

PLANNING & ZONING COMMISSION AGENDA

November 3, 2022
6:30 P.M.

**PLANNING & ZONING
AGENDA**

- 1) Call to Order
- 2) Roll Call/Determination of Quorum
- 3) Approval of Agenda
- 4) Consent Calendar:
 1. Plat of Chestnut Ridge Addition Tract 1 (pg 4-5)
 2. Plat of Heartland Business Park Addition
Lot 11 Block 3 (pg 6-7)
 3. Plat of Rovang Industrial Park Lot 4 Block 2 (pg 8-9)
- 5) Approval of Minutes of the October 20, 2022 regular meeting (pg 10-11)
- 6) Public Comments

NEW BUSINESS

- 7) Public Hearing – Zoning Ordinance
Septic Tanks (pg 12-15)
- 8) Public Hearing – Zoning Ordinance
Commonly Owned Space Parking (pg 16)
- 9) Public Hearing – Zoning Ordinance
Duplex-Common Space Signs (pg 17-18)
- 10) Public Hearing – Zoning Ordinance
Shared Parking Regulations (pg 19-20)
- 11) Public Hearing – Zoning Ordinance
Parking Pad Regulations (pg 21)
- 12) Public Hearing – Zoning Ordinance
Fences (pg 22-24)
- 13) Public Hearing – Zoning Ordinance
Cooperative Parking Regulations (pg 25-26)
- 14) Public Hearing – Zoning Ordinance
HI Rear Yard Setback (pg 27-29)

- DISCUSSION ITEMS**
- 15) NB Zoning District Draft (pg 30-41)
 - 16) Re-Zone Notice Draft (pg 42-43)
 - 17) Gas Station Clarification Discussion (pg 44-48)
 - 18) Building Permits for October
#20220555 - #20220602 (pg 49)

**ADJOURNMENT OF
PLANNING & ZONING**

Board members unable to attend should please contact City Hall in advance for a quorum determination at 582-8987.

Individuals in need of assistance in attaining access to the meeting, please contact City Hall at 582-6515 within 24 hours of the meeting time for special arrangements.

SUPPLEMENT TO AGENDA
November 3, 2022

MEETINGS:

- 1) Thursday, November 17, 2022.
Planning & Zoning Commission meeting at 6:30 p.m. in the Council Chambers

Items on agenda:

Conditional Use Application – 1604-1620 E. Redwood Blvd.
Home Occupation Permit Application – 817 E. Magnolia Drive
Variance Application – 708 N. Agate Avenue

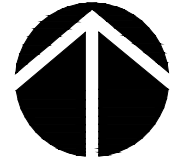
- 2) Thursday, December 1, 2022.
Planning & Zoning Commission meeting at 6:30 p.m. in the Council Chambers

Items on agenda:

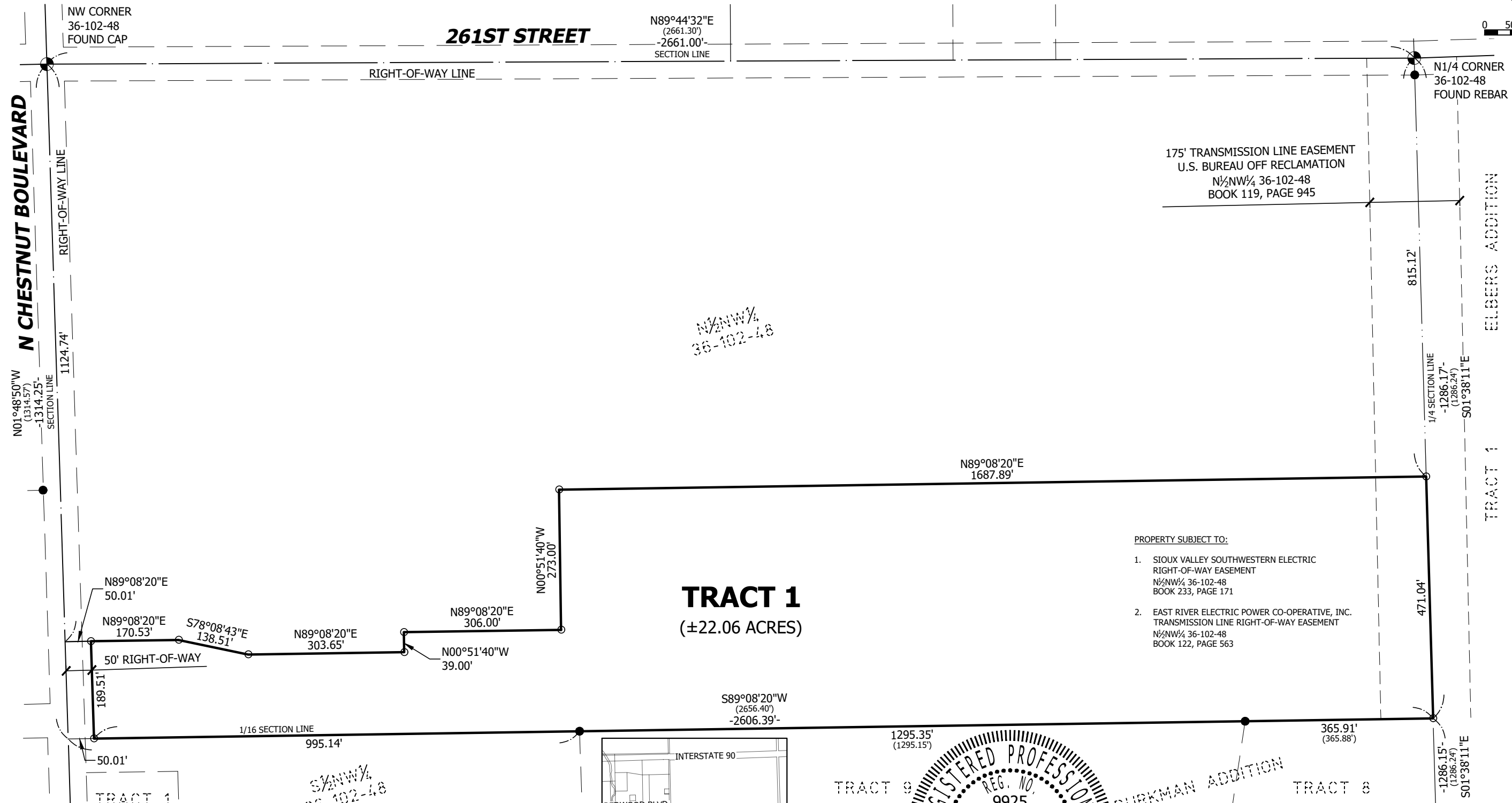
Nothing at this time

MINOR PLAT OF TRACT 1 OF CHESTNUT RIDGE ADDITION

TO THE CITY OF BRANDON, MINNEHAHA COUNTY, SOUTH DAKOTA.
CONTAINING 960,910 S.F. (22.06 ACRES MORE OR LESS)



0 50 100 200

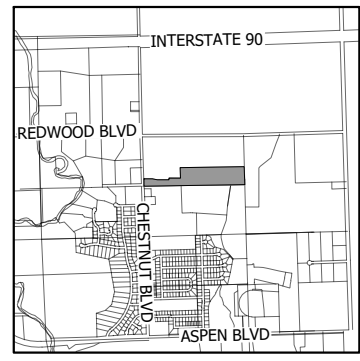


N 1/2 NW 1/4
36-102-48

S 1/2 NW 1/4
36-102-48

- PROPERTY SUBJECT TO:
1. SIOUX VALLEY SOUTHWESTERN ELECTRIC
RIGHT-OF-WAY EASEMENT
N 1/2 NW 1/4 36-102-48
BOOK 233, PAGE 171
 2. EAST RIVER ELECTRIC POWER CO-OPERATIVE, INC.
TRANSMISSION LINE RIGHT-OF-WAY EASEMENT
N 1/2 NW 1/4 36-102-48
BOOK 122, PAGE 563

TRACT 1
(±22.06 ACRES)



LOCATION MAP



- LEGEND**
- FOUND CORNER AS NOTED
 - SET REBAR W/CAP LS 9925
 - (1320.25) RECORD DISTANCE FROM PLAT OR DEED

SURVEYOR'S NOTES

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO SHOW EASEMENTS OF RECORD, IF ANY.

STOCKWELL

PREPARED BY:
JOE D. WHITLOCK, PLS
801 NORTH PHILLIPS AVENUE
SUITE 100
SIOUX FALLS, SD 57104
(605) 338-6668

MINOR PLAT OF TRACT 1 OF CHESTNUT RIDGE ADDITION

TO THE CITY OF BRANDON, MINNEHAHA COUNTY, SOUTH DAKOTA.
CONTAINING 960,910 S.F. (22.06 ACRES MORE OR LESS)

SURVEYOR'S CERTIFICATE

I, JOE DALE WHITLOCK, A REGISTERED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT ON OR BEFORE AUGUST 31, 2022, I HAVE SURVEYED THE N $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 102 NORTH, RANGE 48 WEST OF THE 5TH PRINCIPAL MERIDIAN, MINNEHAHA COUNTY, SOUTH DAKOTA, WITH AREA AND DIMENSIONS AS SHOWN ON THE PLAT.

THE SAME SHALL HEREAFTER BE KNOWN AND DESCRIBED AS **TRACT 1 OF CHESTNUT RIDGE ADDITION TO THE CITY OF BRANDON, MINNEHAHA COUNTY, SOUTH DAKOTA.**

I FURTHER CERTIFY THAT THE ABOVE MINOR PLAT CORRECTLY REPRESENTS THE SAME TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY WAS PERFORMED AT THE REQUEST AND UNDER THE DIRECTION OF THE OWNERS FOR THE PURPOSE OF PLATTING.

DATED THIS ____ DAY OF _____, 2022.



JOE DALE WHITLOCK REG. NO. 9925

OWNER'S CERTIFICATE

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF ALL LAND INCLUDED IN THE ABOVE PLAT AND THAT SAID PLAT HAS BEEN MADE AT OUR REQUEST AND IN ACCORDANCE WITH OUR INSTRUCTIONS FOR THE PURPOSE OF TRANSFER, AND THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE FOREVER, THE STREETS, ROADS, ALLEYS AND PARKS AND PUBLIC GROUNDS, IF ANY, AS SHOWN ON SAID PLAT, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATER DISTRIBUTION LINES, SIDEWALKS AND OTHER IMPROVEMENTS ON OR UNDER THE STREETS, ROADS, ALLEYS, PARKS AND PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN OR NOT. WE ALSO HEREBY GRANT EASEMENTS TO RUN WITH THE LAND FOR WATER, DRAINAGE, SEWER, GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THOSE STRIPS OF LAND DESIGNATED HEREON AS EASEMENTS. WE HEREBY WAIVE ANY RIGHTS OF PROTEST TO ANY SPECIAL ASSESSMENT PROGRAM WHICH MAY BE INITIATED FOR THE PURPOSE OF INSTALLATION OF IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE OF THE CITY OF BRANDON.

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THIS PLAT WILL NOT PLACE ANY EXISTING LOT OR BUILDING IN VIOLATION OF ANY APPLICABLE ORDINANCE, CODE, REGULATION, LAW INCLUDING BUT NOT LIMITED TO ZONING, BUILDING, SUBDIVISION, AND FLOOD PREVENTION.

DATED THIS ____ DAY OF _____, 2022.

T B AND J L.L.C

STATE OF SOUTH DAKOTA)

COUNTY OF _____)

ON THIS ____ DAY OF _____, 2022, BEFORE ME, THE UNDERSIGNED OFFICER, APPEARED _____ (NAME) AS _____ (TITLE), T B AND J L.L.C., WHO ACKNOWLEDGED THEMSELVES TO BE THE OWNER'S REPRESENTATIVE OF THE ABOVE DESCRIBED PROPERTY AND THEY EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, STATE OF SOUTH DAKOTA
MY COMMISSION EXPIRES: _____

CITY ENGINEER APPROVAL

I, _____, CITY ENGINEER OF THE CITY OF BRANDON, DO HEREBY CERTIFY THAT I DID DULY REVIEW AND RECOMMEND APPROVAL OF THIS MINOR PLAT ON THIS ____ DAY OF _____, 2022.

CITY ENGINEER
CITY OF BRANDON, SOUTH DAKOTA

AUTHORIZED OFFICIAL CERTIFICATE

I, THE UNDERSIGNED, AUTHORIZED OFFICIAL OF THE CITY OF BRANDON, DO HEREBY CERTIFY THAT THIS MINOR PLAT HAS BEEN APPROVED BY ME OR MY AUTHORIZED AGENT AND THAT THE CITY FINANCE OFFICER IS HEREBY DIRECTED TO CERTIFY THE SAME THEREON.

APPROVED THIS ____ DAY OF _____, 2022.

AUTHORIZED OFFICIAL
CITY OF BRANDON, SOUTH DAKOTA

FINANCE OFFICER'S CERTIFICATE

I, THE UNDERSIGNED, THE DULY APPOINTED, QUALIFIED AND ACTING FINANCE OFFICER OF THE CITY OF BRANDON, SOUTH DAKOTA, HEREBY CERTIFY THAT THE CERTIFICATE OF APPROVAL IS TRUE AND CORRECT INCLUDING THE SIGNATURE THEREON, AND THAT ANY SPECIAL ASSESSMENTS WHICH ARE LIENS UPON THE LAND SHOWN IN THE ABOVE MINOR PLAT, AS SHOWN BY THE RECORDS IN MY OFFICE, ON THIS ____ DAY OF _____, 2022, HAVE BEEN PAID IN FULL.

CITY FINANCE OFFICER
BRANDON, SOUTH DAKOTA

ROAD AUTHORITY CERTIFICATE

I, _____ OF _____, DO HEREBY CERTIFY THAT THIS MINOR PLAT AND ACCESS LOCATION HAS BEEN REVIEWED BY ME OR MY AUTHORIZED AGENT AND THAT THIS PLAT IS RECOMMENDED FOR APPROVAL THIS ____ DAY OF _____, 2022.

ROAD AUTHORITY

COUNTY TREASURER'S CERTIFICATE

I, TREASURER OF MINNEHAHA COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE (AND THE FOREGOING) PLATS, AS SHOWN BY THE RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID.

DATED THIS ____ DAY OF _____, 2022.

TREASURER
MINNEHAHA COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION

I, DIRECTOR OF EQUALIZATION OF MINNEHAHA COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE MINOR PLAT HAS BEEN FILED AT MY OFFICE.

DIRECTOR OF EQUALIZATION
MINNEHAHA COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS

FILED FOR RECORD THIS ____ DAY OF _____, 2022, AT ____ O'CLOCK ____M., AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

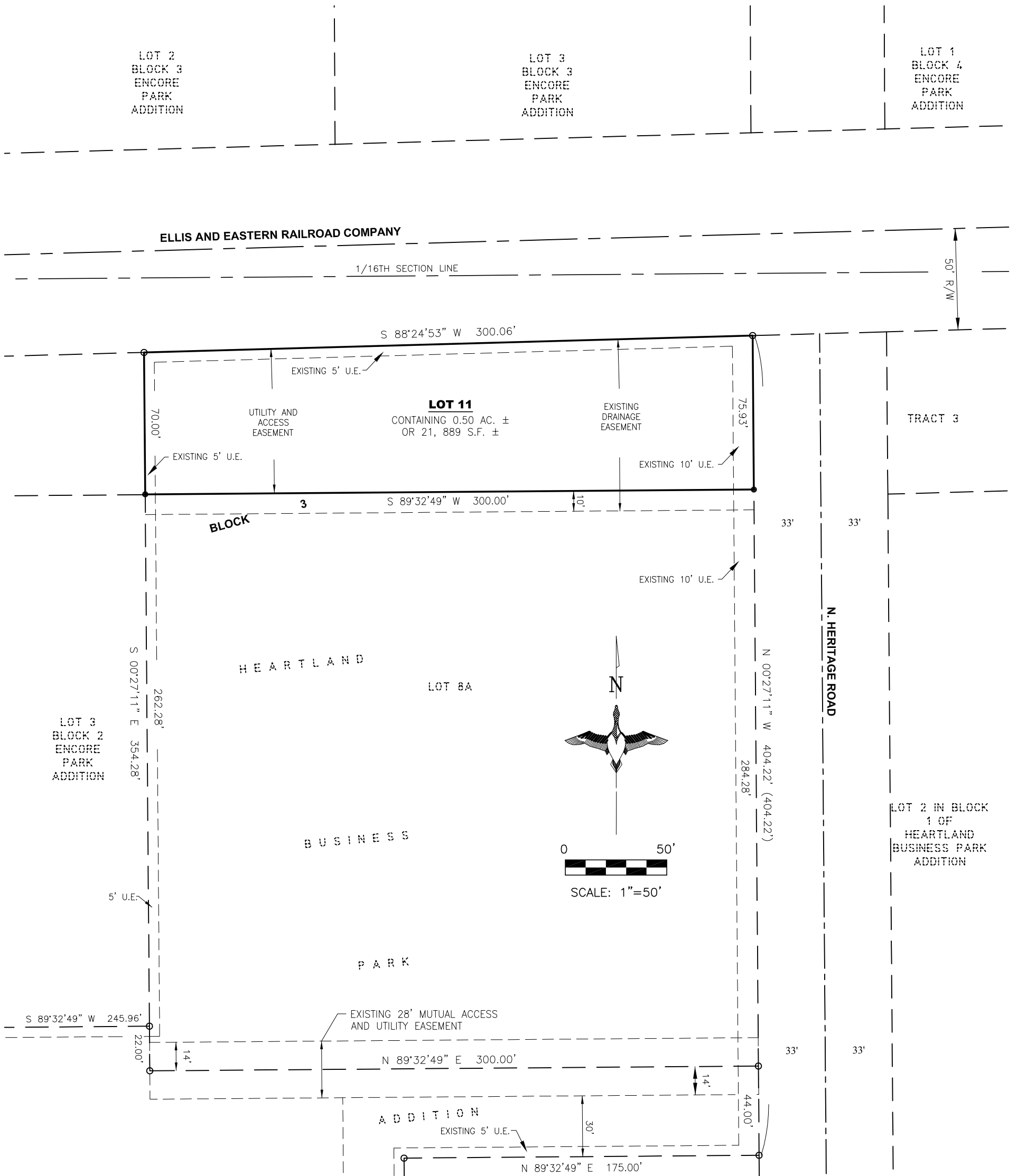
REGISTER OF DEEDS
MINNEHAHA COUNTY, SOUTH DAKOTA



PREPARED BY:
JOE D. WHITLOCK, PLS
801 NORTH PHILLIPS AVENUE
SUITE 100
SIOUX FALLS, SD 57104
(605) 338-6668

PLAT OF LOT 11 IN BLOCK 3 OF HEARTLAND BUSINESS PARK ADDITION

AN ADDITION TO THE CITY OF BRANDON, MINNEHAHA COUNTY, SOUTH DAKOTA.



LEGEND:

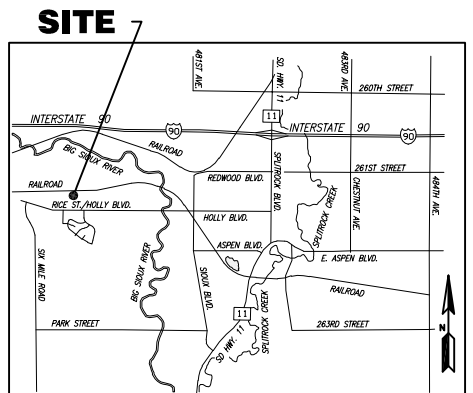
- SET 5/8" REBAR W/CAP #8145
- FD. MONUMENT
- (R) RECORD INFORMATION
- AC. ACRES
- S.F. SQUARE FEET
- U.E. UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- S.C.E. SUMP COLLECTION EASEMENT
- S.C.A.E. SUMP COLLECTION ACCESS EASEMENT
- R/W RIGHT-OF-WAY
- N.T.S. NOT TO SCALE
- - - - - EASEMENT LINE
- — — — — PREVIOUSLY PLATTED LINE

NOTES:
 BASIS OF BEARINGS IS UTM-14
 THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
 EASEMENTS OF RECORD WERE NOT RESEARCHED AND ARE NOT SHOWN ON THE PLAT.



PREPARED BY:


Midwest
Land Surveying, Inc.
 Land Surveying and GPS Consulting
 211 E. 14th Street Suite 100
 Sioux Falls, South Dakota 57104
 Phone: (605) 339-8901 FAX:(605) 274-8951



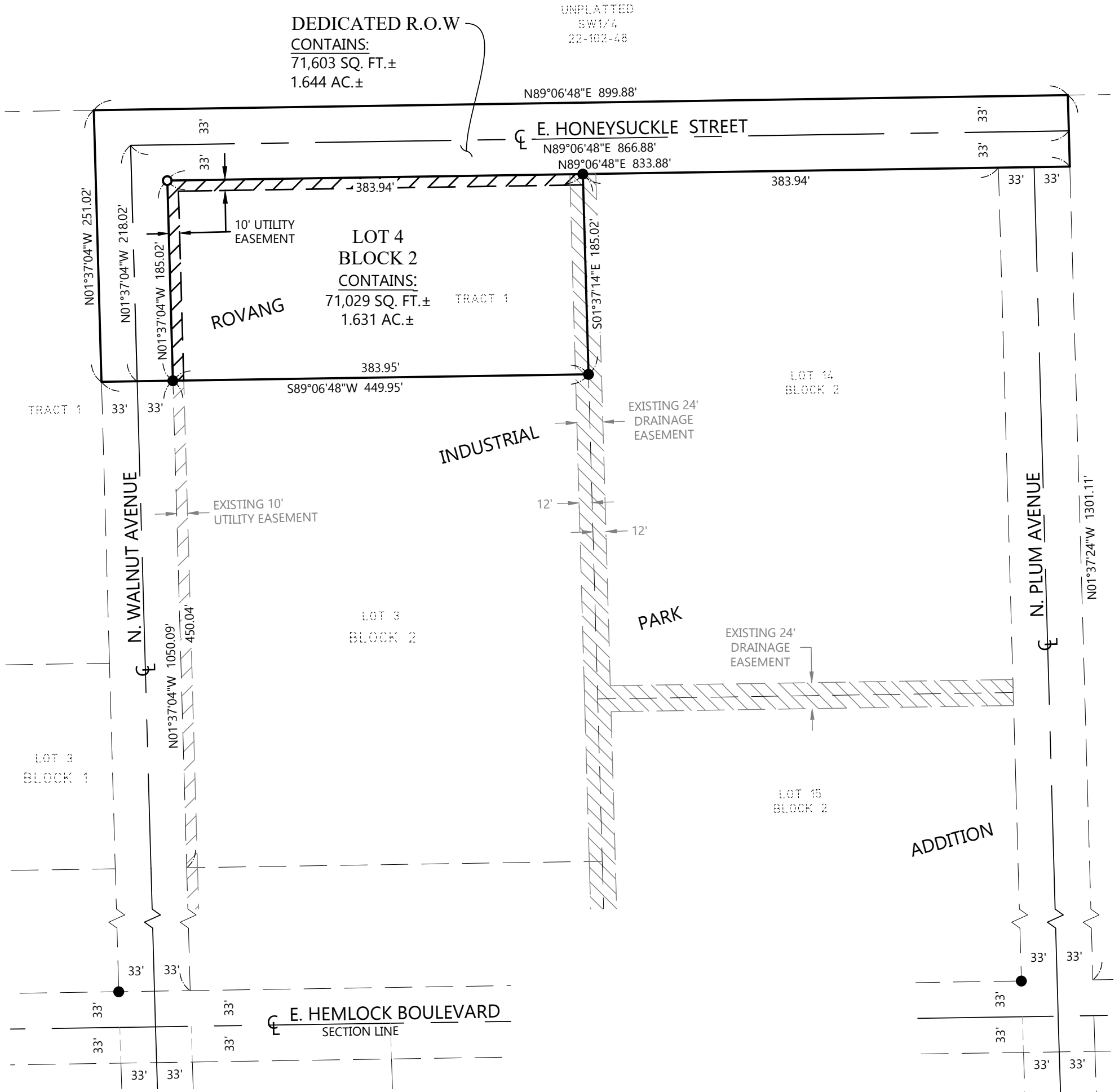
VICINITY MAP N.T.S.
 CITY OF BRANDON

PLAT OF LOT 11 IN BLOCK 3 OF HEARTLAND BUSINESS PARK ADDITION

AN ADDITION TO THE CITY OF BRANDON, MINNEHAHA COUNTY, SOUTH DAKOTA.

<p style="text-align: center;">SURVEYOR'S CERTIFICATE</p> <p>I, Paul A. Sandman, of Midwest Land Surveying, Inc., a Registered Land Surveyor in the State of South Dakota, do hereby state that I did, on or before this date, survey a portion of Lot 8A in Block 3 of Heartland Business Park Addition, an Addition to the City of Brandon, Minnehaha County, South Dakota, and Re-Platted the same into Lot 11 in Block 3 of Heartland Business Park Addition, an Addition to the City of Brandon, Minnehaha County, South Dakota, as shown on the foregoing plat.</p> <p>The same shall be known and described as <u>LOT 11 IN BLOCK 3 OF HEARTLAND BUSINESS PARK ADDITION, AN ADDITION TO THE CITY OF BRANDON, MINNEHAHA COUNTY, SOUTH DAKOTA.</u></p> <p>Dated this _____ day of _____, 20_____.</p> <p>I further certify that the above PLAT correctly represents the same, is true and correct and that it was made at the request of the owners.</p> <div style="text-align: center;">  </div> <p>Paul A. Sandman, Registered Land Surveyor No. 8145</p>	<p style="text-align: center;">CITY ENGINEER'S CERTIFICATE</p> <p>I, Tami Jansma, City Engineer of the City of Brandon, South Dakota, do hereby certify that this plat has been reviewed by me or my authorized agent and that this plat is recommended for approval.</p> <p>Dated this _____ day of _____, 20_____.</p> <p>_____ City Engineer City of Brandon, South Dakota</p>
<p style="text-align: center;">OWNER'S CERTIFICATE</p> <p>We, the undersigned, do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes of transfer, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.</p> <p>We hereby dedicate to the public for public use forever, the streets, roads, alleys, parks and public grounds, if any, as shown on said plat. Including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, roads, alleys, parks and public grounds whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone, cable television, or other public utility lines or services, under, on or over those strips of land designated hereon as easements.</p> <p>We hereby waive any rights of protest to any special assessment program which may be initiated for the purpose of installation of improvements required by the Subdivision Ordinance of the City of Brandon.</p> <p>We do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, or law including but not limited to zoning, building, subdivision, and flood prevention.</p> <p>We further certify that this platting of said described Lot 11 in Block 3 of Heartland Business Park Addition does hereby vacate the following platting:</p> <p><u>A portion of:</u> Lot 8A in Block 3 of Heartland Business Park Addition, an Addition to the City of Brandon, Minnehaha County, South Dakota, on file at the office of the Register of Deeds in Book 82 of plats, Page 201, said plat, hereby partially vacated, being situated within described Heartland Business Park Addition as surveyed.</p> <p>Dated this _____ day of _____, 20_____.</p> <p>By: _____ Brandon West Mini Storage, LLC</p> <p>Its: _____</p> <p>State of _____ County of _____</p> <p>On this the _____ day of _____, 20_____, before me, the undersigned officer, personally appeared _____, who acknowledged themselves to be the _____ of Brandon West Mini Storage, LLC, and that they, as such _____ being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as _____.</p> <p>In witness whereof I hereunto set my hand and official seal.</p> <p>_____ Notary Public – State of _____ My Commission Expires: _____</p>	<p style="text-align: center;">CERTIFICATE OF ROAD AUTHORITY</p> <p>I, Tami Jansma, City Engineer of the City of Brandon, South Dakota, do hereby certify that this plat and access location has been reviewed by me or my authorized agent and that this plat is recommended for approval.</p> <p>Dated this _____ day of _____, 20_____.</p> <p>_____ City Engineer, City of Brandon, South Dakota</p>
<p style="text-align: center;">AUTHORIZED OFFICIAL CERTIFICATE</p> <p>I, Bryan Read, authorized official of the City of Brandon, do hereby certify that this plat has been approved by me or my authorized agent and that the City Finance Officer is hereby directed to certify the same thereon.</p> <p>Adopted this _____ day of _____, 20_____.</p> <p>_____ Council Authorized Official</p>	<p style="text-align: center;">CITY FINANCE OFFICER CERTIFICATE</p> <p>I, the undersigned, the duly appointed, qualified and acting Municipal Finance Officer of the City of Brandon, South Dakota, hereby certify that certificates of approval are true and correct including the signatures thereon, and that any special assessments which are liens upon the land shown in the foregoing Plat, as shown by the records in my office on this _____ day of _____, 20_____, have been paid in full.</p> <p>_____ Municipal Finance Officer, City of Brandon</p>
<p style="text-align: center;">TREASURER</p> <p>I, the Treasurer of Minnehaha County, South Dakota, do hereby certify that all taxes which are liens upon any land shown in the above plat, as shown by the records of my office have been paid in full.</p> <p>Dated this _____ Day of _____, 20 ____.</p> <p>_____ TREASURER Minnehaha County, South Dakota</p>	<p style="text-align: center;">DIRECTOR OF EQUALIZATION</p> <p>I, the Director of Equalization of Minnehaha County, South Dakota, do hereby certify that a copy of the above and foregoing described plat has been filed in my office.</p> <p>Dated this _____ Day of _____, 20 ____.</p> <p>_____ DIRECTOR OF EQUALIZATION Minnehaha County, South Dakota</p>
<p style="text-align: center;">REGISTER OF DEEDS</p> <p>Filed for record this _____ day of _____, 20 _____, at _____ o'clock, _____m., and recorded in Book _____ of Plats on Page _____.</p> <p>_____ REGISTER OF DEEDS Minnehaha County, South Dakota</p>	<p style="text-align: center;">REGISTER OF DEEDS</p> <p>_____ REGISTER OF DEEDS Minnehaha County, South Dakota</p>

PLAT OF
LOT 4, BLOCK 2, ROVANG INDUSTRIAL PARK ADDITION
 TO THE CITY OF BRANDON, MINNEHAHA COUNTY, SOUTH DAKOTA



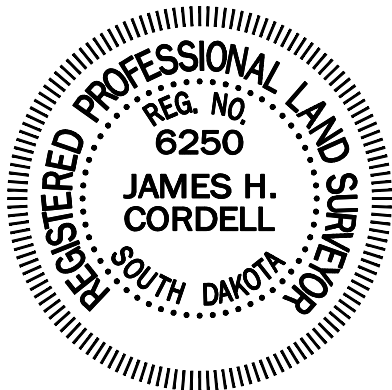
Notes:

The bearing system for this plat is based on the UTM Zone 14 North.

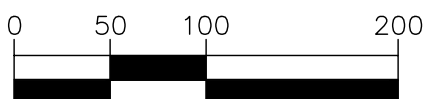
This plat was prepared without the benefit of a title commitment.

Legend

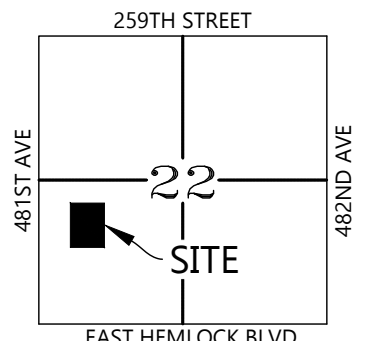
- - Denotes 5/8 inch by 18 inch rebar set and marked by License No. 6250
- - Denotes found monument



GRAPHIC SCALE



(IN FEET)



VICINITY MAP
 SECTION 22-102-48

Total Area Surveyed:
 3.275 Acres±



216 S. Duluth Avenue • Sioux Falls, SD 57104
 Phone: (605) 332-7211 • Fax: (605) 332-7222

Engineers • Surveyors

PLAT OF
LOT 4, BLOCK 2, ROVANG INDUSTRIAL PARK ADDITION
TO THE CITY OF BRANDON, MINNEHAHA COUNTY, SOUTH DAKOTA

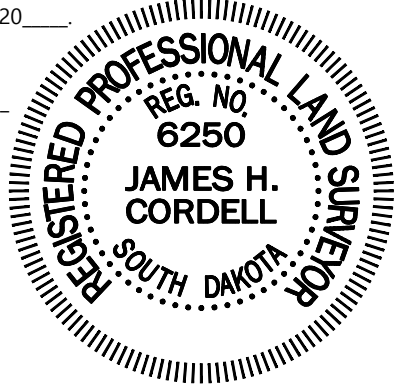
SURVEYOR'S CERTIFICATE

I, James H. Cordell, a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before May 24, 2022, survey and replat a part of Tract 1, Rovang Industrial Park in the Southwest Quarter (SW1/4) of Section 22, Township 102, Range 48 West of the 5th P.M., Minnehaha County, South Dakota, into a lot and block as shown. The same shall hereafter be known and described as **Lot 4, Block 2, Rovang Industrial Park Addition to the City of Brandon, Minnehaha County, South Dakota.**

I further certify that to the best of my knowledge, the plat correctly represents the same, is true and correct, and that it was made under my direct supervision.

Dated this ____ day of _____, 20____.

S.D. Registered Land Surveyor No. 6250



OWNER'S CERTIFICATE

We, Brandon Revolving Loan Foundation, a South Dakota non-profit corporation, do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purpose of transfer, and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

We hereby dedicate to the public for public use forever, the streets, roads, and alleys, parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, alleys, parks and public grounds whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

We hereby waive any rights of protest to any special assessment program which may be initiated for the purpose of installation of improvements required by the Subdivision Ordinance of the City of Brandon.

We, Brandon Revolving Loan Foundation, a South Dakota non-profit corporation, do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, or law including but not limited to zoning, building, subdivision, and flood prevention.

We further certify that this platting of said described Lot 4, Block 2, Rovang Industrial Park Addition to the City of Brandon, Minnehaha County, South Dakota, does hereby vacate the following platting: a part of Tract 1, Rovang Industrial Park in the Southwest Quarter (SW1/4) of Section 22, Township 102, Range 48 West of the 5th P.M., Minnehaha County, South Dakota, said plat on file at the Register of Deeds Office in Book 79, page 24. Said plat, hereby vacated, is situated within Lot 4, Block 2, Rovang Industrial Park Addition to the City of Brandon, Minnehaha County, South Dakota, as surveyed.

Dated this ____ day of _____, 20____.

Owner: Brandon Revolving Loan Foundation, a South Dakota non-profit corporation

By: _____

Title: _____

STATE OF SOUTH DAKOTA)

§

COUNTY OF MINNEHAHA)

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, who acknowledged ____self to be the _____ of Brandon Revolving Loan Foundation, a South Dakota non-profit corporation, and that ___he as such _____ being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the non-profit corporation by ____self as _____.

In witness thereof, I have hereunto set my hand and official seal.

My commission expires: _____

Notary Public, Minnehaha County, South Dakota

CERTIFICATE OF ROAD AUTHORITY

I, Tami Jansma, City Engineer of the City of Brandon, South Dakota, do hereby certify that this plat and access location has been reviewed by me or my authorized agent and that this plat is recommended for approval.

Signed on this ____ day of _____, 20____.

City Engineer, City of Brandon, South Dakota

CITY ENGINEER APPROVAL

I, Tami Jansma, City Engineer of the City of Brandon, do hereby certify that I did duly review and recommend approval of this plat on this ____ day of _____, 20____.

City Engineer, City of Brandon, South Dakota

AUTHORIZED OFFICIAL CERTIFICATE

I, Bryan Read, Authorized Official of the City of Brandon, do hereby certify that this plat has been approved by me or my authorized agent and that the City Finance Officer is hereby directed to certify the same thereon.

Adopted this ____ day of _____, 20____.

Authorized Official, City of Brandon, South Dakota

FINANCE OFFICER'S CERTIFICATE

I, Christina Smith, the duly appointed, qualified and acting Finance Officer of the City of Brandon, South Dakota, hereby certify that the certificate of approval is true and correct including the signature thereon, and that any special assessments which are liens upon the land shown in the above plat, as shown by the records in my office, on this ____ day of _____, 20____, have been paid in full.

City Finance Officer, City of Brandon, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, Kris Swanson, Treasurer of Minnehaha County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plat as shown by the records of my office, have been paid in full.

Dated this ____ day of _____, 20____.

Treasurer, Minnehaha County, South Dakota

DIRECTOR OF EQUALIZATION

I, Director of Equalization of Minnehaha County, South Dakota, do hereby certify that a copy of the above plat has been filed in my office.

Director of Equalization, Minnehaha County, South Dakota

REGISTER OF DEEDS

Filed for record this ____ day of _____, 20____, at ____ o'clock, ____.

m., and recorded in Book ____ of Plats on page ____.

Register of Deeds, Minnehaha County, South Dakota

**MINUTES
PLANNING & ZONING COMMISSION**

The Brandon Planning & Zoning Commission met in regular session at 6:30 p.m. on October 20, 2022 at the Brandon City Council Chambers.

Roll call was taken. Members present were Commissioners Brian Heidbrink, Thomas Nichols, Brookes Noem, Chuck Parsons, Rob Schoeneman and Alica Thiele. Also present were Building Official Paul Clarke and Development Director Patrick Andrews. Absent: Mayor Harry Buck, City Administrator Bryan Read and City Engineer Tami Jansma.

Commissioner Nichols moved Commissioner Parsons seconded to approve the agenda. Motion carried.

Commissioner Thiele moved Commissioner Nichols seconded to approve the minutes of the October 6, 2022 special meeting. Motion carried.

A Conditional Use Application was presented for 100 & 112 S. Sandstone Avenue. This was tabled at the October 6, 2022 Planning & Zoning Commission meeting to allow the applicant time to present further information. Applicant Dusten Hendrickson, 1139 Indian Hills Road, Brookings, SD was present for discussion. Applicant is requesting to add residential above commercial space at the property to be located at 100 & 112 S. Sandstone Avenue. Staff received updated plans this week and need more time to review. Applicant is working on the traffic study, would use existing access off S. Sandstone Avenue and add one on W. Meadowbrook Trail, required parking stalls are met. Commissioner Heidbrink moved Commissioner Nichols seconded to approve the Conditional Use Application as presented, to include staff review and traffic study be completed. Motion carried.

A Conditional Use Application was presented for 100 & 112 S. Sandstone Avenue. This was tabled at the October 6, 2022 Planning & Zoning Commission meeting to allow the applicant time to present further discussion. Applicant is requesting to add a third driveway on the property to be located at 100 & 112 S. Sandstone Avenue. Applicant Dusten Hendrickson, 1139 Indian Hills Road, Brookings, SD was present for discussion. Applicant withdrew the application. No further action required.

A Re-Zoning Application was presented for 1024 N. Splitrock Blvd. This was tabled at the October 6, 2022 Planning & Zoning Commission meeting. Darrel Viereck, developer, was present for discussion. Applicant is requesting to re-zone an additional portion of the current NRC-Natural Resource Conservation District to GB-General Business District. Commissioner Heidbrink moved Commissioner Nichols seconded to approve the Re-Zone Application as presented and made recommendation to City Council for approval. Motion carried.

A Home Occupation Permit Application was presented for 1506 S. Parkview Blvd. Applicant Matthew Sachen, 1506 S. Parkview Blvd., was present for discussion. Matthew is requesting to open a basic mechanic repair for vehicles business out of his garage. Hours of operation would

be Thursday - Friday 6pm-8:30pm Dean Simon, 1600 S. Locust Avenue, was present for discussion. Dean wanted to confirm that it would be just one vehicle at a time. Lori Furness, 409 W. Ironwood Street, was present for discussion. Lori has concerns with the property owners dogs barking, signage, air compressors running, will cars & parts pile up on the property? Matthew addressed the barking dogs, will be using an air compressor some along with electric tools and no cars or parts will be stored outside. Joann Linn, 1504 S. Locust Avenue, was present for discussion. Joann asked where the proposed parking space will be located and concerns with dogs barking. Matthew has a 3-stall garage and parking in the driveway. Commissioner Nichols moved Commissioner Parsons seconded to approve the Home Occupation Permit Application as presented, with the following conditions: no driveway work, no outside storage of parts, no outside storage of customers autos/trucks for over 6 hours, hours of operation 4:00pm-9:30pm Thursday-Friday and 9:00am-5:00pm Saturday. Motion carried.

A Re-Zoning Application was presented for 1604, 1612 & 1620 E. Redwood Blvd. Applicant Dusten Hendrickson, 1139 Indian Hills Road, Brookings, SD was present for discussion. Dusten is requesting to re-zone this property R-3, High Density Residential for development of approximately 200 multi-family units. The City is unable to provide sanitary sewer services to this property, lift station will be required by the developers. A Conditional Use Application will be required for anything over 36 dwelling units, per City Ordinance. Charlie Bigelow, 608 N. Oak Ridge Road, was present for discussion. Charlie had concerns with increased traffic in the area with the potential of 300+ additional residents. Commissioner Parsons moved Commissioner Heidbrink seconded to approve the Re-Zoning Application as presented and made recommendation to City Council for approval. Motion carried.

Discussion held on the proposed Neighborhood Business District. Patrick Andrews, Development Director, presented a draft ordinance. Discussion held on maximum building size, outdoor sales/displays, setbacks, signage; development standards dealing with lighting, mechanical equipment and loading areas. Further discussion held on not allowing accessory buildings in this district. Maximum building footprint size of 10,000 square feet. Lee Schelling, 204 W. Elm Circle, was present for discussion. An updated draft will be presented at the next regular meeting.

Discussion held on "Lot" definitions as it relates to the required rear yard on a corner lot. It was the consensus of the Commission to leave the Ordinance as is. No further action was taken.

At 8:37 p.m. having no further business, Commissioner Thiele moved Commissioner Nichols seconded to adjourn the Planning & Zoning Commission meeting. Motion carried.

Respectfully Submitted,

Melissa Labahn
Recording Clerk

Patrick Andrews
Development Director

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE TO INCLUDE REGULATIONS REGARDING THE USE OF PRIVATE WASTEWATER SYSTEMS WITHIN THE CITY BY AMENDING CHAPTER 15-14-15, ADDITIONAL USE REGULATIONS, HOLDING TANKS IN LIEU OF SANITARY SEWER SYSTEMS.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1: That Chapter 15-14-15 of the Brandon Zoning Ordinance is hereby amended in its entirety to read as follows:

15-14-15 PRIVATE WASTEWATER SYSTEMS IN LIEU OF SANITARY SEWER SYSTEMS

- A. Intent. Private wastewater systems may be used on any lot within a residential zoning district not served by the municipal sanitary sewer system under the terms and requirements established herein.
- B. Applicability. Private wastewater systems shall be allowed within the City as follows:
 - 1. If the lot is less than twenty thousand (20,000) square feet in surface area and the public sewer is either not within two hundred (200) feet of the property line or is not reasonably accessible as determined by the City Engineer, a holding tank may be installed that complies with Chapter 15-14-15(E).
 - 2. Lots greater than or equal to twenty thousand (20,000) square feet in surface area where the public sewer is either not within two hundred (200) feet of the property line or not reasonably accessible as determined by the City Engineer, may either install a holding tank in compliance with Chapter 15-14-15(E) or a septic system in compliance with Chapter 15-14-15(F).
- C. Applicable Law. Unless otherwise specified herein, all private wastewater systems shall comply with all applicable local, state, and federal laws, including but not limited to Chapter 74:53:01 (and any amendments thereto) of the Administrative Rules of South Dakota.

D. General Design and Installation Requirements.

1. Design. All private wastewater systems shall be designed by a professional engineer licensed in the State of South Dakota. A building permit application submitted for such system shall include the signature of the engineer and he or she shall attest that the system meets all local, state, and federal standards.
2. Installation. All private wastewater systems shall be installed by a person or persons certified by the State of South Dakota, if required.

E. Holding Tanks.

1. Standards and Requirements. Holding tanks shall comply with all applicable standards and requirements [in compliance with Chapter 15-14-15\(C\)](#).
2. Initial Inspection. Once installed, the holding tank shall be inspected by either the Code Enforcement Officer or the City Engineer. Prior to utilization on the lot, he or she shall certify that the holding tank is of a type approved, that there are no outlets or connections to any drainfield, dry hole, or other means of distribution on the lot, and that all sources of sewage from the lot are connected directly to the holding tank. It shall be the responsibility of the developer or owner of the lot to request the inspection prior to covering the holding tank or any of its connections. In the event the holding tank or any of its connections are covered prior to the inspection, it shall be the sole responsibility of the developer or owner of the lot to perform such excavations as necessary to allow inspection of the private wastewater system.
3. Maintenance. All holding tanks shall be maintained as follows:
 - a. All holding tanks shall be maintained so as to prevent any seepage or leakage. No drain field or other means of underground distribution shall be installed on the lot.
 - b. All holding tanks shall be pumped, as required by local, federal, and state regulations, only into such trucks or conveyances that will haul the sewage to an appropriate discharge area. It shall be the responsibility of the lot's owner to provide documentation of the pumping to the Code Enforcement Officer or City Engineer within seven (7) days following any pumping of a holding tank. The documentation shall state the location of the holding tank, the name

and contact information for the lot's owner(s), the date of pumping, the amount pumped, and the name and contact information of the person or firm performing the pumping. No discharge of sewage from a holding tank by pumping shall be distributed on any part of the lot.

If the holding tank is not pumped as required, the Code Enforcement Officer or City Engineer shall order the tank to be pumped, and for such purposes may enter upon any such lot as prescribed by law. Any and all expenses incurred by the City resulting from the pumping shall be paid by the owner of the lot, and the City Council may use any legal means to collect such expenses.

- F. Septic Systems. Septic systems shall comply with all applicable standards and requirements [in compliance with Chapter 15-14-15\(C\)](#).
- G. Separation Requirements. All private wastewater systems shall comply with all applicable separation distance [requirements in compliance with Chapter 15-14-15\(C\)](#).
- H. Additional Requirements for Subdivisions Resulting in More Than 3 Lots. No certificate of occupancy shall be issued for any lot within a subdivision of three (3) or more lots utilizing private wastewater systems unless infrastructure meeting current City standards for the public sewer system has been constructed and is available to each lot that will allow for a connection to the public sewer system once it becomes available.
- I. Termination of Use. At such time as the City Engineer determines that the public sewer has become available to a lot served by a private wastewater disposal system and written notice of the determination has been provided to the lot's owner, he or she shall be responsible for connecting any building utilizing the private wastewater system on the lot to the public sewer within sixty (60) calendar days. During this time, all private wastewater systems shall be disconnected from buildings or facilities, pipes plugged, and receptacles dismantled or removed; and any void space in which such receptacles were contained shall be filled with soil. Before filling, receptacle contents shall be pumped out and disposed of in compliance with all applicable local, state, and federal regulations. This deadline may be extended by written authorization of the City Engineer.

Section 2: That Chapter 15-22-2 of the Brandon Zoning Ordinance is hereby amended to include the following definitions:

DRAINFIELD – A shallow, covered, excavation made in unsaturated soil in which pretreated wastewater is discharged from a septic tank through piping onto porous surfaces that allows wastewater to percolate through the soil, ultimately discharging to groundwater.

HOLDING TANK – A watertight, covered receptacle which is designed to receive and store the discharge of residential or commercial wastewater and is accessible for periodic removal of its contents.

SEPTIC SYSTEM – A septic tank and a drainfield.

SEPTIC TANK – A watertight, accessible, covered receptacle which receives residential or commercial wastewater from a building or facility sewer, allows solids to settle from the liquid, provides digestion for organic solids, stores digested solids through a period of retention, and allows clarified liquid to discharge to additional treatment works for final treatment and disposal.

Adopted this _____ day of _____, 2022.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE BY PROVIDING OFF-STREET PARKING REGULATIONS FOR AN INDIVIDUALLY PLATTED LOT SURROUNDED BY COMMONLY OWNED SPACE, BY ADDING CHAPTER 15-14-3(A)(13), ADDITIONAL USE REGULATIONS, OFF-STREET PARKING, GENERAL CONDITIONS.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1: That the Brandon Zoning Ordinance is hereby amended to include Chapter 15-14-3(A)(13) which reads as follows:

13. Parking Location Exception for Individually Platted Lots Surrounded by Commonly Owned Space: Notwithstanding the aforementioned, an individually platted lot's required parking spaces may be located in the commonly owned space so long as all applicable requirements of this Chapter are met and a maintenance agreement for the parking spaces and the access aisles and maneuvering and drive areas thereto signed by all the owners of the commonly owned space is filed with the City.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE BY PROVIDING SIGN REGULATIONS FOR INDIVIDUALLY PLATTED LOTS SURROUNDED BY COMMONLY OWNED SPACE, BY ADDING CHAPTER 15-14-5(H)(9), SIGN REGULATIONS, PERMANENT SIGNS, INDIVIDUALLY PLATTED LOTS SURROUNDED BY COMMONLY OWNED SPACE.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1: That the Brandon Zoning Ordinance is hereby amended to include Chapter 15-14-5(H)(9), which shall read as follows:

9. Individually Platted Lots Surrounded by Commonly Owned Space in the CB, GB, LI, and HI Districts. The above calculations regarding the amount of wall, roof, projecting, and freestanding signage per individually platted lot shall be based on that individual lot's proportional share of the commonly owned space's total lineal feet of street frontage. Additionally, the owner(s) of the individually platted lots shall have an additional **twenty-five (25) square feet of wall, roof, or projecting signage per individually platted lot, up to one hundred (100) square feet total**, that they may collectively utilize by written agreement anywhere on the individually platted lots. The commonly owned space shall not have any signage allotment except that the portion of each individually platted lot's proportional signate allotment not utilized on that lot may be utilized by the commonly owned space as freestanding signage.

Each individually platted lot shall be limited to one (1) freestanding sign. The commonly owned space shall be limited to one (1) freestanding sign per street frontage except such spaces having frontages of two hundred (200) feet or more may erect two (2) freestanding signs utilizing any portion of the signage allotment not utilized by the individually platted lots.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE BY ADDING CHAPTER 15-14-3(C), ADDITIONAL USE REGULATIONS, OFF-STREET PARKING, SHARED PARKING.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1: That the Brandon Zoning Ordinance be amended to include Chapter 15-14-3(C) which shall read as follows:

C. Shared Parking.

1. Intent. Shared parking represents an arrangement in which two (2) or more principal land uses located on the same lot with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their minimum off-street parking requirements.
2. Authorization. All shared parking arrangements require a conditional use permit in conformance with Chapter 15-21.
3. Criteria. In order to approve a conditional use permit for shared parking, the Planning & Zoning Commission shall find, based upon reasonable documentation provided by the applicant, that the arrangement (1) presents no substantial conflict or overlap of the principal operating hours of the uses for which the sharing of parking is proposed and (2) an adequate maintenance agreement exists between the owner(s) of the lot and the owner(s) of the principal land uses, if different, utilizing the shared parking lot.
4. Off-Street Parking Adjustment. A conditional use permit granted by the Planning & Zoning Commission may reduce the combined off-street parking requirements for all of the principal land uses located on the lot to an amount no less than the amount required by the principal land use on the lot that requires the largest number of required off-street parking spaces.
5. Limitation. No arrangement made or permit granted pursuant to this Chapter shall impact any local, state, or federal requirements regarding the minimum standards for parking spaces for disabled or handicapped persons.
6. Termination of Cooperative Parking Arrangement. Any shared parking adjustments approved by the Zoning Administrator shall continue in effect only as long as the maintenance agreement between the owners of the lot and the owners of the principal land uses, if different, utilizing the parking spaces

remains in effect. If the agreement is terminated, then parking shall be provided as otherwise required by this Ordinance.

Adopted this _____ day of _____, 2022.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE BY CLARIFYING DEFINITIONS RELATED TO OFF-STREET PARKING REGULATIONS BY AMENDING CHAPTER 15-22-2, DEFINITIONS, DEFINITIONS.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1: That the following definition in Chapter 15-22-2 of the Brandon Zoning Ordinance is hereby amended to read as follows:

PARKING PAD – An off-street hard surfaced area, enclosed or unenclosed, accessible and available for the parking of one (1) or more motor vehicles, trailers, travel trailers, or recreational motor vehicles, and is directly connected to a driveway, but not a fundamental part thereof. A parking pad must be provided an unobstructed means of access and shall meet the minimum criteria as prescribed by City Ordinance.

Adopted this _____ day of _____, 2022.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE BY AMENDING CHAPTER 15-14-6, ADDITIONAL USE REGULATIONS, FENCE REGULATIONS; AND CHAPTER 15-22-2, DEFINITIONS, DEFINITIONS.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1: That Chapter 15-14-6 of the Brandon Zoning Ordinance is hereby amended in its entirety to read as follows:

15-14-6 FENCE REGULATIONS

Fences may be erected on lots within the City provided they meet or exceed the following requirements:

- A. No barbed wire fence shall be erected or maintained, except in LI or HI Districts. In those districts, all barbed wire must be at least six (6) feet above grade.
- B. Exposed electrical and other abnormally dangerous fences are prohibited within all zoning districts.
- C. No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- D. NRC: Fences may be erected or maintained as follows:
 - 1. Lot Primarily Used as a Residence: A fence erected or maintained in the NRC District on a lot primarily being used as a residence shall meet the requirements of Chapter 15-14-6(E).
 - 2. Lot Not Primarily Used as a Residence: A fence erected or maintained in the NRC District on a lot not primarily being used as a residence shall meet the requirements of Chapter 15-14-6(F).
- E. R-1, R-2, R-3, or R-4: Fences may be erected or maintained, provided that no fence over four (4) feet in height shall be erected or maintained in any front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the front yards; however, fences no more than six (6) feet may be allowed in the second front yard. In no case shall fences exceed a height of six (6) feet.

- F. CB, GB, LI, HI, or IN: Fences not exceeding eight (8) feet in height may be erected or maintained up to the lot's property lines.
- G. No fence shall be erected that violates Chapter 15-14-1. A fence may be allowed in the required sight triangle if the fence is not more than thirty percent (30%) solid.
- H. Within all zoning districts, fences shall be constructed with materials customarily used and manufactured as common fence materials. This shall include ornamental iron, vinyl, masonry, stone, pressure treated wood or wood having a natural resistance to decay, and chain link. All other materials shall secure a conditional use permit from the Planning & Zoning Commission.
- I. Chain link fences for public tennis courts, public basketball courts, public baseball fields, or similar outdoor public recreational uses may be constructed to a maximum height of twenty-four (24) feet provided that the fence is not located within the required setback area.
- J. Fences constructed around or primarily serving a privately owned sport/recreation area shall be a maximum height of twelve (12) feet and shall not be more than ten percent (10%) solid, excluding fabric or mesh wind screens. If the fence is taller than the general height requirements prescribed for fences in the zoning district in which it is located, the fence shall be set back from all property lines a distance equal to one-half (1/2) its height. This set back requirement may be adjusted to an amount expressly authorized by a conditional use permit.
- K. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.
- L. The side of the fence considered being the face (facing as applied to fence post) shall face abutting properties.
- M. Any fence placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at its owner's expense. Fences permitted in a drainage easement shall be either ninety percent (90%) open or at least two (2) inches above grade. No fence is allowed in a drainage easement if the cumulative width of the easement is greater than twenty (20) feet.

Section 2: That the following definition in Chapter 15-22-2 of the Brandon Zoning Ordinance is hereby amended to read as follows:

FENCE – An artificially constructed barrier constructed with materials customarily used and manufactured as common fence materials and erected to enclose or screen areas of land. This shall include ornamental iron, vinyl, masonry, stone, pressure treated wood or wood having a natural resistance to decay, and chain link. Other materials may be allowed pursuant to Chapter 15-14-6(H). For purposes of this Ordinance, a fence shall not be considered an Accessory Structure.

Adopted this _____ day of _____, 2022.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE BY ADDING CHAPTER 15-14-3(D), ADDITIONAL USE REGULATIONS, OFF-STREET PARKING, COOPERATIVE PARKING.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1: That the Brandon Zoning Ordinance be amended to include Chapter 15-14-3(D) which shall read as follows:

D. Cooperative Parking.

1. Intent. Cooperative parking represents an arrangement in which two (2) or more principal commercial land uses provide their required off-street parking in the same parking lot, thereby reducing the number of individual parking lots and the number of curb cuts required to serve such lots. Reduced off-street parking requirements are available as an incentive for providing cooperative parking.
2. Authorization. The Zoning Administrator is authorized to approve an administrative adjustment allowing a reduction in the number of off-street parking spaces when multiple principal commercial land uses provide their off-street parking in the same parking lot. In order to approve an administrative adjustment for cooperative parking, he or she shall find, based upon documentation provided by the applicant(s), that the arrangement (1) meets the location criteria outlined in Chapter 15-14-3(D)(3), and (2) an adequate maintenance agreement exists between the owners of the lot or lots utilizing the cooperative parking lot.
3. Location of Cooperative Parking Facility. Each lot containing a commercial use for which a cooperative parking adjustment is sought shall be located either adjacent to or be within thirty (30) feet of the cooperative parking, measured from the entrance of the commercial use to the nearest parking space within the cooperative parking lot.
4. Amount of Adjustment. The Zoning Administrator is authorized to approve an administrative adjustment as follows:
 - a. Four (4) or More Commercial Uses: A thirty percent (30%) reduction in the total number of required off-street parking spaces for the commercial uses utilizing the parking lot.

- b. Three (3) Commercial Uses: A twenty percent (20%) reduction in the total number of required off-street parking spaces for the commercial uses utilizing the parking lot.
 - c. Two (2) Commercial Uses: A ten percent (10%) reduction in the total number of required off-street parking spaces for the commercial uses utilizing the parking lot.
5. Limitation. No reduction or other arrangement made pursuant to this Chapter shall impact any local, state, or federal requirements regarding the minimum standards for parking spaces for disabled or handicapped persons.
6. Termination of Cooperative Parking Arrangement. Any cooperative parking adjustments approved by the Zoning Administrator shall continue in effect only as long as the maintenance agreement between the owners of the lot or lots utilizing the parking spaces remains in effect. If the agreement is terminated, then parking shall be provided as otherwise required by this Ordinance.

Adopted this _____ day of _____, 2022.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE BY AMENDING CHAPTER 15-11-10, HI: HEAVY INDUSTRIAL DISTRICT, LOT AND YARD REGULATIONS.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1: That Chapter 15-11-10 of the Brandon Zoning Ordinance is hereby amended in its entirety to read as follows:

15-11-10 LOT AND YARD REGULATIONS

The minimum lot area, minimum lot width, setback requirements, and maximum building height within the HI District shall be as follows:

	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
Contractor’s Shop/Storage Yard; Individually Platted Lots	NA	37.5 feet	25 feet, see #2, #3, #5	10 feet, see #4, #5	10 feet, see #4, #5	45 feet, see #1, #3
Contractor’s Shop/Storage Yard; Individually Platted Lots Surrounded by Commonly Owned Space	NA	37.5 feet	25 feet see #2, #3, #5	10 feet, see #4, #5	10 feet, see #4, #5	45 feet, see #1, #3
All Other Uses	NA	75 feet	25 feet see #2 & #3	10 feet see #4	10 feet see #4	45 feet, see #1, #3

All measurements shall be taken from the lot line to the building line (see definition).

Exceptions

- #1. A conditional use permit shall be required for any structure having a maximum height exceeding forty-five (45) feet.
- #2. The front yard setback on lots abutting a public street shall be twenty-five (25) feet. If the lot contains or abuts a private street/mutual access easement,

the front yard setback(s) shall be fifteen (15) feet measured from the edge of the sidewalk easement that is closest to the structure.

- #3. If any structure on the lot exceeds thirty (30) feet in height, a front yard setback of fifty (50) feet from a public street or forty (40) feet from the edge of the mutual access easement if the lot contains or abuts a private street/mutual access easement shall be required.
- #4. The side yard and/or a rear yard of twenty-five (25) feet shall be required where the corresponding part of a lot is adjacent to or abuts a residential district.
- #5. Zero lot line option: A contractor's shop/storage yard held in common ownership and located on a single lot shall observe the standard side setback rules prescribed above.
 - 1. Exception: The lot may be subdivided into separate lots upon which individual contractor's shops/storage yards are located if the lots to be created through the subdivision process are individually platted. In such event, the side yard setback of a building's party wall shall be zero (0) feet.
 - 2. Exception: The lot may be subdivided into separate lots upon which individual contractor's shops/storage yards are located if the lots to be created through the subdivision process are individually platted. If the lots are platted in such a way that the individually platted lots are surrounded by a commonly owned space, the setbacks for the individually platted lots shall be as follows:
 - a. Front Yard Setback: Zero (0) feet.
 - b. Rear Yard Setback: Zero (0) feet.
 - c. Side Yard Setback: Zero (0) feet.

The commonly owned space surrounding the individually platted lots shall meet all applicable requirements found in the Lot and Yard Regulations table above.

If this exception is utilized, each individually platted lot's required parking spaces may be located within the commonly owned space in compliance with Chapter 15-14-3. If the lots are replatted to eliminate the commonly owned space, each lot shall be required to meet all applicable requirements of Chapter 15-14-3.

- #6. See also Adjustment to Yard Regulations (Chapter 15-15) and Non-Conforming Uses and Non-Standard Lots (Chapter 15-16) for other specific exceptions.

Adopted this _____ day of _____, 2022.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE TO INCLUDE REGULATIONS ESTABLISHING A NB: NEIGHBORHOOD BUSINESS DISTRICT.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1. That the numbering of every Chapter of the Brandon Zoning Ordinance be hereby sequentially renumbered beginning with Chapter 15-9 as follows:

Current Chapter	Renumbered Chapter
Chapter 15-9 – GB: General Business District	Chapter 15-10
Chapter 15-10 – LI: Light Industrial District	Chapter 15-11
Chapter 15-11 – HI: Heavy Industrial District	Chapter 15-12
Chapter 15-12 – IN: Institutional District	Chapter 15-13
Chapter 15-13 – PD: Planned Development District	Chapter 15-14
Chapter 15-14 – Additional Use Regulations	Chapter 15-15
Chapter 15-15 – Adjustments to Yard Regulations	Chapter 15-16
Chapter 15-16 – Non-Conforming Uses and Non-Standard Lots	Chapter 15-17
Chapter 15-17 – Administration and Enforcement	Chapter 15-18
Chapter 15-18 – Building Permits and Fees	Chapter 15-19
Chapter 15-19 – Board of Adjustment	Chapter 15-20
Chapter 15-20 – Amendments and Change of Zone	Chapter 15-21
Chapter 15-21 – Conditional Use Permits	Chapter 15-22
Chapter 15-22 – Definitions	Chapter 15-23

The purpose and intent of Section 1 of this Ordinance is to leave Chapter 15-9 as a vacant placeholder for the adoption of Section 6 of this Ordinance.

Section 2. That the numbering of every Chapter, Subchapter, and internal citation referenced within the Brandon Zoning Ordinance be renumbered to reflect the renumbering pattern adopted as part of Section 1 of this Ordinance.

Section 3. That Chapter 15-2-1(D) of the Brandon Zoning Ordinance is hereby amended to read as follows:

- D. One (1) or more principal Permitted or Conditional Uses are allowed per lot in the CB, NB, GB, LI, HI, and IN Districts so long as each principal building meets the zoning district’s minimum setback requirements. Accessory buildings, structures, and land uses are allowed in conformance with Chapter 15-15-2.

Section 4. That Chapter 15-2-2 of the Brandon Zoning Ordinance is hereby amended to read as follows:

15-2-2

DISTRICTS DESIGNATED

The City is hereby divided into the following districts:

- NRC Natural Resource Conservation
- R-1 Residential – Low Density
- R-2 Residential – Medium Density
- R-3 Residential – High Density
- R-4 Residential – Manufactured Housing
- CB Central Business
- NB Neighborhood Business
- GB General Business
- LI Light Industrial
- HI Heavy Industrial
- IN Institutional
- PD Planned Development

Section 5. That the “See Adjustment to Yard Regulations (Chapter 15-15) and Non-Conforming Uses and Non-Standard Lots (Chapter 15-16) for specific exceptions.” Language in Chapters 15-3-11, 15-4-11, 15-5-11, 15-6-11, 15-7-11, 15-8-10, 15-9-10, 15-10-10, 15-11-10, 15-12-10, and 15-13-10 shall be amended to read, “See Adjustment to Yard Regulations (Chapter 15-16) and Non-Conforming Uses and Non-Standard Lots (Chapter 15-17) for specific exceptions.”

Section 6. That Section 15-9 of the Brandon Zoning Ordinance is hereby amended to read as follows:

CHAPTER 15-9

NB: NEIGHBORHOOD BUSINESS DISTRICT

15-9-1

PURPOSE

This district is intended to provide for neighborhood local retail and service uses that meet the daily shopping needs of the surrounding residential properties, while simultaneously ensuring that the negative impacts of such businesses are minimized to maintain the sustained desirability of the residential environment. It is anticipated, but not required, that this district be utilized along local and collector streets, rather than arterial streets.

15-9-2

PERMITTED USES

Lots in the NB District may be used for one (1) or more of the following principal land uses:

<u>Permitted Use</u>	<u>Applicable Standards</u>
Antique Store	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Appliance Store	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Art Gallery	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Artist Studio/Artisan Production Shop	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Bakery	Products shall be sold exclusively on the premises. Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Bank	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Barber Shop/Beauty Salon	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Bookstore	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Confectionery	Products shall be sold exclusively on the premises. Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Convenience Store	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. No fuel sales shall occur on the premises. All relevant standards within Chapter 15-15 shall apply.
Day Care Center	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Drug Store	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.

Exercise/Fitness Establishment	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Floral Shop	No plants or other vegetation for sale to the public may be grown on the premises. Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Grocery/Delicatessen (Limited Food Sales)	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
House of Worship	All relevant standards within Chapter 15-15 shall apply.
Library	All relevant standards within Chapter 15-15 shall apply.
Medical/Dental Clinic	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Neighborhood Utility Facility	All relevant standards within Chapter 15-15 shall apply.
Office	No products shall be sold on the premises. The commercial use of the shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Owner Occupied Dwelling Unit (First Story/Ground Floor)	Dwelling unit shall occupy the lesser of one thousand-five hundred (1,500) square feet or fifty percent (50%) of the building's footprint. This dwelling may only be utilized in a building actively being used as a lawful business. All relevant standards within Chapter 15-15 shall apply.
Owner Occupied Dwelling Unit (Non-First Story/Ground Floor)	Dwelling unit may occupy up to one hundred percent (100%) of the non-first story space. This dwelling may only be utilized in a building actively being used as a lawful business. Only portions of the commercial use of the lot that are not accessible to the general public may occur on the non-first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Public Park	All relevant standards within Chapter 15-15 shall apply.
Restaurant	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Tattoo Parlor/Body Piercing Studio	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.

15-9-3

CONDITIONAL USES

One (1) or more of the following principal land uses may be allowed per lot after review and approval of a conditional use permit by the Planning & Zoning Commission:

<u>Conditional Use</u>	<u>Applicable Standards</u>
Any Permitted Use occupying a building with a footprint larger than 12,000 square feet	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Any Outdoor Sales, Displays, Seating Areas, or Storage in Conjunction with a Principal Land Use	All relevant standards within Chapter 15-15 shall apply.
Day Care Center	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Drive-up window(s) for a Permitted Use	All relevant standards within Chapter 15-15 shall apply.
Electrical Substation	An opaque screen, six (6) feet in height shall be located at all setback lines. All relevant standards within Chapter 15-15 shall apply.
Laundry Service	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.
Public Utility Facility	All relevant standards within Chapter 15-15 shall apply.
Veterinary Services, Small Animal	Portions of the commercial use of the lot accessible to the general public shall occur only on the first story/ground floor of the building. All relevant standards within Chapter 15-15 shall apply.

15-9-4

PROHIBITED PRINCIPAL BUILDINGS AND LAND USES

Unless authorized pursuant to Chapter 15-2-1(A)(1)(a), all other buildings and land uses that are not specifically listed above as either a Permitted or Conditional Use shall be prohibited in the NB District.

15-9-5

ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Accessory buildings, structures, and land uses permitted within the NB District shall be regulated in conformance with the provisions of Chapter 15-15-2.

15-9-6

FENCE REGULATIONS

Fences within the NB District shall be regulated in conformance with the provisions of Chapter 15-15-6.

15-9-7

ACCESSORY WIND ENERGY CONVERSION SYSTEMS

Accessory wind energy conversion systems within the NB District shall be regulated in conformance with the provisions of Chapter 15-15-14.

15-9-8

OFF-STREET PARKING REGULATIONS

Off-street parking within the NB District shall be regulated in conformance with the provisions of Chapter 15-15-3.

15-9-9

SIGN REGULATIONS

Signs within the NB District shall be regulated in conformance with the provisions of Chapter 15-15-5.

15-9-10

ADDITIONAL DEVELOPMENT STANDARDS

Development in the NB District shall meet the following additional standards:

1. Lighting for parking lots and pedestrian pathways shall be directed downward and inward. Other techniques approved by the Authorized Official may also be used to minimize impacts to abutting and adjacent residential properties.
2. All exterior mechanical or electrical equipment attached to a building or on the ground around the perimeter of a building shall be fully screened from view from abutting and adjacent properties at ground level using landscaping, fencing, walls, or a combination thereof.
3. All off-street loading areas shall not be located in a yard abutting or adjacent to a residential property. ~~If this is not possible, the off-street loading area shall be fully screened from view using landscaping, fencing, walls, or a combination thereof.~~
4. All nonessential commercial exterior lighting shall only continue in operation until 9:00PM or for as long as the business is open or otherwise in active use and shall remain off until either the business reopens or until sunrise the following day.

15-9-11

LOT AND YARD REGULATIONS

The minimum lot area, maximum building footprint, minimum lot width, setback requirements, and maximum building height within the NB District shall be as follows:

	Minimum Lot Area	Maximum Building Footprint	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
All Uses	NA	10,000 15,000 sq ft. or 50% of the lot, whichever is less see #1	60 feet	25 feet see #1, #4 #2, #5	0 feet or 7 feet on nonparty wall side see #2, #4 #3, #5	10 feet see #3, #4 #4, #5	35 feet

All Uses; Individually Platted Lots Surrounded by Commonly Owned Space	NA			25 feet see #1, #4, #6	7 feet See #3, #6	10 feet See #4, #6	35 feet
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All measurements shall be taken from the lot line to the building line (see definitions).

Exceptions

~~#1 — Any building with a footprint larger than twelve thousand (12,000) square feet shall require a Conditional Use Permit. Only a building occupied by one (1) principal business may be granted a Conditional Use Permit.~~

#2 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.

#3 A side yard of fifteen (15) feet shall be required where that lot line is adjacent to or abuts a R-1 or R-2 District lot ~~containing a dwelling~~.

#4 A rear yard of twenty (20) feet shall be required where that lot line is adjacent to or abuts a R-1 or R-2 District lot ~~containing a dwelling~~.

#5 Where a NB District lot abuts a lot or lots zoned or developed for residential use, it shall provide screening along its boundary abutting the residential property. Screening shall be installed so as to block or obscure direct vision from the NB lot into the residential lot. It shall consist of the following:

1. An opaque fence or wall not less than ~~five (5)~~ six (6) feet high, but not extending within fifteen (15) feet of any street or driveway; and
2. Earth berms at least four (4) feet in height together with compact evergreen or deciduous hedge and over and understory trees in a buffer strip at least feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees shall be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches in diameter. Coniferous trees shall be at least four (4) feet in height.

#6 **Zero lot line option:** A lot may be subdivided into separate lots upon which individual buildings are located if the lots to be created through the subdivision process are individually platted. If the lots are platted in such a way that the individually platted lots are surrounded by a commonly owned space, the setbacks for the individually platted lots shall be as follows:

1. Front Yard Setback: Zero (0) feet.
2. Rear Yard Setback: Zero (0) feet.
3. Side Yard Setback: Zero (0) feet.

The commonly owned space surrounding the individually platted lots shall meet all applicable requirements found in the Lot and Yard Regulations table above.

If this exception is utilized, each individually platted lot's required parking spaces may be located within the commonly owned space so long as they comply with all location and surfacing requirements of Chapter 15-15-3. If the lots are replatted to eliminate the commonly owned space, each lot shall be required to meet all requirements of Chapter 15-15-3.

#76 See also Adjustment to Yard Regulations (Chapter 15-16) and Non-Conforming Uses and Non-Standard Lots (Chapter 15-17) for other specific exceptions.

Section 7. That Chapter 15-15-2(B)(1) of the Brandon Zoning Ordinance is hereby amended to read as follows:

1. Only one (1) accessory building shall be permitted per lot in the R-1, R-2, R-4, CB, and GB Districts. **No accessory buildings shall be permitted in the NB District.**

~~*Section 8. That Chapter 15-15-2(B)(3) of the Brandon Zoning Ordinance is hereby amended to read as follows:*~~

- ~~3. **R-1, R-2, R-4, CB, NB, and GB: Accessory buildings shall be subordinate to the principal building with regard to size and height but in no event shall an accessory building exceed one thousand (1,000) square feet of floor area and have sidewalls greater than ten (10) feet in height.**~~

~~**Exception: Lots with a lot area of one (1) acre or greater may have an accessory building up to two thousand (2,000) square feet with sidewalls no greater than ten (10) feet in height.**~~

Section 9. That the Brandon Zoning Ordinance is hereby amended to include Chapter 15-15-3(A)(1)(f) which shall read as follows:

- f. **NB:** Parking spaces are allowed, so long as they are not within the setbacks. All parking spaces shall be hard surfaced.

Section 10. That the Brandon Zoning Ordinance is hereby amended to include Chapter 15-15-3(A)(2)(f) which shall read as follows:

- f. NB: Parking spaces are allowed, so long as they are not within the setbacks. All parking spaces shall be hard surfaced.

Section 11. That the Brandon Zoning Ordinance is hereby amended to include Chapter 15-15-3(A)(3)(f) which shall read as follows:

- f. NB: Parking spaces are allowed, so long as they are not within the setbacks. All parking spaces shall be hard surfaced.

Section 12. That Chapter 15-15-3(A)(5) of the Brandon Zoning Ordinance is hereby amended to read as follows:

- 5. CB, NB, GB, and LI: Off-Street loading areas and the access aisles and maneuvering and drive areas primarily utilized by those loading areas may be located within setbacks only by conditional use and shall be hard surfaced.

Section 13. That the Brandon Zoning Ordinance is hereby amended to include Chapter 15-15-5(H)(9) which shall read as follows:

- 9. NB.
 - a. One (1) wall, roof, or projecting sign may be attached to each frontage side of each principal building. Each frontage sign shall have a maximum area of twenty-five (25) square feet. If a public entrance to the building is not located parallel to or otherwise facing a frontage, such entrance shall be allowed to have one (1) wall, roof, or projecting sign with a maximum area of fifteen (15) square feet.
 - b. No freestanding signs shall be allowed in the NB District.

Section 14. That Chapter 15-15-5(I)(2)(b) of the Brandon Zoning Ordinance is hereby amended to read as follows:

- b. CB, NB, GB, LI, HI, and IN.

1. An unlimited number of temporary signs above and beyond those exempt from requiring a permit in conformance with Chapter 15-15-5(I)(3)(c) shall be allowed per calendar year so long as they do not cumulatively exceed one thousand (1,000) square feet in area. Any such temporary sign requiring a permit shall be allowed for no longer than one hundred-eighty (180) days per calendar year. Any such temporary sign shall be located at least fifteen (15) feet from all property lines.

Section 15. That Chapter 15-15-5(I)(3)(c) of the Brandon Zoning Ordinance is hereby amended to read as follows:

c. CB, NB, GB, LI, HI, and IN.

1. Two (2) wall or freestanding signs shall be allowed per lot up to one-hundred eighty (180) days per calendar year so long as no individual sign exceeds sixty (60) square feet in area. If either or both is a freestanding sign, it cannot be taller than five (5) feet above grade.
2. Two (2) additional wall or freestanding signs shall be allowed per lot for up to thirty (30) consecutive days during a special event so long as no individual sign exceeds thirty (30) square feet in area. If either or both is a freestanding sign, it cannot be taller than five (5) feet above grade.
3. One (1) additional wall or freestanding sign up to forty-five (45) square feet in area shall be allowed per lot during any period of time in which the lot is available for sale, lease, or rent. If it is a freestanding sign, it cannot be taller than five (5) feet above grade.

Section 16. That Chapter 15-15-6(E) of the Brandon Zoning Ordinance is hereby amended to read as follows:

- E. CB, NB, LI, HI, or IN: Fences not exceeding eight (8) feet in height may be erected or maintained up to the lot's property lines.

Section 17. That Chapter 15-15-9(B) of the Brandon Zoning Ordinance is hereby amended to read as follows:

- B. Within the R-3, NB, GB, LI, and HI Districts, one (1) tree per ten thousand (10,000) square feet of lot area, or portion thereof, is required. A minimum of one (1) tree shall be planted within the front yard for each one hundred (100) feet of street frontage, or portion thereof. No more than twenty (25%) of the required trees may be deciduous ornamental, evergreen, or coniferous trees. Each existing tree of at least one and three quarter (1 ¾) inch caliper in size shall count toward the tree requirement.

Section 18. That Chapter 15-15-9(F) of the Brandon Zoning Ordinance is hereby amended to read as follows:

- F. Within the CB, NB, and GB Districts, all service structures including, but not limited to, dumpsters, propane tanks, air conditioning units, and related equipment or elements providing service to a building or site shall be fully screened by landscaping or a fence or wall at least six (6) feet in height.

Section 19. That Chapter 15-15-14(C) of the Brandon Zoning Ordinance is hereby amended to read as follows:

- C. Tower height. In no event shall the height of a wind energy conversion system exceed fifty-five (55) feet in a NRC, R-1, R-2, R-3, R-4, or NB District or one hundred-fifty (150) feet in a CB, GB, LI, HI, or IN District as measured from the ground to the rotor hub.

Section 20. That the Brandon Zoning Ordinance is hereby amended to include Chapter 15-15-16(B) which shall read as follows:

- B. Within the NB District, no outdoor sales, displays, or storage areas may be located on the lot unless authorized by the terms of a Conditional Use Permit.

Section 21. That Chapter 15-22-2 of the Brandon Zoning Ordinance is hereby amended to include the following definitions:

NONESSENTIAL COMMERCIAL EXTERIOR LIGHTING -

Adopted this _____ day of _____, 2022.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE BY AMENDING CHAPTER 15-20-1, AMENDMENTS AND CHANGE OF ZONE, PROCEDURE.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1: That Chapter 15-20-1(B) of the Brandon Zoning Ordinance is hereby amended to read as follows:

- B. The Zoning Administrator shall set the date, time, and place for a Planning & Zoning Commission public hearing. At least ten (10) days prior to the public hearing, the Zoning Administrator shall publish notice of the public hearing once in a legal newspaper of the city and post notice at City Hall. For changes of zone, he or she shall also post at least one notice on the property subject to the change of zone and mail a notice by first class mail to all property owners within 300 feet of the property subject to the change of zone once not less than ten (10) days prior to the public hearing.

Section 2: That Chapter 15-20-1(E) of the Brandon Zoning Ordinance is hereby amended to read as follows:

- E. The Zoning Administrator shall set the date, time, and place for a public hearing. At least ten (10) days prior to the public hearing, the Zoning Administrator shall publish notice of the public hearing once in a legal newspaper of the city and post notice at City Hall. For changes of zone, he or she shall also post at least one notice on the property subject to the change of zone and mail a notice by first class mail to all property owners within 300 feet of the property subject to the change of zone once not less than ten (10) days prior to the public hearing.

Adopted this _____ day of _____, 2022.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

DRAFT

From: [Brian Heidbrink](#)
To: [Melissa Labahn](#); [Patrick Andrews](#); [Tim Jorgenson](#); [Paul Clarke](#)
Subject: P&Z - ordinance conflict
Date: Thursday, October 20, 2022 7:59:03 AM
Attachments: [image001.png](#)
[image002.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image003.png](#)

All

As I was reviewing the agenda for tonight's meeting, I noticed some conflicts/confusion in our current ordinance relative to gas pumps & islands for Motor Vehicle Service Stations.

- CB district indicates gas pumps/islands to be 15' from adjacent properties.
- GB district doesn't have any setback requirement.
- The definition for Motor Vehicle Service Stations indicates a 12' setback for pumps/islands
- The definition for Gasoline Dispensing Stations indicates a 12' setback for pumps/islands

The setback distance for pumps/islands should be the same regardless of a Service Station or a Dispensing Station

Should the setback be 12' or 15'?

Do the setbacks need to be listed in 15-8-2 and 15-9-2 and/or in the definitions?

If we list the setbacks in 15-8-2 and 15-9-2, then we should list them for both Uses

Can we get this added to the next agenda for discussion and/or a proposed ordinance change to make these consistent?

Thanks!

15-8-2**PERMITTED USES**

Lots in the CB District may be used for one (1) or more of the following principal land uses:

<u>Permitted Use</u>	<u>Applicable Standards</u>
Retail Trade or Service	All relevant standards within Chapter 15-14 shall apply.
Office	All relevant standards within Chapter 15-14 shall apply.
Personal Service Establishment	All relevant standards within Chapter 15-14 shall apply.
Hotel/Motel	All relevant standards within Chapter 15-14 shall apply.
Gasoline Dispensing Station	All relevant standards within Chapter 15-14 shall apply.
Mortuary	All relevant standards within Chapter 15-14 shall apply.
Private Club	All relevant standards within Chapter 15-14 shall apply.
House of Worship	All relevant standards within Chapter 15-14 shall apply.
Arcade	All relevant standards within Chapter 15-14 shall apply.
Rooming/Boarding House	Residence must be constructed above the first floor. All relevant standards within Chapter 15-14 shall apply.
Motor Vehicle Service Station	Gasoline pumps and gasoline pump islands shall be located more than fifteen (15) feet from the nearest property line. All relevant standards within Chapter 15-14 shall apply.

15-9-2**PERMITTED USES**

Lots in the GB District may be used for one (1) or more of the following principal land uses:

<u>Permitted Use</u>	<u>Applicable Standards</u>
Retail Trade or Service	All relevant standards within Chapter 15-14 shall apply.
Office	All relevant standards within Chapter 15-14 shall apply.
Personal Service Establishment	All relevant standards within Chapter 15-14 shall apply.
Hotel/Motel	All relevant standards within Chapter 15-14 shall apply.
Gasoline Dispensing Station	All relevant standards within Chapter 15-14 shall apply.
Motor Vehicle Service Station	All relevant standards within Chapter 15-14 shall apply.

MOTOR VEHICLE SERVICE STATION - Any building or lot that provides for the retail sale of gasoline, oil, tires, batteries and accessories for motor vehicles and/or for certain motor vehicle services, including washings, tire changing, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Motor vehicle repair work may be done at a motor vehicle service station provided that no spray paint operations, or body or fender repair is conducted. Gasoline pumps and gasoline pump islands shall be located more than twelve (12) feet from the nearest property line.

building.

GASOLINE DISPENSING STATION - Any building or premises that provides for the retail sale of gasoline or oil. No automobile repair work or sale of auto accessories, or testing may be done. Gasoline pumps and islands shall be located more than twelve (12) feet from the nearest property line.

GENERAL MANUFACTURING - Any manufacturing processes, including light



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ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE BY CLARIFYING REGULATIONS AND DEFINITIONS RELATED TO BUSINESSES INVOLVING THE RETAIL SALE OF GASOLINE AND OTHER MOTOR VEHICLE FUELS BY AMENDING CHAPTER 15-8-2, CB: CENTRAL BUSINESS DISTRICT, PERMITTED USES; CHAPTER 15-9-2, GB: GENERAL BUSINESS DISTRICT, PERMITTED USES; CHAPTER 15-10-2, LI: LIGHT INDUSTRIAL DISTRICT, PERMITTED USES; CHAPTER 15-11-2, HI: HEAVY INDUSTRIAL DISTRICT, PERMITTED USES; AND CHAPTER 15-22-2, DEFINITIONS, DEFINITIONS.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

Section 1: That the following principal uses in Chapter 15-8-2 of the Brandon Zoning Ordinance are hereby amended to read as follows:

Gasoline Dispensing Station	
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Motor Vehicle Service Station	
----------------------------------	--

Section 2: That the following principal uses in Chapter 15-9-2 of the Brandon Zoning Ordinance are hereby amended to read as follows:

Gasoline Dispensing Station	
--------------------------------	--

Motor Vehicle Service Station	
----------------------------------	--

Section 3: That the following principal uses in Chapter 15-10-2 of the Brandon Zoning Ordinance are hereby amended to read as follows:

Motor Vehicle Service Station	
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Section 4: That the duplicate listing of Motor Vehicle Service Station in Chapter 15-10-2 be removed.

Section 5: That the following principal uses in Chapter 15-11-2 of the Brandon Zoning Ordinance are hereby amended to read as follows:

Motor Vehicle Service Station	
----------------------------------	--

Section 6: That the following definitions in Chapter 15-22-2 of the Brandon Zoning Ordinance be hereby amended to read as follows:

GASOLINE DISPENSING STATION -

MOTOR VEHICLE SERVICE STATION –

Adopted this _____ day of _____, 2022.

Mayor

ATTEST:

Finance Officer

Planning & Zoning Public Hearing:
City Council Public Hearing/1st Reading:
City Council 2nd Reading and Adoption:
Publication Date:
Effective Date:

	A	B	C	D	E	F	G	H	I
1	DATE	PERMIT #	PROJECT OWNER	OWNER ADDRESS	PROJECT DESCRIPTION	CONTRACTOR	CONTRACTOR ADDRESS	PROJECT \$	PROJECT ADDRESS
3		October							
4									
5	10/3/2022	20220555	Raven Industries	PO Box 5107; SF, SD 57117	Sign	Pride Neon	3010 W. 10th Street; SF, SD 57104	19000	609 W. Willow Street
6	10/3/2022	20220556	David Wallace	113 N. Pasque Flower Trail	Addition	Owner	Owner	11808	113 N. Pasque Flower Trail
7	10/3/2022	20220557	Cory Powell	1600 W. Legacy Drive	Basement finish	A-Plus Construction		47104	1600 W. Legacy Drive
8	10/3/2022	20220558	Scott Bridges	1000 E. Aspen Blvd.	Reshingle	Premier Systems	5421 W. 41st Street, Ste 201; SF, SD 57106	10899	1000 E. Aspen Blvd.
9	10/3/2022	20220559	Jeffrey Hall	2824 E. Daybreak Circle	Reshingle	Premier Systems	5421 W. 41st Street, Ste 201; SF, SD 57106	18019	2824 E. Daybreak Circle
10	10/3/2022	20220560	Jacqueline Hayes	2205 E. Pebble Beach Lane	Reshingle	Premier Systems	5421 W. 41st Street, Ste 201; SF, SD 57106	25000	2205 E. Pebble Beach Lane
11	10/3/2022	20220561	James Zirpel	206 S. Heritage Road	Reshingle	Premier Systems	5421 W. 41st Street, Ste 201; SF, SD 57106	15437	206 S. Heritage Road
12	10/3/2022	20220562	James Wegehaupt	204 S. Heritage Road	Reshingle	Premier Systems	5421 W. 41st Street, Ste 201; SF, SD 57106	17899	204 S. Heritage Road
13	10/4/2022	20220563	Legend Builders	3220 W. 57th Street #207; SF, SD57108	House/garage	Legend Builders	3220 W. 57th Street #207; SF, SD57108	315207	509 N. Woodland Court
14	10/4/2022	20220564	LND, LLC.	3200 S. Meadow Ave.; SF, SD 57106	Solar panel system	Zinniel Electric Company	107 Fegus Ave.; Morgan, MN 56266	79000	1105 N. Splitrock Blvd.
15	10/5/2022	20220565	Mathew Roy	205 N. Needles Drive	Reshingle	Owner	Owner	4500	205 N. Needles Drive
16	10/7/2022	20220566	Cal Reiser	205 S. Needles Drive	Fence	127 Builders, LLC.	715 N. Six Mile Road; SF, SD 57110	360	205 S. Needles Drive
17	10/7/2022	20220567	Oakland Homes	213 W. Holly Blvd. Suite D; Brandon	House/garage	Oakland Homes	213 W. Holly Blvd. Suite D; Brandon	466504	517 E. Lakeview Drive
18	10/7/2022	20220568	Daniel Boen	609 S. Daly Circle	Reshingle	JP Limited	4415 N. Graduate Ave. Apt 2333; SF, SD57107	12000	609 S. Daly Circle
19	10/7/2022	20220569	Steve Kludt	604 N. Oak Ridge Road	Reside	American Siding Inc.	45633 479th Ave.; Garreton, SD 57030	18000	604 N. Oak Ridge Road
20	10/11/2022	20220570	JMACS Concrete & Co.	710 8th Street SW; LeMars, IA 51031	Dumpster	JMACS Concrete & Co.	710 8th Street SW; LeMars, IA 51031	500	1604 W. Bennett Drive
21	10/11/2022	20220571	Chad Rainford	813 E. Pine Street	Front deck	Owner	Owner	1452	813 E. Pine Street
22	10/12/2022	20220572	Connor Wachter	1704 E. Sylvan Circle	Fence	Owner	Owner	1620	1704 E. Sylvan Circle
23	10/12/2022	20220573	Todd Wasmund	816 S. 7th Avenue	Reshingle	Skyline Co.	12250 S. 82nd Street; Roca, NE 68430	13000	816 S. 7th Avenue
24	10/13/2022	20220574	Alan Hintz	705 S. 7th Avenue	Reshingle	Apple Roofing	4833 N. 32nd Street; Lincoln, NE 68504	12852	705 S. 7th Avenue
25	10/13/2022	20220575	Jodie Godwin	409 E. Cedar Street	Fence	Owner	Owner	3234	409 E. Cedar Street
26	10/18/2022	20220576	Nicole Hansen	1004 S. Nichololas Avenue	Fence	Michaels Fence	3900 N. Potsdam Ave.; SF, SD 57104	3760	1004 S. Nichololas Avenue
27	10/18/2022	20220577	Josh Deblieck	103 N. Country Club Avenue	Reshingle	E&B Construction	5817 W. Essex Drive; SF, SD 57106	26000	103 N. Country Club Avenue
28	10/19/2022	20220578	Sylvia Paulsen	412 E. Meadowlark Circle	Reshingle	Paramount Exteriors	3702 S. Westport Avenue; SF, SD 57106	26758	412 E. Meadowlark Circle
29	10/19/2022	20220579	Gary Fish	1401 S. Parkview Place	Deck	Bartscher, Inc.	48524 263rd Street; Valley Springs, SD	9240	1401 S. Parkview Place
30	10/19/2022	20220580	Gary Haas	500 N. Crestview Drive	Reshingle	Paramount Exteriors	3702 S. Westport Avenue; SF, SD 57106	14850	500 N. Crestview Drive
31	10/19/2022	20220581	Stacy Miron	417 N. Woodland Court	Basement finish	Owner	Owner	36576	417 N. Woodland Court
32	10/19/2022	20220582	Eric Eigenberg	2001 W. River Bend Street	Basement finish	OdeCo, LLC.	PO Box 706; Brandon, SD 57005	48000	2001 W. River Bend Street
33	10/20/2022	20220583	Terry Steele	601 E. Switch Grass Trail	Reshingle	Paramount Exteriors	3702 S. Westport Avenue; SF, SD 57106	18900	601 E. Switch Grass Trail
34	10/20/2022	20220584	Michael Dieren	209 S. Summer Avenue	Reshingle	Paramount Exteriors	3702 S. Westport Avenue; SF, SD 57106	13950	209 S. Summer Avenue
35	10/20/2022	20220585	Richard Johnson	416 N. Westview Drive	Reshingle	Paramount Exteriors	3702 S. Westport Avenue; SF, SD 57106	16200	416 N. Westview Drive
36	10/20/2022	20220586	Scott Wickesham	400 E. Mayberry RFD Street	Reshingle	R.F. Custom Co.	PO Box 515; Crooks, SD 57020	14400	400 E. Mayberry RFD Street
37	10/20/2022	20220587	VanOverschelde Co.	2604 W. Bitterroot St.; SF, SD 57108	House/garage	VanOverschelde Co.	2604 W. Bitterroot St.; SF, SD 57108	297116	1016 S. Tracy Drive
38	10/20/2022	20220588	Matthew Sachen	1506 S. Parkview Blvd.	Fence	Owner	Owner	723	1506 S. Parkview Blvd.
39	10/21/2022	20220589	Berwin DeJager	200 E. Tabor Court	Covered deck	JuraneK Home Improvement	1304 S. Gordon Drive; SF, SD 57110	6144	200 E. Tabor Court
40	10/21/2022	20220590	Dean Pierson	509 N. Oak Ridge Road	Remodel	Owner	Owner	700	509 N. Oak Ridge Road
41	10/21/2022	20220591	Spartan Motors	907 N. 7th Avenue	Remodel	Sunkota Construction	3412 N. Potsdam Avenue; SF, SD 57104	154199	907 N. 7th Avenue
42	10/24/2022	20220592	Kelly Eichelberg	820 E. Magnolia Drive	Reshingle	Major League Construction	3801 S. Kiwanis Ave.; SF, SD 57105	8900	820 E. Magnolia Drive
43	10/24/2022	20220593	Chris VanLaecken	2717 E. Sunflower Street	Reshingle	R.F. Custom Co.	PO Box 515; Crooks, SD 57020	16700	2717 E. Sunflower Street
44	10/25/2022	20220594	Warren Wallin	209 E. Vera Lane	Reshingle	Premier Systems	5421 W. 41st Street, Ste 201; SF, SD 57106	15000	209 E. Vera Lane
45	10/25/2022	20220595	Dean Sikkink	504 N. Morning Rain Avenue	Reshingle	E&B Construction	5817 W. Essex Drive; SF, SD 57106	24000	504 N. Morning Rain Avenue
46	10/25/2022	20220596	Vern Wirtjes	300 E. Tabor Court	Reshingle	Dustin Hoffman Co.	PO Box 89522; SF, SD 57109	22466	300 E. Tabor Court
47	10/25/2022	20220597	Shane Kluever	800 S. 6th Avenue	Reshingle	Skyline Co.	12250 S. 82nd Street; Roca, NE 68430	13562	800 S. 6th Avenue
48	10/25/2022	20220598	Jack Jacobs	812 S. 7th Avenue	Reshingle	Skyline Co.	12250 S. 82nd Street; Roca, NE 68430	11506	812 S. 7th Avenue
49	10/26/2022	20220599	Andrew Lind	204 S. Sunset Drive	Reshingle	Classic Homes	5808 S. Grand Prairie Drive; SF, SD 57108	13900	204 S. Sunset Drive
50	10/27/2022	20220600	Splitrock Apartments	1100 W. Teakwood Street	Reshingle	Paramount Exteriors	3702 S. Westport Avenue; SF, SD 57106	61000	1100 W. Teakwood Street
51	10/27/2022	20220601	David Mikeworth	913 E. Pine Street	Fence	American Fence	47061 Charlotte Court; SF, SD 57108	1395	913 E. Pine Street
52	10/27/2022	20220602	Brian Eichmiller	205 W. Mountain Ash Street	Fence	American Fence	47061 Charlotte Court; SF, SD 57108	1026	205 W. Mountain Ash Street
53									
54									
55							New Homes to Date:		
56									
57							2022 - 46		
58									
59							2021 - 83		