ORDINANCE NO. 1908-39

AN ORDINANCE OF LINCOLN COUNTY, SD, AMENDING THE 2009 REVISED ZONING ORDINANCE FOR LINCOLN COUNTY BY AMENDING ARTICLE 19.00, CONDITIONAL USE PERMITS.

BE IT ORDAINED BY LINCOLN COUNTY, SD:

Section 1. That Section 19.05, of the 2009 Revised Zoning Ordinance for Lincoln County, SD, is hereby amended to read as follows:

19.05 Planning Commission Hearing. Upon the filing of an application for a conditional use permit, the Planning Director shall set a date for public hearing on such requested conditional use, at which time and place the Lincoln County Planning Commission shall meet to consider the conditional use request.

A. Notification. The applicant shall notify all property owners (inclusive of Contract for Deed buyers at last known address) of land lying within five hundred (500) feet, inclusive of right-of-way, of the outer boundaries of the property involved in the request. For applicable Commercial WECS and CAFO applications, the applicant shall notify all property owners (inclusive of Contract for Deed buyers at last known address) of land lying within one (1) mile, inclusive of right-of-way, of the outer boundaries of the property involved in the request. The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide the applicant with “Notice of Hearing” forms for this purpose, and the notices shall be sent by the applicant to all parties on the aforementioned list by first class mail no less than ten calendar days prior to the public hearing on the request held by the Planning Commission. The applicant shall sign an affidavit certifying that the required mailing was completed. The affidavit shall be provided to the Planning Department at least five (5) working days prior to the Planning Commission meeting.

B. Signs. A sign(s) to be provided by the Office of Planning and Zoning shall be posted on or near the property at least five calendar days prior to the scheduled hearing.

C. Action. The Planning Commission shall decide whether to grant the conditional use with such conditions and safeguards as are appropriate or to deny a conditional use when not in harmony with the purpose and intent of these regulations. The decision of the Planning Commission shall be final unless an appeal is filed in accordance with Article 19.06.

Adopted this 27th day of August, 2019.

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Jim Schmidt, Chairman
Lincoln County Board of Commissioners