ORDINANCE MC28-24-26

AN ORDINANCE OF MINNEHAHA COUNTY, SD, AMENDING THE 2001 REVISED JOINT ZONING ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF DELL RAPIDS BY AMENDING ARTICLE 3.00 A-1 AGRICULTURAL DISTRICT, 4.00 RR-1 RURAL RESIDENTIAL DISTRICT, 4A.00 RR-5 RURAL RESIDENTIAL DISTRICT, 5.00 R-1 RESIDENTIAL DISTRICT, 9.00 RC RECREATIONAL/CONSERVATION DISTRICT, 12.00 ADDITIONAL USE REGULATIONS, AND 26.00 DEFINITIONS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MINNEHAHA COUNTY, SOUTH DAKOTA, THAT MC28-01, THE 2001 REVISED ZONING ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF DELL RAPIDS, IS HEREBY AMENDED AS FOLLOWS:

Section 1. That Article 3.00 A-1 AGRICULTURAL DISTIRCT, Section 3.04 CONDITIONAL USES, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended by adding a new subsection (EE) as follows:

(EE). Accessory Dwelling Unit (ADU) in accordance with Article 12.16.

Section 2: That Article 4.00 RR-1 RURAL RESIDENTIAL DISTRICT, Section 4.04 CONDITIONAL USES, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended by adding a new subsection (Q) as follows:

(Q). Accessory Dwelling Unit (ADU) in accordance with Article 12.16.

Section 3. That Article 4A.00 RR-5 RURAL RESIDENTIAL DISTRICT, Section 4A.04 CONDITIONAL USES, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended by adding a new subsection (Q) as follows:

(Q). Accessory Dwelling Unit (ADU) in accordance with Article 12.16.

Section 4: That Article 5.00 R-1 RESIDENTIAL DISTRICT, Section 5.04 CONDITIONAL USES, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended by adding a new subsection (L) as follows:

(L). Accessory Dwelling Unit (ADU) in accordance with Article 12.16.

Section 5: That Article 9.00 RC RECREATIONAL/CONSERVATION DISTRICT, Section 9.04 CONDITIONAL USES, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended by adding a new subsection (U) as follows:

(U). Accessory Dwelling Unit (ADU) in accordance with Article 12.16.

Section 6: That Article 12.00 ADDITIONAL USE REGULATIONS, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended by adding a new section 12.16 ACCESSORY DWELLING UNITS (ADU) to read as follows:

12.16 ACCESSORY DWELLING UNITS (ADU).

The regulations regarding accessory dwelling units shall be as follows:

(A). General Requirements.

1). The ADU must be accessory to a primary dwelling, and the primary dwelling and ADU must be located together on one platted lot.

2). Only one ADU is allowed per parcel where zoning allows.

3). The ADU must be built on permanent frost protective footings.

4). The parcel must be able to handle additional wastewater potential for the ADU. Proof of capacity of wastewater compliance must be provided before approval of any conditional use permit.

5). No additional driveways may be constructed for separate use of the ADU.

6). Two additional off-street parking spaces must be provided for the ADU.

7). If the ADU is located within a regulated floodplain, then the lowest floor of the ADU must be elevated at or above the base flood elevation. No ADU can be located within the regulated floodway.

8). The ADU must comply with all other county ordinances.

(B). Attached Accessory Dwelling Unit. An ADU may be constructed within or attached to an existing single family dwelling in the following manner:

1). Floor Area. The finished floor area of the ADU must not exceed 75% of the finished floor area of the primary dwelling.

2). Setbacks. The ADU must meet all required setbacks.

3). Construction. The ADU must be constructed in compliance with the building code for Minnehaha County.

(C). Detached Accessory Dwelling Unit. An ADU may be constructed as a separate structure from a single family dwelling in the following manner:

1). Floor Area. The finished floor area of the ADU must not exceed 50% of the finished floor area of the primary dwelling.

2). Setbacks.

a) When located in front of the main building, the ADU must comply with the same required setbacks as the main building.

b) When located in the required rear yard of the parcel, the ADU shall be no closer than seven feet to the side and rear property lines.

c) The ADU must maintain a minimum 10 feet setback from any other building.

3). Construction. The ADU must be constructed in compliance with the building code for Minnehaha County and the Manufactured Home Construction and Safety Standards (HUD Code), if applicable.

Section 7: That Article 26.00 DEFINITIONS, Section 26.02 DEFINITIONS, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended by adding and amending the following terms and definitions in alphabetical order:

5. ACCESSORY BUILDING OR USE. An accessory building is a subordinate building or portion of the main building, the use of which is incidental to and customary in connection with the main building or the main use of the premises and which is located on the same lot with such main building or use. An accessory use is one which is incidental to the main use of the premises.

5A. ACCESSORY DWELLING UNIT. (ADU). A subordinate residential dwelling unit on the same parcel with a larger primary single-family dwelling. The ADU provides complete independent living facilities for one family. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.

215. DWELLING, TWO FAMILY. A building designed for or occupied exclusively by two families. This definition does not include a permitted attached accessory dwelling unit.

Approved This 28th Day of April, 2026

FOR THE COMMISSION:

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Dean Karsky, Chair

ATTEST:

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Leah Anderson, Auditor

Legal Publication and Meeting Dates

First Reading: April 7, 2026

Notice for Dakota Scout: April 10, 2026

Notice for Brandon Valley Journal: April 15, 2026

Notice for Garretson Gazette: April 16, 2026

Notice for Minnehaha Messenger: April 17, 2026

Second Reading and Final Adoption: April 28, 2026

Fact of Adoption for Dakota Scout: May 1, 2026 and May 8, 2026

Fact of Adoption for Brandon Valley Journal: May 6, 2026 and May 13, 2026

Fact of Adoption for Garretson Gazette: May 7, 2026 and May 14, 2026

Fact of Adoption for Minnehaha Messenger: May 8, 2026 and May 15, 2026

Effective Date of Ordinance: June 3, 2026