**ORDINANCE 03-18,**

**AN ORDINANCE AMENDING #2011-2, AN ORDINANCE AMENDING ORDINANCE #2005-1, AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR HAMLIN 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 Hamlin County, South Dakota that Article II “Definitions” be amended by including 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 that may provide living accommodations for more than three (3) unrelated individuals and 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 ORDAINED** by the Hamlin County, South Dakota that Section 3.04.04 “Conditional Uses” be amended to read as follows:

**Agricultural District (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)~~

**BE IT ORDAINED** by the Hamlin County, South Dakota that Section 3.04.06 Area Regulations be amended to delete the following language

~~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 ORDAINED** by the Hamlin County, South Dakota that Chapter 5.25 be amended to include the following new section:

**Section 5.25.06: Accessory Agricultural Housing**

1. **Accessory Agricultural Housing is a permitted accessory use to Class A Concentrated Animal Feeding Operations.**
2. **Accessory Agricultural Housing must be approved by the Board of Adjustment.** 
   1. **Any Class A Concentrated Animal Feeding Operation, permitted after July 1st, 2018 is required to submit a request for accessory agricultural housing at the time of the initial Concentrated Animal Feeding Operation application.**
   2. **Any Class A Concentrated Animal Feeding Operation, permitted before July 1st, 2018 may submit a request for Accessory Agricultural Housing if such request is made prior to July 1st, 2019.**
3. **Accessory Agricultural Housing shall be located within the same section of land as the permitted Class A Concentrated Animal Feeding Operation, provided the property is owned by the permit-holder.**
4. **Minimum lot area shall consist of at least two (2) acres per accessory agricultural housing dwelling, including the residence of the agricultural employer if on the same lot.**
5. **Accessory agricultural housing shall be in accordance with the following table:**

|  |  |  |
| --- | --- | --- |
| **Number of Animal Units** | **Maximum Number of Dwellings** | **Maximum number of persons in Accessory Agricultural Housing** |
| **1,000 to 5,999 AU’s** | **1** | **18** |
| **6,000 to 8,999 AU’s** | **2** | **27** |
| **9,000 to 12,999 AU’s** | **3** | **39** |
| **Over 13,000 AU’s** | **4** | **48** |

1. **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.**
2. **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.**
3. **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.**
4. **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.**