Article 11. “RDS” Rural Development and Service District

Section 11.01 PURPOSE AND INTENT.

The “RDS” district is intended to allow a variety of agricultural, general commercial, industries, and facilities in the Rural Transition Area to (1) support the rural workforce, (2) provide services to agricultural production areas, and (3) further the economic development goals of Harvey County.

Section 11.02 DISTRICT REGULATIONS.

No building, structure, or land shall be erected, altered, or used except for the purposes and practices listed in the section below. In this district, qualified agricultural uses are exempt from all rules and regulations of this resolution, except that all such uses shall be subject to any adopted setbacks from a public right-of-way and floodplain regulations.

Section 11.03 PERMITTED LAND USES.

1. Machinery and equipment rentals.
2. Self-storage facilities.
3. Farm implement and equipment sales and service.
4. Auto service shop, but does not include auto body repair.
5. Auto sales and service, but does not include auto body repair.
6. Motorcycle, ATV, and boat, sales and service.
7. Lawn machinery sales and service.
8. Consignment auction facilities.
9. Church or place of worship.
10. Commercial feed, grain, and seed sales.
11. Veterinary clinic.
12. Banking, including drive-through.
13. Offices.
14. Tavern.
15. Private clubs.
17. Outdoor amusement facilities.
18. Car wash.
19. Farmers/produce market (full or part time sale of vegetables, fruit, and other raw foodstuffs).
20. Livestock sales/auction facilities, subject to the provisions of Article 16 Supplementary Use Regulations.
21. Convenience stores, with gasoline sales.
22. Bait shops, including hunting and fishing supplies and equipment.
23. Gift and souvenir shops.
24. Antiques sales, including repair and restoration.
25. Outdoor storage, operable vehicles, RVs, and boats.
26. Meats and poultry, sale and processing.
27. Frozen food lockers.
28. Food service in conjunction (in the same building) with a permitted use in this section.
29. Communications services, development and support.
30. Home products and improvement sales.
31. Lawn and garden supply stores.
32. Shops for micro enterprise development, in a self contained building no larger than 2,500 square feet, limited to light fabrication and/or assembly, wood products, pottery, plumbing and electrical crafts, and other similar activities that have the same level of intensity and are suitable and compatible with other commercial enterprises listed in this district. Micro enterprise development is limited to a total workforce of five (5) persons or less.
33. Buildings, pumping and compression stations, sub-stations, electrical generation facilities and similar facilities used by public utilities.
34. Accessory uses that support the principal use of the land.
35. Any use, which in the opinion of the Zoning Administrator, is similar in character and intensity to the use listed above.

Section 11.04 LAND USES PERMITTED BY CONDITION.

The following uses shall require a "conditional use permit" in addition to the “RDS” zoning designation. The issuance of a conditional use permit is discretionary on the part of the Harvey County Regional Planning Commission and Board of County Commissioners and shall require a finding that the use will not have an adverse impact on the public health, safety, convenience, or property values. Consideration shall also be given to adverse impacts on the natural environment and the process of production agriculture. The Harvey County Regional Planning Commission and the Board of County Commissioners shall also base their decisions on a finding that the use is appropriate for a rural setting as opposed to an urban environment.

1. Sand, gravel, and topsoil extraction (bulk storage and processing).
2. Petroleum production.
4. Truck terminals.
5. Livestock sales/auction facilities, subject to the provisions of Article 16, Supplementary Use Regulations.
7. Fireworks, wholesale.
8. Reserved.
10. Adult uses, subject to the provisions of Article 16, Supplementary Use Regulations.
Section 11.05  **HEIGHT, YARD, AND SANITARY SETBACK REQUIREMENTS.**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Details</th>
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<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>5 acres or as directed by the Planning Commission</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 feet for a habitable structure; 45 for all other structures or exempt for agricultural structures, all structures must meet F.A.A. regulations with a finding of no adverse effect to aeronautical navigation.</td>
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<tr>
<td>Minimum Front Yard</td>
<td></td>
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<tr>
<td>State or Federal Highway</td>
<td>200' from the center of the road</td>
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<tr>
<td>County road</td>
<td>120' from the center of the road</td>
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<tr>
<td>Township/other public road</td>
<td>75' from the center of the road</td>
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<tr>
<td>Minimum Side Yard – Principal and Accessory</td>
<td>8 feet</td>
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<tr>
<td>Minimum Rear Yard – Principal and Accessory</td>
<td>4 feet</td>
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<tr>
<td>Minimum Lot Frontage</td>
<td>100 feet</td>
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<tr>
<td>Minimum Lot Depth</td>
<td>120 feet</td>
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<tr>
<td>Individual Septic Tank Absorption Field</td>
<td>Septic tank waste absorption fields shall be a minimum of 100 feet from a property line and not less than 25 feet from the building it serves.</td>
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<tr>
<td>Waste Stabilization Pond</td>
<td>Waste stabilization ponds shall be a minimum of 100 feet form a property line and not less than 100 feet from the residence it serves and shall be no less than 250 feet from any other residential structure. In addition, the lateral field must be at least 100 feet from a body of water (stream, pond, etc.)</td>
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<tr>
<td>Private Water Wells</td>
<td>Water wells shall be a minimum of 25 feet from a property line and not less than 100 feet from a sewage disposal system.</td>
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Section 11.06  **APPLICATION STANDARDS.**

1. The minimum size of any tract zoned “RDS” shall be five (5) acres unless otherwise directed by the Planning Commission.

2. All requests for an amendment to the Harvey County Zoning Map for an RDS zoning district shall be evaluated by the Harvey County Regional Planning Commission. The following criteria, guidelines, and policies may be considered by the Planning Commission during their discussion on the merits of the amendment.
a. Criteria and policies relating to the development of land located in the Rural Transition Area as defined in the Harvey County Comprehensive Plan, Chapters 1 and 2.

b. Criteria, practices, and policies as established in this Harvey County Unified Development Code, Article 3, “Land Use Determination Procedures.”

c. A finding that the required information for preliminary review set forth in this Article and Section located below, taken as a whole, indicate that the proposed change would not unreasonably interfere with the health, safety, convenience, or enjoyment of nearby residential, institutional, or similar uses.

d. A finding that the proposed change would be serviced by an existing hard surfaced (asphalt or concrete) road, or a hard surfaced road provided by the developer. Such finding shall also include an evaluation of specific site conditions related to traffic volume, road safety, and the impact of additional traffic in the general area.

e. A finding that the proposed change would not unreasonably alter the natural landform so as to cause an irreversible change to existing shelterbelts, drainage ways, terrain, or scenic rural views.

3. All applicants for an “RDS” district and/or a Conditional use Permit shall submit the following information:

All applicants shall prepare and submit a preliminary development plan for review and approval by the Harvey County Regional Planning Commission. In addition to the standard application procedure and legal description, the packet shall contain:

a. A contour map at intervals of one foot.

b. A preliminary plan of development designating general building sites with points of ingress/egress; adjoining streets and parcels; parking, and proposed utility service.

c. A general scheme of water runoff control and storm water detention.

d. Any other studies or data deemed necessary by the Planning Commission and/or Zoning Administrator that will aid in arriving at an effective and fair decision.

4. Upon approval of the preliminary development plan by the Planning Commission, the zoning recommendations shall be forwarded to the Board of County Commissioners for review and final action.

5. Prior to the issuance of a building permit, the applicant shall submit a site plan in accordance with Article 4 of this Unified Development Code for review, modifications, and final approval by the Harvey County Regional Planning Commission. An approved site plan for an “RDS” zoning district shall constitute an agreement between the County and the applicant to “proceed as planned.” Any substantial deviation from the site plan, as determined by the Zoning Administrator, shall constitute a violation of this resolution. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission.

Section 11.07 APPEARANCE AND PROPERTY REQUIREMENTS.

1. Scrap materials, non-operative motor vehicles or machinery, dis-assembled machinery, debris, construction materials or equipment, and used machinery parts must be stored within a defined area behind a screening fence. At a minimum, the screen must be a solid
wooden or a wooden, slat filled metal fence, and may also consist of, shrubbery and trees, or earth-berms, or a combination of these methods.

2. In all cases, except by specific variance, all “RDS” uses abutting a residence [other than owned by the operator] shall erect a solid, wood perimeter fence no less than 8’ in height with a four feet wide buffer zone with a shrub border in the side or rear yard if the residence is 150’ or closer to the property line. In the event the abutting residential use is separated from the commercial use by an open right-of-way, a 10 feet landscape buffer consisting of trees, shrubs, and evergreens may be substituted by the owner of the commercial property.

3. All “RDS” uses shall provide/maintain storm water retention or detention facilities, when necessary, to retain storm water runoff in excess of the historic flow from the undeveloped site. The detention/retention facility shall be prepared by a licensed Professional Engineer and designed for a 100-year storm unless modified by the Zoning Administrator.

Section 11.08 PARKING AND ROAD REQUIREMENTS.

1. All uses in this district shall comply with the off-street parking and loading regulations contained in Article 19.

2. All parking, drives, and entrances shall be surfaced with asphalt, recycled asphalt, concrete, or a minimum of a three (3) inches base and five (5) inches of surface gravel.

3. All parking and/or paved spaces must be separated from the paved/graveled portion of the right-of-way by a seeded or planted landscape area of no less than ten (10) feet in width unless modified by the Planning Commission.