City Ordinance No. 2015-03

An ordinance amending Sections 153.35 Districts; Section 153.36 Boundaries; and adding Section 153.60 Grandview Addition Regulations to Chapter 153 Zoning Regulations of the Municipal Code for the City of Gregory, South Dakota.

BE IT ORDAINED BY THE CITY OF GREGORY THAT Sections 153.35 Districts; Section 153.36 Boundaries be amended as follows and Section 153.60 Grandview Addition Regulations be added to Chapter 153 of the Zoning Regulations of the Municipal Code for the City of Gregory, South Dakota.

Section 153.35 Districts:

For the purpose of this chapter, the city of Gregory is divided into Residential, Business, Commercial and Industrial Districts.

Section 153.36 Boundaries:

(A) The Business District shall comprise of Blocks 46,47,52,53,60,61,66,67,74,75,80,81,82,88, And 89; all property within the City being within 150 yards from the right-of-way of U.S. Highway 18; and all property within the city limits and within 150 feet from the right-of-Way of South Dakota State Highway No. 47

(B) The Commercial District shall comprise of Lots E, F, G,H, I, J, K of Grandview Addition to the City of Gregory.

(C) The Industrial District shall comprise of Block 7 and 8 of the Grandview Addition to the City of Gregory.

(D) The Residential District shall comprise of the remainder of the City.

Section 153.60 Grandview Addition Zoning and Building Regulations:

(A) Land Use And Building Type: Blocks 1 through 6 of Grandview Addition are Residential Lots. The following is a list of building types and land uses that are permitted.

1. Dwelling houses
2. Apartment houses
3. Churches
4. Libraries
5. Parks
6. Club, Lodge or community center buildings not used to make profits
7. Playgrounds, gardens and farms

(B) Garages, Car Ports and Pole Sheds: The primary or main structure may include an attached Or unattached garage. The attached or unattached garage will be built with the same type Building materials that the main or primary structure is composed of. This also includes any Storage sheds or out buildings. No attached or unattached carports will be permitted or allowed.

(C) Nuisances: The following activities and structures are hereby prohibited in the Grandview Addition residential lots:

1. Modular homes or manufactured homes not meeting or exceeding requirements of Uniform Building Code, H.U.D., mobile homes, tents, shacks, barns, temporary buildings and/or structures of a temporary character.
2. No trade or activity, as prohibited by statute or ordinance as amended from time to time, shall be allowed to occur upon Grandview Addition residential lot, nor shall anything else be done which may become an annoyance or nuisance as defined by law.
3. No large semi-trucks, farm equipment, boats, trailers, commercial trucks, tractors, commercial vans, campers and/or recreational vehicles, except those brought in temporarily in connection with service work, or in case of emergencies, shall park on the streets within Grandview Addition; however, large trucks, travel trailers, farm equipment, boats, boat trailers, etc. may be parked inside the garages on said private properties OR on private property outside of the Grandview Addition's right of way roads.

(D) Lot Frontages: Residential lot frontages shall be seeded to grass, planted shrubs and/or trees.

(E) Vegetable Gardens: Vegetable gardens are not allowed in the front of the residential lots.

(F) Hedges and Fences: No fence will be allowed in any front yard of a residential lot.

(G) Doghouses and Kennels: Doghouses and/or kennels are allowed only in the rear of the residential lots.

(H) Construction Time Requirements for Residential Lots:
To promote the orderly development of the residential areas of the Grandview Addition, construction of the principal structure shall be completed and ready for occupancy within thirty-six months after the closing of the lot purchase, unless there are reasonable and legitimate reasons why the principal structure was not completed within the thirty-six month period. If there are reasonable and legitimate reasons for the delay, an "extension of time" can be requested and presented to the City of Gregory's Zoning and planning committee before the thirty-six (36) month time period expires. Based upon the totality of the circumstances, the Planning and Zoning committee will review and advise the City Council and the Council will make the final decision if the extension of time should be granted or denied. If the construction is not completed within the thirty-six (36) months after the closing of the lot purchase and no request for "extension of time" was timely requested or if no "extension of time" was granted by the City Council, then the lot in question shall revert to the City of Gregory upon payment to the purchaser of 25% of the purchaser's original purchase price. The tender of payment by the City of Gregory to the purchaser will be made within eighteen (18) months after the three year (3) year construction time period has expired. Purchaser, the purchaser's assigns, the purchaser's heirs and/or the purchaser's owners will agree that if the principal structure has not been completed within the thirty-six (36) time period, the City of Gregory will be damaged. The damages include lost revenue from the real estate taxes, incurred legal and sales expenses from the sale and resale of the lot, and the decreased marketability of other lots that the City of Gregory intends to sell in the future. The 75% loss of purchase price is agreed a reasonable estimate of the damages the City of Gregory would incur if the principal structure has not been completed within the thirty-six (36) months after the closing of the lots closing, unless the purchaser requests and receives an extension of time from the City of Gregory as discussed above.

The three-year time period shall not be affected by any subsequent sale by the purchaser and any new purchaser must complete the principal structure within the three-year period that started with the real estate closing with the original purchaser.
All residential lots shall have principal structures completed within 36 months. If more than one lot is obtained by a purchaser, building one structure will not satisfy the building requirement to the other lot or lots; each lot must have a principal structure completed within 36 months of the lot's closing.

(I) Manufactured Housing: No manufactured housing or any structure of any kind of what is commonly known as "boxed" or "sheet metal" construction is allowed on any residential lots. Manufactured housing or any structure of any kind of what is commonly known as "boxed" construction will be allowed only if it has the following:

1. The roof pitch shall be 4:12 or greater.
2. The roof shall be shingled or standing seam steel.
3. Exterior walls shall have conventional house siding, such as brick, cement, LP Smart side panel, horizontal steel or Novabrik.
4. A masonry basement or foundation with a minimum four (4) foot frost footing shall be located completely under the exterior walls.
5. The primary structure shall a minimum width of 24 feet.
6. The long axis of the primary structure must be parallel to the street.
7. The beams or towing apparatus must not be visible.
8. The primary structure shall meet or exceed HUD Manufactured Home Construction and Safety Standards.
9. No manufactured housing or structure more than two years old may be moved onto a lot.

(J) Commercial lots: Lots E, F, G, H, I, J, K in Grandview addition are zoned commercial. These commercial zoned lots are subject to the city ordinances and the following regulations.

1. No Storage buildings may be built upon these lots.
2. No mobile home parks will be allowed.
3. The setback for any of these commercial lots shall be 8 foot when adjacent to a residential lot.
4. Construction Time Requirement will the same as for the residential lots as listed in subsection (H) of this ordinance.

(K) Industrial lots: Blocks 7 and 8 of Grandview addition are zoned Industrial. These Industrial zoned lots are subject to the city ordinances and the following regulations.

1. Construction Time Requirement will be the same as for the residential lots as listed in subsection (H) of this ordinance.
2. Mobile Home Parks will be allowed in the industrial zoned area if they are built to the city code found in Chapter 151 of the City's ordinances.
3. No storage buildings may be built upon these lots.

Dated this __17_____day of __February_____2015

City of Gregory, South Dakota

Maurice Schlaht

Maurice Schlaht, Mayor

ATTEST: Al Cerny

Al Cerny, City Finance Officer

First Reading: __02-02-2015_____
Second Reading: _02-17-2015_____
Publication: ____02-25-2015_____