



<b><u>Joint Minnehaha County &amp; City of Dell Rapids Planning Commission Regular Meeting Agenda</u></b>
<b><u>Monday, March 23, 2026 Meeting starts at 7:00 p.m.</u></b>
<b><u>415 N. Dakota Ave. on the 3<sup>rd</sup> Floor in the Commission Meeting Room</u></b>

**County Planning  
Commissioners**

Bonnie Duffy  
Becky Randall  
Adam Mohrhauser  
Cindy Heiberger  
Mike Ralston  
Ryan VanDerVliet  
Joe Kippley

**Planning Staff**

Scott Anderson  
Kevin Hoekman  
Mason Steffen

**Office of the  
State’s Attorney**

Eric Bogue

**MEETING NOTES:**

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Minnehaha County Planning Office at 367-4204 or TDD 367-4220 by 10:00 am Friday preceding the meeting to make any necessary arrangements.

**CONSENT AGENDA ITEMS:**

Items on the consent agenda are perceived to be non-controversial and meet all of the requirements of the codes and regulations. The consent agenda will be acted on in one motion with no public hearing on the items, unless a member of the public, the Commission or staff, requests the item be removed from the consent agenda. The Chair will read each item and ask if there are any objections from the audience. If so, please raise your hand and ask that the item be placed on the regular agenda. Any items remaining on the Consent Agenda will be approved by the Planning Commission, with the conditions recommended by staff.

**REGULAR AGENDA ITEMS:**

Members of the public should understand that Planning Commissioners may be unable to thoroughly review and consider materials delivered the day of the hearing. The order of business for the regular agenda shall be:

- A) Staff Presentation                      B) Applicant Presentation                      C) Public Comments\*
- D) Applicant Response                      E) Public Testimony Closed                      F) Commission Discussion

**INSTRUCTIONS FOR PUBLIC COMMENT:**

\* Each member of the public will be limited to five minutes of public comment per item and will only be allowed to address the commission once per item, unless they are called upon to answer additional questions from the commissioners.

**Joint City of Dell Rapids Planning Commissioners**

Virgil Klein                      Steve Hoff                      Kurt Peppel                      Ben Pierson                      John Pollman

**Joint City of Dell Rapids Administrative Staff**

Steve McFarland



**PUBLIC INPUT ON NON-AGENDA ITEMS**

Members of the public who wish to speak on an item not listed on the agenda will have five minutes per person to address the Planning Commissions.

**REGULAR AGENDA**

ITEM 1. Approval of Minutes - August 25, 2025

ITEM 2. ZONING TEXT AMENDMENT #26-01 to amend the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to update Article 24.00 Fees.

Petitioner: County Planning Staff

Staff Report: Kevin Hoekman

ITEM 3. ZONING TEXT AMENDMENT #26-02 to amend the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to add Accessory Dwelling Unit (ADU) Regulations.

Petitioner: County Planning Staff

Staff Report: Kevin Hoekman

ITEM 4. ZONING TEXT AMENDMENT #26-03 to amend the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to change the Transfer of Building Eligibility Regulations.

Petitioner: County Planning Staff

Staff Report: Kevin Hoekman

ITEM 5. Old Business

ITEM 6. New Business

ADJOURN.



**JOINT MINNEHAHA COUNTY & CITY OF DELL RAPIDS  
PLANNING COMMISSION  
MEETING MINUTES**

**AUGUST 25, 2025**

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS  
August 25, 2025**

A joint meeting of the County and City Planning Commissions was held on August 25, 2025 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Ryan VanDerVliet, and Cindy Heiberger.

CITY PLANNING COMMISSION MEMBERS PRESENT: Virgil Klein, Steve Hoff, Ben Pierson, and John Pollman.

**STAFF PRESENT:**

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning  
Maggie Gillespie – States Attorney’s Office  
Steve McFarland – City Planning

The County Planning Commission was chaired by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Commissioner Virgil Klein.

Commissioner Duffy called the Joint Minnehaha County and City of Dell Rapids Planning Commission meeting to order at 7:00 p.m.

**PUBLIC COMMENT**

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

**Consent Agenda**

Commissioner Duffy read each item on the consent agenda, and Item 2 was requested to be moved to the regular agenda.

A motion was made for the County by Commissioner VanDerVliet and seconded by Commissioner Heiberger to **approve** the consent agenda consisting of Item 1. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Pierson to **approve** the consent agenda consisting of Item 1. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



**JOINT MINNEHAHA COUNTY & CITY OF DELL RAPIDS  
PLANNING COMMISSION  
MEETING MINUTES**

**AUGUST 25, 2025**

**ITEM 1. Approval of Minutes – June 23, 2025**

As part of the consent agenda, a motion was made for the County by Commissioner VanDerVliet and seconded by Commissioner Heiberger to **approve** the meeting minutes from June 23, 2025. The motion passed with 4 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Pierson to **approve** the meeting minutes from June 23, 2025. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



**Regular Agenda**

**ITEM 2. CONDITIONAL USE PERMIT #25-47 to allow a Contractor's Shop & Storage Yard on the property legally described as the S160' Lot A Subdivision of Lot 11 & S160' W6' N460' E378.8' Lot 11 Kenefick's Subdivision E½ Section 16 T104N-R49W Dell Rapids Township.**

Petitioner: Divit LLC  
Property Owner: Same  
Location: 24660 475<sup>th</sup> Avenue  
Staff Report: Kevin Hoekman

**General Information:**

Legal Description – S160' Lot A Subdivision of Lot 11 & S160' W6' N460' E378.8' Lot 11 Kenefick's Subdivision E½ Section 16 T104N-R49W Dell Rapids Township  
Present Zoning – I-1 Light Industrial  
Existing Land Use – Industrial Warehouse  
Parcel Size – .59 Acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The petitioner is requesting to continue a contractor's shop and outdoor storage yard on the property located within the light industrial zoned area south of Dell Rapids. County planning staff has been working with property owners within the industrial zoned area to bring properties into compliance with various county ordinance requirements. This property was recently purchased by the petitioner and is being used as an extension of the existing contractor lot across SD Highway 115, however, outdoor storage as part of the contractor lot requires approval of a conditional use permit for the expansion area being requested.

The property is located along SD Highway 115. A pre-existing warehouse building is located on the north half of the property. The rear property line is adjacent to a property that is annexed into the City of Dell Rapids. A fence has been constructed around the property for security.

The application is supported by a brief narrative and site plan. The company plans to store construction equipment and building materials on the entire property within the fenced area. Gravel will be used throughout the entire property for the storage area. The narrative also notes that the variable hours will be from 6:00 am to 6:00 pm for active use of the property.

**Conditional Use Permit Criteria:**

**1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

The property is located within an industrial area with properties both inside and outside of city limits of Dell Rapids. All of the neighboring properties of this request have approved outdoor storage either with or without additional conditions. The petitioner has already taken the step of



constructing a fence around the property. This proposed land use will not have significant effect of the current use of neighboring properties.

**2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

The property is located within an industrial area south of Dell Rapids. Several properties are located outside of city limits and several properties are located outside of city limits. As the city grows to the south and the industrial area expands, the proposed outdoor storage will have minimal effect of neighboring land uses.

**3) That utilities, access roads, drainage, and/or other necessary facilities are provided.**

The property is already developed with existing building and gravel lots. The property has a driveway access onto SD Highway 115, and drainage will remain largely the same.

**4) That the off-street parking and loading requirements are met.**

The property was developed for many years. The building permit for the warehouse was issued in 1975. The development of the lot predates hard surfacing requirements for the zoning district. Hard surfacing is not required for storage areas. The proposed land use will not change the structure of the property, and the property owner has already placed crushed concrete throughout the storage area. Parking and loading takes place in the area in front of the building and it is currently not hard surfaced. If the Planning Commission desires hard surfacing on the property a condition must be placed on the proposed land use change. Planning staff recommends that some distance of the driveway should be hard surfaced in order to provide an area where dirt and gravel will be caught on the property rather than the highway. Seventy-five feet of hard surfaced driveway will allow for loading and unloading of trucks and provide some distance for any dirt or gravel on the tires to fall off before the highway. Seventy-five feet of hard surface is also typical of other recently approved industrial uses. This should also help with loading and unloading area on the property. No loading or unloading shall be allowed within the right-of-way.

The generic requirements for off-street parking is one parking space for every 300 square feet of building area. The existing building on the property is about 1800 square feet, and six parking spaces are needed. The property is large enough to accommodate all six spaces, however when staff visited the property, several vehicles were parked just outside of the front gate and along the driveway access. The area outside of the fence is within the right of way and should not be used for parking. It should not be used for loading and unloading either.

**5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

Outdoor contractor storage in an industrial development has little potential impact on odor, fumes, dust, noise, vibration, and lighting. Any new or replacement lighting should be shielded and directed downward to prevent light spillage.

Outdoor storage has the potential to have a visual impact on neighboring uses. The neighboring land uses of this property are industrial with outdoor storage. The state highway is however, a primary entrance to the City of Dell Rapids. The Planning Commission may require screening of



the outdoor storage to reduce the negative visual impact.

**6) Health, safety, general welfare of the public and the Comprehensive Plan.**

Outdoor storage for a contractor lot is a common and generally expected land use for an industrial zoned area. The property is surrounded by other industrial zoned properties with outdoors storage. The health, safety, and general welfare of the area will have minimal negative affect.

**Recommendation:** Staff recommends **approval** of Conditional Use Permit #25-47 with the following conditions:

- 1) The property shall conform to the submitted site plan. The planning director can approve minimal changes; major amendments must obtain a new conditional use permit.
- 2) No human occupancy shall be allowed within the building or stored items.
- 3) That the first seventy-five feet of driveway within the site, beginning at the property line, shall be required to be hard surfaced. The remaining length of driveway within the site shall be required to be surfaced gravel or similar crushed product.
- 4) That all new or replacement outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.
- 5) That building permits shall be required for any signage.
- 6) An rural address sign must be purchased from the County and installed at the driveway access.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the site at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the 2001 Revised Joint Zoning Ordinance for Minnehaha and the City of Dell Rapids.

**Public Testimony**

Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission.

Commissioner Heiberger commented that the driveway already looked hard surfaced in the pictures presented by staff and asked Kevin to clarify what is the intent of condition three. Kevin explained that the new hard surfacing requirement would start at the property line and extend seventy-five feet into the property, while the existing hard surfacing is within the right-of-way. Commissioner Heiberger then asked how many feet of the driveway is currently hard surfaced within the right-of-way. Kevin stated that he would estimate that the current hard surfacing is approximately seventy-five feet, given that the right-of-way on state highways tends to be this wide.

Commissioner Mohrhauser asked staff about the presented picture with cars parked in the right-of-way. Kevin explained that he only became aware of these vehicles during his site visit and that he believes they are employee vehicles.

The owner of Divit LLC, Kari Karst, was present and addressed the commission with her comments on the presented staff report. Mrs. Karst explained that they object to the additional



seventy-five feet of hard surfacing into the property, due to the existing hard surfacing within the right-of-way. Additionally, she commented that the entire site has been surfaced with crushed concrete, which will further limit mud from reaching the state highway. She also stated that the vehicles parked in the right-of-way are employee vehicles that have assigned parking spaces, and that she will be addressing the issue with her employees.

### **Discussion**

Commissioner Heiberger stated that she believes requiring an additional seventy-five feet of hard surfacing is redundant, based on the fact that seventy-five feet of the right-of-way is already paved.

Commissioner Hoff also commented that the additional seventy-five feet of hard surfacing is not needed, especially since the property has been covered with crushed concrete. Commissioner Hoff did state that his main concern is the vehicles within the right-of-way because there have been days where he has noticed many more vehicles in the right-of-way than what was presented by planning staff.

### **Action**

A motion was made for the County by Commissioner Heiberger and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-47 with an amended condition three. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Pollman to **approve** Conditional Use Permit #25-47 with an amended condition three. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

### **Conditional Use Permit #25-47 – Approved with the following conditions:**

- 1) The property shall conform to the submitted site plan. The planning director can approve minimal changes; major amendments must obtain a new conditional use permit.
- 2) No human occupancy shall be allowed within the building or stored items.
- 3) That no parking or loading shall be allowed within the public right-of-way at any time.
- 4) That all new or replacement outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.
- 5) That building permits shall be required for any signage.
- 6) An rural address sign must be purchased from the County and installed at the driveway access.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the site at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the 2001 Revised Joint Zoning Ordinance for Minnehaha and the City of Dell Rapids.



**JOINT MINNEHAHA COUNTY & CITY OF DELL RAPIDS  
PLANNING COMMISSION  
MEETING MINUTES**

**AUGUST 25, 2025**

**Old Business**

None.

**New Business**

None.

**Adjourn**

A motion was made for the County to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Mohrhauser. The motion passed unanimously.

The same motion to **adjourn** was made for the City by Commissioner Pierson and seconded by Commissioner Pollman. The motion passed unanimously.

The meeting was **adjourned** at 8:17 p.m.



**JOINT MINNEHAHA COUNTY & CITY OF DELL RAPIDS  
PLANNING COMMISSION  
STAFF REPORTS**

**MARCH 23, 2026**

**ITEM 2. ZONING TEXT AMENDMENT #26-01 to amend the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to update Article 24.00 Fees.**

Petitioner: County Planning Staff

Staff Report: Kevin Hoekman

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

Minnehaha County utilizes permit fees to offset the cost of processing various permits. Fees vary based on the amount of staff time and the materials that are used to ensure permits meet ordinance requirements and materials are ready to present for public hearing. Article 24.00 of the 2001 Revised Joint County and City of Dell Rapids Zoning Ordinance lists all the fees for various permits and zoning requests. The permit fees article has not been updated since 2005.

Planning staff reviewed permit fees charged by other South Dakota Counties and Municipalities, and the proposed fees are similar to Sioux Falls and Pennington County fee structures. The Federal Reserve Bank of Minneapolis inflation calculator indicates an increase in inflation of 65% from 2005 to 2025. None of the proposed fee increases exceed the 65% inflation rate. The proposed fee changes are listed concisely below.

	<b>From</b>	<b>To</b>
Rezoning	\$350	\$500
Rezoning PD	\$350	\$500
PD Subarea Addition	\$50	\$100
PD Text Amendment	NA	\$500
PD Final Development Plan	\$0	\$200
PD Major Amendment	\$100	\$150
PD Minor Amendment	\$50	\$100
CUP	\$250	\$350
Board of Adjustment	\$250	\$350
Zoning Text Amendment	NA	\$600
Appeal of CUP	NA	\$100
Continuation Request	NA	\$100

Several of the above fees have no current listing within the ordinance. These fees are added as part of the ordinance to offset costs related to processes that do not currently have fees listed within the ordinance. Staff is requesting that an additional fee is included for the appeal of a conditional use permit and for a petitioner requesting continuation of a permit, rezoning, or amendment. Appeals and deferrals create additional work and organizing above and beyond a typical permit process.

In addition to fee updates, staff is requesting some clarifying changes within the article through reorganization and additions. The Planned Development District Zoning section is moved directly after the Change of Zone section of the article. Subsections regarding planned developments are consolidated under the Planned Development District Zoning.



**JOINT MINNEHAHA COUNTY & CITY OF DELL RAPIDS  
PLANNING COMMISSION  
STAFF REPORTS**

**MARCH 23, 2026**

Attached with this staff report is a mark up draft of the ordinance with comments. In addition, there is an ordinance draft prepared in the format for adoption. Finally, a permit fee comparison chart is included for review. This was created for staff to better understand how similar counties and municipalities within South Dakota utilize application fees. The blank spaces within the chart may mean that these petition types do not exist in those local governments, or it also may mean that that petition type is incorporated into another type of fee. The proposed fee updates for Minnehaha County are similar to other local governments in the state.

The Planning Commission decision is a recommendation that will be forwarded to the Joint County Commission and City Council. Any amendments to the proposed ordinance will be incorporated into the ordinance request for the County Commission and City Council.

**Recommendation:** Staff recommends **approval** of Zoning Text Amendment #26-01 to amend Article 24.00 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.

**Permit Fee Comparisons**

<b>Petition Type</b>	<b>Current Minneheha County Fee 2005</b>	<b>Proposed Minnehaha County Fee</b>	<b>City of Sioux Falls 2018</b>	<b>Lincoln County 2009</b>	<b>Pennington County 2024</b>
Rezoning	\$350.00	\$500.00	\$650.00	\$350.00	\$545.00
Planned Development with One Subarea	\$450.00	\$600.00		\$400.00	\$545.00
PD Text Amendment	Currently NA	\$500.00			
PD Concept Plan	Currently NA	NA			\$250.00
PD Final Development Plan	None	\$200.00	\$350.00		
PD Major Amendment	\$100.00	\$150.00	\$175.00	\$100.00	\$345.00
PD Minor Amendment	\$50.00	\$100.00		\$50.00	
Conditional Use Permit	\$250.00	\$350.00	\$375.00	\$250.00	\$545.00
CUP Major Amendment	\$250.00	\$250.00			
CUP Minor Amendment	\$50.00	\$100.00			
Variance Application	\$250.00	\$350.00	\$95.00	\$250.00	\$545.00
Administrative Appeal	\$250.00	\$350.00		\$250.00	
Zoning Permit	\$50.00	\$50.00		\$50.00	
Agricultural Tourism Permit	\$250.00	\$250.00	NA	NA	NA
Zoning Ordinance Text Amendment	\$350.00	\$600.00			
Permitted Special Use Application	NA	NA			\$320.00
Special Meeting	NA	NA		\$500.00	

Note: Color coded lines indicate related permit types.

**ARTICLE 24.00  
FEES**

- SECTIONS: 24.01 General Regulations  
 24.02 Change of Zone  
 24.03 **Planned Development District Zoning**  
 24.04 **Reserved**  
 24.05 Conditional Use  
 24.06 Board of Adjustment  
 24.07 Zoning Permit  
 24.08 **Reserved**  
 24.09 **Zoning Ordinance Text Amendment**

Comment: This Article of the ordinance has had a few additions and updates recently, however, much of the core application fees have not changed in twenty years. The application fees within this article are used to offset costs in implementation including preparing notification materials, writing staff reports, completing on site visits of properties, paying for newspaper notices as required by state law, and conducting hearings at Planning Commission and County Commission Meetings. In addition to fee increases, staff is suggesting several organizational changes to make the article easier to follow and understand. The Federal Reserve Bank of Minneapolis inflation calculator indicates an increase in inflation of 65% from 2005 to 2025.

24.01 GENERAL REGULATIONS. The fees set forth in this article shall be paid at the time of filing an application with the Minnehaha County Office of Planning and Zoning. Such fee shall be payable to the County Treasurer and under no conditions shall any fee be refunded after publication of any required legal notice or, if notice is not required, after the County and City Planning Commissions have considered the application. No action shall be taken upon any application unless all fees have been paid.

24.02 CHANGE OF ZONE. A fee of ~~\$500.00~~ ~~\$350.00~~ shall be charged for filing an application to change the zoning classification of property, except to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee. *(amended by MC28-02-04 and MC28-06-05)*

Comment: A change in zoning requires four newspaper printings: a notice before the Planning Commission, a notice before the County Commission, and two printings of the fact of adoption. A long legal description can cause the newspaper publications to cost nearly \$200 by itself. Staff completes a site visit of each rezoning and spends time writing a report and materials for the public hearings. The proposed change is an approximately 43% increase from the fee established in 2005.

- (A). Any request by the applicant for a continuation of the rezoning request shall result in an additional fee of \$100.00 to offset additional administration costs. This fee shall be paid prior to the date of the continued hearing.

Comment: There is additional work and cost burden on the country every time an item is continued from one meeting to another. Here have been some requests that were

continued several times over the one application request. This provision will allow some additional cost to be covered by the applicant if a continuation is requested by the applicant. Having the fee may also lead to reduced requests for continuation.

**24.03 PLANNED DEVELOPMENT DISTRICT ZONING.** A fee of \$500.00 plus \$100.00 for each subarea shall be charged for the filing of an application to change to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee.

Comment: Sections 24.03 and 24.04 were oddly placed sections because they covered fees for applications specific to Planned Developments, but the planned development fee was listed later in the article. This proposal brings all planned development fees together for clarity. The increased fee matches the rezoning increase plus an increase in each proposed subarea. Planned Developments can get complicated with additional subareas and the added cost for each subarea allows for further review of each sub area.

- (A). **Planned Development Text Amendment.** A fee of \$500.00 shall be charged for filing an application to change any text or allowed land uses within an approved Planned Development District.

Comment: This is a new subsection, and it should be accompanied by another text amendment within Article 10 for Planned Developments. There have been several applications for new land uses to be placed within an existing Planned Development. The ordinance currently requires such a change to be a major amendment which has a fee of \$100 despite a land use amendment changing the text of the ordinance and requiring notifications and publications in the newspapers. Publications alone cost more than \$100, plus all the other work that staff is required to complete for one amendment. This amendment makes it clear that a text amendment within a Planned Development has the same cost as a regular rezoning.

- (B). **Final Development Plan.** A fee of \$200.00 shall be charged for filing an application for a Final Development Plan within a Planned Development District.
  - (1). **Major Amendment.** A fee of \$150.00 shall be charged for the filing of an application for a major amendment to a Planned Development District.
  - (2). **Minor Amendment.** A fee of \$100.00 shall be charged for the filing of an application for a minor amendment to a Planned Development District.

Comment: Subsection B adds a fee for a Final Development Plan. Processing a Final Development Plan is similar to a preliminary subdivision plan except it only is approved by the Planning Commission. Even a minor amendment requires approval from the Planning Commission.

- (C). **Any request by the applicant for a continuation of a request for rezoning to Planned Development District, a request for a Planned Development Text Amendment, a request for final development plan, a request for a major amendment shall result in an additional fee of \$100.00 to offset additional**

administration costs. This fee shall be paid prior to the date of the continued hearing.

Comment: This is a similar request for Planned Development Districts and related requests to offset administrative expense of continuations for these requests.

~~24.03 MAJOR AMENDMENT. A fee of \$100.00 shall be charged for the filing of an application for a major amendment to a Planned Development District. (amended by MC28-02-04)~~

~~24.04 Reserved MINOR AMENDMENT. A fee of \$50.00 shall be charged for the filing of an application for a minor amendment to a Planned Development District. (amended by MC28-02-04)~~

Comment: This section was incorporated into Article 24.03 (B). (2).

24.05 CONDITIONAL USE. A fee of ~~\$350.00~~ ~~\$250.00~~ shall be charged for filing an application for a conditional use permit in any district. If any use, for which a conditional use permit is required, is commenced prior to the application for a conditional use permit, the application fee shall be double the regular fee. (amended by MC28-02-04 and MC28-06-05)

(A). Conditional Use Amendments.

- (1). Major Amendment. A fee of \$250.00 shall be charged for the filing of an application for a major amendment to a Conditional Use Permit.
- (2). Minor Amendment. A fee of \$100.00 shall be charged for the filing of an application for a minor amendment to a Conditional Use Permit.

Comment: Conditional use amendments are not part of the fee structure in the ordinance. The Planning and Zoning Department has been charging a \$250 fee for Major Amendment and \$50 for a Minor Amendment. A minor amendment only requires administrative approval, but the ordinance greatly restricts what is allowed as part of a Minor Amendment. This proposal continues the \$250 fee for Major Amendments and raises the Minor Amendment fee from \$50 to \$100.

- (B). If any use, for which a conditional use permit, a major amendment, or a minor amendment is required, is commenced prior to the application for a conditional use permit or amendment, the application fee shall be double the regular fee.

Comment: This part of the ordinance is an amended version of what already exists in the county ordinance at large. It provides some penalty for land uses which start prior to approval to discourage premature land use changes when a CUP or amendment is required.

(C). Conditional Use Permit Continuations and Appeals.

- (1). Any request by the applicant for a continuation of a request for a Conditional Use Permit or a Major Amendment to a Conditional Use Permit shall result in an additional fee of \$100.00 to offset additional

administration costs. This fee shall be paid prior to the date of the continued hearing.

- (2). If any Conditional Use Permit is appealed, the applicant shall pay an additional \$100.00 to offset additional administration costs. This fee shall be paid prior to the hearing before the County Board of Commissioners.

24.06 BOARD OF ADJUSTMENT. A fee of ~~\$350.00~~ ~~\$250.00~~ shall be charged for filing a variance application or an appeal to the Zoning Board of Adjustment. *(amended by MC28-02-04 and MC28-06-05)*

- (A). Any request by the applicant for a continuation of a request for a variance or an appeal shall result in an additional fee of \$100.00 to offset additional administration costs. This fee shall be paid prior to the date of the continued hearing.

Comment: Variance requests do require notice publication, but there are no appeals that can go to the County Commission so the number of meetings are limited to the one Board of Adjustment meeting. The cost matches the cost of a conditional use permit and the proposed increase is 40% higher than what was adopted in 2005.

24.07 ZONING PERMIT. A fee of \$50.00 shall be charged for all zoning permits not requiring a building permit fee. *(amended by MC28-06-05)*

Comment: This fee is not planned to increase at this time. A zoning permits are closely related to building permits, and the minimum fee for a building permit is currently \$60. A zoning permit makes sense to be less cost than a building permit.

~~24.08 Reserved PLANNED DEVELOPMENT DISTRICT. A fee of \$350.00 plus \$50.00 for each subarea shall be charged for the filing of an application to change to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee. (amended by MC28-02-04 and MC28-06-05)~~

Comment: This was moved to 24.03

24.09 ZONING ORDINANCE TEXT AMENDMENT. A fee of \$600.00 shall be charged for the filing of an application to change any text of this zoning ordinance.

Comment: The county has allowed applications to amend the zoning ordinance with a filing fee. The process allows one or more individuals directly request amendments to the ordinance. The process is similar to rezonings and requires publications before and after the process. Staff is suggesting a slightly higher fee than a rezoning because a text amendment request can be complicated and require much review and coordination with various departments including the States Attorney Office.

- (A). Any request by the applicant for a continuation of the Zoning Ordinance Text Amendment request shall result in an additional fee of \$100.00 to offset

additional administration costs. This fee shall be paid prior to the date of the continued hearing.

Comment: In 2024 and 2025, nine CUPs were appealed out of 123 total requests. About 7%. Staff found one continuation of a Planning Commission hearing for a rezoning, and two items that were continued twice at County Commission hearings.

ORDINANCE MC28-XX-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 24.00, FEES.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance 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 24.00 FEES, Section 24.02 CHANGE OF ZONE, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended to read as follows:**

24.02 CHANGE OF ZONE. A fee of \$500.00 shall be charged for filing an application to change the zoning classification of property, except to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee. *(amended by MC28-02-04 and MC28-06-05)*

- (A). Any request by the applicant for a continuation of the rezoning request shall result in an additional fee of \$100.00 to offset additional administration costs. This fee shall be paid prior to the date of the continued hearing.

**Section 2: That Article 24.00 FEES, Section 24.03 MAJOR AMENDMENT, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended to read as follows:**

24.03 PLANNED DEVELOPMENT DISTRICT ZONING. A fee of \$500.00 plus \$100.00 for each subarea shall be charged for the filing of an application to change to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee. *(amended by MC28-02-04)*

- (A). Planned Development Text Amendment. A fee of \$500.00 shall be charged for filing an application to change any text or allowed land uses within an approved Planned Development District.
- (B). Final Development Plan. A fee of \$200.00 shall be charged for filing an application for a Final Development Plan within a Planned Development District.
- 1). Major Amendment. A fee of \$150.00 shall be charged for the filing of an application for a major amendment to a Planned Development District.
  - 2). Minor Amendment. A fee of \$100.00 shall be charged for the filing of an application for a minor amendment to a Planned Development District.
- (C). Any request by the applicant for a continuation of a request for rezoning to Planned Development District, a request for a Planned Development Text Amendment, a request

for final development plan, a request for a major amendment shall result in an additional fee of \$100.00 to offset additional administration costs. This fee shall be paid prior to the date of the continued hearing.

**Section 3. That Article 24.00 FEES, Section 24.04 MINOR AMENDMENT, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended to read as follows:**

24.04 Reserved. *(amended by MC28-02-04)*

**Section 4: That Article 24.00 FEES, Section 24.05 CONDITIONAL USE, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended to read as follows:**

24.05 CONDITIONAL USE. A fee of \$350.00 shall be charged for filing an application for a conditional use permit in any district. If any use, for which a conditional use permit is required, is commenced prior to the application for a conditional use permit, the application fee shall be double the regular fee. *(amended by MC28-02-04 and MC28-06-05)*

- (A). Conditional Use Amendments.
  - 1). Major Amendment. A fee of \$250.00 shall be charged for the filing of an application for a major amendment to a Conditional Use Permit.
  - 2). Minor Amendment. A fee of \$100.00 shall be charged for the filing of an application for a minor amendment to a Conditional Use Permit.
- (B). If any use, for which a conditional use permit, a major amendment, or a minor amendment is required, is commenced prior to the application for a conditional use permit or amendment, the application fee shall be double the regular fee.
- (C). Conditional Use Permit Continuations and Appeals.
  - (1). Any request by the applicant for a continuation of a request for a Conditional Use Permit or a Major Amendment to a Conditional Use Permit shall result in an additional fee of \$100.00 to offset additional administration costs. This fee shall be paid prior to the date of the continued hearing.
  - (2). If any Conditional Use Permit is appealed, the applicant shall pay an additional \$100.00 to offset additional administration costs. This fee shall be paid prior to the hearing before the County Board of Commissioners.

**Section 5: That Article 24.00 FEES, Section 24.06 BOARD OF ADJUSTMENT, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended to read as follows:**

24.06 BOARD OF ADJUSTMENT. A fee of \$350.00 shall be charged for filing a variance application or an appeal to the Zoning Board of Adjustment. *(amended by MC28-02-04 and MC28-06-05)*

- (A). Any request by the applicant for a continuation of a request for a variance or an appeal shall result in an additional fee of \$100.00 to offset additional administration costs. This fee shall be paid prior to the date of the continued hearing.

**Section 6: That Article 24.00 FEES, Section 24.08 PLANNED DEVELOPMENT DISTRICT, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended to read as follows:**

24.08 Reserved. *(amended by MC28-02-04 and MC28-06-05)*

**Section 7: That Article 24.00 FEES, of the 2001 Revised Zoning Ordinance for Minnehaha County and the City of Dell Rapids, is hereby amended adding a new Section 24.09 ZONING ORDINANCE TEXT AMENDMENT as follows:**

24.09 ZONING ORDINANCE TEXT AMENDMENT. A fee of \$600.00 shall be charged for the filing of an application to change any text of this zoning ordinance.

- (A). Any request by the applicant for a continuation of the Zoning Ordinance Text Amendment request shall result in an additional fee of \$100.00 to offset additional administration costs. This fee shall be paid prior to the date of the continued hearing.

Adopted this 28 day of April, 2026.

MINNEHAHA COUNTY

\_\_\_\_\_  
Chair, Board of County Commissioners

ATTEST:

\_\_\_\_\_  
County Auditor

1 <sup>st</sup> Reading	March 31, 2026
Legal Ad. – Dakota Scout, Brandon Valley Journal, Garretson Gazette, Minnehaha Messenger	April 3, 2026 April 8, 2026 April 9, 2026 April 10, 2026
2 <sup>nd</sup> Reading & Final Adoption	April 28, 2026
Fact of Adoption – Dakota Scout, Brandon Valley Journal, Garretson Gazette, and Minnehaha Messenger	May 1, 2026 & May 8, 2026 May 6, 2026 & May 13, 2026 May 7, 2026 & May 14, 2026 May 8, 2026 & May 15, 2026

Effective Date	June 3, 2026
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**ITEM 3. ZONING TEXT AMENDMENT #26-02 to amend the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to add Accessory Dwelling Unit (ADU) Regulations.**

Petitioner: County Planning Staff

Staff Report: Kevin Hoekman

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

Minnehaha County adopted Envision 2045 Comprehensive Plan in February 2025. The plan is a 10 year update of the Envision 2035 Comprehensive Plan that was adopted in 2015. A significant component to the comprehensive plan update involves the need for housing throughout the county. The Planning Department worked with a task force to develop three ways to aid housing development in the county. One of the considerations of the comprehensive plan is known as accessory dwelling units or ADUs. Minnehaha County adopted an ADU ordinance within the County Zoning Ordinance and jointly within the County and City of Sioux Falls Zoning Ordinance. Since the ADU ordinance was adopted, the County has approved seven ADUs throughout the County.

Accessory dwelling units allow flexibility for property owners to extend the use of an existing property. An accessory dwelling unit can be used to support relatives in need, generate a rental income, have an available space for guests to stay during a visit, or other uses. The development of rules for ADUs can be implemented within the current structure of building eligibilities to guide rural development.

The proposed ordinance to regulate accessory dwelling units include the land use in all zoning districts that allow a single family dwelling if a conditional use permit is approved. Staff developed rules intended to maintain the character of rural development with limitations to ADU size and development standards. Any other use of the ADU such as major home occupation or short term rental will require a separate conditional use permit and public hearing.

The Envision 2045 comprehensive plan includes residential growth goals and actions within the Growth Management chapter of the plan. Accessory dwelling units are part of the following goal and action:

*Goal 4.11. Ensure maximum efficiency in the provision of public services and facilities to promote cohesive and attractive development in the rural area.*

*Action 3. Develop, adopt and implement an ordinance amendment to allow accessory dwelling units within the county.*

Included with this memo is a draft copy of the ordinance with staff comments throughout the draft. In addition to the draft copy, a copy of the proposed ordinance is included as it would be adopted by the Joint County Commission and City Council. Any amendments made by the Planning Commissions will need to be changed in both drafts for the Joint County Commission and City Council meeting.



**JOINT MINNEHAHA COUNTY & CITY OF DELL RAPIDS  
PLANNING COMMISSION  
STAFF REPORTS**

**MARCH 23, 2026**

**Recommendation:** Staff recommends **approval** of Zoning Text Amendment #26-02 adding and amending Articles 3.04(EE), 4.04(Q), 4A.04(Q), 5.04(L), 9.04(U), 12.16, & 26.02 to the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.

**ARTICLE 3.00  
A-1 AGRICULTURAL DISTRICT**

3.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the A-1 Agricultural District if a conditional use has been obtained in conformance with the requirements of Article 19.00:

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

**ARTICLE 4.00  
RR-1 RURAL RESIDENTIAL DISTRICT**

4.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the RR-1 Rural Residential District if a conditional use for such use has been obtained in conformance with the requirements of Article 19.00:

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

**ARTICLE 4A.00  
RR-5 RURAL RESIDENTIAL DISTRICT**

4A.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the RR-5 Rural Residential District if a conditional use for such use has been obtained in conformance with the requirements of Article 19.00:

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

**ARTICLE 5.00  
R-1 RESIDENTIAL DISTRICT**

5.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the R-1 Residential District if a conditional use for such use has been obtained in conformance with the requirements of Article 19.00:

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

**ARTICLE 9.00  
RC RECREATION/CONSERVATION DISTRICT**

9.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the RC Recreation/Conservation District if a conditional use for such use has been obtained in conformance with the requirements of Article 19.00:

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

*Note: Most of the RC zoning District is located within the floodplain, but there are parts of the district on the fringe where there is no floodplain.*

*Note: These sections as shown require an ADU to obtain a conditional use permit. Any requirement must be met as a minimum. If a requirement cannot be met the CUP application cannot be approved. This is similar to a CUP for a CAFO. If the CAFO does not meet the minimum setback requirements, then the new CAFO cannot be approved. It would be simple to change location to allow ADUs as permitted special use where the rules must be met for administrative approval. If the rules cannot be met as a permitted special use, then a CUP is required. A permitted special use may provide a bit more flexibility in how the ordinance is administered.*

**ARTICLE 12.00  
ADDITIONAL USE REGULATIONS**

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.

*Note: This requirement of placing the dwelling on one platted lot is a check on the possibility that the ADU will be divided from the primary dwelling without approval of the Planning Department. The Register of Deeds Office requires that any subdivision of a platted lot must be further platted and not simply described. This may cause issues in some locations in the county where a small parcel is composed of two separately platted but now combined lots. Examples would be Wall Lake and West Acres subdivisions. Replatting two small lots into one may be a reasonable expectation of the ordinance.*

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

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

*Note: This requirement will effectively remove possibility of ADUs from being a temporary structure or camper.*

**DRAFT ACCESSORY  
DWELLING UNIT  
REGULATIONS**

- (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.

*Note: This requirement is intended to ensure that adequate waste water facilities are considered even before approval. There may be small lots within the county that additional septic system space is not even possible. It could be changed to require the information before a building permit. Proof of compatibility may be new septic system designed with percolation testing, an existing septic system where permit design indicates additional capacity for the ADU, or an acceptance letter from a sanitary sewer district such as Renner or Wall Lake.*

- (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.

*Note: This requirement may be difficult to accomplish in a small lot subdivision.*

- (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.

*Note: The intent of this requirement is to prevent ADUs from being placed in a location with high risk of flooding. The requirement to elevate the ADU may create a problem with attached ADUs when the primary dwelling doesn't meet the elevation requirement. A floodplain development permit is required for all new work located within a floodplain.*

- (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.

*Note: A size requirement is common to ADU requirements. The purpose is to ensure that the ADU remains in appearance and in practice accessory to the primary dwelling. Without a size requirement, an attached ADU will be indistinguishable from a duplex.*

- (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.

*Note: A size requirement is common to ADU requirements. The purpose is to ensure that the ADU remains in appearance and in practice accessory to the primary dwelling. As a conditional use permit requirement, this may create conflict where property owners view the floor area is too*

**DRAFT ACCESSORY  
DWELLING UNIT  
REGULATIONS**

*restrictive. As a CUP the size limitation is a true cap where a permitted special use the restriction acts as a desired goal with a conditional use permit process as a potential pressure release valve for when a specific situation doesn't meet the exact requirements.*

Exception: an existing single family dwelling constructed more than 30 years ago may be adaptively reused as the ADU up to 100% the size of the primary dwelling. Waste water requirements must be met for both the primary single family dwelling and the ADU.

- (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.

*Note: This requirement will effectively remove possibility of ADUs from being a temporary structures or campers. It will leave in the possibility the ADU can be a mobile home. According to the HUD website a mobile home build before 1976 "cannot be accepted as compliant with the HUD Code" As this is written, a single wide manufactured home can be used as an accessory dwelling unit. The county definition has a size minimum for a manufactured home as 8 feet by 32 feet or 256 square feet.*

**ARTICLE 26.00  
DEFINITIONS**

26.02 DEFINITIONS.

5. ACCESSORY BUILDING OR USE. **An accessory building is a 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.**

*Note: This definition is nearly identical to the definition suggested by the AARP model ordinance for ADUs. The differences include at the beginning of the ordinance describing the ADU as "A residential dwelling unit", because this term better*

**DRAFT ACCESSORY  
DWELLING UNIT  
REGULATIONS**

*conforms to the County's current ordinance definitions and using the word family in the second sentence to better conform to the County's current ordinance definitions.*

- 5B. ADAPTIVE RESUSE. The modification of an existing single family dwelling, into an accessory building or use.

*Note: The number for Adaptive Reuse will need to change to make space for ADU definition. The definition of Adaptive Reuse will change to not confuse that adaptive reuse requires other permits in addition to building permits.*

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.**

*Note: This definition should be changed in order to not create a conflict in the ordinance. Many places in the ordinance allow only single family dwellings. The Joint County and Dell Rapids does not have any reference to two family dwellings except for the definitions and parking regulations.*

Below are definitions that are related to or affected by the additional land use of ADUs. There are no plans to change these definitions, but it is helpful in establishing context to how ADUs will be integrated into the overall ordinance.

205. DWELLING. A building, or portion thereof, constructed in conformance with the Uniform Building Code, and used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels, or lodging houses. This definition does not include a mobile home or manufactured home (see subsection 460).
210. DWELLING, SINGLE FAMILY. A building designed for or occupied exclusively by one family.
220. DWELLING, MULTIPLE. A building designed for or occupied exclusively by three or more families.
225. DWELLING UNIT. One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
280. FLOOR AREA. The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement, or cellar when said space is used for storage or incidental uses.
460. MOBILE HOME/MANUFACTURED HOME. Any single-family permanent living quarters, more than eight (8) feet wide and thirty-two (32) feet in length, and designed and built to be towed on its own chassis.

**DRAFT ACCESSORY  
DWELLING UNIT  
REGULATIONS**

550. PRINCIPAL BUILDING. A building in which is conducted the primary or predominant use of the lot on which it is located.
555. PRINCIPAL USE. The primary or predominant use of any lot.

ORDINANCE MC28-XX-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 MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance 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, 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.

Adopted this 28 day of April, 2026.

MINNEHAHA COUNTY

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Chair, Board of County Commissioners

ATTEST:

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County Auditor

1 <sup>st</sup> Reading	March 31, 2026
Legal Ad. – Dakota Scout, Brandon Valley Journal, Garretson Gazette, Minnehaha Messenger	April 3, 2026 April 8, 2026 April 9, 2026 April 10, 2026
2 <sup>nd</sup> Reading & Final Adoption	April 28, 2026
Fact of Adoption – Dakota Scout, Brandon Valley Journal, Garretson Gazette, and Minnehaha Messenger	May 1, 2026 & May 8, 2026 May 6, 2026 & May 13, 2026 May 7, 2026 & May 14, 2026 May 8, 2026 & May 15, 2026
Effective Date	June 3, 2026



**ITEM 4. ZONING TEXT AMENDMENT #26-03 to amend the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to change the Transfer of Building Eligibility Regulations.**

Petitioner: County Planning Staff

Staff Report: Kevin Hoekman

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

Minnehaha County adopted Envision 2045 Comprehensive Plan in February 2025. The plan is a 10 year update of the Envision 2035 Comprehensive Plan that was adopted in 2015. A significant component to the comprehensive plan update involves the need for housing throughout the county. The Planning Department worked with a task force to develop three ways to aid housing development in the county. One of the considerations of the comprehensive plan is to change the requirements to transfer a building eligibility.

Transferring eligibilities are already a part of the Joint County and Dell Rapids City Zoning Ordinance. The proposed rule will amend a requirement for transfer to allow two adjacent property owners to move one or more building eligibilities between two parcels. This would allow more flexibility in allowing transfers to take place, but the change will continue to limit the extent of transfers by continuing the requirement for properties to be adjacent.

The Envision 2045 comprehensive plan includes housing density goals and actions within the Rural Conservation chapter of the plan. Changing requirements for transfers of building eligibilities are part of the following goal and action:

*Goal 5.6. Maintain and strengthen low density residential standards in the agricultural district.*

*Action 4. Revise ordinance restrictions for building eligibility transfers to allow transfers between properties with different owners when it is appropriate to do so.*

Included with this memo is a draft copy of the ordinance with staff comments throughout the draft. In addition to the draft copy, a copy of the proposed ordinance is included as it would be adopted by the County Commission and City Council. Any amendments made by the Joint Planning Commission will need to be changed in both drafts for the Joint County Commission and City Council meeting.

**Recommendation:** Staff recommends **approval** of Zoning Text Amendment #26-03 to amend Article 3.04(Y) and Article 9.04(S) of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.

**DRAFT TRANSFER OF  
BUILDING ELIGIBILITIES  
REGULATIONS**

**ARTICLE 3.00  
A-1 AGRICULTURAL DISTRICT**

3.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the A-1 Agricultural District if a conditional use has been obtained in conformance with the requirements of Article 19.00:

- (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 shall** occur **only** between contiguous parcels **under the same ownership. For purposes of this section, same ownership means: Two or more parcels of land owned or controlled by an individual or combination of individuals, corporations, partnerships, or other legal entities; with said owners described uniformly on the deed or other legally binding conveyance of each parcel.** *(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.**

9.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the RC Recreation/Conservation District if a Conditional Use for such use has been obtained in conformance with the requirements of Article 19.00:

- (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 shall** occur **only** between contiguous parcels **under the same ownership. Two or more parcels of land owned or controlled by an individual or combination of individuals, corporations, partnerships, or other legal entities; with said owners described uniformly on the deed or other legally binding conveyance of each parcel.** *(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.

**DRAFT TRANSFER OF  
BUILDING ELIGIBILITIES  
REGULATIONS**

- 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.

ORDINANCE MC28-XX-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 MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance 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.

Adopted this 28 day of April, 2026.

MINNEHAHA COUNTY

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Chair, Board of County Commissioners

ATTEST:

\_\_\_\_\_  
County Auditor

1 <sup>st</sup> Reading	March 31, 2026
Legal Ad. – Dakota Scout, Brandon Valley Journal, Garretson Gazette, Minnehaha Messenger	April 3, 2026 April 8, 2026 April 9, 2026 April 10, 2026
2 <sup>nd</sup> Reading & Final Adoption	April 28, 2026
Fact of Adoption – Dakota Scout, Brandon Valley Journal, Garretson Gazette, and Minnehaha Messenger	May 1, 2026 & May 8, 2026 May 6, 2026 & May 13, 2026 May 7, 2026 & May 14, 2026 May 8, 2026 & May 15, 2026
Effective Date	June 3, 2026