NOTICE OF ADOPTION

First Reading: July 9, 2019
Second Reading & Adoption: July 23, 2019
Publication: August 2, 2019
Effective Date: August 22, 2019

ORDINANCE NO. 1907-42

AN ORDINANCE OF LINCOLN COUNTY, SD, AMENDING THE 2009 REVISED ZONING ORDINANCE FOR LINCOLN COUNTY BY AMENDING ARTICLE 23, BUILDING PERMITS.

BE IT ORDAINED BY LINCOLN COUNTY, SD:

Section 1. That Article 23, of the 2009 Revised Zoning Ordinance for Lincoln County, SD, is hereby amended to read as follows:

Article 23.00
Zoning Permits

23.01 Permits Required. It shall be unlawful for any person, firm or corporation to erect, construct, change, enlarge, alter, repair, move, improve, remove, convert, demolish, use, occupy or maintain any building, structure or land use regulated by this ordinance or cause the same to be done without first obtaining a separate zoning permit for each building, structure or land use change from the Office of Planning and Zoning. A zoning permit does not supersede or give the recipient special privileges in relationship to other required permits including but not limited to: building permits will be required to be permitted and approved by the chief building official.

23.02 Application. To obtain a zoning permit, the applicant shall first file an application therefor in writing on a form furnished by the Office of Planning and Zoning. A zoning permit may be applied in conjunction with a building permit. Every application shall:

A. Identify and describe the work to be covered by the permit for which application is made.

B. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

C. Indicate the proposed use or occupancy and work proposed.

D. Be accompanied by a plot plan.

E. Be signed by applicant, or his or her authorized agent, who may be required to submit evidence to indicate the authority.
F. Give such other data and information as may be required by the Planning Director or his or her representative.

23.03 Information on Plot Plan. Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this ordinance and all relevant laws, ordinances, rule, and regulations.

Exception: The Planning Director or his or her representative may waive the submission of plans, if he or she finds that the nature of the work or change in land use applied for is such that reviewing of plans is not necessary to obtain compliance with this ordinance.

23.04 Issuance. The application, plans, and other data filed by an applicant for a zoning permit shall be reviewed by the Planning Director or his or her representative. The plans may be reviewed by other departments to verify compliance with any applicable laws or requirements under their jurisdiction.

If the Planning Director or his or her representative finds that the work described in an application for a zoning permit and the plans, and other data filed therewith, conform to the requirements of this ordinance and other pertinent laws and ordinances, and that the fees have been paid, he or she shall issue a permit.

When the Planning Director or his or her representative issues the zoning permit where plans are required, he or she shall endorse in writing and/or stamp his or her approval of the plans and may stipulate required modifications or conditions in order to establish compliance with any applicable ordinances of the County. The approved plans and specifications shall not be changed, modified, or altered without authorization from the Planning Director, and all work shall be done in accordance with approved plans.

The Planning Director or his or her representative may issue a zoning permit for the construction or use of part of a building or a structure before the entire plans for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this ordinance. The holder of the zoning permit shall proceed at his or her own risk, without assurance that the zoning permit for the entire building, structure, or use will be granted.

23.05 Validity of Permit. The issuance or granting of a zoning permit or approval of plans shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this ordinance or of any other ordinance of the jurisdiction. No zoning permit presuming to give authority to violate or cancel the provisions of this ordinance shall be valid.

23.06 Expiration. Every zoning permit issued under the provisions of this chapter shall expire by limitation and become null and void if the work or use authorized by the permit is not commenced within 180 days from the date of the zoning permit, or if the work or use authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before the work can be recommenced, a new permit shall first be obtained to do so,
provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the suspension or abandonment has not exceeded one year.

Any applicant holding an unexpired zoning permit may apply for an extension of the time within which he or she may commence work under that zoning permit when he or she is unable to commence work within the time required for this section for good and satisfactory reasons. The Planning Director may, except as otherwise provided herein, extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No permit shall be extended more than once.

**23.07 Suspension or Revocation.** The Planning Director may, in writing, suspend or revoke a permit issued under the provisions of this ordinance whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this ordinance.

Adopted this 23rd day of July 2019.

_/s/_____________________________
Jim Schmidt, Chairman
Lincoln County Board of Commissioners

ATTEST:

_/s/_____________________________
Marlene Sweeter
Lincoln County Auditor

Published once at the approximate cost of ____________.