ORDINANCE MC28-25-26

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 AND 9.00 RC RECREATIONAL/CONSERVATION DISTRICT.

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 DISTRICT, Section 3.04 CONDITIONAL USES, Subsection (Y) of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended to read as follows:

(Y). The transfer of a building eligibility from one parcel to another parcel when all the following conditions are met: (amended by MC28-02-04 3/23/04)

1). The transfer of a building eligibility may only occur between contiguous parcels. (amended MC28-09-06 7/25/06)

2). Suitability as a building site based on the following factors:

a). Agricultural productivity of the soil.

b). Soil limitations.

c). Orientation of the building site(s) with respect to road circulation and access to public rights-of-way.

3). The minimum lot size shall be one acre but a larger area may be required when soil conditions warrant.

4). The parcel from which the eligibility is transferred shall continue as agricultural land or remain in its present use.

5). Approval has been granted by the appropriate governing entity for access onto a public road.

6). When a transfer is proposed between contiguous parcels, the transferring property owner and recipient property owner must both sign the conditional use permit application for transfer of a building eligibility.

Section 2: That Article 9.00 RC RECREATIONAL/CONSERVATION DISTRICT, Section 9.04 CONDITIONAL USES, Subsection (S) of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended to read as follows:

(S). The transfer of a building eligibility from one parcel to another parcel when all the following conditions are met:

1). The transfer of a building eligibility may only occur between contiguous parcels. (amended MC28-09-06 7/25/06)

2). Suitability as a building site based on the following factors:

a). Agricultural productivity of the soil.

b). Soil limitations.

c). Orientation of the building site(s) with respect to road circulation and access to public rights-of-way.

3). The minimum lot size shall be one acre but a larger area may be required when soil conditions warrant.

4). The building site is not in the 100-year flood plain as identified on the Flood Insurance Rate Map.

5). The parcel from which the building eligibility is transferred shall continue as agricultural land or remain in its present use.

6). Approval has been granted by the appropriate governing entity for access onto a public road.

7). When a transfer is proposed between contiguous parcels, the transferring property owner and recipient property owner must both sign the conditional use permit application for transfer of a building eligibility.

Approved This 28 Day of April, 2028

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