

PLANNING & ZONING COMMISSION AGENDA
SPECIAL MEETING

September 22, 2022
6:00 P.M.

**PLANNING & ZONING
AGENDA**

- 1) Call to Order
- 2) Roll Call/Determination of Quorum
- 3) Approval of Agenda
- 4) Approval of Minutes of the September 15, 2022 regular meeting (pg 3-4)
- 5) Public Comments

DISCUSSION ITEM

- 6) NB: Neighborhood Business District (pg 5-31)

**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
September 22, 2022

MEETINGS:

1) Thursday, October 6, 2022.

Planning & Zoning Commission meeting at 6:30 p.m. in the Council Chambers

Items on agenda:

Re-Zone Application – Brandon 90 Plaza Addition

Conditional Use Applications (2) – 100 & 112 S. Sandstone Avenue

2) Thursday, October 20, 2022.

Planning & Zoning Commission meeting at 6:30 p.m. in the Council Chambers

Items on agenda:

Nothing at this time

**MINUTES
PLANNING & ZONING COMMISSION**

The Brandon Planning & Zoning Commission met in regular session at 6:30 p.m. on September 15, 2022 at the Brandon City Council Chambers.

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

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

Commissioner Nichols moved Commissioner Thiele seconded to approve the minutes of the September 1, 2022 regular meeting. Motion carried.

Robert Dykstra, Brandon Volunteer Fire Department Chief, was present for discussion. Robert has concerns with the proposed side yard setbacks of 5' for the villa homes in the R-2 Zoning District.

Discussion held on allowing septic tanks in the R-1 zoning district under specified criteria. A draft Ordinance was presented. It was the consensus of the Commission to schedule a public hearing.

Discussion held on individually platted lots surrounded by commonly owned space, as it relates to parking requirements and signs. A draft Ordinance was presented. Lee Schelling, 204 W. Elm Circle, was present for discussion. It was the consensus of the Commission to schedule a public hearing.

Discussion held on parking pad definition. A draft Ordinance was presented. It was the consensus of the Commission to schedule a public hearing.

Discussion held on fence definition. A draft Ordinance was presented. It was the consensus of the Commission to schedule a public hearing.

Discussion held on cooperative parking & shared parking. A draft Ordinance was presented. It was the consensus of the Commission to schedule a public hearing.

Discussion held on R-2 amendments for villa homes. A draft Ordinance was presented. Concerns with the proposed 5' side yard setbacks and the ability to fight fires. It was the consensus of the Commission to keep the side yard setbacks at 7'.

Discussion held on a proposed Neighborhood Business District. Mike Traylor, 613 N. Tamarac Avenue, was present for discussion. Mike is opposed to the intention of placing businesses inside a residential area. Riley Walz, 609 N. Tamarac Avenue, was present for discussion. Riley suggested having businesses in this district use the same materials as the residences around it, height restrictions same as a residential district, opposes a gas station. Mike Toates, 500 E. Mayberry RFD Street, was present for discussion. Mike prefers the property located at 600 N. Pasque Flower Trail stay residential. Don DeJager, 504 E. Mayberry RFD Street, was present for discussion. Don prefers the property located at 600 N. Pasque Flower Trail stay residential. Shawna Schipper, 601 N. Tamarac Avenue, was present for discussion. Shawna asked if height restrictions and setback requirements could be placed in this district? TJ Barthamn, 1016 S. Nicholas Avenue, was present for discussion. TJ is one of the developers for the property located at 600 N. Pasque Flower Trail. Don DeJager has concerns with additional traffic and lighting. Commissioner Thiele mentioned the need for updating the Comprehensive Plan. It was the consensus of the Commission to have a work session on this proposed zoning on Thursday, September 22, 2022 at 6:00pm.

Discussion held on HI-Heavy Industrial Districts as it relates to the rear yard setback. It was the consensus of the Commission to make the rear yard setback 10' in the Heavy Industrial District , with the exception to increase to 25' when adjacent to residential. A public hearing will be scheduled to change this back.

At 7:55 p.m. having no further business, Commissioner Nichols moved Commissioner Thiele seconded to adjourn the Planning & Zoning Commission meeting. Motion carried.

Respectfully Submitted,

Melissa Labahn
Recording Clerk

Bryan Read
City Administrator

- (a) *Characteristics.* The purpose of the C-1 neighborhood commercial district is to permit the logical development of land for business which is designed to meet the daily needs of surrounding residential area, to ensure a business environment of sustained desirability, to ensure the suitable development of such business in order to protect the surrounding residential environment, and not to produce a volume of traffic in excess of the design capacities of any access streets.
- (b) *Location.* Neighborhood business districts must be located only within an R-1, R-2, or R-3 residential district.
- (c) *Use provisions.* In the C-1 neighborhood commercial district, no building, structure, or premises shall be used, erected, or altered until or unless the following conditions have been complied with:
 - (1) A plot plan which shall show the location of all present or proposed buildings, sidewalks and other areas to be devoted to pedestrian use, drives, parking lots, loading and unloading areas; the location, dimensions and arrangements of areas to be devoted to planting; and all buildings, streets, alleys, highways, streams and other topographical features of the lot and the area 150 feet beyond any lot line.
 - (2) Any information the commission may require in order to adequately evaluate the effects of use operations in producing excessive traffic congestion, or problems of noise, glare, odor, sewerage, air pollution, water pollution, fire, safety hazards or other factors detrimental to the general welfare of the surrounding areas.
 - (3) Engineering plans for the handling of any problems of the type outlined in subsection (c)(2) of this section, including a designation of sewers and necessary plans for controlling other nuisances as enumerated in subsection (c)(2) of this section.
 - (4) Upon the finding by the commission that the proposed development will constitute a commercial area of sustained desirability and stability, that it will be in harmony with the character of the surrounding neighborhood, and consistent with the overall long range plans for the community, that it will not result in an over intensive use of land, that it will not result in undue traffic congestion or traffic hazards, that the plan indicates that it will be adequately landscaped, buffered, or screened, and otherwise promote the health, safety, and welfare of the community, the commission shall approve, disapprove, or modify the proposed development plan prior to the issuance of a zoning permit.
- (d) *Use conditions.* Uses permitted in the C-1 neighborhood commercial district shall be subject to the following conditions:
 - (1) All business establishments shall be retail or service establishments which deal directly with the customer. All goods produced on the premises shall be sold at retail on the premises

where produced.

- (2) All business, servicing or processing, except for off-street parking, off-street loading, and vehicular service station operation shall be conducted within completely enclosed buildings.
 - (3) Parking, loading, or service areas used by motor vehicles shall be located entirely within the lot lines of the neighborhood commercial district, shall be physically separated from a public street by a suitable barrier against unchanneled motor vehicle access or egress. The roads, driveways, parking areas and walks shall be paved and maintained in good condition with hard surface materials.
 - (4) All access roads to public streets or highways shall be located not less than 30 feet from the intersection of any street right-of-way lines, and shall be designed in a manner conducive to safe ingress and egress.
 - (5) No building or other permanent structure shall be located within 30 feet and no parking lot shall be located within ten feet of any adjacent residential district. No building or other permanent structure shall be located within 35 feet of the street right-of-way. A parking lot shall not be located within ten feet of the right-of-way of any major or collector street.
 - (6) Along each property line which is adjacent to a residential district, the owner may be required to maintain a buffer strip ten feet wide upon which shall be planted a hedge, evergreen, shrubbery or suitable vegetation to provide appropriate screening against noise, glare, fumes, dust, and other harmful effects consistent with the existent vegetation and the permitted use of the adjacent residential property.
 - (7) Because of the possible public health hazard, and in order to obtain adequate fire protection, public water facilities shall be supplied and the proposed facilities must be shown on the proposed development plan.
 - (8) Raw materials and supplies shall be stored within the buildings, and trash, rubbish, and other refuse shall be stored in covered containers and handled and disposed of in such a manner as not to give rise to smoke, odor or litter.
 - (9) To effect the provisions of this chapter, and to carry out the conditions and requirements thereof, the commission may prescribe particular requirements or any further reasonable conditions deemed appropriate with respect to the suitability of any particular proposed neighborhood commercial district.
- (e) *Permitted uses.* In the C-1 neighborhood commercial district, buildings, structures, and land shall be used only for the following purposes:
- (1) Bakery where products are sold exclusively at retail on the premises only.
 - (2) Barbershops and beauty shops.
 - (3) Cafe or coffee shop, excluding drive-in restaurants.

- (4) Candy and ice cream stores.
 - (5) Drugstores.
 - (6) Dry cleaning and laundry pickup stations, processions to be done elsewhere.
 - (7) Food stores and delicatessens, excluding the killing and dressing of any flesh and fowl and any supermarket type of operations.
 - (8) Law, insurance and real estate offices.
 - (9) Clothing and apparel stores, including those doing alterations and tailoring.
 - (10) Laundromats, coin-operated, where laundry equipment is rented for use by the customer.
 - (11) Medical, dental and optical offices or clinics, excluding any type of hospital.
 - (12) Newsstands plus accessory items, such as books, stationery, magazines and tobacco.
 - (13) Service and filling stations, carwashes (not more than four stalls and nonautomated), excluding major repair work.
 - (14) Accessory buildings, structures, or uses subordinate and customarily incidental to and located on the same lot with any of the principal uses stated in this subsection shall be permitted and further providing that, in the case of corner lots, such buildings or structures shall be set back at least 35 feet from any side street right-of-way line. The footprint of such building or structure shall not exceed the footprint of the principal building and shall not exceed 15 percent of the total lot area; shall have an exterior that is aesthetically similar in texture and appearance to and that is compatible with the exterior of the principal structure and shall be located in the rear yard of the property. Any structure with side walls higher than ten feet shall be approved in accordance with section 60-193, pertaining to special exception regulations, by the board of zoning adjustment.
 - (15) Off-street parking facilities for any of the uses listed in this subsection (e) of this section.
 - (16) All properties within 300 feet of an educational institution shall comply with requirements as defined in section 60-196, pertaining to school safe zone.
- (f) *Special exceptions.* The board of zoning adjustment for the city may, by special permit, after a public hearing and subject to such conditions and protective restrictions as set forth in article VII of this chapter, authorize the following special uses:
- (1) Public works and public utility facilities, including, but not limited to, transformer stations, pumping stations, water towers, radio or television transmitter stations and telephone exchanges, but not service or storage yards.
 - (2) Drive-up windows for permitted retail and service establishments.
- (g) *Signs.* All signs must follow article XII of this chapter.

(Code 2011, § 60-56; Ord. No. 1164, § 706, 5-20-1968; Ord. No. 1411, § 12, 3-30-1976; Ord. No. 1597, § 1, 9-1-1981; Ord. No. 1851, 1-9-1990; Ord. No. 97-06-04, 6-10-1997; Ord. No. 98-07-06, 8-4-1998; Ord. No. 02-09-05, § 2, 3-10-2003; Ord. No. 04-02-02, § 6, 3-1-2004; Ord. No. 04-04-01, § 6, 5-3-2004; Ord. No. 06-07-07, 8-1-2006; Ord. No. 19-05-04, § 3, 7-17-2019)

17.08.030 - Neighborhood commercial district.

The Neighborhood Commercial District is established to accommodate a combination of businesses and services with a local market and higher-density housing uses. The district allows for more intense development on high-traffic streets to provide a buffer between busy streets and residential neighborhoods. Commercial uses are primarily locally-oriented, personal service, and office uses. Development of commercial uses on the ground floor with housing located in upper stories is encouraged.

- A. *Use regulations and development standards.* Table 8-3 sets forth the Neighborhood Commercial District use regulations and development standards.

Table 8-3. *Neighborhood Commercial District Use Regulations & Development Standards*

USE REGULATIONS	
<i>Permitted Uses</i>	<i>Conditional Uses</i>
Administrative offices	Accessory dwelling units
Amusement & recreation establishments	Bars
Basic services & utilities	Building material sales
Bed & breakfasts	Crematoriums
Clubs & lodges	Day care centers
Community facilities	Family day care
Duplex residential dwellings	Group family day care
Financial institutions	Group residential dwellings
Home occupations	Hospitals
Medical offices	Hotels

Multi-family residential dwellings	Kennels
Parks & open areas	Non-conforming home occupations
Personal services	Parking lots & garages
Restaurants, without a drive-through	Recreational vehicle parks
Retail sales & services	Religious institutions
Single-family attached residential dwellings	Restaurants, drive-through
Single-family detached residential dwellings	Schools
Veterinary clinics	Self-service storage facilities
	Shopping centers
	Utility substations
	Vehicle sales & rentals
	Vehicle service & repair establishments
	Wineries, breweries & distilleries
	Wireless telecommunication facilities
DEVELOPMENT STANDARDS	
Lot area, minimum (sq ft)	7,000

Lot coverage, maximum (%)	Residential uses must meet applicable open space requirements.	
Lot width, minimum (ft)	50	
Setbacks (ft)	Primary Structure	Accessory Structure
Front	25	35
Side, interior	7 (single-story) <u>12</u> (multi-story)	7 (= or < 90' from front property line) 5 (> 90' from front property line)
Side, corner	15	15
Rear	15	10
Building height (ft)	35	15

(Ord. 7-2015, 2-3-2016; Ord. No. 2-2020, 2-3-2020)

Section 5.12 NC Neighborhood Commercial District

5.12.1 Intent: The Neighborhood District is intended for small scale commercial and office development typically found in or adjacent to commercial and/or neighborhood areas.

5.12.2 Permitted Uses:

The following principal uses are permitted in the NC District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment.
2. Museums, art galleries, and other public or semi-public cultural facilities.
3. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Barber Shop/Salon
 - B. Book store, not including uses defined in Adult Establishment
 - C. Dry cleaning and laundry pickup
 - D. Floral shop
 - E. Gift and curio shop
 - F. Jewelry store
 - G. Studio – Dance/Yoga
 - H. Travel agencies
 - I. Video store, not including uses defined in Adult Establishment
4. Community center
5. Public services
6. Medical offices
7. General offices
8. Educational institutions under the supervision and administration of a public agency

5.12.3 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the NC District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Coffee Kiosks
2. Automated Teller Machines when not within the interior of a primary use
3. Convenience store with limited fuel sales.
4. Churches and temples
5. Childcare center
6. Dog day care
7. Food Sales, limited
8. Public and private higher educational institutions such as trade schools, colleges, and seminaries.
9. Public and private recreation uses such as parks, country clubs, golf courses, lakes, common areas, and swimming pools
10. Multiple Family, provided it adheres to the following:
 - A. All dwelling units shall be on the upper floors
 - B. Parking shall be provided to the rear of the building
 - C. Entrances shall be articulated through the use of architectural detailing, and shall be separate from other uses within the same structure

5.12.4 Permitted Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Landscaping as required by Section 9.03
5. Incidental public safety uses such as emergency sirens

5.12.5 Permitted Temporary Uses

Temporary Uses require a permit from the City of Gretna and shall be valid only for a specific amount of time as indicated on said permit.

1. Temporary structures as needed for sidewalk and other outdoor sales events.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Temporary structure for festivals or commercial events.

5.12.6 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	2,000	-	20	10	10	15	30	60/80
Conditional Uses	2,000	-	20	10	10	15	30	60/80

5.12.7 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
3. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

10-6-1: CONDITIONS OF USE:

A. In order to provide an aesthetically pleasing atmosphere abutting the major streets and highways of the city and to protect property values in this zone, all permitted, conditional and accessory uses in the neighborhood shopping district (NS), central business district (CB), and highway oriented business district (HB) zone shall be subject to the following conditions:

1. Prior to issuance of a commercial (nonresidential) building permit, the owner shall submit to the building official a drawing or drawings showing the exterior views of the building, its position upon the property, location and sizes of parking areas, plans for ingress and egress from the property onto the street, proposed elevations and drainage plans for the building and property and proposed landscaping. The applicant's plans shall demonstrate compatibility with the existing structures and applicable design standards. (Ord. 2408, 10-1-2012)

2. The building official shall transmit these plans and drawings to the planning commission. The planning commission shall review and approve or disapprove the proposed plan. If disapproved, the planning commission shall inform the owner or applicant of the revisions necessary for approval. The owner or applicant may resubmit the plan for review upon making the required changes, and the planning commission shall then review and approve or disapprove the revised plan at its next meeting. (Ord. 2408, 10-1-2012; amd. Ord. 2512, 4-6-2015)

3. Upon approval of the proposed plans, the building permit may be issued, and the owner shall construct and improve the property in accordance with the approved plans. Any changes which the owner desires to make after initial approval shall be submitted to the commission for its review and shall be subject to approval by the commission. (Ord. 2408, 10-1-2012)

4. For the purpose of this section, upon the delivery to the planning commission of the documents required by subsection A1 of this section, the planning commission shall set a meeting to review the documents within five (5) business days. A quorum is needed for the review of these documents. Of those who attend, a simple majority may approve or disapprove the plans or make recommendations for change. Any additional hearings required for further review shall be scheduled within five (5) business days, unless the time frame is waived by the applicant. (Ord. 2408, 10-1-2012; amd. Ord. 2512, 4-6-2015)

ARTICLE A. NS NEIGHBORHOOD SHOPPING DISTRICT

SECTION:

10-6A-1: Intent

10-6A-2: Permitted Uses

10-6A-3: Conditional Uses

10-6A-4: Accessory Uses

10-6A-5: Density, Area And Height Regulations

10-6A-1: INTENT:

To establish areas or business facilities that transition with close proximity to residential areas, while minimizing any undesirable impact of such uses in the neighborhood which they serve. (Ord. 2408, 10-1-2012)

10-6A-2: PERMITTED USES:

Alcohol sales, off-sale.

Assembly hall.

Assisted living.

Bakery.

Bed and breakfast.

Boarding house.

Boarding school.

Business service.

Childcare, preschool, nursery.

Coffeehouse.

Community garden.

Community residence.

Congregate care.

Convenience store.

Educational institution.

Electric vehicle charging stations (restricted, public and rapid charging).

Financial institutions.

Funeral home, mortuary.

Grocery store.

Historic site.

Hospice residential facility.

Lodging house.

Manufactured home community.

Multi-family dwellings.

Nursing home.

Office professional building.

Open space.

Parking facility.

Parks and playgrounds.

Personal health services.

Personal service facility.

Private club.

Public service.

Recreational indoor facility.

Religious institution.

Residential care.

Retail services and trade (footprint of principal structure 5,000 square feet or less).

Roadside stand.

Student housing (off campus).

Supportive living.

Temporary or emergency shelter. (Ord. 2408, 10-1-2012; amd. Ord. 2454, 11-4-2013; Ord. 2512, 4-6-2015)

10-6A-3: CONDITIONAL USES:

Automotive detailing shop.

Automotive repair.

Car wash, self-service.

Fuel dispensing station.

Fuel service station.

Outside storage.

Self-service storage facility if located along a collector or arterial public right of way. (Ord. 2408, 10-1-2012; amd. Ord. 2512, 4-6-2015)

10-6A-4: ACCESSORY USES:

Accessory buildings/uses.

Residential dwelling if accessory to the commercial activity and the residence of the proprietor. (Ord. 2408, 10-1-2012)

10-6A-5: DENSITY, AREA AND HEIGHT REGULATIONS:

Neighborhood Shopping District NS	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Side Yard Corner Lot	Maximum Zoning Lot Coverage ¹	Maximum Height

	6,000 sq. ft.	60'	30'	20'	3'	20'	70%	2 ¹ / ₂ stories or 35'
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Note:

1. Structures may cover all of the zoning lot, except for required yards and parking and loading spaces and applicable landscaping requirements set forth in this code.

A. Accessory Buildings:

1. An accessory building shall not be permitted in any required front yard and no separate accessory building shall be erected within three feet (3') of any principal building's line.

2. Accessory buildings shall be at least three feet (3') from zoning lot lines of adjoining lots, footage to be measured from the overhang building line.

3. On a corner lot they shall conform to the setback requirements on the side street, except in the case of an accessory structure door parallel to the alley, the minimum yard requirement setback shall not be less than sixteen feet (16'). (Ord. 2408, 10-1-2012)

- 17.20.010 General description.
- 17.20.020 Uses permitted.
- 17.20.030 Conditional uses.
- 17.20.040 Temporary uses.
- 17.20.050 Area regulations.
- 17.20.060 Height regulations.
- 17.20.070 Off-street parking.
- 17.20.080 Screening requirements.
- 17.20.090 Landscaping.
- 17.20.100 Flood fringe building district.

17.20.010 General description.

This district is established to provide areas in which the principal use of land is devoted to the neighborhood store or group of stores serving the population of the immediate area.

(Prior code Appendix A, Art. IV (§ 9 (A)))

17.20.020 Uses permitted.

Property and buildings in an NC neighborhood commercial district shall be used only for the following purposes:

1. Living and/or sleeping quarters shall be permitted only when constructed above the ground floor. No living and/or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot to the rear of any other building;
2. Food markets including specialty foods such as:
 - a. Bakery goods;
 - b. Delicatessen goods; and
 - c. Meat market.
3. Drugstores or fountains including:
 - a. Book and reading matter;
 - b. Stationery;
 - c. Tobacco;
 - d. Vanity goods; and
 - e. Pharmacy.
4. Bakeries whose products are sold only at retail and on the premises;
5. Banks;
6. Barbershops and/or beauty shops;
7. Cleaning and pressing collection stations;
8. Gift shops;
9. Self-service laundries;
10. Service or filling stations;
11. Shoe repair and shoeshine services;
12. Professional and business offices;
13. Beer sales for consumption off the premises;
14. Nameplate and sign, as regulated in §§ 17.50.080 through 17.50.100;

15. Accessory buildings and uses customarily incidental to the preceding uses;
16. Hardware or home improvement retail establishments, provided all storage is within the enclosed retail structure;
17. Rental of video cassette equipment and tapes;
18. Other temporary retail business or structure as defined in §17.50.230H; and
19. Dental clinics and medical clinics as defined in §17.04.480B.

(Ord. 5869, 2012: Ord. 5679, 2010: Ord. 3518 (part), 1999: prior code Appendix A, Art. IV (§ 9 (B)))

17.20.030 Conditional uses.

- A. New, used and rental car sales:
 1. All such facilities shall be paved; and
 2. Such facilities shall in no way be exempted from any of the requirements of this zoning district, including but not limited to, screening, landscaping and signage requirements.
- B. Child care centers;
- C. Liquor sales for consumption off the premises; however, if denied, no further application shall be made for the same property within 12 months;
- D. Planned commercial developments as regulated in §§ 17.50.050 through 17.50.100;
- E. Planned unit developments as regulated in §§ 17.50.050 through 17.50.100;
- F. Establishments which prepare food for take-out by customers and/or for delivery. This shall not include drive-in restaurants. Food consumption on the premises shall be permitted, provided that the customer eating areas do not exceed 749 square feet. Such establishments shall be designed to serve primarily the population of the immediate area;
- G. Recreation establishments, including electronic video game arcades and poolrooms, which would intend to serve primarily juvenile and young adult customers;
- H. Drop-off centers for household recyclables; such centers do not involve processing;
- I. Other uses which meet the intent of the district as determined by the Planning Commission. A site plan shall be submitted and approved by the Planning Commission, which includes the following, as applicable:
 1. Type of use proposed;
 2. Parking and circulation plan;
 3. Landscaping plan;
 4. Screening plan; and
 5. Other information which the Planning Commission may deem necessary to make a determination.
- J. Off-premises signs in accordance with §§ 17.50.080 through 17.50.100 and the requirements of § 17.50.090;
- K. Microcell wireless communications facilities on poles as defined in §17.50.400B; and
- L. Antique stores - retail sale of antique furniture, artwork, and collectible merchandise to the general public with no outside display or storage.

(Ord. 5372, 2008: Ord. 5097 (part), 2005: Ord. 3760 (part), 2001: Ord. 3518 (part), 1999: Ord. 3098, 1994: Ord. 3004 (part), 1993: Ord. 2899 (part), 1991: prior code Appendix A, Art. IV (§ 9 (J)))

17.20.040 Temporary uses.

- A. The Common Council shall have discretion to issue temporary use permits for a period not to exceed 1 year to allow a use permitted in light industrial zoning districts provided the Council finds that the following criteria are met:
 1. The structure for which the temporary use permit is to be granted is vacant and is expected to remain vacant if the temporary use permit is not granted;
 2. All area, setback and parking requirements of neighborhood commercial and light industrial zoning districts are met without the granting of a variance;
 3. The proposed use does not produce more noise, dust, odor, vibration, blast or traffic than uses specifically permitted in neighborhood commercial zoning districts; and
 4. The granting of a temporary use permit is in the best interests of the city.
- B. Temporary use permits issued under this section shall not be renewed more than twice.

C. The procedure for granting temporary use permits under this section shall be the same procedure as for authorizing conditional use permits as established under § 17.54.030.

(Ord. 3760 (part), 2001: prior code Appendix A, Art. IV (§ 9 (G)))

17.20.050 Area regulations.

The following requirements shall apply to all uses permitted in this district:

A. *Front yard.* All buildings shall set back from the street right-of-way lines not less than 25 feet.

B. *Side yard.* On the side of a lot adjoining a residential district there shall be a side yard of not less than 25 feet. There shall be a side yard setback from an intersection street of not less than 25 feet. In all other cases, a side yard for a commercial building shall not be required.

C. *Rear yard.* There shall be a rear yard, alley, service court or combination thereof, of not less than 30 feet in depth, and all of the service areas of all buildings shall be completely screened from public view with permanent ornamental screening materials.

D. *Setback from section lines.* Principal and accessory buildings and structures shall be set back no less than 58 feet from any section line. No setback is required from any legally vacated section line; however, if the vacated section line forms a property line, the applicable side, rear or front yard setbacks shall be observed.

E. *Maximum lot coverage.* No building or buildings shall cover more than 30% of the lot area.

(Ord. 3744 (part), 2001: prior code Appendix A, Art. IV (§ 9 (C)))

17.20.060 Height regulations.

No building shall exceed 2½ stories, or 35 feet in height, except as provided in §17.50.260.

(Prior code Appendix A, Art. IV (§ 9 (D)))

17.20.070 Off-street parking.

As regulated in § 17.50.270.

(Prior code Appendix A, Art. N (§ 9 (E)))

17.20.080 Screening requirements.

When a neighborhood commercial zoning district abuts a residential district, an opaque ornamental screening fence not less than 5 nor more than 6 feet in height shall be constructed along the adjoining property lines and shall be maintained in good condition. The screening fence shall consist of an opaque fence not to include chain link fencing with slats. Only a 4-foot high fence may be located in the front yard or side yard abutting a street. No fences shall encroach into sight triangles. The Director may grant an exception to allow the relocation and/or elimination of the screening fence along the property line when there is a conflict due to easements, topography, drainage, floodplain, or other issues.

(Ord. 6299 (part), 2019: Ord. 3872 (part), 2002: prior code Appendix A, Art. IV (§ 9 (H)))

17.20.090 Landscaping.

When a neighborhood commercial district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. Fifty percent of the plant material shall be visible from the residential district whenever possible.

(Prior code Appendix A, Art. IV (§ 9 (I)))

17.20.100 Flood fringe building district.

Any land that is within the flood fringe building district as provided for in Chapter 15.32 of this code must comply with the additional requirements of that district.

(Prior code Appendix A, Art. IV (§ 9 (F)))

Chapter 21.26
C-2 LOCAL COMMERCIAL DISTRICT

Section

- [21.2601 Purpose](#)
- [21.2602 Permitted Uses](#)
- [21.2603 Conditional Uses](#)
- [21.2604 Area and Bulk Requirements](#)

[\(back to Title contents\)](#)

21.2601: PURPOSE

[\(back to Chapter contents\)](#)

1. To provide for neighborhood local retail and service uses that serve the day to day needs of residents in convenient and appropriate locations.
2. To permit development of neighborhood local shopping facilities as designated in the Comprehensive Land Use Plan. (Ord 04-04; Rev 03-26-04)

21.2602: PERMITTED USES

[\(back to Chapter contents\)](#)

1. Neighborhood Retail Establishments.
2. Automobile parking lot.
3. Bank or financial institution.
4. Service Establishments.
5. Public Utilities which serve the resident population. (Ord 04-04; Rev 03-26-04)
6. Office (Building).

21.2603: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Car Wash (automatic or semi-automatic).
2. Service Station – Motor Vehicle.
3. Hotel/Motel.
4. Bar or Tavern.
5. Restaurant.
6. Day Care Facility (Non-residential).
7. Assisted Living Center (Ord 06-31; Add 01-25-07)
8. Clinic, (Ord 06-31; Add 01-25-07)
9. Storage Units. (Individual units must be less than or equal to (≤) six hundred (600) sf)
10. Funerary Service (Ord 08-04; Rev 04-11-08)
11. Other uses which in the opinion of the Board of Adjustment are of the same general character. (Ord 17-02; Rev 03-31-17)

21.2604: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking,"](#) (Ord 04-04; Rev 03-26-04)

Lot(s) of Record: a lot of record is a lot which is part of a subdivision or a certified survey map which has been recorded in the office of the County Register of Deeds; or a parcel of land, the deed to which was recorded in the office of the County Register of Deeds prior to the effective date of the ordinance.

Maintain: to allow any sign to exist or remain, or to repair or refurbish a sign to prevent decay or deterioration.

Manufactured Home: a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.

Marque: any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Message: a communication through written words, symbols, signals, or pictures.

Mining: The excavation of earth materials for the purpose of sale.

Mobile Home: a transportable structure larger than three hundred twenty (320) square feet, designed to be used as a year round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.

Mobile Home Park: any site or tract of land upon which three (3) or more occupied mobile homes are located regardless of the charge or absence of charge for accommodations.

Modular Construction: completely fabricated and (partly) assembled units or elements delivered to be erected on a site to form a whole or part of a structure.

Modular Homes: a modular home shall meet the following regulations:

1. Modular homes shall meet or exceed ICC Codes.
 2. Modular homes will include all off-site construction homes, which may be transported to the site in one or more sections.
- [\(back to Title contents\)](#)
3. Modular homes shall have more than one thousand (1,000) square feet in ranch style an eight hundred fifty (850) square feet split and be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
 4. Modular homes shall have a minimum of a 3/12 roof pitch.
 5. Have vinyl or wood lap siding material of a type customarily used on site-constructed residences.
 6. Have roofing material of a type customarily used on site-constructed residences.

Monument Sign: see Ground Sign.

Mortuaries: a place for the storage of human bodies prior to their burial or cremation. Such use shall be designed and located so that the architectural appearance and traffic generated by the use will not have a detrimental effect on adjacent property values.

Motel/Hotel: a building or group of buildings used primarily for the temporary residence of motorists or travelers.

Motion Sign: any sign which revolves, rotates, or moves in any way by mechanical means.

Nameplate Sign: any sign which includes the name and address of the occupant of the lot or building where the sign is placed and may include a directory listing the name, of occupants.

Neighborhood Retail Establishment: generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.

Nonconforming Use: any building, structure or use of land which does not conform to the regulations of the district or zone in which it is situated.

Non-illuminated Sign: a sign other than an illuminated sign or reflective sign which is visible primarily by means of a natural light source.

Non-residential: property used for anything other than housing/dwelling/habitation. A building that is not lived in, where no one resides.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE TO INCLUDE 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

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>

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>

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 LOT AND YARD REGULATIONS

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

	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
All Other Uses						

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

Exceptions

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

DRAFT

CHAPTER 15-9 GB: GENERAL BUSINESS DISTRICT

15-9-1

PURPOSE

The purpose of this district is to provide a commercial area for those establishments serving the general shopping needs of the trade area, with specific attention to the carrying capacity of roads and streets, and to encourage provision of adequate off-street parking and loading space. It is not the intent of this district to encourage the extension or enlargement of strip commercial areas.

Legislative History:
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

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.
Printing Plant	All relevant standards within Chapter 15-14 shall apply.
Hospital/Clinic	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 parking lots shall be at least eight (8) feet from all residentially zoned or used lots. All relevant standards within Chapter 15-14 shall apply.
Arcade	All relevant standards within Chapter 15-14 shall apply.
Greenhouse/Nursery	All relevant standards within Chapter 15-14 shall apply.
Drive-In Theater	All relevant standards within Chapter 15-14 shall apply.

Car Wash	Five (5) storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the lot. All relevant standards within Chapter 15-14 shall apply.
Motor Vehicle Sales, Display, and Rental	All relevant standards within Chapter 15-14 shall apply.
Farm Store/Feed Store	Subject to only accessory storage of fertilizer or farm chemicals on the lot. All relevant standards within Chapter 15-14 shall apply.
Commercial Recreation Facility	All relevant standards within Chapter 15-14 shall apply.
Off-Sale Alcoholic Beverage Establishment	All relevant standards within Chapter 15-14 shall apply.
Farmer's Market	All relevant standards within Chapter 15-14 shall apply. Subject to Brandon City Ordinances Chapter 6-3.
Neighborhood Utility Facility	All relevant standards within Chapter 15-14 shall apply.

Legislative History:

Ordinance #445, 5/27/09
 Ordinance #531, 5/10/16
 Ordinance #566, 9/25/18
 Ordinance #584, 6/19/19
 Ordinance #626, 5/5/2021

Authority:

SDCL § Ch. 9

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>
Adult Oriented Business	Subject to SDCL 11-12 and Brandon City Ordinances Chapters 8-6 through 8-9. All relevant standards within Chapter 15-14 shall apply.
Electrical Substation	An opaque screen, six (6) feet in height shall be located at all setback lines. All relevant standards within Chapter 15-14 shall apply.
On-Sale Alcoholic Beverage Establishment	All relevant standards within Chapter 15-14 shall apply.
Wireless Communication Facility on Existing Support Structure/Base Station	All relevant standards within Chapter 15-14 shall apply.

Wireless Telecommunications Tower	All relevant standards within Chapter 15-14 shall apply.
Day Care Center	Adequate and safe playground area with fence four (4) feet high. All relevant standards within Chapter 15-14 shall apply.
Veterinarian	No outdoor kenneling of dogs within one thousand (1,000) feet of a residential district. * All relevant standards within Chapter 15-14 shall apply.
Dwellings	Shall be above the first floor. All relevant standards within Chapter 15-14 shall apply.
Bus Passenger Terminal	All relevant standards within Chapter 15-14 shall apply.
Lumberyard	All parts and accessories must be screened from view. All relevant standards within Chapter 15-14 shall apply.
Farm Implement Sales, Display, and Service	All outdoor storage must be screened from view. All relevant standards within Chapter 15-14 shall apply.
Bus/Truck Terminal	All relevant standards within Chapter 15-14 shall apply.
Campground	Lot must contain at least two thousand (2,000) square feet and be supplied with city water and sanitary sewer services; access road on the campground site shall be paved or surfaced in a similar manner to the adjacent public roads, shall be approved by the City, and shall be fourteen (14) feet for one-way and twenty (20) feet for two-way roads. All relevant standards within Chapter 15-14 shall apply.
Commercial Kennel	All relevant standards within Chapter 15-14 shall apply.
Public Utility Facility	All relevant standards within Chapter 15-14 shall apply.
Medical Cannabis Dispensary or Testing Facility	All relevant standards within Chapter 15-14 and requirements of Chapter 17 shall apply.

* measured from the closest point of the outside walls of both structures.

Legislative History:

Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #538, 10/25/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #626, 5/5/21
Ordinance #638, 9/29/21
Ordinance #646, 12/15/21

Authority:

SDCL § Ch. 9

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 GB District.

Legislative History:
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

15-9-5

ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Accessory buildings, structures, and land uses permitted within the GB District shall be regulated in conformance with the provisions of Chapter 15-14-2.

Legislative History:
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-9-6

FENCE REGULATIONS

Fences within the GB District shall be regulated in conformance with the provisions of Chapter 15-14-6.

Legislative History:
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-9-7

ACCESSORY WIND ENERGY CONVERSION SYSTEM

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

Legislative History:
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-9-8

OFF-STREET PARKING REGULATIONS

Off-street parking within the GB District shall be regulated in conformance with the provisions of Chapter 15-14-3.

Legislative History:
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-9-9

SIGN REGULATIONS

Signs within the GB District shall be regulated in conformance with the provisions of Chapter 15-14-5.

Legislative History:
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-9-10

LOT AND YARD REGULATIONS

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

	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
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Stripmall	NA	25 feet	25 feet see #4	7 feet see #1, #2, #5	5 feet see #3	45 feet
Stripmall; Individually Platted Lots Surrounded by Commonly Owned Space	NA	25 feet*	25 feet* see #4, #5	7 feet* see #1, #2, #5	5 feet* see #3, #5	45 feet
All Other Uses	NA	60 feet	25 feet see #4	7 feet see #1, #2	5 feet see #3	45 feet

* These requirements apply to the commonly owned space surrounding the individually platted lots. For setbacks related to the individually platted units located thereon, see Exception #5 below.

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

Exceptions

- #1. The side yard setback(s) shall be increased to twenty (20) feet when the building exceeds thirty-five (35) feet in height.
- #2. A side yard setback of fifteen (15) feet shall be required where a lot is adjacent to or abuts a residential district. A fence, wall, berm, or shrubbery six (6) feet in height and of a character necessary for adequate screening of a GB property from an abutting or adjacent R-1, R-2, R-3, or R-4 property shall be provided.
- #3. A rear yard of twenty (20) feet shall be required where a lot is adjacent to or abuts a residential district. A fence, wall, berm, or shrubbery six (6) feet in height and of a character necessary for adequate screening of a GB property from an abutting or adjacent R-1, R-2, R-3, or R-4 property shall be provided.
- #4. 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.
- #5. Zero lot line option: Stripmalls held in common ownership and located on a single lot shall observe the standard side setback rules prescribed above. However, the lot may be subdivided into separate lots upon which individual retail or trade establishments are located if the lots to be created through the subdivision process are individually platted. In such event, 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.

Stripmalls composed of two (2) or more individually platted lots already utilizing the zero lot line option described above shall not be considered Non-Conforming pursuant to Chapter 15-16.

This exception only applies if the individually platted lots are surrounded by a space commonly owned by the owners of the individually platted lots. The commonly owned space surrounding the individually platted lots shall meet all applicable requirements found in the Lot and Yard Regulations table above.

- #6. See also Adjustment to Yard Regulations (Chapter 15-14) and Non-Conforming Uses and Non-Standard Lots (Chapter 15-15) for other specific exceptions.

Legislative History:

Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #603, 5/6/20
Ordinance #624, 5/5/2021

Authority:

SDCL § Ch. 9

Current Ordinance