

ORDINANCE NO. 189

AN ORDINANCE OF THE CITY OF CROOKS, SD, AMENDING THE ZONING ORDINANCE OF THE CITY OF CROOKS, SD, BY AMENDING CHAPTER 1, GENERAL PROVISIONS, CHAPTER 11, ADDITIONAL USE REGULATIONS, CHAPTER 15, BUILDING PERMITS AND FEES AND CHAPTER 19, DEFINITIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CROOKS, SD:

Section 1. That Section 1.04, of the Zoning Ordinance of Crooks, SD, is hereby amended to read as follows:

1.04 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or deed restrictions, the most restrictive or that imposing the higher standards, shall govern.

Section 2. That Section 11.03, of the Zoning Ordinance of Crooks, SD, is hereby amended to read as follows:

11.03 Accessory Buildings, Garages, Recreational Facility and Miscellaneous Structures

A. In General.

1. Accessory structures, excluding miscellaneous structures in Section 11.03(5), shall not exceed 30 percent of the rear yard area.
2. Any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
3. Accessory buildings may not be used for dwelling purposes.
4. No accessory building or use shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory buildings shall be used unless the main building on the lot is also being used.
5. A building permit is required for accessory buildings over 200 square feet.
6. The garage(s) shall be used only by persons residing on the premises. Any garage not meeting these requirements shall be allowed only as a conditional use pursuant to Section 18.01.

7. Conditional Use Application Fee: Upon application and before any conditional use hearings are held, the applicant shall pay a fee to the Finance Office.
8. Height shall be measured from grade. Grade is the average elevation of the land around a building. See Definitions BUILDING, HEIGHT Revised Zoning Ordinance
9. Stop Order. Section 14.03 Whenever any work or use is being done contrary to the provisions of this title, the Authorized Official may order the work or use stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop work or use until authorized by the Authorized Official to proceed with the work or use.
10. Penalties for Violation Section 1.05 ‘...Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction be subject to the penalties established by South Dakota law.’
11. No carports will be allowed in residential districts.

B. Residential Districts.

1. **Accessory buildings: 200 square foot and under (counts as your one allowable building.)**
 - a. Shall be setback at least four (4) feet from the side and rear property lines.
 - b. Shall not be located in front of the principal structure.
 - c. Accessory Buildings 200 square feet and under do not require a building permit.
 - d. Shall not be more than twelve (12) feet (one story) in height.
 - e. Shall not have a door opening that exceeds six (6) feet in width.
 - f. Shall not be located within ten (10) feet of the principal structure.
 - g. Cloth, canvas, plastic sheets and tarps and similar materials are not allowed as primary materials, except greenhouses are allowed to have sheeting (glass or plastic) of prescribed building thickness as an outer covering. As an exterior material, steel siding and roofing is allowed on accessory buildings 200 square feet and under only.
 - h. Shall be limited to a maximum of one (1) accessory building per lot.
2. **Accessory buildings: 201 square foot to 400 square foot (counts as your one allowable building.)**
 - a. Shall be setback at least four (4) feet from the side and rear property lines.

- b. Shall not be located in front of the principal structure.
- c. Shall not have a wall height exceeding ten (10) feet in height.
- d. Shall not be more than fifteen (15) feet (one story) in height.
- e. Shall not have a door opening that exceeds six (6) feet in width.
- f. Shall not be located within ten (10) feet of the principal structure.
- g. The size of the accessory building shall not exceed 400 square feet or the requirement of Section 11.03(A) (1), whichever is less. Any accessory building exceeding 200 square feet requires a conditional use permit. Conditions may be attached to such a permit to mitigate the impact on adjacent properties, including, but not limited to, increased setbacks, landscape screening, architectural color and detail requirements, drainage provisions, and limiting additional exterior storage.
- h. Cloth, canvas, plastic sheets and tarps and similar materials are not allowed as primary materials. As an exterior material, corrugated steel siding and roofing is also not allowed. The exterior finish of accessory buildings 201-400 square feet in size shall be of materials matching the principal structure in color and texture.
- i. Shall be limited to a maximum of one (1) accessory buildings per lot, regardless of size.

3. Detached garages:

- a. **Primary Garage**
In a situation where there will be no attached garage to the dwelling structure, the detached garage becomes the primary garage. In this situation only, the garage shall not exceed 1000 square feet. All other detached garage and general conditions of this ordinance will still apply. In the event that there is no attached garage, and one detached garage, one (1) additional accessory building 400 square feet or less will be allowed OR one (1) 600 square foot detached garage. All applicable detached garage rules will apply. All relevant conditions of this ordinance will still need to be met.
- b. Shall be setback at least seven (7) feet from the side and rear property lines.
- c. Shall not be located in front of the principal structure.
- d. Shall not have a wall height exceeding twelve (12) feet in height.
- e. Shall not be more than one story (15 feet) in height.
- f. Shall not have doors that exceed ten (10) feet in height.

- g. Conditions may be attached to such a permit to mitigate the impact on adjacent properties, including, but not limited to, increased setbacks, landscape screening, architectural color and detail requirements, drainage provisions, and limiting additional exterior storage.
- h. The exterior finish of detached garages shall be of materials matching the principal structure in color and texture.
- i. The architectural design of detached garages must be similar to the principal structure.
- j. Detached garages shall be paved with a hard surfaced concrete or asphalt driveway to an adjacent public street.
- k. Any damage caused by a change in grading shall be the responsibility of the land owner. Change from these approved elevations may cause water drainage problems.

4. Attached garages.

- a. Attached garages shall not exceed the main floor area of the principal building.
- b. Setbacks for attached garages shall be according to the zoning district regulations.
- c. Shall not have a wall height exceeding twelve (12) feet in height.
- d. Shall not be more than one story (15 feet) in height.
- e. Shall not have doors that exceed ten (10) feet in height.
- f. The exterior finish of attached garages shall be of materials matching the principal structure in color and texture.
- g. The architectural design of attached garages must be similar to the principal structure.
- h. Attached garages shall be paved with a hard surfaced concrete or asphalt driveway to an adjacent public street.
- j. One (1) additional detached garage of 600 square feet or less OR one (1) additional accessory building, 400 square feet or less, will be allowed on the condition that all relevant requirement of this ordinance are met.

5. Miscellaneous structures.

- 1. Swing sets, sandboxes, play structures, dog kennels, satellite dishes and similar structures shall not be located closer than four (4) feet from the side or rear property lines, and shall not be located within the front yard setback.

2. Any miscellaneous structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
 3. No miscellaneous structure, unless an integral part of the principal building shall be created, altered or moved within ten (10) feet of the principal building.
6. Recreational facility.
1. Shall be set back at least five (5) feet from the side and ten (10) feet from the rear property lines.
 2. Shall not be placed on drainage, utility or other easements.
 3. Shall not be located in front of the principal structure.
 4. A chain link or non-opaque fence not exceeding ten (10) feet in height shall be allowed to enclose a recreational facility containing concrete, asphalt or similar material. If such fence is used it shall be set back at least five (5) feet from the side and ten (10) feet from the rear property lines and may not be placed in front of the principal structure.
- E. Nonresidential districts.
1. One accessory building is allowed. Exception: Picnic shelters, gazebos and similar structures may be allowed as additional accessory structures.
 2. The maximum floor area allowed is 200 square feet. Exception: Size may be increased up to 400 square feet with a conditional use permit.
 3. Exterior finish shall be of materials matching the principal structure in color and texture.
 4. Architectural design must be similar to the principal structure.
 5. Location of the accessory structure shall have minimal negative impact on the site and adjacent properties and shall meet the setbacks of the district.
 6. Accessory structures shall not exceed the height of the principal structure. Exception: Height may be increased with a conditional use permit.
 7. Shall not be located in front of the principal structure.

Section 3. That Section 11.11(D), of the Zoning Ordinance of Crooks, SD, is hereby amended to read as follows:

- D. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or metal shingles. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted.

Section 4. That Section 15.01(A), of the Zoning Ordinance of Crooks, SD, is hereby amended to read as follows:

- A. An Application for Building Permit, available from the Authorized Official of the City of Crooks, shall be completed by the landowner or his or her representative requesting the Building Permit. Completed applications shall be returned to the Authorized Official of the City of Crooks for review. To be considered complete, the application form shall be accompanied by the following additional items:
1. Any required attachments and City fees;
 2. A copy of plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration;
 3. Any additional information, as requested by the Authorized Official of the City of Crooks, as lawfully may be required to determine conformance with and provide for the enforcement of this ordinance.

Section 5. That Section 15.01(B), of the Zoning Ordinance of Crooks, SD, is hereby deleted.

Section 6. That Section 15.03, of the Zoning Ordinance of Crooks, SD, is hereby amended to read as follows:

15.03 Expiration of a Building Permit

Every building permit issued under the provisions of this Chapter shall expire by limitation and become null and void if the work or use authorized by such permit is not completed within 365 days or is not commenced within 180 days from the date of such permit, or if the work or use authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such 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 such suspension or abandonment has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required for this section for good and satisfactory reasons. The Authorized Official may, except as otherwise provided herein, extend the time for action by the permittee for a period not exceeding 365 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

Section 7. That the following definitions in Section 19.02, of the Zoning Ordinance of Crooks, SD, are hereby amended to read as follows:

ACCESSORY USE OR BUILDING - As applied to use, accessory means customarily subordinate or incidental to that of the main building or to the main use of the premises, and located on the same lot with such use or structure. As applied to building, accessory means a subordinate detached building of which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such main building or use.

GARAGE, PRIVATE – An accessory building(detached garage) or integral accessory portion of the principal building (attached garage) which is intended for and used to store the private passenger vehicles and trucks not exceeding twelve thousand (12,000) pounds gross weight, of the family or families resident upon the premises, and in which no business, service or industry is carried on.

RECREATIONAL FACILITY - A facility that is located on or next to the ground, including but not limited to: swimming pools, putting greens, volleyball, tennis and basketball courts; batting, pitching soccer and golf cages and nets; hockey and ice rinks, skate board ramps, trampolines, portable flooring for aerobics, dance, and weight lifting.

Section 8. That the following conditional use is added to Sections 3.02, 4.02, 5.02, 6.02, 7.028.02, 9.02, and 10.02, of the Zoning Ordinance of Crooks, SD, to read as follows:


Accessory structure (i.e. garage, shed) which does not meet the requirements as allowed within Section 11.03	18.01
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Adopted this 9th day of September, 2013.



Kelly Finke, Mayor

ATTEST:


Linda D. Hummel, Finance Officer



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Second Reading & Adoption: September 9, 2013
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