

ORDINANCE NO. 657

AMEND ZONING REGULATION #627 – CHANGE OF USE PERMITS

AN ORDINANCE OF THE CITY OF HARTFORD, SD, AMENDING ORDINANCE #627, THE 2016 REVISED ZONING ORDINANCE OF THE CITY OF HARTFORD, SD, BY ADDING CHAPTER 21 – CHANGE OF USE PERMITS.

BE IT ORDAINED BY THE CITY OF HARTFORD, SD:

That Section 21 – CHANGE OF USE PERMITS shall be added to the 2016 Revised Zoning Ordinance of Hartford, SD and shall read as follows:

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CHANGE OF USE PERMITS

21.01 Change of Uses

Any change of use within a zoning district must be approved by the City of Hartford and shall conform to the standards set forth below. These standards shall be construed to be the minimum requirements for any of the specified change of use, and the City of Hartford may require additional reasonable stipulations at their discretion. In all cases, the impact of the proposed use on adjacent properties shall be a major consideration.

- A. Permit Required. It shall be unlawful for any person to change the use of any lot, building, or structure regulated by this Ordinance, or cause the same to be done, without first obtaining a change of use permit or conditional use permit.

The Zoning Administrator may review and approve any change of use application for permitted uses within a zoning district if plans comply with all applicable standards. Any change of use that would require a conditional use permit must go through the conditional use permit process outlined in Chapter 19 of the Hartford Zoning Regulations and receive approval from the Planning Commission.

- B. Application for Change of Use. The applicant shall complete and submit an application which may be obtained from the Zoning Administrator. Every application shall contain the following information:
1. Legal description or address of the lot for which the change of use is requested.

2. Name, address, and phone number of each owner of the lot for which the change of use is requested.
3. The zoning district and use classification(s) under which the lot is regulated at the time of the application.
4. The use classification(s) requested by the application.
5. A site plan of sufficient clarity to indicate the location, nature, and extent of the use proposed shall be provided to the Zoning Administrator. Where applicable, all site plans shall contain the following information:
 - a. The legal description or address of the lot shown on the site plan.
 - b. A north arrow.
 - c. All existing buildings, structures, or additions thereto, with information regarding their dimensions, height, and number of stories.
 - d. Distance from all building lines to the property lines at the closest points.
 - e. Dimensions of all property lines.

All plans shall not be changed, modified, or altered, and all changes of use shall be performed in accordance with the approved plans.

Exception: The Zoning Administrator may waive the submission of plans related to Zoning Permits if he or she determines the nature of the change in use is such that reviewing plans is not necessary to obtain compliance with this Ordinance.

6. Be signed by the applicant, who may be required to submit evidence to indicate such authority if the lot has more than one owner. If the application is submitted online, the act of submission shall meet the signature requirement.
7. Any additional information concerning the applicant, the lot, the lot's current use(s), or the lot's requested use(s) as may be required by the Zoning Administrator.

- C. Issuance. Once filed pursuant to Chapter 20.01(B), the application shall be reviewed by the Zoning Administrator. If he or she determines that it contains all the required information and meets the requirements of this Ordinance and other pertinent laws and regulations, he or she shall issue the permit.

All permit fees shall be paid upon approval of the permit. Upon payment of the fee, the Zoning Administrator shall sign the permit, thereby making it effective.

- D. Appeals

The decision rendered by the Zoning Administrator on a change of use may be appealed to Planning Commission. The applicant or any other person aggrieved by the decision of the Zoning Administrator shall file a written appeal with the Zoning Administrator within 5 working days of the Zoning Administrator's decision.

The Zoning Administrator shall set the date, time and place for any appeal hearings to be held by the Planning Commission. The Zoning Administrator shall notify the landowner by mail and shall post notices of the public hearing at the City Office and on the property affected by the proposed Change of use Permit no less than 10 days prior to the scheduled public hearing. No less than 10 days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the City.

The Planning Commission shall vote to either uphold, overrule or amend the decision of the Zoning Administrator.

E. Expiration

A change of use permit approved in accordance with Chapter 21 shall expire one year from the date upon which it becomes effective if the change of use has not been implemented, or one year after the use discontinues on the premises.

Adopted this 18th day of December, 2018.

Jeremy Menning, Mayor

ATTEST:

Karen Wilber, Finance Officer

Seal

First Reading: December 4, 2018
Second Reading & Adoption: December 18, 2018
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