**ORDINANCE # 01-18**

**AN ORDINANCE AMENDING ORDINANCE #2011-2, AN ORDINANCE AMENDING ORDINANCE #05-01, AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND MAP FOR HAMLIN COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT THEREOF**

BE IT ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota: that Article II Definitions be amended by assigning appropriate “Section” numbers and adding the following definitions:

Section 202A. Accessory Agricultural Housing. Any dwelling, pursuant to Chapter 5.35 occupied by employees of a Concentrated Animal Feeding Operation which has been issued a Conditional Use permit by Hamlin County

Section 264A. Shared Dwelling. One room, or rooms, connected together, constituting a shared, housekeeping establishment for Accessory Agricultural Housing and may contain shared cooking, bathing, sleeping and/or common living areas.

Section 379 A. Section of Land. A division or parcel of land, delineated by the United States Public Land Survey, comprising of approximately one square mile or 640 acres**.**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota: that Section 3.04.04 Conditional uses be amended by deleting the ~~strikethrough~~ text and by adding the text emphasized in “**bold**” print below:

Section 3.04.04 Conditional Uses

5. Transfer of Eligible Building Site (See Section ~~3.04.05.3~~ **4.04.05.4**)

35. ~~Transfer of Eligible Building Site (See Section 3.04.05.3~~) **Accessory Agricultural Housing.**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota: that Section 3.04.05 “Conditions Regulating Accessory Agricultural Housing” be amended by deleting the ~~strikethrough~~ text below:

Section 3.04.05~~Conditions Regulating Accessory Agricultural Housing.~~

~~In any district allowing accessory agricultural housing, the Board of Adjustment may, by Conditional Use, approve accessory agricultural housing provided the following conditions are met:~~

~~1. Minimum lot area shall consist of at least two (2) acres per dwelling unit, including the residence of the agricultural employer if on the same lot,~~

~~2A. The dwelling shall include not more than eight (8) dwelling units housing three occupants per unit.~~

~~B. Or the dwelling shall include not more than twenty-four (24) individual units housing twenty four (24) single occupants.~~

~~3. The total number of dwelling unit, not exceeding eight (8), will be limited by building site eligibility. The transfer of eligible building site from one (1) quarter-quarter section to the quarter-quarter section for the accessory agricultural housing shall meet the following conditions.~~

1. ~~There are no dwellings on the quarter-quarter section from which the building eligibility is being transferred.~~
2. ~~The transfer of building eligibility shall occur only between contiguous parcels under the same ownership~~
3. ~~An affidavit documenting the transfer of the residential building right shall be recorded in the office of the Hamlin County Register of Deeds prior to the issuance of a building permit.~~

~~4. Prior to occupying the Accessory agricultural structure, the applicant shall provide documentation of compliance with the most recently adopted version of the International Building Code in accordance with SDCL-11-10-6 for any dwelling structure with two (2) or more dwelling units.~~

~~5. The dwelling unit shall be occupied by the agricultural labor force, or a family member of the agricultural employer.~~

~~6. When not occupied by the labor force, agricultural workforce housing may be used for any uses accessory to a primary agricultural use.~~

~~7. The dwelling structure shall renovated into a single-family dwelling when the agricultural operations cease.~~

~~8. The dwelling structure shall be removed if it remains unoccupied for a period of one (1) year.~~

~~9. If dwelling is not used in conformance with the Conditions in section 3.04.05 the dwelling units must be removed.~~

BE IT FURTHER ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota: that Section 3.07.05 “Conditional Uses” be amended by adding the text emphasized in “**bold**” print below:

Section 3.07.05 Conditional Uses

**21. Church and/or cemetery.**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota: that Article V Supplemental Regulations be amended by adding the following new Chapter:

Chapter 5.35 Accessory Agricultural Housing.

1. Accessory agricultural housing may be allowed in dwellings or shared dwellings for Concentrated Animal Feeding Operations exceeding 1,000 animal units per the following table:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Number of Animal Units | Maximum Number of Dwellings | Maximum Number of Dwelling Units (if not a shared dwelling) | Maximum Number of Persons per Dwelling Unit | Maximum Number of Persons in Accessory Agricultural Housing\* |
| 0 to 999 Animal Units | Not Allowed | Not Allowed | Not Allowed | Not Allowed |
| 1,000 to 2,999 Animal Units | 1 | 2 | 3 | 6 |
| 3,000 to 3,999 Animal Units | 1 | 4 | 3 | 12 |
| 4,000 to 4,999 Animal Units | 1 | 5 | 3 | 15 |
| 5,000 to 5,999 Animal Units | 1 | 6 | 3 | 18 |
| 6,000 to 6,999 Animal Units | 1 | 7 | 3 | 21 |
| 7,000 to 7,999 Animal Units | 2 | 8 | 3 | 24 |
| 8,000 to 8,999 Animal Units | 2 | 9 | 3 | 27 |
| 9,000 to 9,999 Animal Units | 3 | 10 | 3 | 30 |
| 10,000 to 10,999 Animal Units | 3 | 11 | 3 | 33 |
| 11,000 to 11,999 Animal Units | 3 | 12 | 3 | 36 |
| 12,000 to 12,999 Animal Units | 4 | 13 | 3 | 39 |
| 13,000 to 13,999 Animal Units | 4 | 14 | 3 | 42 |
| 14,000 to 14,999 Animal Units | 4 | 15 | 3 | 45 |
| Over 15,000 Animal Units | 4 | 16 | 3 | 48 |

\*This column represents the maximum total number of employees allowed to reside in Accessory Agricultural Housing which is subordinate to a permitted Concentrated Animal Feeding Operation

2. Minimum lot area shall consist of at least two (2) acres per dwelling unit, or for every 3 individuals in the accessory agricultural housing, including the residence of the agricultural employer if on the same lot.

3. The total number of dwellings, will be limited by building site eligibility. Building site eligibility may be transferred from one (1) quarter-quarter section to the quarter-quarter section for the accessory agricultural housing under the following conditions.

1. There are no dwellings on the quarter-quarter section from which the building eligibility is being transferred.
2. The transfer of building eligibility may occur between quarter-quarter sections within a single section of land.
3. An affidavit documenting the transfer of the residential building right shall be recorded in the office of the Hamlin County Register of Deeds prior to the issuance of a building permit.

4. Prior to occupying the accessory agricultural housing dwelling/shared dwelling, the applicant shall provide documentation of compliance with the most recently adopted version of the International Building Code in accordance with SDCL-11-10-6 for any dwelling structure with two (2) or more dwelling units.

5. Prior to occupying the accessory agricultural housing dwelling/shared dwelling, the applicant shall provide documentation of compliance with any South Dakota Administrative Rules 74:53.

6. The dwelling/shared dwelling shall be removed or renovated into a single-family dwelling in the event the permit for the concentrated animal feeding operation becomes void.

7. In the event the accessory agricultural housing dwelling/shared dwelling remains unoccupied for a period of one (1) year; or is not used in conformance with this Chapter, the accessory agricultural housing dwelling/shared dwelling shall be removed or with permission of the Board of Adjustment may be used for any use accessory to the Concentrated Animal Feeding Operation.