. related to the Extended Home Occupation except operable farm related equipment or vehicles without advertising and owned by the operator.			

**c. Extended Home Occupation "C" as a Conditional Use:**

	Types of Businesses	Specific Requirements	Number of Employees	Signs	Retail Sales	Appearance	Traffic and Parking	Performance Standards
Section 5.12.2.c Extended Home Occupation 'C' (Conditional Uses)	Any use in Section 5.12.2.B without Specific Requirements listed, where the applicant may meet the conditions of Section 5.12.2.C, but not 5.12.2.B.	As determined by the Board	Not more than ten (10) employees other than the owner/operator and family members living on-site.	Sale of products necessary to perform the service provided by the business and incidental accessory sale of excess inventory	Sale of products necessary to perform the service provided by the business and incidental accessory sale of excess inventory	There shall be no visible evidence of the conduct of such home occupation (other than signs allowed herein)	The applicant shall provide documentation of notification of the the applicable road authority.  The Board of Adjustment may require a haul road agreement.  No on-street parking will be allowed with the Extended Home Occupation.	No equipment or process shall be used in such Extended Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
	Veterinarian	See Section 5.12.2.e.i						
	Agricultural Processing	See Section 5.12.2.e.ii						
	Commercial grain handling (other than seed sales)	As determined by the Board						
	General residential and agricultural contracting (home and accessory building builders, electrical contractors, plumbing contractors, grain bin contractors, gravel/excavating contractors, road/bridge contractors)	See Section 5.12.2.e.iii						
	Slaughterhouse or butcher shop	See Section 5.12.2.e.iv						
	Farm equipment, implement, automobile repair (including auto body repair)	See Section 5.12.2.e.v						

**d. Specific Requirements for Permitted Special Uses (Reference Section 5.12.2.b):**

**i. Veterinarian:**

**a. Not more than fifty (50) animal units may be confined on site associated with the business for more than forty-five (45) consecutive days.**

**ii. Custom farm services (combining, fertilizer application, drain tile contracting, herbicide application, custom tillage, custom planting) not including commercial grain storage:**

**a. Storage of fertilizer, herbicide, pesticide, and other chemicals other than those used on the farm of the extended home occupation owner is prohibited.**

**iii. Slaughterhouse or butcher shop:**

**a. Documentation of applicable license/permits is provided to the administrative official; and**

**b. Slaughter and butcher is limited to animals owned or raised by the owner/operator of the extended home occupation.**

**iv. Private storage business**

**a. Operated inside an accessory structure constructed Prior to January 1, 2022;  
or**

**b. Operated inside a structure originally constructed for an agricultural use or other extended home occupation after January 1, 2022.**

**e. Specific Requirements for Conditional Uses (Reference Section 5.12.2.c):**

**i. Veterinarian:**

**a. More than fifty (50) animal units are confined on site associated with the business for more than forty-five (45) consecutive days.**

**ii. Agricultural Processing:**

**a. The primary component of the product being processed shall be raised by the extended home occupation owner/operator.**

**iii. General residential and agricultural contracting (home and accessory building builders, electrical contractors, plumbing contractors, grain bin contractors, gravel/ excavating contractors, road/bridge contractors) with or without limited outdoor storage provided:**

**a. No vehicle or equipment is stored outside, between the structure in which**

the extended home occupation is carried out and the nearest adjacent right-of-way.

b. All storage of petroleum based products in a tank or series of tanks exceeding 1,000 gallons (inside and outside) shall occur over concrete or asphalt surfacing if in Zone A, B, or C of the Aquifer Protection District.

c. Any vehicles or equipment associated with the extended home occupation which are stored outside shall be screened on all sides by means of buildings and/or conifer trees spaced not more than thirty (30') feet, and greater than five (5') feet at the time of planting.

d. Any trees required for screening shall comply with shelterbelt setback requirements.

iv. Slaughterhouse or butcher shop:

a. Documentation of applicable license/permits is provided to the administrative official.

v. Farm equipment, implement, and automobile repair (including auto body repair) with outdoor storage of up to ten (10) vehicles or pieces of equipment provided:

a. No vehicle or equipment is on site for more than six (6) months

b. No vehicle or equipment is stored outside, between the structure in which the extended home occupation is carried out and any adjacent right-of-way.

c. All storage and repair (inside and outside) shall occur over concrete or asphalt surfacing if in Zone A, B, or C of the Aquifer Protection District

d. Any vehicles or equipment associated with the extended home occupation which are stored outside shall be screened from the right-of-way by means of buildings and/or solid walled fence, not more than eight (8') feet in height and conifer trees spaced not more than forty-five feet (45'), and greater than five feet (5') at the time of planting. (Fences are not required where storage area is greater than 300' from right-of-way)

e. Any vehicles or equipment associated with the extended home occupation which are stored outside shall be screened from side and rear yards by means of buildings and/or conifer trees spaced not more than 30', and greater than 5' at the time of planting.

f. Any trees required for screening shall comply with shelterbelt setback requirements.

a. Other individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.

- b. ~~There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign, not to exceed sixteen (16) square feet in area, non-illuminated.~~
- c. ~~Off premise signage for extended home occupations shall be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "Blue Signs". These signs, with SDDOT approval, may be located adjacent to State and Federal Highways.~~
- d. ~~The only retail sales allowed shall consist of the sale of commodities/products prepared on the premises in connection with such occupation or activity. Exception: Seed Sales.~~
- e. ~~There shall be no outdoor storage of materials, vehicles, etc. related to the extended home occupation.~~
- f. ~~Extended home occupations should be agriculturally related and be conducted in an accessory building.~~
- g. ~~No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.~~
- h. ~~No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.~~

**3. Extended Home Occupation standards in the Rural Residential, Town, and Lake Park Districts:**

**a. Extended Home Occupation "D" as a Permitted Use:**

	Types of Businesses	Number of Employees	Signs	Retail Sales	Appearance	Traffic and Parking	Performance Standards
<b>Section 5.12.3.a</b>  <b>Extended Home Occupation 'D'</b>  <b>(Permitted Uses)</b>	Offices for agribusiness, agronomic services, financial services, insurance, travel services, traveling sales, provided customers do not come to the site of the extended home occupation.	Not more than one (1) employee other than the owner/operator and family members living on-site. (Exception: additional seasonal employees may be allowed provided said employees report directly to the off-premise job site rather than the site of the extended home occupation.)	<b>Number:</b> One (1) sign  <b>Maximum Area:</b> 16 Sq. Ft.  <b>Type:</b> Wall or Freestanding  <b>Prohibitions:</b> Illumination of any kind; off-premise signs associated with the business (SDDOT commercial, directional signs known as "blue signs" may be allowed adjacent to State and Federal Highways.)	Sale of products necessary to perform the service provided by the business and incidental accessory sale of excess inventory	There shall be no visible evidence of the conduct of such home occupation (other than signs allowed herein)  There shall be no outdoor storage of materials, vehicles, etc. related to the Extended Home Occupation.	No traffic shall be generated by such Extended Home Occupation in greater volumes than would normally be expected for an Agricultural Use at a residence.  No on-street parking will be allowed with the Extended Home Occupation.	No equipment or process shall be used in such Extended Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.  <i>All services performed by the Extended Home Occupation shall occur "off-premise" from the place of business. (Exception: a home office/ storage/ shop associated with the business is allowed provided all other conditions are met.)</i>
	General residential contracting (home and accessory building builders, electrical contractors, plumbing contractors)						
	Truck driver and traveling sales in which no phase of the sale (viewing, sampling, sale, pick-up, etc.) occurs at the site of the extended home occupation						
	Traveling small engine and automobile repair in which no phase of the repair occurs at the site of the extended home occupation.						

**b. Extended Home Occupation "E" as a Conditional Use Permit:**

	Types of Businesses	Specific Requirements	Number of Employees	Signs	Retail Sales	Appearance	Traffic and Parking	Performance Standards
Section 5.12.3.b Extended Home Occupation 'E' (Conditional Use)	Any use in Section 5.12.3.a without Specific Requirements listed, where the applicant may meet the conditions of Section 5.12.3.b, but not 5.12.3.a.	N/A	Not more than three (3) employees other than the owner/operator and family members living on-site.  (Exception: additional seasonal employees may be allowed provided said employees report directly to the off-premise job site rather than the site of the extended home occupation.)	<b>Number:</b> One (1) sign  <b>Maximum Area:</b> 16 Sq. Ft.  <b>Type:</b> Wall or Freestanding  <b>Prohibitions:</b> Illumination of any kind; off-premise signs associated with the business (SDDOT commercial, directional signs known as "blue signs" may be allowed adjacent to State and Federal Highways.)	Sale of products necessary to perform the service provided by the business and incidental accessory sale of excess inventory	There shall be no visible evidence of the conduct of such home occupation (other than signs allowed herein)	No traffic shall be generated by such Extended Home Occupation in greater volumes than would normally be expected for an Agricultural Use at a residence.  The applicant shall provide documentation of notification of the applicable road authority.  The administrative official may require a haul road agreement at request of the road authority.  No on-street parking will be allowed with the Extended Home Occupation.	No equipment or process shall be used in such Extended Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
	Adult and physical education							
	Personal Services	N/A						
	Repair, service, and manufacture of recreational vehicles, equipment, trailers, watercraft, and personal automobiles.	See Section 5.12.3.c.i						
	Small engine and automobile repair, and automobile cleaning services (excluding auto body repair)	See Section 5.12.3.c.ii						
	Private storage business	See Section 5.12.3.c.iii						

**c. Specific Requirements for Permitted Special Uses (Reference Section 5.12.3.b):**

**i. Repair, service, and manufacture of recreational vehicles, equipment, trailers, watercraft, and personal automobiles:**

**a. Not more than four (4) items waiting to be repaired or picked up shall be stored outdoors at any time.**

**b. No vehicle or equipment is on site for more than six (6) months**

**c. No vehicle or equipment is stored outside, between the structure in which the extended home occupation is carried out and any adjacent right-of-way.**

**d. All storage and repair (inside and outside) shall occur over concrete or asphalt surfacing.**

**e. Any vehicles or equipment associated with the extended home occupation which are stored outside shall be screened from the right-of-way by means of buildings and/or solid walled fence, not more than eight (8') feet in height as determined by the Board of Adjustment. In addition to or in lieu of a solid walled fence, the Board may require planting of conifer trees greater than five feet (5') at the time of planting, and spaced at a distance to be established by the Board. (Fences may not be required where storage area is greater than 300' from right-of-way)**



applicable lake.

- c. The structure shall meet maximum size requirements of an accessory structure in the Lake Park District.
- d. The accessory use may be operated on a lot across the right-of-way or easement from the primary structure provided restriction, covenant or some other document is recorded at the Codington County Register of Deeds ensuring the lot with the primary and accessory structure shall be transferred together in the future.
- e. Private storage businesses in the Rural Residential District shall be operated in accordance with the requirements of Section 5.12.2.d.iv.
- f. Private storage businesses may be allowed in the Town District provided all storage occur within a structure with a concrete or asphalt floor.

Passed and adopted this \_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Auditor

Dated this \_\_ day of \_\_\_\_\_, 20\_\_  
Auditor, Codington County, South Dakota