

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday August 13th, at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

1. **Call to Order - Roll Call:**
2. **Approve Agenda:** August 13th, 2019
3. **Approve Minutes:** July 9th, 2019
4. **Declaration of Conflict of Interest:**
5. **Public Hearings:**
 - a. Public Hearing – Setback Variance Request, 216 N 9th Street, Tract 1 of Block 50 Subdivision
 - b.
6. ~~Old Business~~
 - a. —
7. **New Business:**
 - a. Final Plat – Spring Subdivision Lot 2R and Lot 3
 - b.
8. **Discussion Items:**
 - a. Adoption of the 2018 International Building Codes
9. **Public Comments** (3-minute max. per person, with total communication period to not exceed 15 minutes):
10. **Planning Administrator Updates:**
11. **Harassment Video**
12. **Adjournment**

A

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.

DRAFT
MINUTES OF THE July 9th, 2019 MEETING OF THE OF THE CITY OF CUSTER PLANNING
COMMISSION

Roll Call: 5:00 pm

Members Present: Jerad Tennyson-Chairman; Joe Uhrich-Vice Chairman; Kathy Johnson; Scott Olson; Fred Mills – Alternate (voting in place of Commissioner Maciejewski); Marc Moore – Alternate.

Members Absent: Larry Maciejewski; Rick Hudson.

Other Parties Present: Tim Hartmann–Planning Administrator; Dixie Whittaker – Council Representative; Mayor Herman; Public Attendees.

Agenda: Commissioner Uhrich moved, with a second by Commissioner Olson to approve the agenda. Motion unanimously carried.

Minutes: Commissioner Uhrich moved, with a second by Commissioner Olson to approve the June 25th, 2019 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

Public Hearings:

- a. **Public Hearing – Setback Variance Request, 1203 Bluebell Lane, Lot 2 Block 2 – Woodland Estates**
Planning Administrator provided a staff review of the proposed variance. Commissioner Uhrich, moved with a second by Commissioner Olson to recommend approval by the Board of Adjustment of the variance as present. The applicant was present and provided input and answered any questions of the commission. Commissioner Uhrich's motion carried unanimously.

Old Business:

- a.

New Business:

- a. **Preliminary Plat – Spring Subdivision Lot 2R and Lot 3.**
Planning Administrator and Planning Commissioners discussed the minor plat. Discussion included but was not limited to the general development of the area, Crook Street Right of Way and water and sewer service locations and improvements. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Olson to recommend approval of the preliminary plat by the Council. Uhrich's motion carried unanimously.

Discussion Items:

- a.

Public Comments:

No public comments were heard.

Planning Administrator Updates

Planning Administrator and commission members gave various updates.

Adjournment:

Being no further business before the Commission, Commissioner Mills moved, with a second by Commissioner Uhrich to adjourn. Motion unanimously carried. The meeting adjourned at 5:38 pm.

Approved:

Attest:

Jerad Tennyson, Chairman

Tim Hartmann, Planning Administrator

M



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Setback Variance Attached Single Family Home CMC 17.12.080
Applicant: Tim & Michaela Braun
Fee Paid: \$250.00
Location: Tract 1 of Block 50 Subdivision
Date: July 29, 2019
Planning Commission Meeting: August 13, 2019
Prepared by Tim Hartmann, CFM - Planning Administrator

GENERAL

The planning office has received a setback variance request for proposed dwelling unit with a small covered entry way. A detached garage and a small cabin currently exist on the property. The owners plan to remove the cabin from the property and build a 24' x 28' addition on the South side of the garage for a new single-family home. The majority of the addition would be 16' from the front property line, with a 8' wide overhang jutting out further, having a 10' setback. Per CMC 17.12.080 a standard front setback is 25', therefore requiring a variance of 15' for the covered porch and 9' for the main portion of the structure.

A replat in 2015 shows the 11946.3 square foot lot addressed at 216 N 9th Street is fronted by 9th Street with the E/W alley to the North and the N/S alley to the East. The proposed setback is from the 9th Street property lines, with all other setbacks being sufficient. North 9th Street adjacent to the property is a 75' Right-of-Way.

If granted, the proposed addition would be subject to building permitting procedures.

EXISTING STRUCTURES

Tract 1 of Block 50 Subdivision currently has two structures on the property. A 1930 448 square foot cabin with deck and a detached 860 square foot garage built in 2007. If this variance is granted, the owner has stated the cabin is planned to be removed from the property to make room for the proposed addition.

The existing garage on the property has a variance granted to be built in conjunction with the cabin and has an approximately 2' setback from the 9th Street Right of Way. As staff reviewed the minutes from the September 20th, 2006 Council meeting and a staff report believed to be for the September 11th, 2006 Planning Commission it appears such variance was granted due to aesthetic reasons and the nearby Laughing Water Creek Floodway.

VARIANCE

The variance request is to allow a variance from Custer Municipal Code 17.12.080. CMC requires a front yard setback of 25', 6' on sides, and 25' for the rear yard. If granted the main part of the structure would be setback 16' from the street right of way and the covered porch would be setback 8' from the street right of way.

Although floodway is not necessarily unbuildable, staff does feel it is a special circumstance to the development of a property affected by such.

PUBLIC HEARING

A Public Hearing will also be held at the August 5, 2019 Board of Adjustment Meeting.

STAFF SUMMARY AND RECCOMENDATION

Staff feels the setback of the proposed addition is acceptable and that the property owner has presented a reasonable request due to previous action on the property and the floodway on the property. Refraining from development within the floodplain, especially the floodway diligent floodplain management and staff supports a recommendation to the Board of Adjustment for approval of the variance.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

VARIANCE APPLICATION

Applicant: Tim & Michaela Braun
Address: 216 North 9th
Custer SD
City _____ State _____ Zip _____
Phone: 402-340-4129
Fax: _____
Signature: _____
Date July 16, 2019

(Owner of property if different than applicant)
Owner: _____
Address: _____
City _____ State _____ Zip _____
Phone: _____
Signature: _____
Date _____

Describe Nature of Variance (Include Site Plan of Request) For the main part of the new addition (24 x 28 on to existing garage) we are requesting a 9 ft variance from lot line.

For second part of request; we are requesting a 15 ft variance from property line to create a covered entry to front door. (8 x 6 ft).

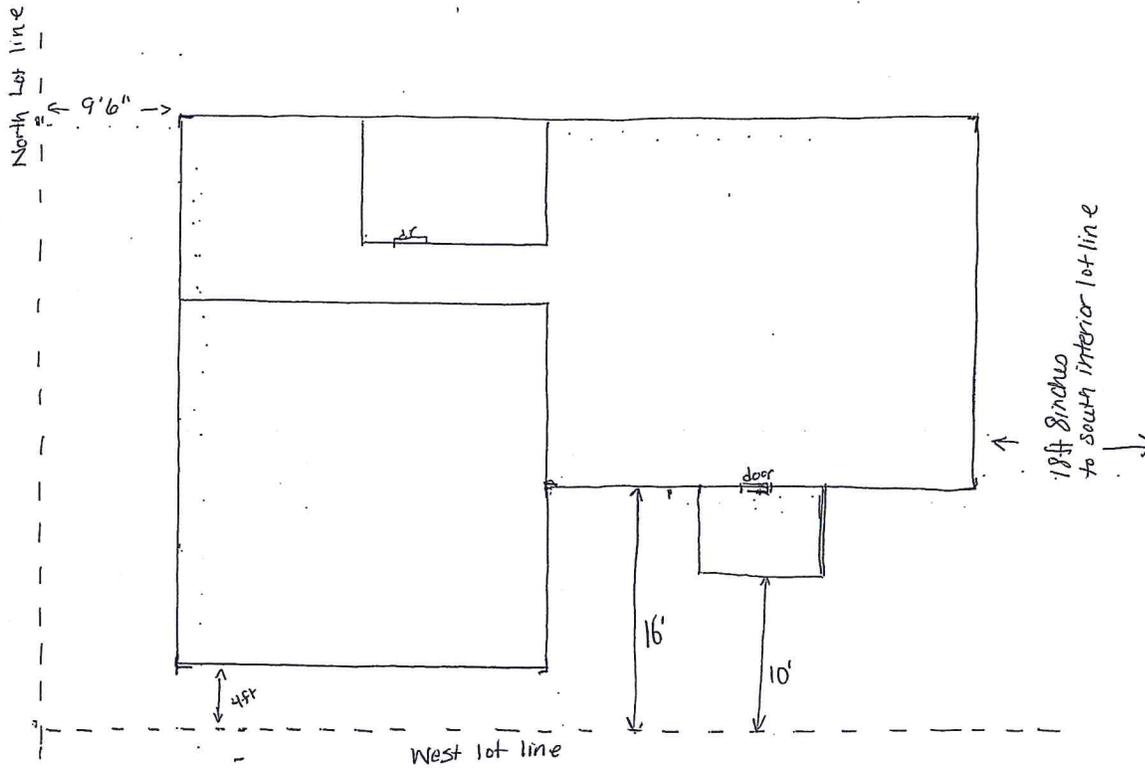
Legal Description: TR1 - Block 50 Sub
Lot(s) _____ Section _____
Block _____ Township _____
Subdivision _____ Range _____

Size: .275 (acres) Location: _____
Water: City Sewer: City

OFFICE USE ONLY	
Date Received: <u>7/16/19</u>	Parcel ID #: <u>008368</u>
Received By: <u>TmH</u>	Planning Commission Date: _____
Filing Fee: <u>\$250⁰⁰</u>	City Council Date: _____
Receipt #: <u>46750</u>	

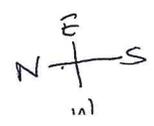
2

216 N 9th
Tin to Michaela Braun
forwarded to Planning Dept
7/16/19



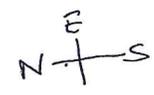
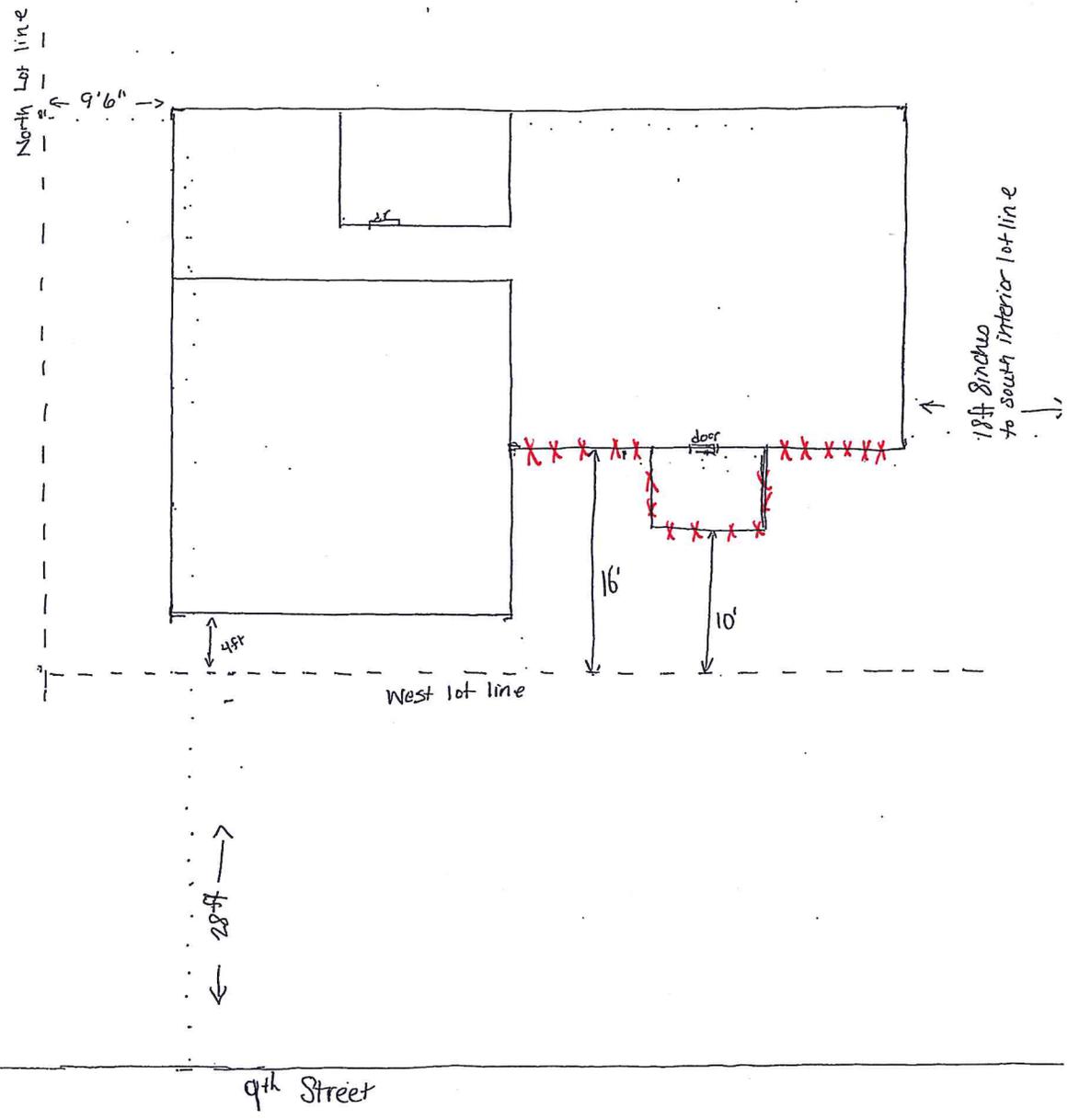
28ft →
←

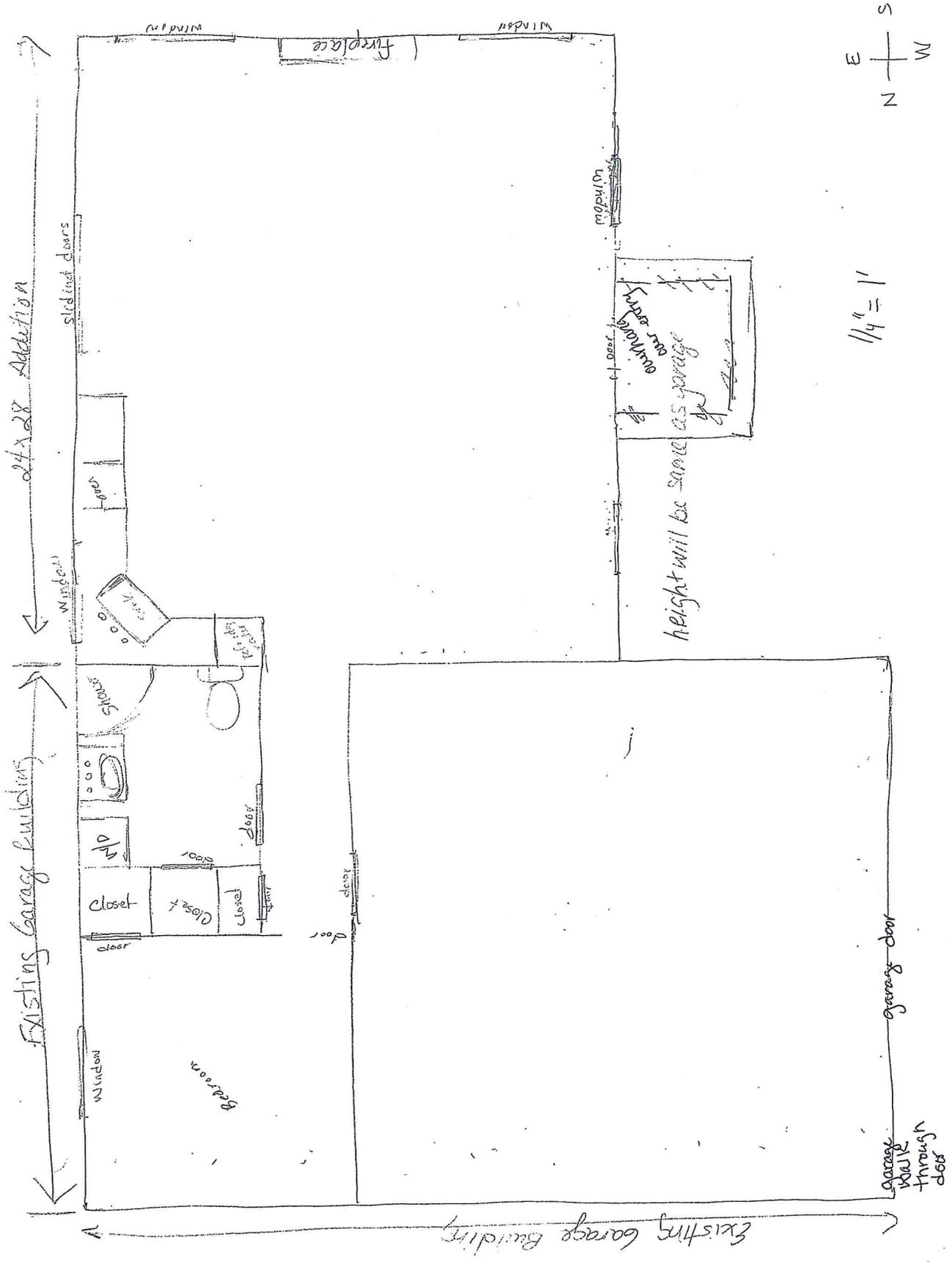
9th Street



216 N 9th
Tin + Michaela Braun
forwarded to Planning Dept
7/16/19

X - Portion of proposed structure requesting
setback





5



Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearings.

Dated this the 5 day of August, 20 19.

Michael Braun
Signed

Michael Braun
Name Printed

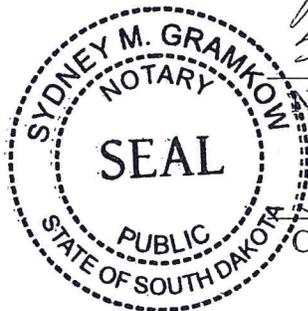
STATE OF SOUTH DAKOTA

COUNTY OF Custer

Subscribed and sworn before me this the 5 day of August, 20 19.

Sydney M. Gramkow
Notary Signature

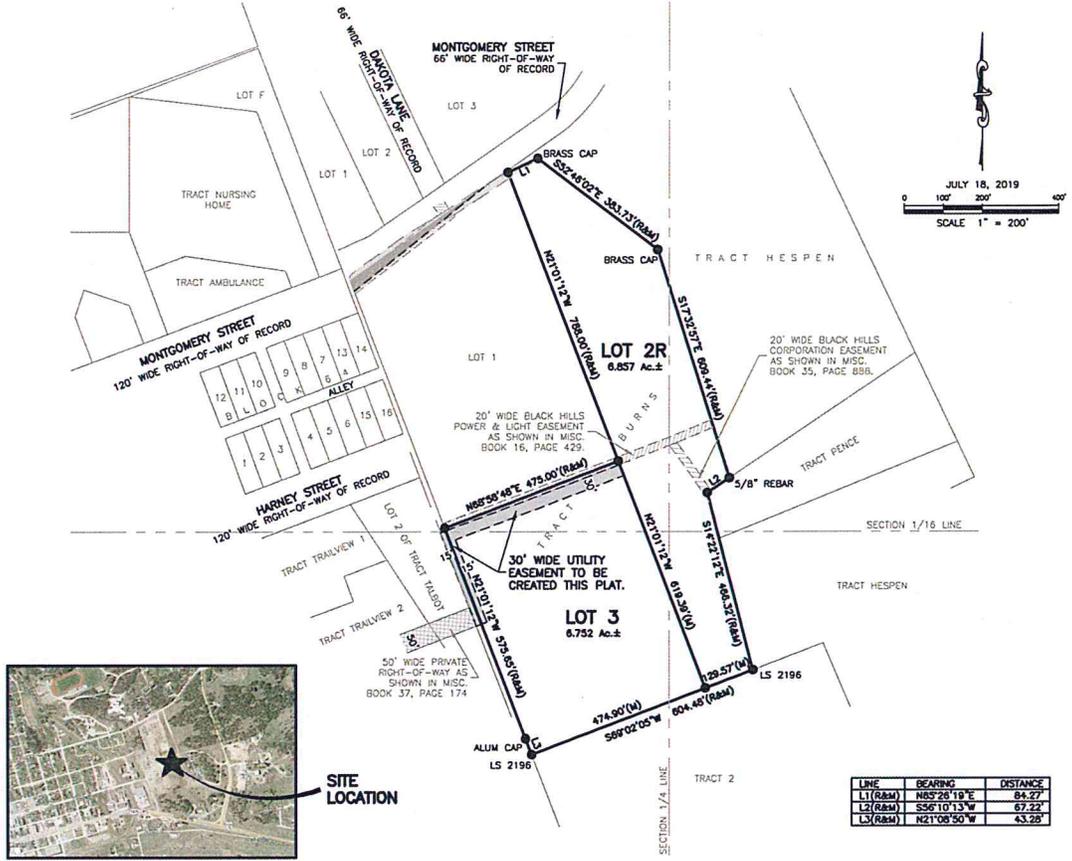
Sydney M Gramkow
Notary Name Printed



June 7th 2024
Commission Expires

SPRING SUBDIVISION
LOTS 2R AND 3 OF LOT 2 OF SPRING SUBDIVISION OF TRACT BURNS OF
TRACT 1 AND 3 OF TRACT W OF CLARK PLACER M.S. 506 AND HALL PLACER M.S. 594
 (formerly Spring Subdivision Lot 2 of Tract Burns of Tract 1 and 3 of Tract W of
 Clark Placer M.S. 506 and Hall Placer No. 594)
 LOCATED IN SECTION 24, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA

C/my



NOTE:
 AN AREA OF SPECIAL FLOOD HAZARD DOES NOT EXIST ON SUBJECT PROPERTY.
 PREVIOUS PLAT OF SUBJECT PROPERTY IS SHOWN ON PLAT BOOK 12, PAGE 640.

PURSUANT TO SDCL 11-3-B.1 AND 11-3-B.2, THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE, INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATED AREA FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME.

CERTIFICATE OF OWNERSHIP
 State of South Dakota
 County of Custer S.S.

I, the undersigned do hereby certify that I am the owner of the tract of land shown and described herein, that said land is free from any encumbrance, that I did authorize and do hereby approve the survey and within plot of said land for the purposes indicated herein. I further certify that the development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations.

Any land shown on the within plot as dedicated to public right-of-way is hereby dedicated to public use and public utility use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.

In witness whereof, I have set my hand and seal.
 OWNER: _____
 Matthew Hespen

On the _____ day of _____, 20____ before me, a Notary Public, personally appeared Matthew Hespen, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: _____
 My commission expires: _____

CERTIFICATE OF DIRECTOR OF EQUALIZATION
 I, Director of Equalization of Custer County, do hereby certify that I have received a copy of such plat.
 Dated this _____ day of _____, 20____

APPROVED: _____
 Director of Equalization Custer County

CERTIFICATE OF CITY FINANCE OFFICER
 I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota, at a meeting held on the _____ day of _____, 20____

City Finance Officer: _____

LEGEND
 (C) Denotes set rebar with survey cap marked "Renner - Assoc. 9213"
 (F) Denotes Found Survey Monument marked LS 9213, unless otherwise noted.
 (R) Denotes Recorded in previous plat or description.
 (M) Denotes Measured in this survey.

Basis of Bearings: Geodetic North as determined by Global Positioning System. (GPS) WGS 84.
 UTILITY EASEMENT: 10' wide on the interior sides of all side and rear lot lines.

CERTIFICATE OF SURVEYOR
 State of South Dakota
 County of Pennington S.S.

I, Eric D. Howard, Registered Land Surveyor No. 9213 in the State of South Dakota, do hereby certify that at the request of the owners listed hereon, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plot is a representation of said survey. Easements or restrictions of miscellaneous recorded or private easements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and seal.
 Eric D. Howard, Registered Land Surveyor Date: _____

RESOLUTION OF CITY COUNCIL
 Whereas there has been presented to the City Council of Custer, South Dakota, the within plot of the above described lands, and it appearing to the Council that said plot conforms to the existing plots of said City, that the streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that the said plot and the survey thereof have been executed according to law.

Now therefore, BE IT RESOLVED, that said plot is hereby approved in all respects.
 Dated at Custer, South Dakota this _____ day of _____, 20____
 Mayor _____ Finance Officer _____

CERTIFICATE OF HIGHWAY AUTHORITY
 It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.
 Dated this _____ day of _____, 20____

Highway Authority _____

CERTIFICATE OF COUNTY TREASURER
 I, Treasurer of Custer County, do hereby certify that all taxes that are liens upon any land included within the Plat, as shown by the records of his/her office, have been fully paid.
 Dated this _____ day of _____, 20____

Treasurer of Custer County _____

CERTIFICATE OF REGISTER OF DEEDS
 State of South Dakota
 County of Custer S.S.

Filed this _____ day of _____, 20____ at _____ o'clock _____ M.
 in Book _____ of Plats, Page _____

Register of Deeds _____ Fee: \$ _____



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Preliminary Plat, Spring Subdivision Lots 2R & 3
Applicant: Matt Hespen
Legal Desc.: Spring Subd - Lots 2R and 3 - See Plat for full legal
Fee Paid: \$450.00
Date Prepared: July 25, 2019
Planning Commission Meeting: August 13, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a subdivision of land adjacent to the E, N/E side of the City. Per SDCL 11-3-6 the City is responsible for reviewing and approving plats adjoining the City. The proposed plat will divide the existing Lot 2 (13.608 acres) into two proposed lots, Lot 3 (6.752 acres) and Lot 2R (6.857 acres). The existing Lot 2 currently does not have any structures upon such.

The proposed plat is the initial phase of some planned development with this parcel and area East of the new Custer Regional Hospital.

The area is currently in the county and therefore has no zoning.

COMPREHENSIVE PLAN

The plat is within the area projected as Suburban Residential on the Comprehensive Plan.

ROUTING SHEET RESPONSES

SDDOT – No concerns.
CC Planning – Legal description.
CC ROD – Legal description.

ACCESS AND PUBLIC SERVICES

Access to the proposed Lot 3 will be primarily provided by the 50' in width Crook Street Right of Way. After completion of this plat, the proposed Lot 3 may be incorporated within the adjacent Lot 1.

The remaining portion of existing Lot 2, the proposed Lot 2R will retain access directly from Montgomery Street.

City water and sewer services are available near the West property line of the proposed Lot 3 within the Crook Street Right of Way. Water services have also been stubbed just past the N/E corner of the neighboring Lot 1.

A 30' utility easement has been added the N, N/W side of the proposed Lot 3 to accommodate possible service extensions if needed.

ANNEXATION AND ZONING

Upon approval of this plat, annexation of the proposed Lot 3 appears to be desirable by all party's involved. City staff and City Legal Counsel have begun correspondence with Mr. Hespen and Regional Health concerning annexation and zoning upon completion of this plat

PREVIOUS ACTION BY THE PLANNING COMMISSION & COUNCIL

The Planning Commission reviewed this plat at their July 9th, 2019 meeting. After some discussion mainly focused around the planned development of the area, Crook Street Right of Way and water and sewer service locations and improvements, the Commission unanimously recommended approval of the plat by the Council. 9

The City Council also reviewed this plat at their July 15th, 2019 meeting. After some discussion the Council did approve the preliminary plat, subject to further review of access easements for sewer, water or street extensions. Such discussion being the primary reason for the addition of the 30' Utility Easement as seen on the Final Plat.

STAFF RECCOMENDATIONS

Staff recommends the Planning Commission recommend approval of the plat by the Council with an additional recommendation that the proposed Lot 3 be annexed into the City and properly zoned upon completion of the plat.

Ready for GGPC

3 year code cycles

150 Reviews

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

- 15.04 Construction Codes**
- 15.08 Building Permits**
- 15.12 Fire Limits**
- 15.16 Flood Damage Prevention**

• Legal

• PC Discussion

• 1st & 2nd Readings

Chapter 15.04

CONSTRUCTION CODES

Sections:

- 15.04.010** International codes adopted.
- 15.04.012** Amendments to the International Residential Code.
- 15.04.020** Amendments to the International Building Code.
- 15.04.030** Violation.
- 15.04.040** Other remedies.

15.04.010 International codes adopted.

A. There is adopted by the city, that certain codes known as the 2018 International Residential Code for One- and Two-Family Dwellings chapters 1-24, 44 and appendices E, H, J & Q; the 2018 International Building Code and appendices C, G, I & J; the 2018 International Fire Code; the 2018 International Fuel Gas Code; International Energy Conservation Code, International Wildland-Urban Interface Code, and the 2018 International Existing Building Code International Code Council Performance Code for Buildings and Facilities, International Green Construction Code, and appendices thereto, as well as the adoption of basic fire protection code of the State of South Dakota, as amended; the adoption of the South Dakota State Plumbing Code, as amended; and the state of South Dakota Electrical Code, as amended which above named codes shall be adopted by the reference as if fully set forth herein; and shall be further subject to future amendments and revisions thereof, which said amendments shall upon enactment become a part of this chapter without further resolution or ordainment on the part of the city. Specific local ordinances which modify said codes shall govern, but where local ordinances are silent the codes aforementioned shall govern and apply.

~~B. International Building Code (IBC) 2012 adopted. That certain code known as the International Building Code, 2012 Edition, and appendices thereto, is hereby adopted by the city, and the printed copyrighted copy of such Code, which is on file in the office of the building official of the city, is adopted and incorporated as fully as if set out at length herein. Such Codes shall be enforced by the building official of the city. (Ord. 741, 2014; Ord. 393 (part), 1993; prior code § 8-101)~~

15.04.012 Amendments to the International Residential Code, IBC Chapter 3, Section 312 Utility and Miscellaneous Group U Amended.

The following amendments to the International Residential Code for One- and Two-Family Dwellings adopted by section 15.04.010 are made and incorporated into the code:

Climate and Geographic Design Criteria
City of Custer, SD

Ground Snow Load	Wind Design Speed (mph)	Seismic Design Category	Subject to Damage From			Winter design Load	Ice Barrier Underlayment Required	Flood Hazards	Air Entraining Index	Mean Annual Temperature (Fahrenheit)
			Weathering	Frost Line Depth	Termite					
40 psf	115	A	Moderate	48"	Slight to Moderate	-7	Yes	NEIP	2000	41°

A. IRC Chapter 1, Section R105.2 Work exempt from permit is hereby amended to read as follows: Building Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet.
2. Fences not over 7 feet height.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Platforms, walks, and driveways not more than thirty (30) inches above grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other playground equipment.
9. Window awnings that supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet in area, that are not more than 30" above grade at any point, are not attached to a dwelling, and do not serve as an exit door required by Section R311.4.
11. Oil derricks.
12. Temporary motion picture, television and theater stage sets and scenery.
13. Siding, gutters, downspouts, and storm windows.
14. Painting and/or any normal maintenance repairs.
15. Construction of landscaping or patios.
16. Temporary portable steps not exceeding fifty (50) square feet in dimension for mobile homes.
17. Window replacement where the rough opening is not altered.

B. IRC Chapter 1, Section R112.3 Qualifications is hereby amended to read as follows: the members of the board of appeals shall be the Common Council.

B. IRC Chapter 3, Section R302.5.1 Opening Protection is hereby amended to read as follows: Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches thick, or 20-minute fire-rated doors.

C. IRC Chapter 3, Section R313.1 Townhouse automatic fire sprinkler systems and Section R313.2 One- and two-family dwelling automatic fire sprinkler systems are hereby deleted.

D. IRC Chapter 3, Section R313.1.1 Design and installation and Section R313.2.1 are hereby amended to read as follows: When installed, an Automatic residential fire sprinkler system shall be designed and installed in accordance with Section P2904 and NFPA 13D.

E. IRC Chapter 4, Section 403.1.4.1 Exception 1, is hereby amended to read as follows: Frost protection of freestanding accessory structures with an area of 1000 square feet or less, of light-framed construction, with an eave height of ten (10) feet or less shall not be required.

F. IRC Chapter 3, Section R302.13 Fire protection of floors is hereby deleted.

G. IRC Chapter 11, Section N1102.4.1.2 (R402.4.1.2) Testing is hereby deleted.

H. IRC Chapter 11, Section N1104.1 (R404.1) Lighting equipment (Mandatory), is hereby deleted in its entirety.

The following amendments to the International Building Code adopted by section 15.040.010 are made and incorporated into the code:

A. IBC Chapter 1, Section R105.2 Work exempt from permit is hereby amended to read as follows: Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet.
2. Fences not over seven (7) feet high.
3. Retaining walls that are not over four (4) feet in height measured from grade on the exposed side to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to one 1.
5. Platforms, walks, and driveways not more than thirty (30) inches above grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other playground equipment.
9. Window awnings that supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet in area, that are not more than 30" above grade at any point, are not attached to a dwelling, and do not serve as an exit door required by Section R311.4.
11. Oil derricks.
12. Temporary motion picture, television and theater stage sets and scenery.
13. Siding, gutters, downspouts, and storm windows
14. Painting and/or any normal maintenance repairs.
15. Construction of landscaping or patios.
16. Temporary portable steps not exceeding fifty (50) square feet in dimension for mobile homes.
17. Window replacement where the rough opening is not altered.

B. IBC Chapter 1, Section 113.3 Qualifications is hereby amended to read as follows: the members of the board of appeals shall be the Common Council.

C. IBC Chapter 3, Section 312 Utility and Miscellaneous Group U, is hereby amended to read as follows:

SECTION 312 UTILITY AND MISCELLANEOUS GROUP U

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

- Agricultural buildings
- Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)
- Barns
- Carports
- Fences more than 6 feet (1829 mm) in height
- Grain silos, accessory to a residential occupancy
- Greenhouses
- Livestock shelters
- Private garages
- Retaining walls
- Sheds
- Stables
- Tanks
- Towers
- Camping Cabins

312.2 Camping Cabins. Camping cabins must have an egress window or door in each sleeping area, a smoke detector in each sleeping area, interior and exterior light, interior and exterior plug-ins, the unit number on each cabin, rodent protection, a fire extinguisher in each unit, and accessible units shall be provided as per Table 1107.6.1. (Ord. 756, 2014)

D. IBC Chapter 27, Electrical, is hereby deleted in its entirety.

~~15.04.020 — Uniform Code for the Abatement of Dangerous Buildings adopted. — There is adopted by the city that certain code known as the Uniform Code for the Abatement of Dangerous Buildings, 1976 Edition, promulgated, proved and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, as from time to time amended, a copy of which is adopted by this reference as if fully set forth in this chapter, and a copy of said code shall be on file in the office of the city finance officer. (Prior code § 8-110)~~

Commented [TH1]: Delete, I don't know if I can even find a copy of this..If we want it we are going to have to go with IPMC

15.04.030 Violation.

Any violation of this chapter shall be deemed a continuing violation for every twenty-four (24) hour period that the guilty party fails to comply and every twenty-four (24) hour period of non-compliance shall constitute a separate and distinct offense. (Prior code § 8-108)

15.04.040 Other remedies.

Nothing herein shall preclude the city from exercising any and all remedies available to the city under state law. (Prior code § 8-109)

Chapter 15.08

BUILDING PERMITS*

Sections:

- 15.08.010 Required-Exceptions-Permit Specifics.
- 15.08.020 Application.
- 15.08.030 Appeal.
- 15.08.040 International Building Code controlling.
- 15.08.050 Fees.
- 15.08.055 Carports.
- 15.08.060 Frost footings.
- 15.08.070 Violation.
- 15.08.080 Other remedies.
- 15.08.090 Metal raceway.
- 15.08.100 Certificates of zoning compliance for new, altered or nonconforming uses.

* Prior history: Prior code §§ 8-103--8-107.

15.08.010 Required-Exceptions-Permit Specifics.

A. Permits Required. Except as specified in Chapter 15.04 subsection B of this code section, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

~~B. Work Exempt from Permit. A building permit shall not be required for the following:~~

- ~~1. One-story, detached, accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed one hundred twenty (120) square feet;~~
- ~~2. Fences not over seven (7) feet high;~~
- ~~3. Oil derricks;~~
- ~~4. Movable cases, counters and partitions not over five (5) feet, nine (9) inches high;~~
- ~~5. Platforms, walks and driveways not more than thirty (30) inches above grade and not over any basement or story below;~~
- ~~6. Painting, papering and similar finish work;~~
- ~~7. Temporary motion picture, television and theater stage sets and scenery;~~
- ~~8. Window awnings supported by an exterior wall of Group R, Division 3, and Group M occupancies when projecting not more than fifty-four (54) inches;~~
- ~~9. Prefabricated swimming pools accessory to a Group 4, Division 3 occupancy in which the pool walls are entirely above the adjacent grade, and if the capacity does not exceed five thousand (5,000) gallons.~~

Commented [TH2]: Incorporated into IBC/IRC

B. Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

C. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

~~C. Notwithstanding the foregoing provisions, no permit shall be required for siding, shingling, painting of any normal maintenance repairs, or for the construction of landscaping or patios; or for temporary portable steps not exceeding fifty (50) square feet in dimension for mobile homes; or for any situations exempted from permit requirements in the International Building Code.~~

Commented [TH3]: Incorporated into IBC/IRC

D. It shall be further unlawful to construct or alter any building that does not comply with the plans and specifications or detailed statement contained in the application for permit.

E. Construction for which a building permit has been issued shall be given one (1) year to complete. One (1) and only one (1) extension of one hundred eighty (180) days may be granted in the event that construction is not completed within one (1) year. In order to complete a project after an extension has once been granted, a new permit will be required, with a permit fee based on the amount of work remaining. The fee to extend a permit for an additional one hundred (180) days shall be set forth in the fee schedule as adopted by resolution.

~~A fee of twenty-five dollars (\$25.00) will be charged to extend the permit for an additional one hundred eighty (180) days. (Ord. 786 (part), 2017; Ord. 742, 2014; Ord. 648 (part), 2008; Ord. 527, 2000; Ord. 526, 2000; Ord. 392 (part), 1993: prior code § 8-102)~~

15.08.020 Application.

A written application for such permit shall be made at city hall, signed by the owner of the land or lot upon which the building is situated or is to be situated, or by the lessee, or by the agent of either. The application shall state the name and address of the owner of the land or lot upon which the building or improvement is situated or is to be situated, the names and addresses of the architect, builder, electrician and plumber employed thereon, the lot and block numbers, and the name of the addition. The application shall also include two copies of adequate construction documents as requested by the Planning Administrator. Such documents may include a site plan, a statement of the nature and proposed use of such building or structure, and a sketch showing a floor plan, building elevations, a foundation and wall detail and a sketch plan showing ~~and~~ electric wiring and plumbing systems. ~~# Documents~~ shall also give the greatest length, width and height of the building, the number of rooms, the kind of material or materials used or to be used, and specifications for wiring and plumbing used in the construction or alteration. No building permit shall be issued until a site plan the documentation stated in this section is filed with and approved by the planning administrator or designee. Should the application be in accordance with the terms of this chapter, the planning administrator shall, without delay, issue a permit as requested. If for any reason the planning administrator shall refuse to grant a permit, the administrator shall state in writing the reasons for such refusal. (Ord. 786 (part), 2017; Ord. 402 (part), 1993)

15.08.030 Appeal.

If the planning administrator or assigned designee refuses to issue a building permit, the refusal may be appealed to the ~~city planning commission and~~ common council. Their decision shall be final. (Ord. 786 (part), 2017; Ord. 402 (part), 1993)

15.08.040 International Building Code controlling.

In matters pertaining to building not covered by the ordinances of the city, the planning administrator, or assigned designee, shall be guided by the most current edition of the International Building Code. (Ord. 786 (part), 2017; Ord. 742, 2014; Ord. 402 (part), 1993)

15.08.050 Fees.

Fees shall be assessed as stated in a resolution adopted on an annual basis.

A. Plan Review Fees.

1. Plan review fees are included within the fees for building permits, ~~but up to twenty-five dollars (\$25.00) of the permit fee may be collected at the time the application is submitted.~~ The planning administrator shall have the option to require that up to twenty-five percent (25%) of the estimated permit fee may be required at the time the application is ~~submitted.~~ ~~made.~~ Further, such fees collected for plan review are not refundable, but will constitute part of the building permit fee when the fee is collected.

2. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged per the fee schedule as adopted by resolution.

B. Permit Fees.

1. The fee for each permit shall be as set forth in the fee schedule as adopted by resolution. The determination of value or valuation under any of the provisions shall be made by the planning administrator. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

2. There will be no fees charged for one (1) identification sign license and the occupancy or certificate of zoning compliance for all new structures or facilities.

3. Remodeling work shall be issued a permit and charged a fee based on the applicant's estimate of value of the work to be performed. The building official shall determine if the estimate is fair and reasonable.

C. Easement, Encroachment, and Street/Alley Vacation. The fee for each request brought before the planning department for easements, encroachments or right-of-way vacations shall be set in the fee schedule as adopted by resolution.

D. Subdivision Fee. The fee for subdivision of real estate is set in the fee schedule as adopted by resolution, and includes a study and review of the preliminary plat, a study and review of the final plat, and recording the final plat. Each in-city lot shall also be assessed a fee as set forth in the fee schedule, to be paid into general fund for the development and maintenance of stormwater mitigation, parks, and roads. All subdivision fees shall be paid at the time of preliminary plat submittal. All recording fees at the Custer County register of deeds office shall be paid at that office, and the final plat will be submitted to the Custer County register of deeds once the city has approved and signed it.

E. Variance Fee. The fee for each variance request to any regulation of the city is as set forth in the fee schedule as adopted by resolution.

F. Permitted Conditional Use. The fee for each permitted conditional use is as set forth in the fee schedule as adopted by resolution.

G. Zoning Map Change or Zoning Text Change. The fee for each zoning map change or zoning text change is as set forth in the fee schedule as adopted by resolution.

H. Demolition Permit Fee. There shall be a charge to demolish any structure or facility. A permit must be obtained and fee paid as set forth in the fee schedule as adopted by resolution.

I. Flood Plain Development Permit Fee. All work in a designated flood area within the city requires a permit. The fee for the permit is as set forth in the fee schedule as adopted by resolution.

J. Sign Permit Fee. The fee for each new sign that is erected or installed shall be as set forth in the fee schedule as adopted by resolution, except where a sign or sign structure requires that a building permit be obtained, then the building permit fee shall be the sign permit fee. A change in the name of the commercial entity, a change in location or a change in the size of the sign, shall constitute a new sign.

K. Investigation Fees--Work Without a Permit.

1. Whenever any work for which a permit is required by the International Building Code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work.

2. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required. The minimum investigation fee shall be the same as the minimum fee set forth in the fee schedule as adopted by resolution. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of the International Building Code nor from any penalty prescribed by law.

3. The planning administrator may authorize refunding of any fee paid hereunder that was erroneously paid or collected.

L. If a request for a special planning commission meeting is made, the cost shall be as set in the fee schedule as adopted by resolution.

Valuation for determining permit fees shall be based on the most recent "Building Valuation Data" as published in Building Standards, a publication of the International Conference of Building Officials. A public copy of the most recent "Building Valuation Data" table will be available from the city planning administrator's office. The "Building Valuation Data" has an adjustment factor for South Dakota valuations that will be used in determining new construction values.

Building permit fees, roofing fees, and other inspection fees shall be as set forth in the fee schedule as adopted by resolution. (Ord. 786 (part), 2017; Ord. 764 (part), 2015; Ord. 742, 2014; Ord. 733, 2013; Ord. 721, 2012; Ord. 648 (part), 2008; Ord. 583, 2003; Ord. 509, 1999; Ord. 508 (part), 1999; Ord. 427, 1995; Ord. 413, 1994; Ord. 402 (part), 1993)

15.08.055 Carports.

All manufactured steel carport structures shall be erected and anchored according to manufacturers' specifications. These structures shall also meet a minimum snow loading of ~~thirty (30)~~ forty (40) pounds per square foot.

Manufactured steel carports may be placed with setbacks of ten (10) feet to the back property line, six (6) feet on the side property lines, and twenty (20) feet to the front property line. This will apply to open-sided manufactured steel carports only. No wood structures with wood posts shall be allowed under this section of the code.

No carport that is sided will be allowed under this section and will fall under the 2012 IBC code section 406 to include 406.3.1 through 406.3.5.

Prior to placement of a manufactured carport structure, the property owner shall apply for a special permit from the city building department. If granted, the fee for such permit shall be as set forth in the fee schedule as adopted by resolution. (Ord. 786 (part), 2017; Ord. 752, 2014)

15.08.060 Frost footings.

All construction that requires the use of frost footings shall have the frost footings constructed from ground level to a minimum depth of at least forty-eight (48) inches or to bedrock, whichever shall first occur. (Ord. 786 (part), 2017; Ord. 438, 1995)

15.08.070 Violation.

Any violation of this chapter shall be deemed a continuing violation for every twenty-four (24) hour period that the guilty party fails to comply, and every twenty-four (24) hour period of noncompliance shall constitute a separate and distinct offense. (Ord. 786 (part), 2017; Prior code § 8-108)

15.08.080 Other remedies.

Nothing herein shall preclude the city from exercising any and all remedies available to the city under state law. (Ord. 786 (part), 2017; Prior code § 8-109)

15.08.090 Metal raceway.

A. All electrical wiring within the fire limits of the city that is intended as power conductors shall be installed in:

1. Metal raceways; or
2. Flexible metal raceways; or
3. Nonmetallic raceways encased in not less than two (2) inches of concrete.

B. Installation shall be in conformance with the requirements of the current National Electric Code as adopted by the State of South Dakota. Nothing in this section is intended to reduce the requirements of the National Electric Code or the requirements of the Wiring Bulletin of South Dakota. (Ord. 786 (part), 2017; Ord. 525, 2000)

15.08.100 Certificates of zoning compliance for new, altered or nonconforming uses.

A. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged, in its use or structure, until a certificate of zoning compliance shall have been issued therefor by the planning administrator, stating that the proposed use of the building or land conforms to the requirements of this title.

B. No permit for erection, alteration or moving of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this title upon completion of the work.

C. A temporary certificate of zoning compliance may be issued by the planning administrator for the period of construction, alterations or partial occupancy of a building, pending its completion; provided, that the temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

D. The planning administrator shall maintain a record of certificates of zoning compliance.

E. Failure to obtain a certificate of zoning compliance shall be a violation of this title and punishable under provision of this title. (Ord. 786 (part), 2017; Ord. 557, 2002)