

OLD ORDINANCE

AMENDED 2011

AN ORDINANCE FOR THE REGULATION OF ACCESSORY BUILDINGS AND ACCESSORY BUILDING USES IN RESIDENTIAL DISTRICTS

ORDINANCE 105 AMENDED

WHEREAS, the City Council of Crooks, South Dakota, desires to regulate the use and specifications of accessory buildings in residential districts in the City of Crooks, South Dakota.

Section 1. PURPOSE

The purpose of this ordinance is to regulate the use and specifications of accessory buildings in residential districts in the City of Crooks, South Dakota.

Section 2. EFFECT

Ordinance 105 as hereinafter set forth, will add a section to the Zoning Regulations of the City of Crooks, South Dakota called "Accessory Buildings and Garages" and will add definitions for "Accessory Use or Building" and "Garage-Private" to the Zoning Regulations of the City of Crooks, South Dakota.

All prior ordinances and parts of prior ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. EFFECTIVE DATE

Ordinance 105 will be effective from and after the 10 day of July, 2007.

ZONING REGULATIONS OF THE CITY OF CROOKS, SOUTH DAKOTA

ARTICLE 1

SUPPLEMENTAL DISTRICT REGULATIONS

Section 403: Accessory Buildings and Garages

With respect to Accessory buildings, including detached garages, the following requirements shall be observed in all "R" districts:

A. In General

1. Each residentially zoned or used parcel shall be allowed one accessory building and one storage/tool/garden shed.
2. No accessory building shall at anytime be used as an occupied dwelling.
3. No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot in an "R" district prior to the time of construction of the principal building to which it is an accessory.

4. Any accessory building exceeding 120 square feet requires a public hearing and a variance.

B. Setback Regulations

1. No accessory building or structure, unless an integral part of the principal building shall be erected, altered or moved within ten feet (10') of the principal building.
2. No accessory building shall be less than the minimum required setback for the principal building along the street. Side and rear set backs shall be 7' side and 7' rear.
3. No accessory building shall be located within a utility easement.
4. No accessory buildings shall be erected or located within any front yard or any required yard other than the rear yard. No accessory building or garage *except attached garages* shall be located nearer the front lot line than the principal building or structure on that lot.

C. Area and Height Regulations

1. The area of an accessory building (*including, but not limited to, a garage*) shall be calculated based upon its maximum exterior horizontal dimensions as measured below the roof.
2. The overall area of attached garage space and detached accessory building space shall not exceed the floor area of the main level of the principal residential structure on the property.
3. In addition to the regulations in C2 above, the size of an accessory building shall be limited to thirty percent (30% of a required rear yard area. The one allowable storage/tool/garden shed shall not be included in this area or coverage requirements, provided said existing storage/tool/garden/shed does not exceed one hundred twenty (120) square feet in area. If an existing storage/tool/garden shed exceeds one hundred twenty(120) square feet in area, that portion of the building over one hundred twenty (120) square feet shall be included in the area and coverage requirements for an accessory building.
4. Without exception to any other provision for variance, the size of the accessory building may not be increased to more than a maximum size of one thousand eight (1008) square feet. Such exception may be considered only following a public hearing and approval of a conditional use permit, provided all other applicable provisions of this section are met, including all yard area and set back requirements.
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.
5. No accessory building shall exceed the height of the principal building.
6. Except as otherwise provided herein, residential accessory buildings (*including, but not limited to, garages*) shall not exceed fifteen feet (15') in height as measured from the mean ground level to the highest point of the roof and the wall height shall not exceed nine feet (9') in height.

7. Where a fifteen foot (15') height limitation would preclude building the accessory structure with the same roof pitch as that on the principal structure, the height of the accessory structure may be increased to a maximum of twenty feet (20'). However, in no case shall such accessory building exceed twenty feet (20') in height.

D. Appearance and Construction

1. Garages and other Accessory Buildings shall have a design and appearance that will not detract from the principal structure and the exterior color, design and materials of an accessory building shall be substantially similar to the principal structure. Corrugated metal siding and roofs shall be prohibited except as to a storage\tool\garden shed (maximum 120 square feet).
2. Any accessory building capable of storing one or more motorized automobiles shall be paved with a hard-surfaced concrete or asphalt driveway to an adjacent public street.

E. Storage\Tool\Garden Sheds

1. The size of a storage/tool/garden shed shall be limited to a maximum area of one hundred twenty (120) square feet, a maximum height of twelve feet (12').
2. Setbacks for a storage/tool/garden shed are as follows: 7' side and 7' rear.
3. Corrugated metal siding and corrugated metal roofs are allowed only on Storage\Tool\Garden sheds

ARTICLE 2

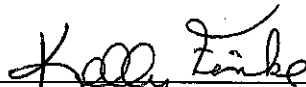
DEFINITIONS

1. 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 or 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. Unenclosed playhouses and/or gazebos, uncovered swimming pools or decks shall be excluded from the definition of the term "accessory buildings."
2. Garages-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.

Ordinance 105-Amended

Adopted this 11 day of June, 2007.

First Reading: May 14, 2007
Second Reading: June 11, 2007
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KELLY G. FINKE
MAYOR

ATTEST:



LINDA D. HUNNEL
Municipal Finance Officer

(MUNICIPAL SEAL)

