

Ordinance #2022-03

ORDINANCE #2022-03, 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 Board of County Commissioners of Hamlin County, South Dakota that Section 1.03.01 Official Zoning Map, which was adopted by Ordinance #2011-2, an Ordinance Amending Ordinance #2005-1, as amended, of the Zoning Ordinance of Hamlin County be amended by changing the zoning designation of the following properties from “LP” LAKE-PARK DISTRICT to “LPC” LAKE-PARK COMMERCIAL DISTRICT:

- Lot 3 of Block 1 of Lynmar Subdivision of Section 31, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.
- Lots 1, 2, & 3 of Block 1 of Paulson's Subdivision of Section 31, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 1 and Lot 2 less the South 77' of the South 305' of Block 3 of Paulson's Subdivision of Section 31, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 14 of Mundt's Subdivision of Government Lot 1 of Section 31, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.
- Block 1 of Spilde Addition in the Southeast Quarter of Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Block 1 of Spilde Second Addition in the Southeast Quarter of Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Block 1 of Bjorklund Addition all in the Southeast Quarter of Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 1 of Dollar General Addition in the South Half of the Southeast Quarter of Section 36 Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Block 1 of Petersen Second Addition in the East Half of the Southeast Quarter of Section 36 Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 1A of Grunewaldt's Oasis Addition in the Southeast Quarter and Southwest Quarter of Section 36 Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Outlot 3 of Government Lot 7 less Lot H-4 of Section 36 Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Hudy Addition in the Southeast Quarter of Section 36 Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Lots 1-8 of Leach's Subdivision; and a Portion of Government Lot 7 Lying South of Hawley Beach and East of US Highway 81 Right-of-Way of Section 31, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 1 of Block 1 of Lake Poinsett Estates Addition of Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Block 1, 2, and 3 of Lake Poinsett Estates Addition of Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.

Legend: Original Amendment

Amended at Public Hearing

- The South 120' of the North 225' of the West 125' of Mutchler's Subdivision of Outlot 2 in Government Lot 7 in the Northeast Quarter of the Southeast Quarter of Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 3 and 4 of Block 1 of Siouxland Second Addition of Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 1 and 2 of Block 1 of Siouxland Second Addition of Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Lemme Addition in Outlot 1 of Government Lot 7 of Block 1 of Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Lots 9, 10, 11, & 12 of Nesson's Subdivision of Outlot 1 of Government Lot 7 and Lot A of Outlot 1 of Government Lot 6 of Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 1, 2, 3, 5, and 7 of Lake Albert First Auxiliary Addition in the East Half of the Southwest Quarter of Section 25, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Units 1-6 of Glacial Lakes Shed Condos of Lake Albert First Auxiliary Addition in the East Half of the Southwest Quarter of Section 25, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Road of Lake Albert First Auxiliary Addition in the East Half of the Southwest Quarter of Section 25, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- The South 1,230' of the East Half of the Southwest Quarter less Pier 81 Lagoon Addition, and Pier 81 Lagoon Second Addition, and the East 855' of the South 1,230' of the East Half of the Southwest Quarter of Section 25, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 1B of Myklemyre's Subdivision of Section 30, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.
- North Half and South Half of Tract A of Prairie Quay Second Addition, Prairie Quay Third, Fourth, and Fifth Addition, and Lot 1 of Prairie Quay Sixth Addition of Government Lot 6 in the Northeast Quarter of Section 30, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 16 of Grape's Subdivision of Section 21, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.
- Bjorklund's Addition out of Government Lot 1 of Section 9, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.
- Lot 7 of Archer Third Addition of Section 23, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.
- Government Lot 4 less Lots 1-7 of Runia Lakeview North Addition of Section 34, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota.

BE IT ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota that ARTICLE II DEFINITIONS, adopted by Ordinance #2011-2, an Ordinance Amending Ordinance #2005-1, as amended, of the Zoning Ordinance of Hamlin County be amended to remove the following stricken language and add the language in bold and underlined font:

Backlot. All lots not immediately adjacent to a lake in Lake Park District. An individual lot physically separated from by a legally conveyable parcel or road right-of-way/easement which is owned in common with a waterfront parcel.

Legend: Original Amendment

Amended at Public Hearing

Boathouse. A boathouse is a structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts. A "wet boathouse" is a boathouse which extends over the water (beyond the ordinary high-water mark). A boat house shall not include living quarters or be used as a dwelling unit.

Lake Front Lot. A legally described or platted lot which is adjacent to a lake.

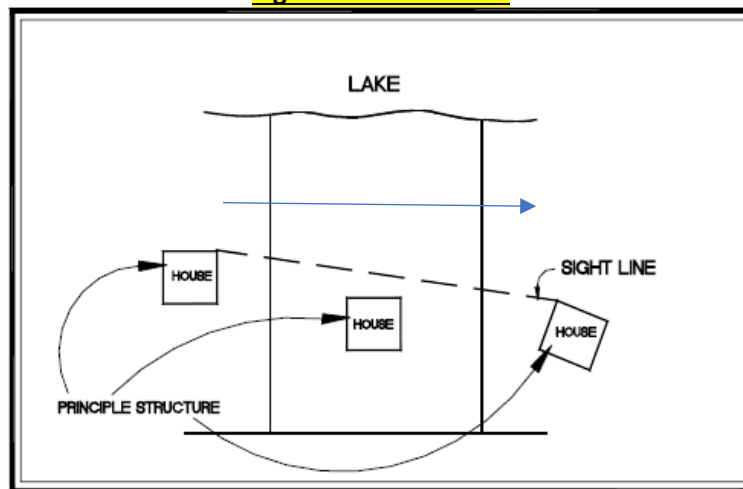
Non-lake Front lot. A legally described or platted lot which is: 1) Zoned Lake Park District or Lake Commercial District; 2) Not adjacent to a lake; and 3) is not considered a backlot.

Personal Services. An establishment engaged in providing non-medical individual services generally related to personal needs, such as beauty and barber shops, spa services, shoe repair, nail salons, dry cleaning drop-off facilities, and tailor shops. These uses may also include accessory retail sales of products related to the services provided.

Professional services. An establishment engaged in providing non-medical individual services such as lawyers, accountants, bookkeepers, engineers, or architects.

Sight Line. A line across the width of a lake front lot which connects the point closest to the lake on the edge of the principal structure on either side of the lot or parcel of land upon which proposed accessory structure is to be constructed. See illustration below.

Sight Line Illustration



If there is a principal structure located on properties contiguous to the lot or parcel upon which a proposed structure is to be constructed, the Lake Front setback will be established utilizing a sight line that averages the setback of the principal structures on the adjoining lots. If there is not a principal structure within three hundred (300) feet on either side of the lot on which the proposed structure is to be built, the setback shall be fifty (50) feet.

Legend: Original Amendment

Amended at Public Hearing

“This sight line provision may be waived if the applicant can demonstrate by clear and convincing evidence that the lot or parcel on which the structure or barrier is to be constructed is a peninsula, a point, a bay, or otherwise positioned differently (relative to the lake), thereby making the enforcement of the sight line provision ineffective as a means of preserving a riparian property owner’s reasonable view of the lake.”

BE IT ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota that CHAPTER 3.07 “LP” LAKE-PARK DISTRICT, which was adopted by Ordinance #2011-2, an Ordinance Amending Ordinance #2005-1, as amended, of the Zoning Ordinance of Hamlin County be amended to remove the following stricken language and add the language in bold and underlined font:

Section 3.07.01 Purpose

The Lake-Park District is divided into two separate zones. The Lake Park-1 District (LP1) is established to provide for orderly residential and recreational development, together with certain public facilities, **and** customary home occupations, ~~and certain commercial establishments normally associated with lake shore development.~~

While the Lake Park-2 District (LP2) is also established for development similar to the LP1 District, it is also the intent to allow for **certain** agricultural uses within the district.

Section 3.07.04 Permitted Uses

6. Home occupations; **Twin Homes**

7. **Accessory structures** ~~attached garages and unattached private garages shall be limited to maximum dimensions of 36 feet by 42 feet and conform to the design of the house. Exceptions shall include buildings only within the LP2 District used for Agriculture purposes as defined herein;~~ **Subject to Section 3.07.11 and Chapter 5.03.**

10. ~~Accessory structures such as Piers and docks; and uses to include but not limited to boathouses and sheds further than fifty (50') feet from the high water mark, or from a point as determined by the Board of Adjustment.~~

Section 3.07. 05 Conditional Uses

1. ~~Twin homes;~~ **Golf course, driving range, clubhouse, and related accessory uses.**

2. ~~Private parks and campgrounds.~~

3. ~~Resorts;~~ **Domestic sanitary sewer treatment facility owned by a public entity.**

4. ~~Restaurants;~~ **Stabling, Pasturing, Raising of Livestock on Small Acreages, subject to Chapter 5.08.**

5. ~~Boat houses within fifty (50) feet of high water mark;~~ **(Reserved)**

Legend: Original Amendment

Amended at Public Hearing

6. Multiple family dwellings, including condominiums;
7. Attached, unattached garages with sidewalls greater than 10 ½ feet and or dimensions greater than 36 feet by 42 feet. Except for buildings for Agriculture purposes in the LP2 Districts permitted by 3.07.04. **(Reserved)**
8. Type A manufactured home without a permanent foundation; **(Reserved)**
9. Type B manufactured home;
10. Commercial storage garages **permitted prior to January 1, 2022, subject to Chapter 5.38;**
- ~~11. Laundromats;~~
- ~~12. Bait shop;~~
- ~~13. Grocery store;~~
- ~~14. Bar, tavern, or lounge;~~
- ~~15. Convenience store;~~
- ~~16. Recreational sales;~~
- ~~17. Rental services;~~
- ~~18. Outdoor music event.~~
- ~~19. Golf course, driving range, clubhouse and related accessory uses~~
- ~~20. Stabling, Pasturing, Raising of Livestock on Small Acreages. (See Chapter 5.08)~~

Section 3.07.06 ~~Permitted~~ Special Permitted Use

1. Fences, walls, or hedges less than twenty-five (25) feet from a public road right-of-way line (See Section 3.04.06.3) **subject to Chapter 5.02.**
2. Shelterbelts less than one hundred fifty (150) feet from a public road right-of-way line on the north or west side of said right of way (See Section 3.04.06.6) **Shelterbelts and ornamental plantings subject to Chapter 5.18.**
3. Shelterbelts less than one hundred (100) feet from a public road right-of-way line on the south or east side of said right of way (See Section 3.04.06.6) **Home Occupations subject to Chapter 5.34.**
4. Ornamental plantings, as described in Section 5.18.2, less than fifty (50) feet from a public road right-of-way (See Section 3.04.06.6) (Ordinance #03-12) **Attached and Detached Private Garages subject to Section 3.07.11 and Chapter 5.03.**

5. Waiver of sight line requirements.

- a. **Sight line requirement may be waived subject to signatures of adjoining property owners.**

7. Reduced Road Front Setback subject to Section 3.07.10.

Section 3.07.08 Shoreline Alterations

Shoreline stabilization, filling, grading, dredging, and lagooning projects in the "CN" District shall be governed by Chapter 5.362.

Section 3.07.09. Supplementary "LP" Lake Park District Regulations

1. A building permit is required for any gasoline or diesel storage tanks in excess of fifty-five (55) gallons. No underground tanks for private use will be permitted.
2. Liability of Developer for Sewage Pollution

The developer of any platted lands which is in the Lake Park District shall be liable for any pollution to a lake. Provisions binding upon the developer to protect the lake from pollution from sewage shall be required to be filed with a plat.

3. Moved in Buildings

~~Any residence or accessory building moved into the Lake Park District must have signature by petition of one hundred percent (100%) of the adjoining landowners. EXCEPTION: A new residence to be used for first occupancy, constructed off the property and moved to location shall not require adjoining landowners approval.~~ **(Reserved)**

4. The use of waste tires in Lake Park District for retaining walls or shoreline stabilization is prohibited.
5. An Agricultural Easement must be filed with Register of Deeds on all property to be used for a newly constructed or moved in residence prior to issuance of a building permit.
6. ~~Manufactured Home Park In Lake Park District, manufactured homes shall meet all requirements of Chapter 5.10 Manufactured Home Provisions with one exception: Type A and Type B Manufactured Homes be structurally sound, well-maintained, have been constructed within the last (25) twenty-five years. Before a manufactured home older than (10) ten years old can be moved into a Manufactured Home Park the applicant shall provide a photograph of the manufactured home exterior and interior to the Zoning Office. This provision shall only be allowed at a Manufactured Home Park that exists in Lake Park District at the time of passage of this ordinance.~~ **(Reserved)**
7. ~~Reduced Setback for fences, walls, hedges, tree plantings, and shelterbelts in LP1 and LP2 Districts. A reduced setback for fences, walls, hedges, tree plantings, and shelterbelts may be granted if the applicant obtains one hundred percent (100%) of the adjoining property owner's signatures by petition. Applicant must also provide the signatures of two (2) Township Board members to include the Township Chairman and one Supervisor, if the reduced setback is adjacent to a Township Right of Way. Applicant must provide the signature of the County Highway Superintendent if the reduced setback is adjacent to a County Road Right of Way. Applicant must provide the signature of Area Engineer if adjacent to State DOT Road Right of Way. Applicant must provide the signatures of the Home Owners Association President and one Board Member if the reduced setback is adjacent to a Private Road Right of Way.~~

Legend: Original Amendment

Amended at Public Hearing

~~Reduced setbacks for structures are not allowed by Permitted Special Use and require variance in all zoning districts. (Ordinance #03-12) **(Reserved)**~~

8. ~~Flood Plain Development **Building** Permits are required for elevating structures. in LP1. The Flood Plain Development Permit is issued at no cost and are used for the purposes of tracking elevated structures for flood insurance purposes only.~~

~~9. Commercial Storage Garages~~

- ~~a. Access. For all proposed structure adjacent to the State highway, an access permit from the State of South Dakota Department of Transportation shall be required prior to the filing of a plat or the issuance of a building permit.~~
- ~~b. Lot Area. Lot area shall be determined by need, side yards, rear yards, parking requirements, building site and future expansion; however in no case shall the lot have less than three (3) acres. Lot elevation must be three (3) feet above the most recent high water level.~~
- ~~c. Storage. All outdoor storage within five hundred (500) feet of a residential dwelling, commercial business or structure, public park, public roadway, or approved camp site, must be completely enclosed in a building or by a solid walled fence at least two (2) feet above the highest point of the storage material. The fence shall be maintained in safe and good repair. The County may require asphalt or concrete surface of parking area.~~
- ~~d. Parking. Each Commercial Storage lot shall have off-street parking. Number of parking spaces shall be determined by the Board of Adjustment. Trees used for landscaping within a Commercial Storage lot are exempt from the minimum front, rear, and side yard requirements.~~
- ~~e. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into the sewer, watercourse, river or ground that may contain any radioactive nature, or liquid wastes of chemical nature, which are detrimental to normal sewage plant operations or contaminate to the natural resources.~~
- ~~f. Fire Hazard. No flammable substance may be stored unless handling of said materials is in conformance with the standard of the National Board of Fire Underwriters and any additional regulations that may be adopted by the County Commissioners.~~
- ~~g. Physical Appearance. All structures must obtain an appearance that is in concert with the surrounding structures. Physical appearance must be approved by the Hamlin County Planning and Zoning prior to construction.
 - ~~a. Ex: stucco, brick, horizontal lap siding (steel)~~~~
- ~~h. Design Plans. Design plans including floor plans and elevation maps need to be submitted to the Zoning Officer as a part of the Conditional Use application.~~

Legend: Original Amendment

Amended at Public Hearing

Section 3.07.10 Area Regulations

**LAKE PARK DISTRICT LP1 and LP2
SCHEDULE OF REGULATIONS**

	Minimum Lot Area	Minimum Lot Width	Minimum Side yard	Minimum Front Yard Road Front (1) (5) (9)	Minimum Rear Yard Lake Front (2)	Maximum Height
Central Sewer/ Holding Tank/ Rural Water						
Single Family Dwelling	9,600	75'	8'	30'	50'	30'
Multiple Family Dwelling	10,000	100'	10'	30'	50'	45'
Commercial	20,000	125'	10'	30'	50'	45'
Rural Water/Septic Tank						
Single Family Dwelling	20,000	125'	10'	30'	50'	45'
Multiple Family Dwelling and Commercial	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Well/Septic Tank						
Single Family Dwelling	43,560	75'	8'	30'	50'	30'
Multiple Family Dwelling and Commercial	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed

- (1) Side of lot facing road right-of-way or access easement.
- (2) Side of lot facing lake.
- (3) All structures, except boat houses, in addition to meeting the 50-foot setback from normal high-water mark adjacent to lakes must also be seven (7) feet above the normal high-water mark. The Zoning Officer may require the permit applicant to provide documentation of the normal high water mark location on applicant's property. The applicant shall further provide an elevation certificate prepared by a registered engineer.
- (4) Where adjoining lots are developed with a rear yard setback less than fifty (50) feet, the required setback shall be the average of the setback of the adjoining lots.
- (5) **Accessory buildings may be built in a required front yard but such accessory building shall not occupy more than thirty (30) percent of a required front yard. Minimum Front Yard Road Front Setback may be reduced to twenty-five feet (25') as a special permitted use subject to adjoining property owner and road authority approval.**
- (6) Lot width is the distance between side lot lines measured at the rear of the required front yard on a line parallel with a line tangent to the road right-of-way line.
- (7) An open, unenclosed porch which is in excess of two (2) feet above the floor level of the ground (first) story may project into a required front yard or rear yard for a distance not exceeding ten (10) feet. An enclosed porch containing not more than forty (40) square feet may project into a required front yard or rear yard for a distance not to exceed four (4) feet.
- (8) Uncovered porches, decks and ornamental features which do not extend more than two (2) feet above the floor level of the ground (first) story may project into a required rear yard for a distance not to exceed fifteen (15) feet.
- (9) Back Lots: Back Lots shall have the following minimum setback requirements:

Front Yard-Thirty (30) feet

Side Yard- Eight (8) feet

Rear Yard-Eight (8) feet

- (10) Overhangs may extend no more than two (2) feet into all yard setbacks. Adjoining structure overhangs shall be at least ten (10) feet apart.

Legend: Original Amendment

Amended at Public Hearing

Section 3.07.11 Accessory Structure Regulations

1. Attached and unattached private garages in the Lake Park districts shall conform with Table 3.07.11.1:

Table 3.07.11.1 Attached And Unattached Private Garages In The Lake Park Districts

	<u>Accessory Garage by Lot Type * #</u>	<u>Permitted Sidewall</u>	<u>Permitted Dimensions**</u>	<u>Maximum Dimensions</u>	<u>Maximum Sidewall Height**</u>	<u>Additional Maximum Sidewall Height Requirements</u>	<u>Additional Maximum Dimensions Requirements</u>
<u>Permitted Use</u>	<u>Lake Front Attached Garage</u>	<u>NA</u>	<u>36'x42'</u>	<u>Principal and Accessory Uses no greater than 30% of Lot Area</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Permitted Use</u>	<u>Lake Front Unattached Garage</u>	<u>12'</u>	<u>36'x42'</u>	<u>Principal and Accessory Uses no greater than 30% of Lot Area</u>	<u>12'</u>	<u>Site Line Compliance</u>	<u>Site Line Compliance</u>
<u>Special Permitted Use</u>	<u>Lake Front Unattached Garage</u>	<u>14'</u>	<u>36'x42'</u>	<u>Principal and Accessory Uses no greater than 30% of Lot Area</u>	<u>14'</u>	<u>Adjoining Land Owner Signature & Site Line Compliance</u>	<u>Adjoining Land Owner Signature & Site Line Compliance</u>
<u>Permitted Use</u>	<u>Back Lot & Non-Lake Front Attached Garage</u>	<u>NA</u>	<u>36'x42'</u>	<u>Principal and Accessory Uses no greater than 30% of Lot Area</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Special Permitted Use</u>	<u>Back Lot & Non-Lake Front Unattached Garage</u>	<u>12'</u>	<u>36'x42'</u>	<u>Principal and Accessory Uses no greater than 30% of Lot Area</u>	<u>16'</u>	<u>Adjoining Land Owner Signature</u>	<u>Adjoining Land Owner Signature</u>

* Does not apply to buildings for agricultural purposes in the LP 1 and LP 2 Districts.

** There are no variances from the sidewall height or permitted dimension requirements.

Detached garage shall conform to the design of the house on Lake Front Lots.

BE IT ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota that ARTICLE III DISTRICT REGULATIONS of the Hamlin County Zoning Ordinance be amended by adding CHAPTER 3.12 "LPC" LAKE-PARK DISTRICT, be added to include the language in bold and underlined font:

Chapter 3.12 "LPC" LAKE-PARK COMMERCIAL DISTRICT

Section 3.12.01 Purpose

- To establish appropriate locations within the LPC Lake Park Commercial District that are conducive to lake commercial activity.**
- To permit development of service/retail centers complimentary to lake recreation and living adjacent to Lake.**

Section 3.12.02 Permitted Uses

1. Retail sales and trade; Private campgrounds in operation prior to June 1st, 2022.

2. Resorts;

Legend: Original Amendment

Amended at Public Hearing

~~3. Convenience store;~~

~~4. Bar, tavern, or lounge;~~

~~5. Rental services;~~

~~6. Personal and professional services;~~

~~7. Eating establishments.~~

Section 3.12. 03 Conditional Uses

1. Outdoor music event;

~~2. Private parks and campgrounds subject to Chapter 5.39; Retail sales and trade;~~

3. Manufactured Home Park existing prior to January 1, 2022, subject to Chapter 5.10.03;

4. Commercial storage garages subject to Chapter 5.38.

5. Resorts;

6. Convenience store;

7. Bar, tavern, or lounge;

8. Rental services;

9. Personal and professional services;

10. Eating establishments.

Section 3.12.04 Area Regulations

**LPC – LAKE-PARK COMMERCIAL
SCHEDULE OF REGULATIONS**

	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Side yard	Minimum Front Yard Road Front (1) (5) (9)	Minimum Rear Yard Lake Front (2)	Maximum Height
Central Sewer/Holding Tank/ Rural Water	50%	20,000	125'	10'	30'	50'	45'
Well/Septic Tank	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed

- (1) Side of lot facing road right-of-way or access easement.
- (2) Side of lot facing lake.
- (3) All structures, except boat houses, in addition to meeting the 50-foot setback from normal high-water mark adjacent to lakes must also be seven (7) feet above the normal high-water mark. The Zoning Officer may require the permit applicant to provide documentation of the normal high water mark location on applicant's property. The applicant shall further provide an elevation certificate prepared by a registered engineer.
- (4) Where adjoining lots are developed with a rear yard setback less than fifty (50) feet, the required setback shall be the average of the setback of the adjoining lots.
- (5) Minimum Road Front Yard may be reduced to twenty-five feet (25') as a special permitted use subject to adjoining property owner and road authority approval.
- (6) Lot width is the distance between side lot lines measured at the rear of the required front yard on a line parallel with a line tangent to the road right-of-way line.
- (7) An open, unenclosed porch which is in excess of two (2) feet above the floor level of the ground (first) story may project into a required front yard or rear yard for a distance not exceeding ten (10) feet. An enclosed porch containing not more than forty (40) square feet may project into a required front yard or rear yard for a distance not to exceed four (4) feet.
- (8) Uncovered porches, decks, and ornamental features which do not extend more than two (2) feet above the floor level of the ground (first) story may project into a required rear yard for a distance not to exceed fifteen (15) feet.
- (9) Back Lots: Back Lots shall have the following minimum setback requirements:

Front Yard-Thirty (30) feet	Side Yard- Eight (10) feet	Rear Yard-Eight (10) feet
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- (10) Overhangs may extend no more than two (2) feet into all yard setbacks. Adjoining structure overhangs shall be at least ten (10) feet apart.

3.12.05 Physical Appearance.

All structures must maintain an appearance that is in concert with the surrounding structures. Physical appearance for Conditional Uses must be approved by the Board of Adjustment prior to construction.

3.12.06 Outside Storage Display and Screening

- a. Storage or display of items outside is limited to those items related to the nature of the business occurring within the primary structure.
- b. Outside storage or display shall not be allowed on any regular parking spaces.
- c. Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.
- d. Where groupings of conifers and deciduous shade trees are utilized for screening, in order to provide year-round screening, a minimum of fifty (50) percent of the trees shall be coniferous.
- e. Transitional Yards. Properties adjacent to Lake Park Zoning Districts shall maintain ten (10) feet of grass on the side yards to extend the entire length of the property boundaries. Landscaping and screening devices, including fences, are allowed to be placed within the transitional yard.

BE IT ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota that CHAPTER 5.03 ACCESSORY BUILDINGS, adopted by Ordinance #2011-2, an Ordinance Amending Ordinance #2005-1, as amended, of the Zoning Ordinance of Hamlin County be amended to remove the following stricken language and add the language in bold and underlined font:

CHAPTER 5.03 ACCESSORY BUILDINGS

1. Only specifically authorized accessory uses allowed; accessory uses must be subordinate to principal use.
2. No accessory use shall be permitted in any district unless such use is specifically authorized by this Ordinance. No accessory use shall be deemed to be authorized by this Ordinance unless such use is in fact subordinate to and on the same zoning lot with the principal use in conjunction with which it is maintained.
3. No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building.
4. No accessory building may be used for residential dwelling purposes at any time.
5. Lake Park and Planned Residential Districts.

Accessory uses shall be permitted for the principal permitted uses and conditional uses of the Lake Park and Planned Residential Districts only in accordance with the provisions of the following table hereby adopted by reference and declared to be part of this Ordinance.

6. Commercial - Industrial District.

In any Commercial-Industrial district, any accessory use customarily incident to the principal permitted use or conditional use shall be permitted, except those uses specifically prohibited in the district.

Table 5.03.01 Permitted Accessory Uses: LP, LPC, and PR Districts

Principal Use

Permitted Accessory Uses

Single family dwellings; duplexes; townhouses and multiple-family dwellings; nursery schools and daycare centers.

1. Private garages.
 - ~~a. Attached garages shall be limited to maximum dimensions of 36 feet by 42 feet and conform to the design of the house.~~
 - ~~b. Unattached garages shall be limited to maximum sidewalls of 10 1/2 feet; maximum dimensions of 36 feet by 42 feet; and a maximum of 4/12 roof pitch or to conform to the design of the house.~~
 - a. See Section 3.07.11.**

Legend: Original Amendment

Amended at Public Hearing

2. Buildings or structures for customary residential storage purposes not over 10 feet in height and not exceeding 150 square feet in gross floor area.
 3. Readily moveable sports, recreation, or outdoor cooking equipment.
 4. Permanent sports or recreational structures or facilities, such as tennis courts, swimming pools, barbeque pits, and similar improvements provided a site plan for such facility is approved.
 5. Home occupations but only as defined herein.
 6. Non-commercial greenhouses provided that greenhouses over 100 square feet in floor area must have an approved site plan.
 7. Off-street parking and storage of vehicles, but only as provided in Chapter 4.05 of this Ordinance.
- Churches, Convents, and Monasteries. 1. All customarily incidental uses reasonably necessary to allow the free exercise of religion, but not to include commercial use.
- All conditional uses. 1. All customarily incidental uses reasonably necessary to promote the primary purposes of the principal use, provided that such use must be specifically authorized by the Board of Adjustment for the principal use.
- All other items. 1. No accessory uses permitted.

BE IT ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota that CHAPTER 5.10 MANUFACTURED HOME AND MODULAR HOME PROVISIONS, adopted by Ordinance #2011-2, an Ordinance Amending Ordinance #2005-1, as amended, of the Zoning Ordinance of Hamlin County be amended to add the language in bold and underlined font:

Section 5.10.03 Manufactured Home Park Standards.

1. **Manufactured homes located in a manufactured home park in the Lake Park District shall meet all requirements of Chapter 5.10 Manufactured Home Provisions with the exception of:**
 - a. **The maximum age of Type A and B Manufactured homes may be 25 years.**
 - b. **The applicant shall provide a photograph of the manufactured home exterior and interior to the Zoning Officer.**
 - c. **This provision shall only apply to a manufactured home park existing prior to January 1, 2022.**

Legend: Original Amendment

Amended at Public Hearing

BE IT ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota that CHAPTER 5.18 SHELTERBELT SETBACK REQUIREMENTS, adopted by Ordinance #2011-2, an Ordinance Amending Ordinance #2005-1, as amended, of the Zoning Ordinance of Hamlin County be amended to remove the following stricken language and add the language in bold and underlined font:

CHAPTER 5.18 SHELTERBELT SETBACK REQUIREMENTS

The recommended setback for a shelterbelt, consisting of one (1) or more rows shall not be established within one hundred fifty (150) feet of a public road right-of-way line on the north and west sides of roads and not within one hundred (100) feet of a public road right-of-way line on the south and east sides of roads. Shelterbelts at right angles to roads shall provide a minimum turnaround of fifty (50) feet measured from the road right-of-way.

1. The recommended **shelterbelt** setback from adjoining property owners is fifty (50) feet, ~~however shelterbelt plantings can be closer to adjoining property lines if the applicant obtains written permission from adjoining property owners using a form provided by the county and does require a variance or a permitted special use. The setback distance must be clearly indicated on the form.~~
2. Ornamental Plantings – Ornamental plantings shall include shrubs, deciduous and conifer trees. No ornamental plantings shall be placed within fifty (50) feet of a public road right-of-way. All shrubbery shall not exceed five (5) feet in height with a minimum space between shrubs of four (4) feet. Minimum spacing for deciduous trees shall be a minimum of twenty (20) feet and minimum spacing for non-deciduous trees shall be thirty (30) feet. In no case shall ornamental plantings exceed one (1) row. No trees shall be planted within one hundred-fifty (150) feet of an intersection.

~~If a reduced setback is requested, it may be granted by:~~

1. ~~Variance (See Section 4.04.02)~~
2. ~~Permitted Special Use (See Section 4.04.05) (#03-12)~~
3. **Shelterbelt plantings and/or ornamental plantings may be allowed as a special permitted use to be closer to adjoining property lines and public right of ways if the applicant obtains written permission from adjoining property owners and/or road authority using a form provided by the county.**

BE IT ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota that ARTICLE IV SUPPLEMENTAL REGULATIONS of the Hamlin County Zoning Ordinance be amended by adding CHAPTER 5.35 COMMERCIAL STORAGE GARAGES, add the language in bold and underlined font:

Chapter 5.35 Commercial Storage Garages

1. **Access. For all proposed structure adjacent to a State highway, an access permit from the State of South Dakota Department of Transportation shall be required prior to the filing of a plat or the issuance of a building permit.**

Legend: Original Amendment

Amended at Public Hearing

2. Lot Area. Lot area shall be determined by need, side yards, rear yards, parking requirements, building site and future expansion; however, in no case shall the lot have less than three (3) acres. Lot elevation must be three (3) feet above the most recent high-water level.
3. Storage. All outdoor storage within five hundred (500) feet of a residential dwelling, commercial business or structure, public park, public roadway, or approved camp site, must be completely enclosed in a building or by a solid walled fence at least two (2) feet above the highest point of the storage material. The fence shall be maintained in safe and good repair. The County may require asphalt or concrete surface of parking area.
4. Parking. Each Commercial Storage lot shall have off-street parking. Number of parking spaces shall be determined by the Board of Adjustment. Trees used for landscaping within a Commercial Storage lot are exempt from the minimum front, rear, and side yard requirements.
5. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into the sewer, watercourse, river or ground that may contain any radioactive nature, or liquid wastes of chemical nature, which are detrimental to normal sewage plant operations or contaminate to the natural resources.
6. Fire Hazard. No flammable substance may be stored unless handling of said materials is in conformance with the standard of the National Board of Fire Underwriters.
7. Physical Appearance. All structures should have an appearance consistent with the character of the neighborhood in which they are located. Physical appearance must be approved by the Hamlin County Board of Adjustment prior to construction.
 - a. Ex: stucco, brick, horizontal lap siding (steel).
8. Design Plans. Design plans including floor plans and elevation maps need to be submitted to the Zoning Officer as a part of the Conditional Use application.

BE IT ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota that ARTICLE IV SUPPLEMENTAL REGULATIONS of the Hamlin County Zoning Ordinance be amended by adding CHAPTER 5.36 PRIVATE CAMPGROUNDS, add the language in bold and underlined font:

CHAPTER 5.36 PRIVATE CAMPGROUNDS

Section 5.36.01 Minimum Requirements

1. **A private campground shall comply with the following conditions:**
 - a. **A private campground is required to be located on a paved or concrete road.**
 - b. **The minimum lot area for a private campground facility shall be five (5) acres.**

Legend: Original Amendment

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- c. Each campsite shall contain at least two thousand (2,000) square feet.
- d. Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen (14) feet for all one-way roads, and twenty (20) feet for all two-way roads.
- e. No manufactured homes shall be located in the campground.
- f. The maximum number of camping units per campsite shall be one (1).
- g. The maximum number of unrelated adults residing in a camping unit shall be three (3).
- h. The campground(s) shall be supplied with electric, potable water supply, and sewage disposal facilities, all of which shall meet all applicable State and County codes and regulations.
- i. Garbage and rubbish storage and disposal shall be handled in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. The campground shall provide a sanitary method of disposing of solid waste, in compliance with state laws, rules and regulations. It is recommended that one (1) refuse collection station shall be provided, with a minimum of one (1) two-yard dumpster situated on a concrete pad, screened on four sides, for each twelve (12) tenants or fractions thereof, conveniently located to serve tenants not more than one hundred fifty (150) feet from any camper served, and to be conveniently located for collection.
- j. The growth of brush, weeds, and grass shall be controlled. All areas shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health.
- k. The campground shall have a responsible person on duty at all times.
- l. The owner of the private campground shall keep accurate record of guests. Such a record shall be available for inspection and copying by the Secretary of Health or Zoning Administrator for the purpose of protecting the health or life of persons or for an emergency which may affect the public health. The registry shall contain the name of the guest, the number in the party, the place of permanent residence of the guest, the date of registration, the date of departure, and the motor vehicle license number of the registrant. The record shall also include each rate, price, or fee charged to the guest for the guest's stay at the campground. These records shall be kept for a minimum of one (1) year.
- m. Public Safety – The campground shall include an emergency shelter(s) to hold maximum number of campground occupants in the event of a natural disaster.
- n. Public Safety Access – The owner of the private campground shall allow Law Enforcement and Grant County personnel immediate access to determine if the terms and conditions within the conditional use permit are complied with.
- o. In the event the private campground does not comply with the terms of the conditional use permit and said permit is revoked, the owner of the private campground shall provide for, at

Legend: Original Amendment

Amended at Public Hearing

their expense, the restoration of the site to its original condition, including the removal of all camping units, dumpsters, and other related vehicles/equipment; or to a use permitted by the zoning ordinance in a time frame to be determined by the Board of Adjustment.

p. All applicable requirements of the South Dakota Department of Health shall be met.

q. The Board of Adjustment may impose other conditions to ensure that the use of property related to the private campground is conducted in a manner to be compatible with the surrounding neighborhood.

Section 5.36.02 Application Requirements. An application for a private campground shall be filed with the County Zoning Officer. The application shall contain the following:

1. The address and legal description of all property upon which the campground is to be located, together with the name, residence, and mailing address of the recorded owners of all such property.

2. Plans for supplying potable water including the source, amount available, and location of outlets.

3. The plans for providing toilet and bathing facilities including the source, number and location, type and the means of disposing of waste deposited;

4. Plans for other sanitary sewer collection;

5. The plans for holding, collecting, and disposing of solid waste material;

6. Plans for emergency shelter;

7. Haul road agreement;

8. The plans, if any, to illuminate the campground, including the source, amount of power, and location of lamps;

9. A site plan of the property showing:

a. Ingress/egress – emergency access route;

b. Location of camping pads/sites;

c. All existing and proposed buildings or additions. Include dimensions on all structures;

d. All amenities (ex. emergency shelter, bathrooms, showers, drinking water outlets, light poles, roads, pool);

e. Location for garbage and rubbish storage;

f. Dimensions of all property lines;

g. Distance from all campsites/buildings to the property lines at the closest points;

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h. Parking lots or spaces; designate each space, give dimensions of the lot, stalls, and aisles;

i. Name and location of all adjacent streets, alleys, waterways, and other public places;

j. Proposed grading and drainage patterns;

k. Proposed interior circulation pattern indicating the status of street ownership and maintenance agreement;

l. Proposed open space uses;

m. Utility (water, sanitary sewer, electricity, other) location;

n. Screening and/or tree planting plan;

o. Relation of the proposed development to the surrounding area and comprehensive plan.

This ordinance shall become effective 20 days after the last publication of this notice.

Passed and adopted this ____ day of _____, 20__.

Chairperson

Auditor

Hamlin County, South Dakota

Dated: _____, 20__