

Frequently Asked Questions: Codington County Zoning Ordinance Amendment (Ordinance 72) specifying regulations relating to “shop-style dwellings”

How will “shop-style (pole-foundation) dwellings” be regulated differently after the effective date of Ordinance #72 as opposed to before its effective date?

Requirements for Pole Foundation Dwellings

Before Ord. 72 is effective

- Pole foundation placed below the frost line
- 50.01% of gross floor area of structure dedicated to dwelling unit
 - Includes each floor if more than 1 story
- Include a different roof-line for living space vs storage/garage
- No vertical steel siding

After Ord. 72 is effective

- Pole foundation placed below the frost line
- 55.00% of gross floor area of structure dedicated to dwelling unit
 - Includes each floor if more than 1 story
- Include a different roof-line for living space vs storage/garage
- No vertical steel siding

Why is Ordinance #72 necessary?

Currently there are conflicting definitions of “dwellings” (the word dwelling is often used interchangeably with the word “house”). One of the definitions excludes the use of shops/sheds for dwellings. On multiple occasions the Codington County Board of Adjustment (Board) has determined vertically sided, pole-foundation structures are shops/sheds rather than dwellings. The ordinance and past Board determinations reference shops/sheds as “accessory” to a primary use such as agriculture or a house. The ordinance prohibits living in an accessory structure.

Despite conflicting definitions, the zoning ordinance also specifies that in instances where rules conflict, the most restrictive regulation shall apply.

How was Ordinance #72 developed?

Over 5 months, 6 public meetings were held to create and adopt Ordinance #72.

Are there reasons other than the conflicting ordinance to regulate “shop-style houses” differently than other houses?

During the drafting and adoption of Ordinance #72 the following reasons for regulating “shop-style dwellings” were discussed:

- Modification of old sheds, barns, grain bins, etc. to include a dwelling unit have an increased risk of being done in an unsafe manner. / The county has no building code to ensure such modifications are done in a safe manner.
- Overall fire risk and risk to emergency services providers in providing services to these structures.
- Living in farm buildings promotes unique risks not generally experienced in traditional garages.
- The Board expressed concerns over long term housing stock if a disproportionate amount of dwellings became shops with living quarters vs “stick built” homes.

Where did the ability to live in a pole foundation structure come from then?

Since 2006, the Board has heard multiple requests to live in vertically sided, pole foundation structures. At first the Board only allowed people to live in them temporarily, until a house with a more traditional foundation was constructed. In 2011 the Board allowed an individual to use a pole foundation structure as a dwelling provided more than 50% of the gross floor area was used for dwelling purposes; the dwelling space was separated by a firewall; and the dwelling area was differentiated on the exterior by some form of different siding or roof line. Since 2011 the zoning officer has gradually been granted permission by the Board to issue permits for pole foundation houses without referring them to the Board if:

- The pole foundation placed below the frost line
- 50.01% of gross floor area of structure dedicated to dwelling unit
 - Includes each floor if more than 1 story
- Include a different roof-line for living space vs storage/garage
- No vertical steel siding over the area used for living space

Does the County allow vertical siding materials on houses?

All dwellings except those utilizing a pole foundation may use vertical steel siding.