

MOODY COUNTY

ZONING

FORMS

&

WAIVERS

Revised 06/2014

BUILDING PERMIT

HOW DO I OBTAIN A BUILDING PERMIT?

A building permit is required whenever a structure is erected, moved onto a property, added to, or structurally altered.

- ⇒ Meet with the Administrative Official (and ask for a Building Permit application.
- ⇒ Complete the application and pay the appropriate fee.
- ⇒ In addition to the application, a site plan drawn to scale with the following information shall also be submitted:

- The location and dimensions of the proposed building or alteration
- The existing and intended use of all such buildings
- The location of existing or proposed water and sewer facilities
- The size, arrangement, number of parking stalls, movement of vehicles & ingress & egress drives for all off-street parking & loading facilities if in the commercial district.

- ⇒ The Administrative Official will review your application and will either approve or disapprove the application.
- ⇒ Your application may be denied because you may be required to either rezone your property, or obtain a conditional use permit or variance prior to receiving a building permit.

CONDITIONAL USE PERMIT

HOW DO I OBTAIN A CONDITIONAL USE PERMIT?

- ⇒ Meet with the Administrative Official (located in Equalization Office) and ask for a Conditional Use Permit application.
- ⇒ Complete the application.
- ⇒ The Administrative Official will set a date for a public hearing of the Board of Adjustment to hear your request.
- ⇒ Applicant must notify adjacent property owners by certified or registered mail, at their last known address, of the conditional use permit request and of the public hearing time and date prior to the hearing of the Board of Adjustment or in lieu of this, obtain written consent from adjacent landowners.
- ⇒ Ten (10) days before the public hearing the Administrative Official will publish a notice in the official newspaper.
- ⇒ The Administrative Official will review your application and will forward the application to the Board of Adjustment.
- ⇒ The public hearing is held.
- ⇒ The Board of Adjustment will hear your request and any comments pro or con from the public.
- ⇒ The Board of Adjustment will either approve or deny your request. The Board will make written findings supporting its decision.
- ⇒ The Board of Adjustment may attach additional requirements to your Conditional Use permit.
- ⇒ For the Board of Adjustment to grant you a Conditional Use permit, a vote of two-thirds (2/3) of the total membership of the Board (4 votes) will be required for passage.

CONDITIONAL USE PERMIT INFORMATION

WHAT IS A CONDITIONAL USE?

Moody County is divided into zoning districts which regulate uses of property within those districts. The uses allowed in each zoning district fall into two categories

1. PERMITTED USES: are those uses allowed in a district and do not require a review by an advisory body. Permitted uses are still required to obtain a building permit.

2. CONDITIONAL USES: are those uses allowed in a district only after review and approval of such use in the district by the Board of Adjustment. If the conditional use requires a building permit, the building permit will not be issued until the conditional use has been issued.

Any conditional use approved by the board of adjustment must conform to the requirements for the zoning district in which the use is located. However, the Board of Adjustment can add other requirements or stipulations that are appropriate or necessary. In all cases, the impact of the proposed use on adjacent properties will be a major consideration.

STEP #1 MAKING APPLICATION

An application for a conditional use permit may be obtained from the administrative official. The application will require you to provide the legal description of the property, the adjacent land uses, the size of the parcel you want a conditional use for and the purpose for the conditional use. You will also be required to pay a filing fee for processing your petition.

Once you have completed your petition, paid your filing fee, and provided a site plan if required, you will be placed on the agenda of the next board of adjustment meeting.

STEP #2 PUBLIC HEARING OF THE BOARD OF ADJUSTMENT

At the public hearing, the Board of Adjustment Chairperson will announce each agenda item in turn and then ask if the petitioner is present to explain the request. This is when you would state your reasons for the conditional use permit. The chairperson will also ask if there are persons present who wish to speak against the conditional use, and they may do so at this time.

After the board of adjustment has heard from the citizens present and discussed the petition among themselves, they will vote to either deny or approve the request. The board of adjustment bases its decision on a number of things:

- ⇒ The comprehensive plan
- ⇒ Adjacent land uses
- ⇒ The steps taken on the site to offset any negative effects of the use on adjacent property
- ⇒ and the effects such use would have on traffic and circulation in the area.

The board of adjustment will then vote to approve or deny the request. A 2/3 vote of the entire board of adjustment is needed for approval (4 votes). If the board of adjustment should vote to deny your request, you may seek relief through legal action.

A conditional use permit shall remain valid as long as the use complies with any terms or conditions of the permit.

Specific conditional use requirements may be found in the Moody County Zoning Ordinance Article III chapter 3.04.

VARIANCE

HOW DO I OBTAIN A VARIANCE?

- ⇒ Meet with the Administrative Official (located in Equalization office) and ask for a variance application.
- ⇒ Complete the application and pay the appropriate fee.
- ⇒ The Administrative Official will set a date for a public hearing of the Board of Adjustment to hear your request.
- ⇒ Applicant must notify adjacent property owners by certified or registered mail, at their last known address, of the variance request and of the public hearing time and date prior to the hearing of the Board of Adjustment or in lieu of this obtain written consent from adjacent landowners.
- ⇒ The Administrative Official will review your application and will forward the application to the Board of Adjustment.
- ⇒ Ten (10) days before the public hearing the Administrative official will publish a notice in the official newspaper.
- ⇒ The public hearing is held.
- ⇒ The Board of Adjustment will hear your request and any comments pro or con from the public.
- ⇒ The Board of Adjustment will either approve or deny your request. The Board will make written findings supporting its decision.
- ⇒ For the Board of Adjustment to grant you a variance, a vote of two-thirds (2/3) of the total membership of the Board (4 votes) will be required for passage.

VARIANCE INFORMATION

WHAT IS A VARIANCE?

A variance is a relaxation of the terms of the zoning ordinance where 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, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

STEP #1 MAKING APPLICATION

An application for a variance may be obtained from the Administrative Official. The application will require you to provide the legal description of the property, a brief statement of the variance desired, and a statement of the hardship requiring relief. You will also be required to pay a filing fee for processing your petition.

Once you have completed your petition, paid the filing fee, submitted verification that adjoining landowners were notified of variance request, and provided a site plan, you will be placed on the agenda of the next board of adjustment meeting.

STEP #2 PUBLIC HEARING OF THE BOARD OF ADJUSTMENT

At the public hearing, the Board of Adjustment Chairperson will announce each agenda item in turn and then ask if the petitioner is present to explain the request. This is when you would state your reasons for the variance. The Chairperson will also ask if there are people present whom wish to speak against the variance, and they may do so at this time.

After the Board of Adjustment has heard from the citizens present and discussed the petition among themselves, they will vote to either deny or approve the request. The Board of Adjustment bases its decision on a number of things:

- ⇒ Whether or not the special conditions and circumstances that exist are peculiar to the land, structure, or building involved and which are not applicable to other land structures, or buildings in the same district.
- ⇒ Does the literal interpretation of the ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance?
- ⇒ That special conditions and circumstances do not result from the actions of the applicant.
- ⇒ and that the granting of the variance will not confer on the applicant any special privilege.

The Board of Adjustment will then vote to approve or deny the request. A 2/3 vote of the entire Board of Adjustment (4 votes) is required for approval. If the Board of Adjustment should vote to deny your request, you may seek relief through legal action.

Specific variance requirements may be found in the Moody County Zoning Ordinance Article III Chapter 3.04.

REZONING

HOW DO I REZONE PROPERTY?

- ⇒ Meet with the Administrative Official (Director of Equalization) and ask for a rezoning application.
- ⇒ Complete the application and pay the appropriate fee.
- ⇒ The Administrative Official will review your application and will forward the application to the Planning Commission.
- ⇒ The Administrative Official will set a date, time and place for a public hearing of the Planning Commission to hear your request.
- ⇒ Ten (10) days prior to the public hearing the Administrative Official will publish a notice in the official newspaper.
- ⇒ Seven days before the public hearing the Administrative Official will mail a notice, by Certified or Registered Mail at your expense, to all landowners within 250 feet of the proposed rezoning.
- ⇒ Seven days before the public hearing the Administrative official will mail you a notice stating that your application request is being placed upon the agenda of the Planning Commission
- ⇒ The public hearing is held.
- ⇒ The Planning Commission will either recommend or not recommend approval of the zoning amendment to the Board of County Commissioners.
- ⇒ The Board of County Commissioners will have the first reading of the zoning amendment and schedule a date for the second reading.
- ⇒ The Administrative Official will publish the notice for the second reading of the ordinance amendment, at your expense, seven days prior to the second reading.
- ⇒ The Board of County Commissioners will have the second reading and may pass the ordinance amendment by simple majority.

REZONING INFORMATION

WHAT IS ZONING?

Moody County has been divided up into different residential, commercial and industrial land use districts or zones. Within these zones only certain uses are permitted. By having these zones, property owners can be assured that only compatible uses will locate next to their property.

WHAT IS REZONING?

When a proposed land use is not permitted under the existing zoning, you can petition the Planning Commission to change the zoning ordinance or zoning classification on your property. This is accomplished through the series of steps outlined below.

STEP #1 MAKING APPLICATION

Petitions for a zoning change must be obtained from the Administrative Official. The petition will ask you for the legal description of the property you want to rezone, the existing zoning classification, and the purpose for rezoning. There will be a fee charged for the processing of your petition. Once you have paid this fee and completed the petition, you will be put on the agenda for the next Planning Commission meeting.

STEP #2 JOINT PUBLIC HEARING OF THE PLANNING AND ZONING COMMISSION AND BOARD OF COUNTY COMMISSIONERS

The Planning Commission will make a recommendation to the Board of County Commissioners regarding land use changes. At the public hearing, the Planning Commission chairperson will announce each agenda item in turn and then ask if the petitioner is present to explain the request. This is when you would state your reasons for rezoning. Then, persons present whom wish to speak against the rezoning have a chance to talk.

After the Planning Commission has heard from the citizens present and discussed the petition among themselves, they will vote to recommend to the Board of County Commissioners to either deny or approve the request. The Planning Commission bases its decision on a number of things:

- ⇒ The comprehensive plan
- ⇒ Adjacent land uses
- ⇒ Adjacent zoning districts
- ⇒ The nature of the proposed land use
- ⇒ and the impact of such a rezoning on the surrounding neighborhood.

Remember that the Planning Commission vote is only a recommendation. The Board of County Commissioners can reverse the decision of the Planning Commission.

The Board of County Commissioners will then have the first reading of the ordinance amendment and set a second reading date. At the second reading the Board of County Commissioners may approve the petition by a simple majority. A notice of adoption will be published once and the amendment will become effective twenty days after the publication.

The following are the county's zoning districts:

A	Agricultural
AP	Aquifer Protection
CI	Commercial/Industrial
FP	Flood Plain
LP	Lake Park
NR	Natural Resources
PR	Planned Residential

APPLICATIONS AND WAIVERS

**BUILDING PERMIT
CONDITIONAL USE
VARIANCE
REZONING/ZONING AMENDMENT
WIRELESS TELECOMMUNICATION TOWER
WIND ENERGY SYSTEM (WES)
CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)
MINING
AGRICULTURAL EASEMENT
SHELTERBELT WAIVER
HOME OCCUPATION**

MOODY COUNTY BUILDING PERMIT APPLICATION

PERMIT NUMBER _____

CONDITIONAL USE/VARIANCE # _____

APPLICANT (PRINT): _____ PHONE: (605) _____

ADDRESS: _____
Street City/State/Zip

DEVELOPMENT SITE LEGAL DESCRIPTION: _____

DEVELOPMENT SITE STREET ADDRESS: _____

EXISTING ZONING DESIGNATION: "A" Agricultural "CI" Commercial/Industrial "NR" Natural Resources "LP" Lake Park
"PR" Planned Residential "AP" Aquifer Protection Overlay "FP" Flood Plain "CP" Corridor Preservation Overlay

TYPE OF APPLICATION (circle all that apply)

NEW STRUCTURE

ALTERATION/ADDITION

ACCESSORY BUILDING

MOVING

PROPOSED WORK AND USE WHEN COMPLETED:

Building Size: Length _____ Width _____ Height _____

Bin Size: Width _____ Height _____ Bushels _____

ESTIMATED PROJECT CONSTRUCTION COST (including labor): \$ _____

I hereby certify that I have read and examined this application and know the information contained herein to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I further understand and agree that the granting of a permit does not presume to give authority to violate, cancel or variance the provisions of the Moody County Zoning Ordinance or any other federal, state, or local law regulating construction or the performance of construction. Upon issuance of a building permit, the applicant agrees to adhere to the county soil loss standards developed by the Moody County Conservation District pursuant to SDCL 38-8A. Structures within 300' of a designated flood plain will be required to submit an elevation certificate if used for residential purposes.

Contractor

Applicant Signature

Date

FOR OFFICIAL USE ONLY

____ \$25.00 APPLICATION FEE

Ag EASEMENT # _____

____ \$1.00 per \$1,000 of Valuation

____ PERMIT DENIED – REASON - _____

____ PERMIT APPROVED ATTEST: _____

Date

Incode # _____

Terrascan _____
Date Initials

ProVal _____
Date Initials

PERMIT EXPIRES: 1 year after approved date or six months after approved date if work has not begun

MOODY COUNTY CONDITIONAL USE APPLICATION

CONDITIONAL USE NUMBER _____

BUILDING PERMIT NUMBER _____

APPLICANT (PRINT): _____ **PHONE:** _____

ADDRESS: _____
Street City/State/Zip

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF MOODY COUNTY, TO ISSUE A CONDITIONAL USE PERMIT FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION: _____

GENERAL AREA OR STREET ADDRESS: _____

EXISTING LAND USE: _____ **EXISTING ZONING:** _____

SIZE OF PARCEL: ACRES _____ **LOT DIMENSIONS:** WIDTH _____ LENGTH _____

SURROUNDING LAND USE **NORTH:** _____
 SOUTH: _____
 EAST: _____
 WEST: _____

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CONDITIONAL USE PERMIT
(attach a separate sheet of paper if necessary)

Section of Ordinance requiring use: _____

SIGNATURE OF APPLICANT _____

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

\$100.00 FEE PAID (NON-REFUNDABLE): _____ **YES** _____ **NO**

DATE OF HEARING: _____

ACTION BY BOARD OF ADJUSTMENT: _____

EFFECTIVE DATE OF PERMIT: _____

A conditional use permit shall expire one (1) year from the date upon which it becomes effective if no work has commenced. Upon written request to the Board of Adjustment and prior to the conditional use permit expiration date, a one (1) year time extension for the conditional use may be granted by the Board of Adjustment.

MOODY COUNTY VARIANCE APPLICATION

VARIANCE NUMBER _____ BUILDING PERMIT NUMBER _____

APPLICANT (PRINT): _____ PHONE: _____

ADDRESS: _____
Street City/State/Zip

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF MOODY COUNTY, TO ISSUE A VARIANCE FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION: _____

GENERAL AREA OR STREET ADDRESS: _____

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A VARIANCE (attach a separate sheet of paper if necessary)

Section of Ordinance under which Variance is sought: _____

SIGNATURE OF APPLICANT _____

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

\$100.00 FEE PAID (NON-REFUNDABLE): _____ YES _____ NO

DATE OF HEARING: _____

ACTION BY BOARD OF ADJUSTMENT: _____

EFFECTIVE DATE OF PERMIT: _____

A variance shall expire one (1) year from the date upon which it becomes effective if no work has commenced. Upon written request to the Board of Adjustment and prior to the variance expiration date, a one (1) year time extension for the variance may be granted by the Board of Adjustment.

PETITION FOR A CHANGE IN MOODY COUNTY ZONING CLASSIFICATION

PERMIT NUMBER _____

APPLICANT (PRINT): _____ PHONE: _____

ADDRESS: _____
Street City/State/Zip

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF COUNTY COMMISSIONERS OF THE MOODY COUNTY, SOUTH DAKOTA, TO ISSUE A CHANGE IN ZONING CLASSIFICATION FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION (Please print or type)

GENERAL AREA OR STREET ADDRESS: _____

EXISTING LAND USE: _____ EXISTING ZONING: _____

SIZE OF PARCEL: ACRES _____ LOT DIMENSIONS: WIDTH _____ LENGTH _____

SURROUNDING ZONING CLASSIFICATION:

NORTH: _____ SOUTH: _____ EAST: _____ WEST: _____

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CHANGE IN ZONING CLASSIFICATION INCLUDING DISCUSSION ON WHAT CHANGE OR CHANGING CONDITIONS MAKE THE PASSAGE OF THIS AMENDMENT NECESSARY (attach a separate sheet of paper if necessary)

SIGNATURE OF APPLICANT _____

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

\$200.00 FEE PAID (NON-REFUNDABLE): _____ YES _____ NO

DATE OF HEARING: _____

RECOMMENDATION OF BOARD OF ADJUSTMENT: _____

DATE OF COMMISSIONER FIRST READING: _____

DATE OF COMMISSIONER SECOND READING: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

MOODY COUNTY WIRELESS COMMUNICATION TOWER APPLICATION

CONDITIONAL USE NUMBER _____

BUILDING PERMIT NUMBER _____

APPLICANT (PRINT): _____ **PHONE:** _____

ADDRESS: _____

DEVELOPMENT SITE LEGAL DESCRIPTION: _____

DEVELOPMENT SITE STREET ADDRESS: _____

EXISTING ZONING DESIGNATION: _____

REQUIRED APPLICATION SUBMISSIONS:

- ☐ The names, addresses, and telephone numbers of all owners of other Towers or usable Antenna Support Structures within a one-half (½) mile radius of the proposed new Tower site, including County-owned property.
- ☐ A description of the design plan proposed by the Applicant. Applicant must identify its utilization of the most recent technological design, including microcell design, as part of the design plan. The Applicant must demonstrate the need for Towers and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the Applicant's telecommunications services
- ☐ An affidavit attesting to the fact that the Applicant made diligent, but unsuccessful, efforts to install or co-locate the Applicant's Telecommunications Facilities on Towers or usable Antenna Support Structures owned by other Persons located within a one-half (½) mile radius of the proposed Tower site. In the event that one reason for the unsuccessful efforts to install or co-locate is that fees to be charged are not commercially reasonable, an explanation shall be provided why said charges are commercially unreasonable.
- ☐ Haul roads identified
- ☐ Written technical evidence from an Engineer(s) that the proposed Tower or Telecommunications Facilities cannot be installed or co-located on another person's Tower or usable Antenna Support Structures owned by other Persons located within one-half (½) mile radius of the proposed Tower site.
- ☐ Written, technical evidence from an Engineer(s) that the proposed structure meets the standards set forth in, "Structural Requirements," of this Ordinance.
- ☐ Written, technical evidence from a qualified Engineer(s) acceptable to the Fire Marshall and the building official that the proposed site of the Tower or Telecommunications Facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
- ☐ Map of easements.
- ☐ Copy of easement agreements with landowners.
- ☐ Map of occupied residential structures, businesses and public buildings on adjacent property.
- ☐ Map of sites for WES, access roads and utility lines.
- ☐ Location of other wireless communication towers within ½ mile of proposed site
- ☐ Project schedule.

ESTIMATED PROJECT CONSTRUCTION COST (including labor): \$ _____

SIGNATURE OF APPLICANT _____

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

\$100.00 FEE PAID (NON-REFUNDABLE): _____ **YES** _____ **NO** _____

DATE OF HEARING: _____

ACTION BY BOARD OF ADJUSTMENT: _____

EFFECTIVE DATE OF PERMIT: _____

A conditional use permit shall expire one (1) year from the date upon which it becomes effective if no work has commenced. Upon written request to the Board of Adjustment and prior to the conditional use permit expiration date, a one (1) year time extension for the conditional use may be granted by the Board of Adjustment.

MOODY COUNTY WIND ENERGY SYSTEM (WES) APPLICATION

CONDITIONAL USE NUMBER _____

BUILDING PERMIT NUMBER _____

APPLICANT (PRINT): _____ PHONE: _____

ADDRESS: _____

OWNER (PRINT): _____ PHONE: _____
IF DIFFERENT THAN APPLICANT

ADDRESS: _____

DEVELOPMENT SITE LEGAL DESCRIPTION: _____

DEVELOPMENT SITE STREET ADDRESS: _____

EXISTING ZONING DESIGNATION: _____

REQUIRED APPLICATION SUBMISSIONS:

- ☐ Haul roads identified
- ☐ Soil erosion and sediment plan
- ☐ Boundaries of the site proposed for WES and associated facilities on United States geological survey map or other map as appropriate.
- ☐ Map of easements for WES.
- ☐ Copy of easement agreements with landowners.
- ☐ Map of occupied residential structures, businesses and public buildings.
- ☐ Map of sites for WES, access roads and utility lines.
- ☐ Proof of utility right-of-way easement for access to transmission lines.
- ☐ Location of other WES in general area.
- ☐ Project schedule.
- ☐ Mitigation measures.

PLEASE DESCRIBE THE PROPOSED WORK: (be specific as to size of buildings, lots, construction materials, etc)

ESTIMATED PROJECT CONSTRUCTION COST (including labor): \$ _____

SIGNATURE OF APPLICANT _____

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

\$100.00 FEE PAID (NON-REFUNDABLE): _____ YES _____ NO

DATE OF HEARING: _____

ACTION BY BOARD OF ADJUSTMENT: _____

EFFECTIVE DATE OF PERMIT: _____

A conditional use permit shall expire one (1) year from the date upon which it becomes effective if no work has commenced. Upon written request to the Board of Adjustment and prior to the conditional use permit expiration date, a one (1) year time extension for the conditional use may be granted by the Board of Adjustment.

MOODY COUNTY CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) APPLICATION
Class A or B

CONDITIONAL USE NUMBER _____ BUILDING PERMIT NUMBER _____

APPLICANT (PRINT): _____ PHONE: _____

ADDRESS: _____

DEVELOPMENT SITE LEGAL DESCRIPTION: _____

DEVELOPMENT SITE STREET ADDRESS: _____

EXISTING ZONING DESIGNATION: _____

PROPOSED CAFO CLASS : _____ ANIMAL TYPE: _____ #OF ANIMALS _____

REQUIRED APPLICATION SUBMISSIONS:

Class A or B

- ☐ Owner's name, address, and telephone number.
- ☐ Legal description of site and site plan.
- ☐ Number and type of animals.
- ☐ S. Dak. Department of Environment and Natural Resources approved nutrient management plan.
- ☐ S. Dak. Department of Environment and Natural Resources approved manure management and operation plan
- ☐ Management plan for fly and odor control.
- ☐ Information on ability to meet designated setback requirements including site plan to scale Information
- ☐ Documentation of approved General Permit from S. Dak. Department of Environment & Natural Resources
- ☐ Notification of whoever maintains the access road (township, county and state).
- ☐ Notification of public water supply officials.
- ☐ Notification by certified mail, of all adjoining landowners within two miles of the proposed site.
- ☐ Any other information as contained in the application and requested by the Administrative Official

ESTIMATED PROJECT CONSTRUCTION COST (including labor): \$ _____

SIGNATURE OF APPLICANT _____

SIGNATURE OF LAND OWNER _____
(If different than applicant)

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

\$100.00 FEE PAID (NON-REFUNDABLE): _____ YES _____ NO

DATE OF HEARING: _____

ACTION BY BOARD OF ADJUSTMENT: _____

EFFECTIVE DATE OF PERMIT: _____

A conditional use permit shall expire one (1) year from the date upon which it becomes effective if no work has commenced. Upon written request to the Board of Adjustment and prior to the conditional use permit expiration date, a one (1) year time extension for the conditional use may be granted by the Board of Adjustment.

MOODY COUNTY CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) APPLICATION
Class C or D

CONDITIONAL USE NUMBER _____ BUILDING PERMIT NUMBER _____

APPLICANT (PRINT): _____ PHONE: _____

ADDRESS: _____

DEVELOPMENT SITE LEGAL DESCRIPTION: _____

DEVELOPMENT SITE STREET ADDRESS: _____

EXISTING ZONING DESIGNATION: _____

PROPOSED CAFO CLASS : _____ ANIMAL TYPE: _____ #OF ANIMALS _____

REQUIRED APPLICATION SUBMISSIONS:

Class C or D

- ☐ Owner's name, address, and telephone number.
- ☐ Legal description of site and site plan.
- ☐ Number and type of animals.
- ☐ S. Dak. Department of Environment and Natural Resources approved nutrient management plan.
- ☐ Documentation of a manure management and operation plan prepared by registered professional engineer or NRCS engineer
- ☐ Management plan for fly and odor control.
- ☐ Map of occupied residential structures, businesses and public buildings within required setback area
- ☐ Information on ability to meet designated setback requirements including site plan to scale.
- ☐ Notification of whoever maintains the access road (township, county and state).
- ☐ Notification of public water supply officials.
- ☐ Notification by certified mail, of all adjoining landowners within one-mile of the proposed site
- ☐ Any other information as contained in the application and requested by the Administrative Official

ESTIMATED PROJECT CONSTRUCTION COST (including labor): \$ _____

SIGNATURE OF APPLICANT _____

SIGNATURE OF LAND OWNER _____
(If different than applicant)

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

\$100.00 FEE PAID (NON-REFUNDABLE): _____ YES _____ NO

DATE OF HEARING: _____

ACTION BY BOARD OF ADJUSTMENT: _____

EFFECTIVE DATE OF PERMIT: _____

A conditional use permit shall expire one (1) year from the date upon which it becomes effective if no work has commenced. Upon written request to the Board of Adjustment and prior to the conditional use permit expiration date, a one (1) year time extension for the conditional use may be granted by the Board of Adjustment.

MOODY COUNTY CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) APPLICATION
Class E

BUILDING PERMIT NUMBER _____

APPLICANT (PRINT): _____ **PHONE:** _____

ADDRESS: _____

DEVELOPMENT SITE LEGAL DESCRIPTION: _____

DEVELOPMENT SITE STREET ADDRESS: _____

EXISTING ZONING DESIGNATION: _____

PROPOSED CAFO CLASS : E **ANIMAL TYPE:** _____ **#OF ANIMALS** _____

REQUIRED APPLICATION SUBMISSIONS:

- ☐ Map of occupied residential structures, businesses and public buildings within required setback area
- ☐ Information on ability to meet designated setback requirements including site plan to scale.

ESTIMATED PROJECT CONSTRUCTION COST (including labor): \$ _____

SIGNATURE OF APPLICANT _____

SIGNATURE OF LAND OWNER _____

(If different than applicant)

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

\$25.00 FEE PAID (NON-REFUNDABLE): _____ **YES** _____ **NO**

EFFECTIVE DATE OF PERMIT: _____

MOODY COUNTY MINING OPERATION APPLICATION

CONDITIONAL USE NUMBER _____

BUILDING PERMIT NUMBER _____

APPLICANT (PRINT): _____ PHONE: _____

ADDRESS: _____

DEVELOPMENT SITE LEGAL DESCRIPTION: _____

DEVELOPMENT SITE STREET ADDRESS: _____

EXISTING ZONING DESIGNATION: _____

REQUIRED APPLICATION SUBMISSIONS:

- ☐ Description of the mineral or minerals which are the subject of the mining or milling and the technical description of the mining/milling process.
- ☐ Maps showing the general area within which the mining or milling operation will be conducted.
- ☐ Site plan containing the following information:
 - ☐ Present topography, soil types, and depth to groundwater.
 - ☐ Location of existing water drainage, existing buildings, existing shelterbelts.
 - ☐ Identification of roads leading to the site.
 - ☐ Proposed changes at the site such as new shelterbelts, new buildings, changes in topography, new fence lines.
 - ☐ Proposed monitoring wells, etc.
- ☐ A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the proposed mining or milling.
- ☐ Description of the proposed plan to address the identified environmental impacts to include all measures to be taken to prevent soil erosion, water contamination, air contamination, disruption of the area's ecological balance and any other related hazard to public health and safety.
- ☐ Documentation of a South Dakota Department of Environment and Natural Resources approved mining permit.
- ☐ Reclamation Plan (According to Chapter 4.21) and surety bond.
- ☐ Haul road agreement

ESTIMATED PROJECT CONSTRUCTION COST (including labor): \$ _____

SIGNATURE OF APPLICANT _____

SIGNATURE OF LAND OWNER _____
(ONLY IF DIFFERENT THAN APPLICANT)

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

\$100.00 FEE PAID (NON-REFUNDABLE): _____ YES _____ NO

DATE OF HEARING: _____

ACTION BY BOARD OF ADJUSTMENT: _____

EFFECTIVE DATE OF PERMIT: _____

A conditional use permit shall expire one (1) year from the date upon which it becomes effective if no work has commenced. Upon written request to the Board of Adjustment and prior to the conditional use permit expiration date, a one (1) year time extension for the conditional use may be granted by the Board of Adjustment.

**LETTER OF ACKNOWLEDGEMENT
WAIVER OF VARIANCE APPEAL FROM
SHELTERBELT SETBACK REQUIREMENTS**

The following letter of acknowledgement (waiver of variance appeal) is to be used when a building permit is requested upon or a plat is proposed for property which would not be able to meet the shelter-back setback requirements of Moody County's Zoning Ordinance. The letter of acknowledgement shall be filed with the Register of Deeds.

1. Purpose. This letter of acknowledgement (waiver of variance appeal from shelterbelt setback requirements) is required in all districts.
2. Letter of Acknowledgement.

("Grantors") are the owners of real property described as follows:

In accordance with the conditions set forth in the decision of Moody County, dated February 25, 2003, approving a plat and/or a permit for a dwelling on the above-described property, and in consideration of such approval, Grantors acknowledge the following:

1. The Grantors, their heirs, successors, and assigns acknowledge that the above-described property may not contain a sufficient amount of land to meet the Moody County Zoning Ordinance shelterbelt requirements. Grantors their heirs, successors, and assigns hereby waive all common law rights to appeal for a variance from the shelterbelt setback requirements of Moody County's Zoning Ordinance.

IN WITNESS WHEREOF, the Grantors have executed this easement on _____, 20____.

Signature, Grantor

STATE OF SOUTH DAKOTA

SS:

COUNTY OF MOODY

This instrument was acknowledged before me on _____, 20____ by _____ (Grantors).

Notary Public

SEAL

My Commission Expires: _____

MOODY COUNTY HOME OCCUPATION APPLICATION

PERMIT NUMBER _____

APPLICANT (PRINT): _____ PHONE: _____

ADDRESS: _____

I, THE UNDERSIGNED, DO HEREBY REQUEST A HOME OCCUPATION PERMIT TO BE LOCATED ON THE PROPERTY LEGALLY DESCRIBED AS:

PLEASE DESCRIBE THE PROPOSED HOME OCCUPATION:

WHAT WILL BE ITS EFFECT ON YOUR NEIGHBORHOOD:

HOURS OF OPERATION? _____

Please review the following requirements and mark your ability to comply. If you cannot comply with one or more of the requirements, explain the situation and why you cannot meet the requirements.

	Can Comply	Cannot Comply
1. No person other than members of the family residing on the premises shall be engaged in such occupation	_____	_____
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use of residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.	_____	_____
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not to exceed two (2) square feet in area, non-illuminated.	_____	_____
4. No home occupation shall be conducted in any accessory building in connection with a non-farm dwelling. Accessory building used in connection with a farm dwelling shall be agricultural-related.	_____	_____
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood, and any need of parking generated by the conduct of such home occupation shall be provided off the street and other than in a required front yard.	_____	_____
6. No equipment or process shall be used in such 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.	_____	_____
7. There will be no commodity sold upon the premises, except that which is prepared on the premises in connection with such occupation or activity.	_____	_____

SIGNATURE OF APPLICANT: _____

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL
\$50.00 FEE PAID (NON-REFUNDABLE)

The following easement is to be utilized as required for farm and non-farm residential development within the Agricultural, Lake Park and Planned Residential Districts.

Prepared by:

Moody County Administrative Official (or by Grantor or Grantor's Attorney)

Administrative Official Address (or Grantor's or Grantor's Attorney's address)

Flandreau, SD 57028 (or Grantor's or Grantor's Attorney's city)

RIGHT TO FARM EASEMENT

1. Purpose. This easement is required in the Agricultural District, Lake Park District and Planned Residential District.

2. Easement.

("Grantors") are the owners of real property described as follows:

In accordance with the conditions set forth in the decision of Moody County, dated June 5, 2014, approving a permit for a dwelling on the above described property, and in consideration of such approval, Grantors grant to the owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

3. The Grantors, their heirs, successors, and assigns acknowledge:

- a. That the property for which they are applying for a Moody County residential building permit is located within or near agriculturally zoned land;
- b. That the Grantors may be subject to inconvenience or discomfort from lawful agricultural uses permitted by Moody County zoning regulations. Agricultural uses permitted by Moody County may include, but are not limited to, the following:
 - i. The cultivation, harvesting, and storage of crops and livestock production,
 - ii. Ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal manure;
 - iii. 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.
- c. These activities ordinarily and necessarily produce discomforts and inconveniences which 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 and other conditions that may conflict with Grantors' use of Grantors' property for residential purposes.
- d. That such inconveniences or discomforts are a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.
- e. That there is the potential for Moody County approved agricultural uses to expand.
- f. That this Right to Farm Easement is a requirement for obtaining a Moody County building permit for residential development and may not be removed from the record title without consent of the Moody County Board of Adjustment.
- g. This notice does not abdicate the grantor's rights as a landowner to object to illegal agricultural uses permitted by Moody County. Nor does this notice allow for agricultural uses permitted by Moody County to be conducted in an illegal manner.

- h. Grantors, their heirs, successors or assigns hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes, and Grantors hereby grant a Right to Farm easement to adjacent property owners for such activities.
- i. Nothing in this Right to Farm easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this Right to Farm easement shall prohibit or otherwise restrict the Grantors, their heirs, successors or assigns from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.
- j. This Right to Farm easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of this easement.

IN WITNESS WHEREOF, the Grantors have executed this easement on _____, 20____.

Signature, Grantor

STATE OF SOUTH DAKOTA

SS:

COUNTY OF MOODY

This instrument was acknowledged before me on _____, 20____ by _____ (Grantors).

Notary Public

SEAL

My Commission Expires: _____