

ORDINANCE #2026-02

AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING THE 2013 REVISED ZONING ORDINANCE FOR CLAY COUNTY BY AMENDING ARTICLE 2, DEFINITIONS; SECTION 2.02, DEFINITIONS; ARTICLE 3, GENERAL DISTRICT REGULATIONS; SECTION 3.10, MOBILE HOMES/MANUFACTURED HOMES; ARTICLE 4, DISTRICTS AND BOUNDARIES; SECTION 4.05, DISTRICT REGULATIONS ESTABLISHED; SECTION 4.05.01, NRC: NATURAL RESOURCE CONSERVATION DISTRICT; SECTION 4.05.02, A-1: AGRICULTURAL DISTRICT; SECTION 4.05.03, RR: RURAL RESIDENTIAL DISTRICT.

BE IT ORDAINED BY CLAY COUNTY, SOUTH DAKOTA:

Section 1: That Section 2.02 of the 2013 Revised Zoning Ordinance for Clay County is hereby amended to include the following Definitions:

MODULAR HOME – A single family dwelling that is manufactured at a location other than the site upon which it is installed and used as a residence; transportable in one or more sections; and to be used as a permanent dwelling when installed and placed upon a permanent foundation system.

Section 2: That Section 3.10 of the 2013 Revised Zoning Ordinance for Clay County is hereby amended to read as follows:

Section 3.10 Mobile Homes/Manufactured Homes and Modular Homes. Regulations regarding Mobile Homes, Manufactured Homes, and Modular Homes shall be as follows:

- A. A park intended for the placement of mobile homes and manufactured homes on rented lots and where the roads are not publicly dedicated shall meet the following minimum standards:
 1. A plan shall be prepared showing the layout of the park, including lot lines, the road system and spacing diagram for all structures. Upon approval of the conditional use for the park, the plan shall be filed with the Zoning Administrator and govern all future development.
 2. Each lot shall have a minimum size required for the zoning district in which the park is located. However, a smaller lot size may be approved as part of the conditional use.
 3. No dwelling or any structure, addition, or appurtenance thereto shall be located less than the minimum setback required by the district in which the park is located. The setback requirements may be changed as part of the approval of the conditional use.
 4. Each lot shall abut or face a clear unoccupied space, roadway, or street having a width of at least 34 feet where parking is permitted on both sides, 27 feet in width where parking is restricted to one side only and 24 feet wide where parking is prohibited, or be connected to such street or roadway by a private driveway not less than 12 feet in width, serving no more than four lots. A hard surfaced material shall be used on all roadways.

5. The park shall be a minimum of ten acres in size.
- B. A subdivision for mobile homes and manufactured homes shall be required to meet the subdivision regulations and the density, area and yard requirements for the district in which it is located. The subdivision shall be a minimum of ten acres in size.
- C. A manufactured home may be considered for a conditional use as specified in the district regulations only if the following requirements are met:
1. The structure shall have been constructed within the last 20 years, according to the listed date of manufacture.
 2. The structure shall be supported by a foundation system consisting of walls along the perimeter and piers on the interior. All foundation walls and piers shall extend a minimum of 42 inches below final grade.
 3. The roofing and siding material shall be consistent with the material used in site-built dwellings.
 4. The roof pitch shall not be less than a 3 in 12 slope.
- D. Mobile homes which are nonconforming uses may be replaced with another such structure by making application for a conditional use. The compatibility of the replacement dwelling with neighboring dwellings shall be considered in reviewing the conditional use request.
- E. A Mobile home or manufactured dwelling may be located temporarily on land owned by the occupant during the construction of a dwelling. Placement shall not occur until construction has actually commenced. The unit shall be removed after one year or upon completion of the dwelling, whichever occurs first.
- F. All mobile homes and manufactured homes as defined in Article 26.00 must be located in conformance with these requirements.
- G. Modular Homes shall meet the following regulations.
1. Modular Homes will include off-site constructed homes, which may be transported to a site on a trailer, in one or more sections.
 2. Modular Homes shall be placed on a permanent foundation.
 3. Modular Homes shall not have attached running gear and a trailer hitch or the capacity to have attached running gear and trailer hitch.
 4. Modular Homes shall have a minimum of a 4/12-roof pitch.
 5. Modular Homes shall have siding material of a type customarily used on site-constructed residences.
 6. Modular Homes shall have roofing material of a type customarily used on site-constructed residences.

Section 3. That Section 4.05.01 of the 2013 Revised Zoning Ordinance for Clay County is hereby amended so that the following Permitted Use is to read as follows:

Single-Family dwelling, including Modular Homes, if the following provisions for building eligibility are met:

1. Each quarter-quarter section shall have three (3) building eligibilities when all the following conditions are met:
 - a. The lot area shall be a minimum of two (2) acres
 - b. Approval has been granted by the appropriate governing entity for access onto a public road.
 - c. The remaining portion of the quarter-quarter section is retained as agricultural land or in its present use.
 - d. Prior to any building permit being issued for any new single-family residence located in the NRC: Natural Resource Conservation District, a Right to Farm Covenant shall be filed with the Clay County Register of Deeds on the parcel of land upon which the new structure will be located. Only the following shall constitute a Right to Farm Covenant:

“RIGHT TO FARM NOTICE COVENANT

You are hereby notified that the property on which you are constructing a structure is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production; ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; draining of lands; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws. Discomforts and inconveniences 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. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. You are also notified that there is the potential for agricultural or agricultural processing operations to expand. This notification shall extend to all landowners, their heirs, successors, or assigns, and because it is required pursuant to the issuance of a building permit, may not be removed from the record title without consent of the Clay County Planning Commission.”

Section 4. That Section 4.05.02 of the 2013 Revised Zoning Ordinance for Clay County is hereby amended so that the following Permitted Use is to read as follows:

A single-family dwelling, including Modular Homes, if the following provisions for building eligibility are met:

2. Each quarter-quarter section shall have three (3) building eligibilities when all the following conditions are met:
 - a. The lot area shall be a minimum of two (2) acres
 - b. Approval has been granted by the appropriate governing entity for access onto a public road.
 - c. The remaining portion of the quarter-quarter section is retained as agricultural land or in its present use.
 - d. Prior to any building permit being issued for any new single family residence located in the A-1 Agriculture District, a Right to Farm Covenant shall be filed with the Clay County Register of Deeds on the parcel of land upon which the new structure will be located. Only the following shall constitute a Right to Farm Covenant:

“RIGHT TO FARM NOTICE COVENANT

You are hereby notified that the property on which you are constructing a structure is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production; ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; draining of lands; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws. Discomforts and inconveniences 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. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. You are also notified that there is the potential for agricultural or agricultural processing operations to expand. This notification shall extend to all landowners, their heirs, successors or assigns and because it is required pursuant to the issuance of a building permit, may not be removed from the record title without consent of the Clay County Planning Commission.”

Section 5. That Section 4.05.03 of the 2013 Revised Zoning Ordinance for Clay County is hereby amended so that the following Permitted Use is to read as follows:

Single-family detached dwellings, including Modular Homes.

Section 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Dated this 12th day of May, 2026.





Chairman, Clay County Board of Commissioners

ATTEST:

Cari R. Cum

Auditor



(SEAL)

First Reading: April 28, 2026

Second Reading and Adoption: May 12, 2026

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