

Ordinance #72

AN ORDINANCE ENTITLED, AN ORDINANCE AMENDING ARTICLE II DEFINITIONS, ARTICLE III DISTRICT REGULATIONS, AND ARTICLE V GENERAL REGULATIONS OF ORDINANCE 65, AN ORDINANCE AMENDING ORDINANCE 15, AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR CODINGTON COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, PURSUANT TO SDCL 11-2, 1967, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND/OR ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Article II Definitions, adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the following terms in bold and underline font:

Dwelling. Any building, including seasonal housing structures, or a portion thereof, which **include kitchen, bedroom, and bathroom facilities thereby being** is designed and used exclusively for residential purposes. This definition does not include a **shop-style house,** mobile home or manufactured home.

~~**Dwelling, Farm.** Any dwelling owned or occupied by the farm owners, operators, tenants, or seasonal or year-around hired workers.~~

~~**Dwelling, Non-Farm.** Any occupied dwelling which is not a farm dwelling.~~

~~**Dwelling.** One (1) or more rooms, containing sleeping quarters, in a dwelling occupied as separate living quarters by a single family.~~

Dwelling, Shop-style: A structure with a pole foundation, (non-corrugated) steel sided building used as a single-family dwelling. See Chapter 5.34.

Roof line: Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; and where a building has several roof eaves, this roof or parapet shall be the one belonging to that portion of the building on whose wall a sign is located. (See roof-line figure below)

Roof Line Figure



BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.04.01 of Article III District Regulations, adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the following use highlighted in bold and underline font and removing the text highlighted in strikethrough font:

Section 3.04.01 Permitted Uses [Agricultural District]

2. One (1) single-family ~~non-farm~~ dwelling, including site-built homes, modular homes, **shop-style dwellings**, and Type A manufactured homes for each quarter-quarter section not already containing a farm dwelling or a non-farm dwelling.
3. Farm ~~dwellings and farm~~ buildings.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.04.01 of Article III District Regulations, adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the following use highlighted in bold and underline font and removing the text highlighted in strikethrough font:

Section 3.04.02 Conditional Uses [Agricultural District]

43. Existing Farmstead Exemption "A". See Section 5.35.02

44. Existing Farmstead Exemption "B". See Section 5.35.03

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.04.03 of Article III District Regulations, adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the text highlighted in bold and underline font, and removing the following text highlighted in strikethrough font:

Section 3.04.03 Area Regulations/Easement/Waivers [Agricultural District]

7. ~~Reserved. The Board of Adjustment may allow a smaller minimum lot requirement for the "A" Agricultural District under the following conditions:~~
 - a. ~~Where a permit for an additional single family farm dwelling is requested on an existing farmstead, provided:~~
 1. ~~The dwelling is located on the same legal description as the existing farmstead.~~
 2. ~~The maximum number of dwelling units within the existing farmstead will not exceed two (2).~~
 3. ~~The dwelling is occupied by employees or relatives of the farm owner.~~
 4. ~~The additional single family farm dwelling shall be removed in the event the structure becomes a non-farm dwelling.~~
 - b. ~~Where an existing farmstead is to be divided from adjacent farmland into a single separate parcel of five (5) acres or more.~~

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.07.02 of Article III District Regulations, adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the following use highlighted in bold and underline font:

Section 3.07.02 Permitted Uses [Lake Park District]

- 9. Shop-style dwellings provided written consent of one hundred (100) percent of adjacent landowners is obtained.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.10.01 of Article III District Regulations, adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the following use highlighted in bold and underline font:

Section 3.10.01 Permitted Uses [Town District]

- 4. Shop-style dwellings provided written consent of one hundred (100) percent of adjacent landowners is obtained.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Section 3.13.01 of Article III District Regulations, adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the following use highlighted in bold and underline font:

Section 3.13.01 Permitted Uses [Rural Residential District]

1. Site-built single-family **non-farm** dwelling, including modular homes, and Type A manufactured homes.

9. Shop-style dwellings provided written consent of one hundred (100) percent of adjacent landowners is obtained.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CODINGTON COUNTY, SOUTH DAKOTA: that Article V GENERAL REQUIREMENTS, adopted by Ordinance #65, March 27, 2017, as amended, of the Zoning Ordinance of Codington County be amended by adding the following Chapters, highlighted in bold and underline font:

CHAPTER 5.34 SHOP-STYLE DWELLING STANDARDS.

Shop-style dwellings may only be permitted provided the following conditions are met:

1. **The construction of shop-style dwellings shall meet the requirements of Chapter 5.18 Permanent Foundations Required for Dwellings.**
2. **Shop-style dwellings shall have a gross floor area of not less than fifty-five (55) percent of the structure dedicated to dwelling purposes.**
3. **Shop-style dwellings do not include structures with vertical siding, nor corrugated steel siding.**
4. **Shop-style dwellings shall include more than one roof-line.**
5. **Figures 5.34.5.a and 5.34.5.b (below) includes examples of dwellings which may meet the definition of “Shop-style dwellings” and the conditions of Chapter 5.34:**

Figure 5.34.5.a



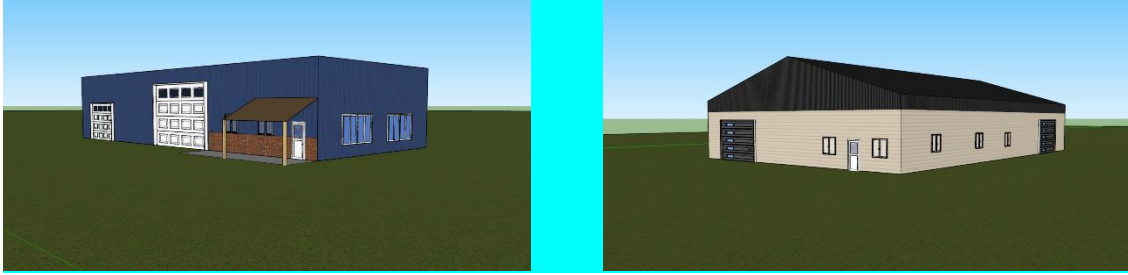
Figure 5.34.5.b



6. **Figure 5.34.6.a and 5.34.6.b (below) includes examples of dwellings that either do not meet the definition of “Shop-style dwellings” or they do not meet all of the requirements of Chapter 5.34:**

Figure 5.34.6.a

Figure 5.34.6.b



CHAPTER 5.35. EXISTING FARMSTEAD EXEMPTIONS

Section 5.35.01 Existing Farmsteads.

- a. An existing farmstead shall include a livable house occupied by the owner or tenant within the last three (3) years and shall have been existing on the site for at least five (5) years and the site shall have been used in the past as a farmstead for normal farming operation.**
- b. Existing Farmsteads shall included sites meeting the following criterion:**
 - 1. Evidence that the proposed site was once used for human habitation within the last fifty (50) years. This may be determined by existence of buildings/foundations.**
 - 2. Evidence that the proposed site was used as a farmstead supporting normal farming operations prior to October 26, 1976.**
 - 3. Information regarding the location of flood plain, access to roads and utilities, and other appropriate site information may be considered by the Board of Adjustment in determining the suitability of the parcel for development.**

Section 5.35.02 Existing Farmstead Exemption "A" as a Conditional Use.

The Board of Adjustment may, in accordance with Section 4.05.01, issue a conditional use permit authorizing a second residence on a single lot in the "A" Agricultural District under the following conditions:

- a. Where a permit for a manufactured home is requested on an existing farmstead already containing a single family dwelling, provided:**
 - 1. The manufactured home is located on the same legal description as the existing farmstead.**
 - 2. The maximum number of residences within the existing farmstead will not exceed two (2).**
 - 3. The dwelling is occupied by employees or relatives of the farm owner.**

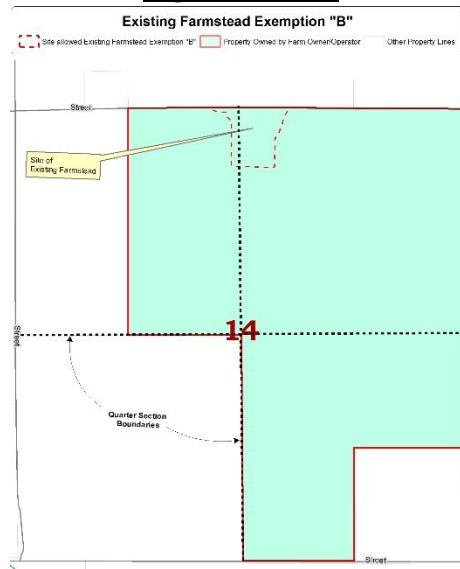
4. **The additional manufactured home shall be removed in the event the structure is no longer operated by an employee of the farm or relative of the farm owner.**

Section 5.35.03 Existing Farmstead Exemption "B" as a Permitted Special Use.

The Board of Adjustment may, in accordance with Section 4.05.01, issue a conditional use permit authorizing the construction of one (1) single family residence on a lot containing less than thirty-five (35) acres in the "A" Agricultural District under the following conditions:

- 1. The lot, as defined herein, contains five (5) acres or more;**
- 2. The lot is located in the same section as an existing farmstead;**
- 3. The lot and existing farmstead are under contiguous ownership of the applicant(s) at the time of creation (see Figure 5.35.03 below);**

Figure 5.35.03



4. **The applicant agrees to transfer the "Existing Farmstead Exemption" authorizing a minimum five (5) acre lot from the location of the existing farmstead to the newly created lot.**

Passed and adopted this ___ day of _____, 2021.

Chairperson

Auditor

Dated this ___ day of _____, 20__
Auditor, Codington County, South Dakota