

17.0201 Definitions

- 17.0201 is used for “General” section AND for the start of the definitions. The second section, where the term definitions begin, should be numbered 17.0202. (Page 2)
- Under the definition “Planned Development” #2, letters ‘c’ and ‘e’ do not contain any information/are blank. These should be removed, and the section should be re-lettered a-d.
 - a. Single ownership, or
 - b. unified control, or
 - c.
 - d. Separate ownership and unified control, or
 - e.
 - d. Separate ownership without unified control, and whereon such land is designed for use as one building or a group of buildings and whereon such land there may or may not provisions for multiple purpose uses.
- ‘Right of way’ should be hyphenated. This occurs in five places in this definition. ‘Thirty three’ feet and ‘sixty six’ feet (in this same section) should also be hyphenated.
 - ‘The setback on county roads shall be thirty three (33) feet, measured from the center of the road extending out directly on one side of the road. The total setback is sixty six (66) feet, when measured on both sides of the road. A building or other structure shall not be placed or constructed within the setback area.’
 - Removed markings, as they are redundant. Also, include the sentence ‘Refer to county road maps for appropriate road setbacks’ at the end of the paragraph.
 - ‘A building or other structure may only be placed or constructed after one hundred (100) feet from where the road right-of-way ends.’
 - Remove redundant marking. Also, ‘one hundred (100) feet’ should be changed to seventy-five (75) feet to correspond with current setbacks.
 - ‘In the case of farming, no farmer shall utilize the area within the right of way without written permission from the county. If farming takes place within the right of way, the county, or other person or group on official business, may, without permission from the farmer in violation, conduct business within the right of way, even if it disturbs the farming that is taking place.’
 - Remove the first sentence. NO ONE can plant in the right-of-way

- **Sign, On-Site, Exterior.** Exterior, on-site signs do not include sign erected by outdoor advertising industry in the conduct of the outdoor advertising business, such as billboards which are off-site signs.
 - Pluralize signs and remove comma
- **Variance.** A variance is a relaxation of the terms of the zoning ordinance here such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant...
 - Highlighted section should say “where”
- **Yard and Yard Front.**
 - ...unobstructed by any structure or portion of a structure from thirty (30”) inches...
 - ...across such yard above the height of thirty (30”) inches...
 -vision across such yard up to ten (10) feet
 - Remove redundant markings
- **Corner Lots**
 - Should be listed as **Yard, Corner Lots** to remain consistency with other definitions
 - 1. At least one front yard shall be provided having the full depth required generally in the district; and
 - 2.
 - 3. No other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the fore most points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

 - Number 2 contains no information. This should be renumbered from 1-3 to 1-2
- **Yard, Side.** Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum with required by the district regulations with its inner edge parallel with the side lot line.
 - Should say “width”
- **17.0403 Zoning Map Replacement.** In the event that the Official zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of County Commissioners may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official

zoning Map, but no such correction shall have the effect of amending the original Official zoning Map, or any subsequent amendment thereof...

- “zoning” should be capitalized to remain consistent with the rest of the zoning ordinance
- **17.0404 Rules for Interpretation of District Boundaries**
 - 7. Change ‘County Planning Commission’ to ‘Planning and Zoning Board’
 - 8. ...either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot
 - Remove the redundant marking
 - Change ‘County Planning Commission’ to read ‘Planning and Zoning Board’
- **17.0506 Unclassified or Unspecified Uses.** May be permitted as special exception by the Board of zoning Adjustment after the County Planning and Zoning Commission...
 - Highlighted section should be capitalized
- **17.0701 Statement of Intent**
 - Remove indentation of “Statement of Intent”
- **17.0704 Special Exceptions**
 - Remove all replace all colons with semicolons (both are currently being used) to maintain consistency
 - 8. Operation and maintenance terminal for truck and other equipment
 - Change highlighted section to “trucks”
 - 17. High Voltage lines of 343 KV or greater
 - Hyphenate highlighted area
 - 18. Remove unnecessary indentation
- **17.0705 Minimum Lot Requirements**
 - The minimum lot width shall be not less one hundred fifty (150) feet.
 - Remove redundant marking
 - Add the word “than” between “less” and “one”
 - “A plat is required whenever under twenty (20) acres or less are split out of a larger parcel. The plat is then required to be filed in the Director of Equalization Office...
 - Reword triple-asterisked section to say “A plat is required when less than twenty (20) acres are split out of a larger parcel. The plat is then required to be filed with the Director of Equalization according to Title 17.17, Chapters 17.1709 & 17.1710.”
- **17.0706 Minimum Setback Requirements** All structures shall be set back not less than one hundred (75’) feet from all improved public roads measured from road right-of-way. The minimum sideyard and rearward set back shall each be twenty (20) feet.

- First highlighted section should say seventy-five (75) feet. Also, removed the redundant marking
- Sideyard and rearyard should be separated (side yard and rear yard)
- Set back should be one word
- Remove redundant marking at 20'
- **17.0708 Approaches**
 - Five hundred (500') feet apart
 - Remove redundant marking
- **17.710 Pollution** Upon receiving a formal complaint of pollution caused from animal runoff including but not limited to; runoff into ditches, into any body of water, or a field not owned by the person or persons causing the pollution an investigation will be conducted by the Spink County Zoning Board and or the DENR.
 - 17.710 should be 17.0710
 - Remove semi-colon, and replace it with a comma
 - Add a comma between 'pollution' and 'an'
 - 'and or' should read 'and/or'
- **17.0805 Minimum Lot Requirements** Each lot shall have a depth of not less than one hundred (100') feet and shall have a shoreline frontage width of not less than twenty-five (25') feet. All lots without shoreline frontage shall have a minimum width of twenty-five (25') feet and have a minimum depth of one hundred (100') feet. (NEW PARAGRAPH) All new platted lots shall have a depth of not less than one hundred (100') feet. The minimum lot road frontage shall not be less than twenty (20') feet in width.
 - Remove redundant markings
- **17.0806 Minimum Setback Requirements** Each structure shall be setback not less than thirty (30') feet...The road or front yard setback shall not be less than fifteen (15') feet...Each side yard shall not be less than seven (7') feet...shall have a frontage width of not less than twenty five (25') feet and a depth of not less than one hundred (100') feet.
 - Remove redundant markings
 - Hyphenate 'twenty five'
- **17.0807 Building or Structure Depth**
 - Removed redundant markings from 'three (3') feet,' 'thirty (30') foot,' and one hundred fifty (150') feet
 - Change 'Planning and Zoning Commission' to read 'Planning and Zoning Board'
 - Ordinance currently states that, 'All structures moved into or within the Lake Front Residential zone will require a moving permit, and the property will be posted, neighbors within one hundred fifty (150') feet will be notified, and a public hearing will be held at the Spink County Planning and Zoning Commission'

meeting. For those properties where variances have been approved for setbacks closer than allowed in the ordinance the County will be held harmless.

- Rewrite to say, 'All structures moved into or within the Lake Front Residential zone will require a building permit. For those properties where variances have been approved for setbacks closer than allowed in the ordinance the County will be held harmless.' We do not require anyone else in the county to have a hearing to move a structure in (unless they are applying for a variance).

- **17.0808 Private Sewage Disposal Systems** All Sewage disposal systems are to be installed by a certified contractor and on file with the County Auditor or Zoning Administrator.
 - No capitalization of Sewage
- **17.0810 Service or Access Roads**
 - Change 'Planning Commission' to read 'Planning and Zoning Board'
- **17.0904 Special Exceptions**
 - Change 'Planning Commission' to read 'Planning and Zoning Board'
- **17.0905 Minimum Lot Requirements** The minimum lot width shall be fifty (50') feet and the minimum lot depth shall be one hundred twenty (120') feet.
 - Remove redundant markings
- **Minimum Setback Requirements** For all structures, there shall be a front and rear setback not less than twenty (20') feet. The minimum side yard shall not be less than seven feet (7'). All distances are measure from the edge of road right of way.
 - Remove redundant markings
 - Hyphenate right of way
- **17.1004 Special Exceptions**
 - 1. Other trade and service uses which are similar to the permitted Principle uses and which are in harmony with the intent of this district
 - No capitalization of Principle
 - Change 'Planning Commission' to read 'Planning and Zoning Board'
- **17.1005 Minimum Lot Requirements** The minimum lot width shall be twenty-five (25') feet. The minimum lot depth shall be one hundred (100') feet.
 - Remove redundant markings
- **17.1102 Permitted Principle Uses and Structures** The following Principle uses and structures shall be permitted in Highway Commercial Districts (HC):
 - 2. Wholesale sales of: motor vehicles and automotive equipment; vet supplies, pharmaceuticals, chemicals, and allied products; dry goods and apparel; groceries and related products; electrical goods; hardware, plumbing, heating equipment, and supplies; machinery, equipment and supplies; beer, wine, and

distilled alcoholic beverages; paper and paper products, furniture and home furnishings, lumber and construction materials.

- No capitalization of Principle
 - Add semi-colons to the highlighted areas
- 6. Food lockers, provided, that any slaughtering, killing, eviscerating, skinning, or plucking be done indoors;
 - Remove highlighted comma
- 16. And penny arcades
 - To remain consistent, add semi-colon
- **17.1103 Permitted Accessory Uses and Structures**
 - 2. Accessory uses normally appurtenant to the permitted Principle uses and structures...
 - No capitalization of Principle
 - 3. Seasonal Stands; fruit, vegetable, fireworks or any product that will be sold during a season and not twelve (12) consecutive months
 - No capitalization of Stands
 - Colon after stands instead of semi-colon
- **17.1104 Minimum Lot Requirements** The minimum lot area shall be ten thousand (10,000) square feet. The minimum lot width shall be one hundred (100) feet.
 - Remove redundant markings
- **17.1105 Minimum Yard Requirements** There shall be a front yard of not less than a depth of seventy-five (75) feet. Each side yard and rear yard shall be no less than twenty-five (25) feet as measured from the outermost edge of the structure.
 - Remove redundant markings
- **17.1202 Permitted Principle Uses and Structures** The following Principle uses and structures shall be permitted in the Industrial District (I):
 - 1. Building materials' sales;
 - 4. Fuel and bulk sales;
 - 5. Greenhouses, wholesales;
 - 10. Accessory uses, incidental to and on the same zoning lot as Principle uses;
 - 13. Fruit and vegetable concentration, preservation, and preparation:
 - No capitalization of Principle (x2)
 - Remove marking from 'materials'
 - Semi-colons in replace of colons
- **17.1204 Special Exceptions**
 - Change 'Planning Commission' to read 'Planning and Zoning Board'

- **17.1206 Minimum Lot Requirements** The minimum lot area shall be twenty-five thousand (25,000) square feet. The minimum lot width shall be one hundred twenty-five (125) feet.
 - Remove redundant marking
- **17.1207 Minimum Yard Requirements** There shall be a front yard of not less than the depth of seventy-five (75) feet. Each side yard and backyard shall not be less than twenty-five (25) feet as measured from the outermost edge of structures.
 - Remove redundant marking
- **17.1301 Intent** ...For the reasons of health, safety, and the general welfare, certain safeguards are needed to...4) ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- **17.1302 Flood Hazard Boundary Map Utilized as Basis for FP District Designation** The FHBM is the basis utilized for the FP zone designation. Any shaded areas on the FHBM constitute a FP District. These maps can be located at the office of the Director of Equalization.
 - Amended version could read: 'The Flood Hazard Boundary Map is the basis utilized for the floodplain zone designation. Any shaded areas on the FHBM constitute a Floodplain District. These maps are located at the office of the Director of Equalization, and the newest edition of these maps will become effective on October 19, 2010.
- **17.1303 Permitted Principle Uses and Structures** There will be no Principle uses and structures allowed in the Floodplain (FP) District.
 - No capitalization of Principle
- **17.1304 Special Exceptions**
 - Change 'Planning Commission' to read 'Planning and Zoning Board'
- **17.1305 Minimum Lot Width** The minimum lot width shall be fifty (50) feet. The minimum front yard depth shall be thirty (30) feet. The minimum rear yard depth shall be twenty-five (25) feet. The minimum side yard width shall be seven (7) feet.
 - Removed redundant markings
- **17.1307 General Standards (#1 Section B)**
 - Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations with mobile homes less than fifty (50) feet long requiring one additional tie per side;
 - Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring one addition tie per side
 - Remove redundant markings

- **17.1401 Visibility at Intersections** On a corner lot in all Residential Districts, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½') and ten (10') feet above the centerline grades of the intersecting streets in the area formed by a radius of twenty (20') feet from the intersection of street curbs or street edges.
 - Remove redundant markings
 - Remove the word 'materially'
- **Erection of More than One Principle Structure on a Lot** In any district, more than one structure housing a permitted or permissible Principle use may be erected on a single lot, provided, that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.
 - No capitalization of 'principle'
- **17.1405 Parking and Storage of Certain Vehicles** ...After thirty (30) days the vehicle must be licensed, or moved so it is not in the public's eye sight (i.e. backyard, inside garage, hidden by fence, etc.)
 - Add highlighted mark
- **17.1406 Minimum Off-Street Parking and Loading Requirements** ...If minimum off street parking and loading space, required in said schedule, cannot be reasonable provided on the same lot on which the Principle structure or use is conducted in the opinion of the County Planning Commission, the Commission may permit such space to be provided on other off-street property, provided, that such space lies within four hundred feet of the entrance to such Principle structure or use.
 - Hyphenate 'off street' to remain consistent
 - 'Reasonable' should be changed to 'reasonably'
 - No capitalization of 'principle' (x2)
 - No comma after 'provided'
 - Four hundred feet should read 'four hundred (400) feet' to remain consistent
 - Remove the section 'in the opinion of the County Planning Commission', and rewrite as 'the principle structure or use is conducted, the County Planning Commission may permit such space...'
- **17.1407 Approaches**
 - 1. Have no two (2) approaches closer than five hundred (500') feet apart
 - Remove redundant marking
- **17.1501 General**
 - 4. Signs are prohibited within the public right-of-way except that the council may grant a special permit for temporary signs and decoration to be placed on a right-of-way for a period of time not to exceed ninety (90) days...
 - Change highlighted section from 'council' to 'Zoning Board'

- 5. ...a distance not to exceed fifteen (15") inches when flat against the building
 - Remove redundant marking
- 7. Illuminated signs or devices giving off an intermittent, steady, or rotating beam, consisting of a collection or concentration of rays of light shall be permitted except carbon, are lights which may be located and used on private property in the "C", "HC", and "I" districts for a period not to exceed three (3) days.
 - Change highlighted section to '(except carbon). These lights may be located and used on private property in the "C", "HC", and "I" districts for a period not to exceed three (3) days.'
- 9. One name plate sign per lot in the "C", "HC", and "I" district. The sign shall not be more than fifty (50%) percent in size than that of a normal sign that is permitted in either the "C", "HC", or "I" district.
 - 'name plate' should be one word
 - Pluralize 'district' (x2)
 - Remove redundant marking
 - Remove the extra " marking after the first 'I'
- 10. Such sign or signs shall not be less than ten (10') feet from the front lot line unless flat against the structure.
 - Remove highlighted section
- 12. The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding twelve (12") inches shall constitute advertising space, or should such letter or graphics be mounted directly on a wall or fascia or in such a way as to be without a frame the dimensions for calculating the square footage shall be the areas extending six (6") inches beyond the periphery area formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof.
 - Add a comma after 'footage'
 - Remove redundant markings
 - Period after 'advertising space'
 - Remove the word 'or', and capitalize 'should' to form a new sentence.
 - Pluralize 'letter'
 - Comma after 'fascia', and after 'frame'
- 12. Each surface utilized to display a message or to attract attention shall be measured as a separate sign, and symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls awnings, free standing structures, suspended by balloons or kites or on persons, animals, or

vehicles shall be considered as a sign to be included in calculating the overall square footage.

- Add a comma after 'message' and after 'attention'
 - Add a period after 'sign'; remove the word 'and', and capitalize 'symbols'
 - Add a comma after 'figures', 'walls', and 'kites'
 - Hyphenate 'free standing'
- 13. Signs existing after the effective date of the ordinance codified in this title which do not conform to the regulations set forth in this title are a nonconforming use or structure and as such shall be under regulations set forth in the Spink County Zoning Ordinance Title 17.16. All signs prior to the Spink County Zoning Ordinance #17 will be "grand-fathered" in. The superstructure for mounting of signs and such signs shall not be attached to a roof or project above the roof of a building not more than six (6') feet.
 - Capitalize 'title' to remain consistent
 - No hyphen in 'grandfathered'
 - Remove the highlighted section 'The superstructure for mounting of signs and', and capitalize 'such.'
 - Remove redundant markings
 - 14. Temporary Signs or banners when authorized by the County Planning Commission
 - What about them? This section should be removed as it does not give any pertinent information regarding temporary signs.
 - All signs will need to be at least six (6') feet on either side of the power line.
 - Remove redundant marking.
- **17.1502 Signs in the "RU" and "LF" Districts**
 - 1. One double surfaced name plate sign for each dwelling which shall not exceed one (1) square foot in area per surface. Such sign may indicate the name of the occupation, if such exists.
 - Hyphenate 'double surfaced'
 - 'Name plate' should be one word
 - Pluralize 'sign'
 - 1. Yard lights and name plate signs in RU and LF districts provide such lights are three (3') feet or more from all lot lines and subject to Title(s) 17.08 and 17.09 in the Spink County Zoning Ordinances #17. Lights for illuminating parking; provide where necessary provided that glare is not visible areas or yards for safety and security purposes may be provided where necessary provided that glare not visible from the public right-of-way or adjacent residential property and not

more than three (3') food candles of light intensity are present at the residential property line.

- Could read 'Yard lights and name plate illumination, provided that such lights are three (3) feet or more from all lot lines. Lights for illuminating parking, yards, or safety and security purposes may be provided where necessary provided that glare is not visible from the public right-of-way or adjacent residential property, and not more than three (3) foot candles of light intensity are present at the residential property line.
- 2. One double surfaced name plate sign for each dwelling group of six or more units, which shall not exceed six (6) square feet in area per surface. Such sign may indicate the names and addresses of the buildings or project, or may be a directory for occupants or state any combination of the above information.
 - Hyphenate 'double surfaced'
 - 'Name plate' should be one word
 - Pluralize 'sign'
 - Comma after 'occupants'
- 3. One double surfaced name plate sign for each permitted use other than residential which shall not exceed six (6) square feet in area per surface plus one-half (1/2) square foot per surface for each one (1') foot of setback greater than twenty (20') feet.
 - Hyphenate 'double surfaced'
 - 'Name plate' should be one word
 - Remove redundant markings
- 4. Symbols, statues, sculptures, and integrated architectural features on non residential building...
 - Hyphenate 'non residential'
 - Pluralize 'building'
- 5. Signs Over Show Windows or Doors of a non-conforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2') feet in height and ten (10') feet in length.
 - No capitalization of 'over show windows or doors'
 - Commas after 'announcing' and 'elaboration'
 - Remove redundant markings
- 6. Name, Occupation, and Warning Signs not to exceed two (2) square feet located on the premises of a business.
 - No capitalization of 'Occupation, and Warning Signs'

- **17.1503 Signs in the “C” District** Within the “C” district, name plate signs, business signs, and advertising signs are permitted subject to the following regulations:
 - ‘Name plate’ should be one word
 - Delete the word ‘permitted’, as it is unnecessary
 - 1. Within the Commercial district, the aggregate square footage of square feet for each front foot of building abutting on sign space per lot shall not exceed the sum of two (2) public right-of-ways fifty (50”) feet or more in width with the least width of a corner lot fronting on a public right-of-way being the front for purposed of this title plus one (1) square foot for each front foot of side yard abutting on a public right-of-way fifty (50”) feet or more in width. No individual sign surface shall exceed sixty (60) square feet in area, nor shall two or more smaller signs be so arranged and integrated as to cause a sign surface smaller than sixty (60) square feet.
 - Remove the number 1. There is only one section, so numbering is unnecessary
 - Remove redundant markings
- **17.1504 Signs in the “HC”, “I”, and “AG” Districts** Within the “HC”, “I”, and “AG” districts name plate signs, business signs, and advertising signs are permitted subject to the following regulations:
 - ‘Name plate’ should be one word
 - Delete the word ‘permitted’, as it is unnecessary
 - 1. ...for each foot of public right-of-way fifty (50’) feet or more in width abutting the side of the structure plus a ten (10%) percent increase.
 - Remove redundant markings
 - 2. The least width of such corner lot shall be the front for purposes of this title, individual sign surface shall exceed two hundred fifty (250) square feet.
 - 3. Wall Signs placed against the exterior walls of buildings shall not extend more than six (6”) inches outside of a building’s wall surface; shall not exceed five hundred (500) square feet in area for anyone premise, and shall not exceed twenty (20’) feet in height above the mean centerline street grade.
 - No capitalization of ‘signs’
 - Remove redundant markings
 - ‘anyone’ should read ‘any one’
 - ‘premise’ should read ‘premises’
 - Semi-colon after ‘premises’ instead of a comma
 - 4. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for anyone premise; shall not extend more than six (6’) feet into any required yard; shall not extend more than

six (6') feet into any public right-of-way; shall not be less than ten (10') feet from all side lot lines; shall not exceed a height of twenty (20') feet above the mean centerline street grade, and fifteen (15') feet above the driveway or an alley.

- No capitalization of 'signs'
 - 'anyone' should read 'any one'
 - 'premise' should read 'premises'
 - Remove redundant markings
 - 5. Ground Signs shall not exceed twenty (20') feet in height above the mean centerline street or grade;
 - No capitalization of 'signs'
 - Remove redundant markings
 - 6. Roof Signs shall not exceed ten (10') feet...
 - No capitalization of 'signs'
 - Remove redundant markings
- **17.1505 Billboard Signs**
 - 1. Within HC and I use district; for a lot upon which a principle use other than billboards exist...and no billboard shall be less than twenty (20') feet from the front lot line.
 - Rewrite highlighted section to say 'Within HC and I use districts, a lot upon which...'
 - Remove redundant markings
 - 2. Also within the C, HC, and I district ...which is fifty (50') feet or more in width.
 - Pluralize 'district'
 - Remove redundant markings
 - 3. Billboards shall not be less than twenty (20') feet from the front lot line
 - Remove redundant markings
 - **17.1506 Sign as Obstruction/Deception**
 - ...or fire escape; and no sign shall be attached to a fire escape.
 - Remove semi-colon. Remove 'and', and capitalize 'no'
 - **Where a billboard is illuminated, the source of light shall not shine upon any part of an existing residence, or into a residential district or into a street.**
 - This section is just "floating" in the ordinances. We should assign in a Title number (17.1508 is next in line).
 - **17.1601 Intent**
 - ...but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment; it is the intent to permit these non-

conformities to continue until they are removed. It is further the intent that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

- Pluralize 'amendment'
- 'non-conformities' should read 'nonconformities'
- Pluralize 'ground'

- **17.1603 Nonconforming Uses of Land**

- 1. No such nonconforming use shall be enlarged or increased, no extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 - Highlighted area should read 'enlarged, increased, or extended'

- **17.1606 Uses under Special Exception Provisions Not Nonconforming Uses.**

- Capitalize 'under'

- **17.1701 Administration and Enforcement**

- (last sentence) or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions
 - Change 'insure' to 'ensure'
 - Pluralize 'violation'

- **17.1702 Building Permits Required**

- 1. For any new or improvements on or to any structure/building in which the market value of the improvement, including labor either done by self or hired labor and materials exceeds twenty-five hundred (\$2,500) dollars:
 - Period instead of colon
 - Rewrite this section to say 'For any new structure, or improvements to existing structures, in which the market value of the improvement, including labor done by self or hired labor and materials exceeds twenty-five hundred (\$2,500) dollars.'
- 3. For any structure or building, regardless of cost, if additional land or area is required for it to be sited on. No building or structure, which meets anyone of the above criteria shall be erected, partially erected, moved, added to or structurally altered without a permit therefor issued by the zoning Administrator
 - Remove 'or building' and 'building or'
 - 'Anyone' should say 'any one'
 - Remove the word 'therefore'
 - Capitalize 'zoning'

- No building permit shall be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance, unless **he** received a written order from the **County Planning Commission** in the form of an administrative review, special exception, or variance as provided by this Ordinance.
 - 'he' to 'he/she' to remain consistent
 - County Planning Commission should say Planning and Zoning Board
- **17.1703 Application for Building Permit**
 - (Last paragraph)...The original and one copy of the application, similarly marked, shall be retained by the **zoning** Administrator.
 - Capitalize 'zoning'
- **17.1704 Expiration of Building Permit** If the work described **In** any building permit has not begun...
 - No capitalization of 'In'
- **17.1706 Building/Zoning Permit Fees** All building/zoning permits shall be obtained by application of the owner or builder. It is the owner's and builder's responsibility to obtain a permit prior to construction on property, owned or leased. The fee for a building permit will be **ten (\$10)** dollars, refundable only if the request for a building permit is denied.
 - Current permit fee is \$15
- **17.1710 Selling Landowner Must Plat Land** Any **Landowner**(s) selling part of his/her property, building a subdivision, or dividing his/her property into smaller pieces is responsible for getting the plat prepared (whether by an engineer or other service), paying for the plat information, and turning the appropriate plat documents over to the County to be filed. **This is required whether or not the land in question is rezoned or not.**
 - No capitalization of 'Landowner(s)'
 - Change last sentence to read, 'Platting of the land is required, regardless of whether the land in question is to be rezoned.'
 - **Minimum Lot Requirements:** A plat is required whenever **Twenty** (20) acres or less are split out of a larger parcel as required in Chapter 17.07.
 - Remove colon mark
 - No capitalization of 'Twenty'
 - **Application Fee:**
 - Remove period
 - **Plat Application.** The landowner or his/her authorized agent shall submit to the **Planning Commission** the following:
 - Remove period
 - Change 'Planning Commission' to 'Planning and Zoning Board'
- **17.1801 Proceedings of the County Planning and Zoning Commission** The County Planning and Zoning **Commission** shall serve as the Board of Adjustment as provided by SDCL 11-2-25.1. The County Planning and Zoning **Commission** shall adopt rules necessary for the conduct of its affairs and keeping with the provisions of this Ordinance. The County Planning and Zoning **Commission** shall keep a record of all proceedings. Meetings shall be held at the call of the Zoning Administrator and at such

other times as the **Planning Commission** may determine. The Zoning Administrator, or in his/her absence the Director of Equalization, may administer oaths and compel the attendance of witnesses. All meetings shall be open to public. The County Planning and Zoning **Commission** shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and immediately filed with the Secretary of the **Planning Commission**. The **Planning Commission** shall adopt **from time to time**, sub-regulations as it **may deem** necessary to carry appropriate provisions of this Ordinance into effect.

- Change all to read 'Planning and Zoning Board'
- Fix typo (planning)
- Remove 'from time to time', and rewrite 'may deem' to read 'deems'
- **17.1802 Appeals, Hearings, Notice** Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days prior to the newspaper publication of building permits by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time (within 30 days) for the hearing of appeal, give public notice thereof, as well as, due notice to the parties in interest, and decide the same within a reasonable time (within 30 days). Upon the hearing, any party may appear in person or by agent or attorney.
- **17.1901 Administrative Review** The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator **based on** or made in the enforcement of any zoning regulation relating to the location or soundness of structures or to interpret any map.
 - Remove 'based on' and add a comma in its place
- **17.1902 #2** Notice shall be sent to the adjacent **land-owners**, the property owners requesting the special exception, and the local government entity by certified letter at least seven (7) days prior to a hearing on the request.
 - 'Land-owners' should be one word
 - Maybe rewrite to say 'Notice by certified letter shall be sent to the adjacent landowners, the property owners requesting the special exception, and the local government entity at least seven (7) days prior to a hearing on the request.'
- **17.1902 #5**
 - Sub-section A-H currently has 'E' listed twice. Change second 'E' to 'F'
- **17.1902 #6** ...If conditions and **safe-guards** established are not met, the special exception shall be declared unlawful and constitute a violation.
 - 'Safe-guards' should be one word

- **17.1903 Variances, Conditions Governing Application and Procedures #5** Notice of public hearings shall be given as in 17.1902 and the adjacent landowners will be sent notice by the Planning and Zoning Administrator. The public hearing shall be held and any party may appear in person, or by agent or by attorney; the Board of Adjustment shall make findings that the requirements of 17.1902 have been met by the applicant for a variance; the Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Board of Adjustment shall further make a finding that the general purpose and intent of this Ordinance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - Change highlighted sections to periods
- **17.1904 Rezoning, Conditions Governing Applications, and Procedures #1** A Petition for Rezoning is submitted, to the Zoning Administrator, indicating the chapter of this Ordinance under which the rezoning is sought and stating the grounds on which it is requested.
 - Remove comma
- **17.1904 Rezoning, Conditions Governing Applications, and Procedures #2** Notice shall be sent to the adjacent/abutting land-owners and the local government entity by certified letter at least seven (7) days prior to a hearing on the request and shall state the date, time, and place of the hearing.
 - 'Land-owners' is one word
 - Rewrite as 'Notice by certified letter shall be sent to the adjacent/abutting landowners and the local government entity at least seven (7) days...'
- **17.1904 Rezoning, Conditions Governing Applications, and Procedures #3** The public hearing shall be held by the Spink County Planning and Zoning Commission.
 - Change 'commission' to 'Board' to remain consistent
- **17.1904 Rezoning, Conditions Governing Applications, and Procedures #4** The Board of Adjustment shall make a finding of facts that it is empowered under the chapter of this Ordinance described in the application to grant the rezoning...
 - Highlighted section should say Planning and Zoning Board
- **17.1904 Rezoning, Conditions Governing Applications, and Procedures #5** Before any rezoning shall be issued, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual rezoning requests...
 - Highlighted section should say Planning and Zoning Board
 - Lettered sub-section currently reads FGHIJGI. This should read A-H.
- **17.1904 Rezoning, Conditions Governing Applications, and Procedures #6** Upon application, pursuant to the provisions of this Ordinance, conditions, and safeguards may be imposed as are appropriate. These conditions may specify time limits or address other matters pertinent to the issuance of a rezoning request. If conditions and safeguards established are not met, the rezoning request shall be declared unlawful and constitute a violation. Classified rezoning shall be authorized only if they meet the following criteria.

- Remove highlighted comma
- Remove hyphen from 'safe-guards'
- **17.1904 Rezoning, Conditions Governing Applications, and Procedures #8** County Commissioners hold the rezoning hearing and take action based upon the finding of facts recommended by the Spink County Planning and Zoning Commission.
 - Change commission to board to remain consistent
- **17.1904 Rezoning, Conditions Governing Applications, and Procedures #10** It is advisable for the notice to list BOTH the Planning Commission meeting date and the required County Commission meeting dates. This way, if there is any opposition, it will surface at the Planning Commission level and may effect their (Planning Commission) recommendation to the full board of County Commissioners.
 - Change 'Planning Commission' to 'Planning and Zoning Board' to remain consistent
 - 'Effect' should be 'affect'
- **17.2001 Duties of Zoning Administrator County Planning and Zoning Commission/Board of Zoning Adjustment, County Commissioners and Courts on Matters of Appeals** It is the intent of this Ordinance that all questions of interpretation and enforcement shall be presented first to the Zoning Administrator and any person or persons or any board, taxpayer, department, board or bureau of the County aggrieved by any decisions of the Zoning Administrator and that such questions shall be presented to the County Planning and Zoning Commission/Board of Zoning Adjustment only in appeal from the decisions of the Zoning Administrator, and that recourse from the decisions of the County Planning and Zoning Commission/Board of Zoning Adjustment shall be to the County Board of Commissioners and recourse from their decision to the courts as provided by law.
 - 'Planning and Zoning Commission' to 'Planning and Zoning Board'
 - 'Board of Zoning Adjustment' to 'Board of Adjustment'
- **17.2002 Stay of Proceedings**
 - Change 'Zoning Commission' to read ' Planning and Zoning Board'
 - Change 'Board of Zoning Adjustment' to 'Board of Adjustment'
- **17.2201 Amendments** ...Upon filling or upon separate requests by the Board of County Commissioners, the County Planning Commission shall hold a public hearing not less than fifteen (15) days after notice is published in newspaper of general circulation in the County and subject to the provision of SDCL 11-2-29.

The Board of County Commissioners shall hold a hearing subject to the provisions of SDCL 11-2-19. At that time, the recommendations of the County Planning Commission will be reported.

- 'Filling' should read 'filing'
- Change County Planning Commission to Planning and Zoning Board
- Add 'a' between 'in' and 'newspaper'
- **Appendix A—Mobile Home Standards**

- (Mobile home tiedown criteria #1) Over-the-top tiedowns shall be positioned at stud and rafter locations near each end of the mobile home. **Others. If** needed may be positioned between them.
 - Comma after 'others' instead of a period
- (Mobile home tiedown criteria #2) Either steel cable or steel strapping can be used for **ties All** ties shall be fastened to ground anchors, as described in Section **3. below and drawn**
 - Add period after 'ties'
 - Remove period after 'Section 3' and add it after 'below.' Remove 'and drawn.'
- (Mobile home tiedown criteria #3) **tight** with galvanized **turn-buckles** or yoke-type fasteners and tensioning devices. **Turnbuckles shall be ended with jaws or forged or welded eyes.** Turnbuckles with hook ends will not be permitted.
 - Combine numbers 2 and 3 to read, 'Either steel cable or steel strapping can be used for ties. All ties shall be fastened to ground anchors, as described in Section 3 below, and drawn tight with galvanized turnbuckles or yoke-type fasteners and tensioning devices. Turnbuckles shall be forged, or ended with jaws. Turnbuckles with hook ends will not be permitted.'
- (Mobile home tiedown criteria #8) ...**likewise**, special adapters must be installed to prevent the cable or strap from knifing through the mobile home.
 - Capitalize 'likewise'
- (Mobile home **round** anchors shall meet the following requirements:)
 - Change 'round' to read 'ground'
- (Mobile home **round** anchors shall meet the following requirements: #2)
 - ...and be sunk to their full depth (**at 1 east 4 l**).
 - Highlighted section should read 'at least 4 inches'
- (Mobile home **round** anchors shall meet the following requirements: #3)
 - Anchors shall be capable of withstanding 5,700 pounds of pull (in vertical or diagonal direction) **without-failure**.
 - Remove unnecessary hyphen
- **Appendix D—Concentrated Animal Feeding Operation Regulations**
 - **Appendix D (Intent)** All new and proposed expansions of CAFOs shall comply with the regulations as **outline** herein.
 - Change to 'outlined'
 - (CAFO Control Requirements #2)
 - All classes of Concentrated Animal Feeding Operations shall obtain a Spink County Temporary Permit pertaining to the animal species of the Concentrated Animal Feeding Operation before applying at the State level. After the State General Permit has been approved, the Spink County Zoning Administrator will file the Temporary Permit as a Permanent Permit in the Register of Deeds office. All classes are required to obtain a building permit prior to construction.

