ORDINANCE NO. 407-24

An Ordinance amending the 1995 Revised Zoning Ordinance of Lincoln County, South Dakota
(LC-0-95-01)

BE IT ORDAINED BY LINCOLN COUNTY:

ARTICLE 15 - Regulations for Conditional Use Permits within the Districts be amended as follows:

Section 1504. Notice of Hearing. The applicant shall be responsible for posting one or more signs (provided by the Planning Director) on the property at least (10) days prior to the hearing date. The sign(s) shall be posted in such a manner as to be clearly visible from the street, road or other public right-of-way from which entrance or access to the property can be gained. In the event an application for conditional use pertains to a Concentrated Animal Feeding Operation, as defined in Article 3, Section 301, the Planning Director shall publish notice of said hearing at least once in all legal newspapers of Lincoln County at least (10) days prior to the hearing date.

Section 1507 Amendment of Permit by Application. Any person, firm, corporation or entity to which a conditional use permit has been granted may make application to amend said conditional use permit. Such application for amendment shall proceed in the same manner as required for the original conditional use permit.

Section 1512. Review of Permit by Planning Commission
(A) Basis for Review. Noncompliance with any of the terms, conditions or requirements placed on a conditional use permit by Lincoln County is sufficient cause to subject such permit to review by the Lincoln County Planning Commission.

(B) Procedure. If the Planning Director is reasonably satisfied there exists any noncompliance with the terms, conditions or requirements of a conditional use permit, the Director shall give written notice of such noncompliance to the person, firm, corporation or entity to which the permit was granted. Additionally, the Director shall advise the Planning Commission of such noncompliance at its next regularly scheduled meeting. Upon such advisement, the Planning Commission shall set a time for review of the permit at a subsequent regularly scheduled meeting. Such review hearing will be open to the public.

(C) Notice of Review Hearing. At least ten (10) days prior to the hearing, the following shall occur:

1) the Director shall give written notice of the review hearing to the person or entity for whom the permit was authorized;
2) notice of the hearing shall be published at least once by the Director in all legal newspapers of the county;
3) the Planning Director shall be responsible for posting sign(s) on the property in such a manner so as to be clearly visible from the street, road or other public right-of-way from which entrance or access to the property is gained;

(D) Hearing. The person, firm, corporation or entity to which the conditional use permit has been granted has the initial burden of establishing compliance with all terms, conditions and requirements of the permit in question. In the event the Planning Commission determines by a preponderance of the evidence that such compliance has not been established, it may do any of the following:

1) revoke said permit;
2) amend said permit;
3) postpone action for a period of time it deems appropriate to allow the permit holder to comply with all terms, conditions and requirements of the permit in question;
4) require any other such action it deems appropriate and in accordance with the provisions of this Ordinance.
(E) Effect of Revocation. Any person, firm corporation or entity to which a conditional use permit has been granted and subsequently revoked by the Planning Commission may not apply for a conditional use permit pursuant to Section 1501 for a period of six (6) months.

(F) Appeal. Appeals from decisions made by the Planning Commission pursuant to this section shall commence and proceed in accordance with Section 1506.

First Reading: July 13, 2004
Second Reading: July 27, 2004
Publication Dates: August 5, 2004, August 12, 2004
Effective Date: September 1, 2004

Otto Hagedorn
Chairman, Lincoln County Commissioners

Paula Feucht
Auditor, Lincoln County