

ORDINANCE NO. 2021-05

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE II “DEFINITIONS”, ARTICLE XI “ZONING DISTRICTS, AND ARTICLE XII “GENERAL REQUIREMENTS, ADOPTED BY ORDINANCE 2004-01, AS AMENDED, OF THE ZONING ORDINANCE OF GRANT COUNTY.

BE IT ORDAINED by the Board of County Commissioners of Grant County, South Dakota: that ARTICLE II “Definitions” Section 251. “Manufactured Homes”, adopted by Ordinance 2004-01, as amended, of the Zoning Ordinance of the Grant County be amended by striking language and adding language in bold and underline:

Section 251. Manufactured Home.

1. An industrialized building unit constructed on a chassis for towing to the point of use and designed to be used for continuous year-round occupancy as a single dwelling. For the purposes of this ordinance manufactured homes are further defined as follows:
 - a. Type A Manufactured Home shall:
 - i. Have more than 1,200 square feet of occupied space in a double-section or larger multi-section unit.
 - ii. The running gear and hitch have been removed.
 - iii. Has been anchored to a foundation and permanent footing.
 - iv. The foundation shall be (a) an approved wood basement constructed of 2 x 6 framework and treated with water resistant materials; or (b) a foundation shall be constructed with eight inches poured concrete or concrete block.
 - v. The footing to be a minimum of eight (8) inches thick by sixteen (16) inches wide poured concrete with top of footing to be sixteen (16) inches below grade.
 - vi. The age of the manufactured house may not exceed ~~fifteen (15)~~ **twenty (20)** years from the date of manufacture.
 - vii. Utilize a permanent perimeter enclosure in accordance with approved installation standards.
 - viii. Have a gabled roof with a pitch of at least 2/12 feet.
 - ix. Have siding material of a type customarily used on site-constructed residence.
 - x. Have roofing material of a type customarily used on site-constructed residences.
 - b. Type B Manufactured Home shall:
 - i. Have more than 700 square feet of occupied space in a single, double, expando or multi-section unit.

- ii. Utilize a perimeter enclosure in accordance with approved installation standards.
- iii. Be anchored to the ground, in accordance with manufacturer's specifications or as prescribed by the ANSI/NFPA 501A Standards.
- iv. The age of the manufactured house may not exceed ~~fifteen (15)~~ **twenty (20)** years from the date of manufacture.
- v. Be placed on a support system, in accordance with approved installation standards. [Ord. 2004-1]

2. Variance from Maximum Age Requirement

Type I and Type II manufactured homes may receive a variance from the maximum age requirement Section 251. The Board of Adjustment may grant a variance if the applicant requesting the placement of the manufactured home meets the following requirements:

- a. The applicant shall provide a photograph of the manufactured home's exterior and interior.
- b. That it shall have been shown to the satisfaction of the Board of Adjustment that the said manufactured home complies with the gas, plumbing, electrical, and construction requirements of Grant County.
- c. That the applicant shall obtain, and present to the Board of Adjustment, the written consent of fifty (50) percent of property owners owning property immediately adjacent (excluding streets and alleys) to the proposed building site.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Grant County, South Dakota: that Article II, "DEFINITIONS" adopted by Ordinance 2004-01, as amended, as amended, of the Zoning Ordinance of Grant County be amended by adding the following Definitions in bold and underline font:

Accessory Agricultural Housing. Any dwelling, occupied by employees of a Concentrated Animal Feeding Operation, pursuant to Article XIII, which has been issued a Conditional Use permit by Grant County

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 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 Board of County Commissioners of Grant County, South Dakota: that ARTICLE XI "Zoning Districts" Section 1101.03 Agriculture District "Conditional Uses" adopted by Ordinance 2004-01, as amended, of the Zoning Ordinance of the Grant County be amended by adding language in bold and underline:

26. Accessory Agricultural Housing

BE IT FURTHER ORDAINED by the Board of County Commissioners of Grant County, South Dakota: that ARTICLE XI "Zoning Districts" Section 1101.03 Agriculture District "Conditional Uses" adopted by Ordinance 2004-01, as amended, of the Zoning Ordinance of the Grant County be amended by adding language in bold and underline:

27. Moved in Residence per Section 1205.3.

BE IT ORDAINED by the Board of County Commissioners of Grant County, South Dakota: that ARTICLE XII "General Requirements" Section 1205 "Moved in Buildings" adopted by Ordinance 2004-01, as amended, of the Zoning Ordinance of the Grant County be amended by striking language and adding language in bold and underline:

Section 1205. Moved in Buildings.

1. Any building, except those in the "A" Agricultural District, moved into any use district must secure a special permit from the County Zoning Officer.
2. Any residence moved into any use district must have signature by petition of ~~one hundred~~ **fifty** percent ~~(100%)~~ **(50%)** of the adjoining landowners ~~and one hundred percent (100%) of the landowners within two hundred (200) feet.~~ EXCEPTION: A new residence to be used for first occupancy, constructed off the property and moved to location shall not require adjoining landowners' approval.
3. **Any moved in residence which does not obtain signatures of fifty (50) percent of the adjoining landowners may apply for a conditional use permit. The Board of Adjustment may grant a conditional use permit if the applicant requesting the placement of the manufactured home meets the following requirements:**
 - a. **The applicant shall provide a photograph of the proposed moved in residence's exterior and interior.**
 - b. **That it shall have been shown to the satisfaction of the Board of Adjustment that the said residence complies with the gas, plumbing, electrical, and construction requirements of Grant County.**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Grant County, South Dakota: that that Article XII, "GENERAL REGULATIONS" adopted by Ordinance 2004-01, as amended, of the Zoning Ordinance of Grant County be amended by adding the following Section in bold and underline font:

Section 1218: Accessory Agricultural Housing

1. **Accessory Agricultural Housing is a permitted accessory use to Class A Concentrated Animal Feeding Operations (CAFOs).**
2. **Accessory Agricultural Housing must be approved by the Board of Adjustment.**
 - a. **Any Class A CAFO, permitted after October 1st, 2021 is required to submit a request for accessory agricultural housing at the time of the initial CAFO application.**
 - b. **Any Class A CAFO, permitted before October 1st, 2021 may submit a request for Accessory Agricultural Housing if such request is made prior to October 1st, 2023.**
3. **Accessory Agricultural Housing is recommended to be located within the same section of land as the permitted Class A CAFO, but shall be no further than five (5) miles from the permitted Class A CAFO, 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 unit , including the residence of the agricultural employer if on the same lot.**
5. **Accessory agricultural housing shall be in accordance with the following table:**

<u>Number of Animal Units</u>	<u>Maximum Number of Dwellings</u>	<u>Maximum number of persons in Accessory Agricultural Housing</u>
<u>1,000 to 5,999 AU's</u>	<u>6</u>	<u>18</u>
<u>6,000 to 8,999 AU's</u>	<u>9</u>	<u>27</u>
<u>9,000 to 12,999 AU's</u>	<u>13</u>	<u>39</u>
<u>Over 13,000 AU's</u>	<u>16</u>	<u>48</u>

6. **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.**
7. **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.**
8. **The dwelling/shared dwelling shall be removed or renovated into a single-family dwelling in the event the permit for the CAFO becomes void.**
9. **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 CAFO.**

Passed and adopted this 2nd day of November, 2021.

William J. Tostenson
Chairperson
Grant County, SD

ATTEST:
Karen M. Layher
Grant County Auditor

1st Reading: 10-18-2021
2nd Reading: 11-02-2021
Adopted: 11-02-2021
Published: 11-03-2021
Effective: 11-24-2021