

ORDINANCE 2026-01

ORDINANCE NO. 2026 - 01, AN ORDINANCE AMENDING "THE ZONING ORDINANCE OF MINER COUNTY" AS ESTABLISHED BY ORDINANCE #04-01 AND ALL AMENDMENTS THERETO, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH

BE IT ORDAINED BY THE MINER COUNTY BOARD OF COUNTY COMMISSIONERS: that Article 11 "Agricultural District", Section 11.01.03 "Conditional Uses", adopted by Ordinance #04-01, as amended, be amended by adding language in bold and underline:

Section 11.01.03. Conditional Uses.

34. Resorts

BE IT FURTHER ORDAINED BY THE MINER COUNTY BOARD OF COUNTY COMMISSIONERS: that Article 16 "Supplemental Regulations", adopted by Ordinance #04-01, as amended, be amended by adding a new Section in bold underlined language:

Section 1640. Resorts

1. A Resort shall comply with the following conditions:
 - a. The minimum lot area for a resort shall be ten (10) acres.
 - b. No manufactured homes or recreational vehicles shall be located on the resort property.
 - c. A smoke detector and carbon monoxide detector shall be provided in each sleeping room.
 - d. The resort shall be supplied with a potable water supply and sewage disposal facilities, and all of which shall meet all applicable State and County codes and regulations.
 - e. Garbage and rubbish storage and disposal shall be handled in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. The resort shall provide a sanitary method of disposing of solid waste, in compliance with state laws, rules and regulations.
 - i. One (1) refuse collection station shall be provided, with a minimum of one (1) two-yard dumpster situated on a concrete pad, screened on four sides, for each twelve (12) tenants or fractions thereof, conveniently located to serve tenants not more than one hundred fifty (150) feet from any "Resort" structure with living quarters.
2. The grounds shall be kept free of rubbish, trash, or debris, which could become a safety hazard.
3. The owner of the resort shall keep accurate record of guests. Such a record shall be available for inspection and copying by the Zoning Administrator for the purpose of protecting the health or life of persons or for an emergency which may affect the public health. The registry shall contain the name of the guest, the number in the party, the place of permanent residence of the guest, the date of registration, the date of departure, and the motor vehicle license number of the registrant. The record shall also include each rate, price, or fee charged to the guest for the guest's stay at the resort. These records shall be kept for a minimum of one (1) year.
4. Public Safety Access – The owner of the resort shall allow Law Enforcement and Miner County personnel immediate access to determine if the terms and conditions within the conditional use permit are complied with.
5. All applicable requirements of the South Dakota Department of Health shall be met.
6. On – premise signage shall be limited to sixteen (16) square feet in area.

7. Off-street parking requirements shall be one (1) space per guestroom and shall be in addition to parking requirements for the principal use. Off-street parking shall not be located in a required front or side yard and screening shall be required when adjacent to residentially used property.
8. The building shall meet all building codes and zoning requirements. A site plan showing the location of guest parking spaces and floor plan showing a location of the sleeping rooms, lavatories, and bathing facilities, and kitchen shall be submitted with application.
9. The length of stay shall not exceed fourteen (14) consecutive days during any one hundred twenty (120) day period.
10. The Board of Adjustment may impose other conditions to ensure that the use of property related to the resort is conducted in a manner to be compatible with the surrounding neighborhood.
11. In the event the resort does not comply with the terms of the conditional use permit and said permit is revoked, the owner of the resort shall provide for, at their expense, the restoration of the site to its original condition, including the removal of all but one structure containing living quarters, or to a use permitted by the zoning ordinance in a time frame to be determined by the Board of Adjustment.

BE IT FURTHER ORDAINED BY THE MINER COUNTY BOARD OF COUNTY COMMISSIONERS: that Article 2 "Definitions", adopted by Ordinance 2024-01, as amended, be amended by adding the language in bold and underline:

Resort: This category provides commercial hospitality lodgings in spacious settings that are principally intended for vacationing, relaxation and conference activities for visitors to the community. **It consists of building or group of two (2) or more detached, or semi-detached, or attached buildings occupied or used as a temporary abiding place who are lodged with or without meals, and in which there are sleeping quarters.**