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ORDINANCE NO. 2229-23-405

AN ORDINANCE TO AMEND SECTIONS 23.04.062, 23.04.078(2), 23.04.080 (2) AND (4) OF CHAPTER 23.04 AND SECTION 23.10.024(13), OF CHAPTER 23.10 ALL OF TITLE 23 OF ORDINANCE IN REVISION NO. 850, COMMONLY KNOWN AS THE MUNICIPAL CODE OF THE CITY OF HURON, SOUTH DAKOTA, PERTAINING TO ZONING – ADMINISTRATION AND ENFORCEMENT AND NONCONFORMING USES AND STRUCTURES, RESPECTIVELY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF HURON, SOUTH DAKOTA:

That Sections 23.04.062, 23.04.078(2), 23.04.080 (2) and (4) of Chapter 23.04 and Section 23.10.024(13), of Chapter 23.10 all of Title 23 of Ordinance in Revision No. 850 be amended to read as follows:

Chapter 23.04 - ADMINISTRATION AND ENFORCEMENT

23.04.062 - Home occupation application.

(1) An application for a home occupation, as defined by Section 23.08.085 of this code, shall be filed with the zoning administrator, building inspector or his designated official with such filing fee as established in this chapter. Applications shall state the special circumstances or conditions for which the home occupation is sought and shall note the reasons claimed as a basis for the request for a home occupation. Applicant and owner shall sign a form granting the city permission to place a sign on their land that advertises public hearings on the application.

2. All Type III home occupation permits are subject to review if there is a nuisance complaint regarding the use. If a complaint is filed, the governing board will hold a hearing on the home occupation permit.

23.04.078 - Type II moderate effect home occupation.

(2) TYPE II MODERATE EFFECT HOME OCCUPATION PERMITTED USES. Type II moderate effect home occupations may include but not be limited to:

~~(j) Sales of clothing items.~~

23.04.080 - Type III major effect home occupation.

(2) TYPE III MAJOR EFFECT HOME OCCUPATION PERMITTED USES. Type III major effect home occupations may include but not be limited to the following uses:

(k) Sales of clothing items;

(4) TYPE III MAJOR EFFECT HOME OCCUPATION APPLICATION PROCEDURE AND FEES.

(h) Prior to the business opening, the Building Official and/or Fire Chief shall conduct a home inspection ensuring that all related building and zoning codes and

additional conditions or requirements as may be required by the Board of Adjustment or City Commission will be met.

Chapter 23.10 - NONCONFORMING USES AND STRUCTURES

23.10.024 - Accessory buildings and structures.

- (13) Subject to 23.10.024(12), all accessory buildings and all carports must be: (a) framed of typical dimension lumber and sheeted on sides and roof with at least one-half inch thick sheeting; (b) sided with residential type horizontal metal or vinyl, masonite, wood or similar material commonly used in residential construction; (c) roofed with wooden shakes, wooden shingles, asphalt shingles or rolled roofing; and (d) designed and constructed siding and roofing materials are permanently mounted and finished so the material is protected from the weather.

Moved by Rich Bragg, seconded by Drew Weinreis to approve the 2nd Reading of Ordinance No. 2229-23-405 this 30th day of August, 2021. FOR: Bryan Smith, Drew Weinreis, Rich Bragg, Mark Robish, and Gary Harrington. CARRIED.

Gary Harrington, Mayor

Attest: Paullyn Carey, Finance Director

First Reading: August 16, 2021

Second Reading: August 30, 2021