

Hand County, South Dakota



Zoning Ordinance #2026-1

Effective **June 2, 2026**

PREPARED BY

HAND COUNTY

WITH ASSISTANCE FROM
NORTHEAST COUNCIL OF GOVERNMENTS

SCHEDULE OF PUBLIC HEARINGS

Date:	Action:
3/28/2026	Notice of Planning Commission Public Hearing Published
4/7/2026	Planning Commission Public Hearing and recommends adoption
4/18/2026	Planning Commission Public Hearing Minutes Published
4/25/2026	Notice of First County Commission Public Hearing
5/5/2026	First County Commission Public Hearing
5/16/2026	County Commission Public Hearing Minutes Published
5/23/2026	Notice of Second County Commission Public Hearing
6/2/2026	Second County Commission Public Hearing
6/13/2026	County Commission 2 nd Public Hearing Minutes Published
6/13/2026	First Publication of Notice of Adoption - Ordinance 2025-1
6/20/2026	Second Publication Notice of Adoption Ordinance 2025-1
7/10/2026	Effective Date (20 days after 2nd publication of summary)

TABLE OF CONTENTS

	Ordinance Title Page	1
ARTICLE I	General Provisions	2
Chapter 1.01.	Title and Application	2
Section 1.01.01.	Title	2
Section 1.01.02.	Jurisdiction	2
Section 1.01.03.	Purpose	2
Chapter 1.02.	Ordinance Provisions.....	3
Section 1.02.01.	Provisions of Ordinance Declared to be Minimum Requirements.....	3
Section 1.02.02.	Purpose of Catch heads	3
Section 1.02.03.	Violation & Penalty.....	3
Section 1.02.04.	Separability Clause	4
Section 1.02.05.	Repeal of Conflicting Ordinances	4
Section 1.02.06.	Effective Date.....	4
Chapter 1.03.	Official Zoning Map	5
Section 1.03.01.	Official Zoning Map.....	5
Section 1.03.02.	Amendment of the Official Zoning Map	5
Section 1.03.03.	Interpretation of District Boundaries	5
Section 1.03.04.	Changes and/or Replacement of Official Zoning Map.....	6
Section 1.03.05.	Disincorporation.....	7
ARTICLE II	DEFINITIONS	8
ARTICLE III	District Regulations.....	26
Chapter 3.01.	Application of District Regulations	26
Section 3.01.01.	Application of District Regulations	26
Chapter 3.02.	Nonconforming Uses	26
Section 3.02.01.	Purpose and Intent	26
Section 3.02.02.	Continuation of Nonconforming Uses	26
Section 3.02.03.	Use Becoming Nonconforming by Change of Law or Boundaries	26
Section 3.02.04.	Extension or Enlargement	26
Section 3.02.05.	Restoration After Damage	26
Section 3.02.06.	Repairs and Maintenance.....	27
Section 3.02.07.	Unsafe Nonconforming Lots	27
Section 3.02.08.	Discontinuance of Nonconforming Use	27
Section 3.02.09.	Effect on Use Which is Legal Under Prior Law.....	27
Section 3.02.10.	Powers of the Planning Commission/Board of Adjustment	27
Section 3.02.11.	Continuation of Nonstandard Uses.....	27
Section 3.02.12.	Nonconforming Lots of Record	27
Chapter 3.03.	Zoning Districts	28
Section 3.03.01.	Districts	28
Section 3.03.02.	Prohibited Uses.....	28

ARTICLE IV	DISTRICT REQUIREMENTS	29
Chapter 4.01.	"A" - Agricultural District.....	29
Section 4.01.01.	Permitted Uses	29
Section 4.01.02.	Special Permitted Uses	30
Section 4.01.03.	Conditional Uses.....	30
Section 4.01.04.	Area Regulations	31
Chapter 4.02.	"CI" - Commercial/Industrial District.....	33
Section 4.02.01.	Permitted Uses	33
Section 4.02.02.	Special Permitted Uses	33
Section 4.02.03.	Conditional Uses.....	33
Section 4.02.04.	Area Regulations	34
Section 4.02.05.	Performance Standards.....	35
Chapter 4.03.	"TD" – Town District.....	36
Section 4.03.01.	Permitted Uses	36
Section 4.03.02.	Special Permitted Uses	36
Section 4.03.03.	Conditional Uses.....	36
Section 4.03.04.	Area Regulations	36
ARTICLE V	General Requirements.....	38
Chapter 5.01.	Fences	38
Section 5.01.01.	Purpose.....	38
Section 5.01.02.	Permit Required	38
Chapter 5.02.	Moved in Buildings.....	38
Chapter 5.03.	Shelterbelt Setback Requirements	38
Chapter 5.04.	Sand, Gravel or Quarry Operation; Rock Crushers; Mineral Exploration and Development; and Concrete and Asphalt Mixing Plant Requirements	39
Section 5.04.01.	Application	39
Section 5.04.02.	State and Federal Requirements.....	39
Section 5.04.03.	Setbacks	39
Section 5.04.04.	General Provisions	40
Chapter 5.05.	Concentrated Animal Feeding Operations (CAFO) Regulations.....	40
Section 5.05.01.	Intent	40
Section 5.05.02.	Animal Units Equivalent to Animal Species.....	42
Section 5.05.03.	Classes of Concentrated Animal Feeding Operations.....	43
Section 5.05.04.	Concentrated Animal Feeding Operation Permit Requirements	43
Section 5.05.05.	Concentrated Animal Feeding Operation Control Requirements	44
Section 5.05.06.	Accessory Agricultural Housing	48
Chapter 5.06.	Accessory Buildings.....	48
Chapter 5.07.	Structures to Have Access	48

Chapter 5.08.	Yards.....	49
Section 5.08.01.	Yards, Reduction in Size	49
Chapter 5.09.	Permanent Foundations Required for Dwellings	49
Chapter 5.10.	Utility Easements	49
Chapter 5.11.	Erection of More Than One Principal Structure on a Lot.....	49
Chapter 5.12.	Right to Farm Notice Covenant	49
Chapter 5.13.	Waiver of Setback from Existing Concentrated Animal Feeding	50
Chapter 5.14.	Target Range Requirements	52
Section 5.14.01.	Area Regulations	52
Chapter 5.15.	Bed and Breakfast Establishments.....	52
Chapter 5.16.	Private Wind Energy Conversion Systems (PWECS)	52
Chapter 5.17.	Wind Energy Systems (WES) Requirements	53
Section 5.17.01.	Applicability	53
Section 5.17.02.	Federal and State Requirements.....	53
Section 5.17.03.	General Provisions	53
Chapter 5.18.	Pipeline Structures.....	58
Chapter 5.19.	Hazardous Material Pipelines	58
Section 5.19.01.	Intent	58
Section 5.19.02.	Applicability	58
Section 5.19.03.	More Stringent Standards Required	59
Section 5.19.04.	Conditional Use Permit Required	59
Section 5.19.05.	Conditional Uses.....	59
Section 5.19.06.	Minimum Setback Requirements.....	59
Section 5.19.07.	Setback Waiver or Variance	59
Section 5.19.08.	Permit Application Requirements for HLP	60
Chapter 5.20.	Solar Energy Systems (SES).....	61
Section 5.20.01.	Purpose.....	61
Section 5.20.02.	Private Solar Energy System (PSES).....	61
Section 5.20.03.	Permitting.....	61
Section 5.20.04.	Compliance	62
Section 5.20.05.	General Provisions for Solar Energy Systems	62
Section 5.20.06.	Decommissioning/Restoration/Abandonment	65
Chapter 5.21.	Cannabis Dispensaries.....	65
Chapter 5.22.	Data Processing Center.....	67
Section 5.22.01.	Siting Requirements	67
Section 5.22.02.	Utility Notification	67
Section 5.22.03.	Noise.....	68

Section 5.22.04.	Signage.....	69
Section 5.22.05.	Structural Requirements.....	69
Section 5.22.06.	Access.....	69
Section 5.22.07.	Submittal Requirements.....	69
ARTICLE VI	ADMINISTRATION.....	71
Chapter 6.01.	Building/Use Permits.....	71
Section 6.01.01.	Permits Required.....	71
Section 6.01.02.	Applications.....	71
Section 6.01.03.	Building/Use Permit Issuance and Termination.....	71
Section 6.01.04.	Permits Displayed.....	72
Section 6.01.05.	Fees.....	72
Chapter 6.02.	Zoning Officer.....	72
Section 6.02.01.	Zoning Officer.....	73
Section 6.02.02.	Duties.....	73
Section 6.02.03.	Procedures for Approval of Special Permitted Use Permit.....	74
Section 6.02.04.	Right of Entry.....	75
Section 6.02.05.	Stop Order.....	75
Section 6.02.06.	Occupancy Violation.....	75
Chapter 6.03.	Planning Commission.....	75
Section 6.03.01.	Establishment.....	75
Section 6.03.02.	Term of Office.....	75
Section 6.03.03.	Meetings of the Planning Commission.....	75
Section 6.03.04.	Per Diem and Expenses of Commission.....	76
Section 6.03.05.	Powers and Duties of the Board.....	76
Chapter 6.04.	Board of Adjustment.....	77
Section 6.04.01.	Establishment.....	77
Section 6.04.02.	Procedures for Meetings.....	77
Section 6.04.03.	Powers and Duties of the Board.....	77
Section 6.04.04.	Power and Jurisdiction Relating to Administrative Review.....	78
Section 6.04.05.	Board of Adjustment has Powers of Administrative Officer on Appeals: Reversing Decision of Zoning Officer.....	78
Section 6.04.06.	Appeals, Record of Appeal, Hearing and Stays.....	78
Section 6.04.07.	Appeals to a Court of Record.....	79
Chapter 6.05.	Procedures for Conditional Uses, Variances & Zoning Amendments.....	79
Section 6.05.01.	Powers and Jurisdiction Relating to Conditional Uses.....	79
Section 6.05.02.	Powers and Jurisdiction Relating to Variances.....	81
Section 6.05.03.	Zoning Amendments.....	83
Section 6.05.04.	Reapplication.....	84