

ORDINANCE NO. 195

AN ORDINANCE OF THE CITY OF CROOKS, SD, AMENDING THE ZONING ORDINANCE OF THE CITY OF CROOKS, SD, BY AMENDING SECTION 11.03, ACCESSORY BUILDINGS, GARAGES, RECREATIONAL FACILITY AND MISCELLANEOUS STRUCTURES.

BE IT ORDAINED BY THE CITY OF CROOKS, SD:

Section 1. 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~~ the front yard.
 - 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.
 - i. Shall not be placed on drainage, utility or other easements.
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~~ the front yard.
 - 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.
- j. Shall not be placed on drainage, utility or other easements.

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~~ the front yard.
- 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.
- l. Shall not be placed on drainage, utility or other easements.

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.

- a. 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.
- b. 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.
- c. 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.

- a. Shall be set back at least five (5) feet from the side and ten (10) feet from the rear property lines.
- b. Shall not be placed on drainage, utility or other easements.
- c. Shall not be located in front of the principal structure.
- d. 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.

Adopted this 13th day of January 13, 2014.

Kelly G Fenke

Mayor

ATTEST:

And Hummel

Finance Director



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