

**PLANNING & ZONING COMMISSION AGENDA**

February 16, 2023  
6:30 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 February 2, 2023 regular meeting (pg 3-4)
- 5) Public Comments

**DISCUSSION ITEMS**

- 6) NB – Neighborhood Business District (pg 5-16)
- 7) Off-Street Parking Definitions (pg 17-18)
- 8) Brandon Comprehensive Plan

**ADJOURNMENT OF  
PLANNING & ZONING**

***Board members unable to attend should please contact City Hall in advance for a quorum determination at 605-582-9052.***

*Individuals in need of assistance in attaining access to the meeting, please contact City Hall at 605-582-6515 within 24 hours of the meeting time for special arrangements.*

*Those wanting to address the Planning & Zoning Commission, that do not appear on the agenda, will be heard but limited to five minutes under Public Comments. Because of the twenty four hour public notice requirement, the Planning & Zoning Commission reserves the right to delay any action requested until a future meeting.*

**SUPPLEMENT TO AGENDA**  
February 16, 2023

**MEETINGS:**

- 1) Thursday, March 2, 2023.  
Planning & Zoning Commission meeting at 6:30 p.m. in the Council Chambers

Items on agenda:

Home Occupation Permit Application – 200 W. Holly Blvd.

Public Hearing – NB-Neighborhood Business District

Public Hearing – Off-Street Parking Definitions

- 2) Thursday, March 16, 2023.  
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 February 2, 2023 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 Alderman Tim Jorgenson, 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 Heidbrink seconded to approve the agenda as amended and moved items #1 & #3 from the consent calendar to discussion items. Motion carried.

Commissioner Noem moved Commissioner Heidbrink seconded to approve the consent calendar which contained the following items: a plat of Burkman Industrial Park Addition Lot S in Tract 2 and a plat of McHardy Addition Tracts 6 & 7. Motion carried.

Commissioner Thiele moved Commissioner Nichols seconded to approve the minutes of the January 19, 2023 regular meeting. Motion carried.

Robert Dykstra, Brandon Valley Volunteer Fire Department Fire Chief, was present for discussion. Robert has concerns with the public hearing for the setback changes in the R-2 Medium Density Residential. The fire department has concerns with changing the side yard setback from 7' to 5'.

Discussion held on Non-Conforming Structures/Uses. Garrett Callahan, Ambush Apparel, 1517 W. Holly Blvd. was present for discussion. Garrett wants to enlarge the two structures located at 1309 E. Cedar Street. The current buildings do not meet the required setbacks. It was the consensus of the Commission to allow the expansion, since the new addition would meet the required setbacks.

Discussion held on the plat of Brandon Park Addition Tract C in Block 5. This is land owned by the City of Brandon. Commissioner Heidbrink moved Commissioner Parsons seconded to approve the plat as presented. Motion carried.

Discussion held on the plat of Country Club Heights Addition Tract 1 of Lot 9 and Tract 2 of Lot 10. This is land owned by the City of Brandon. Commissioner Heidbrink moved Commissioner Parsons seconded to approve the plat as presented. Motion carried.

A public hearing was held, as advertised, to consider changes to the Zoning Ordinance as it pertains to Chapter 15-5-11, R-2: Medium Density Residential, Lot & Yard Regulations. This proposed update to the ordinance would change the side yard setbacks from 7' to 5'. Kristi Eggebraaten, VanBuskirk Companies, was present for discussion. Brian Jackson, VanBuskirk

Companies, was present via conference call. Nick VanOverschelde, 2604 W. Bitterroot Street, Sioux Falls, was present for discussion. Commissioner Parsons moved Commissioner Heidbrink seconded to approve the ordinance change as presented and made recommendation to City Council for approval. Motion carried.

A public hearing was held, as advertised, to consider changes to the Zoning Ordinance as it relates to Chapter 15-9-3, GB: General Business, Conditional Uses. This proposed update to the ordinance would allow owner-occupied dwelling units on the first floor by conditional use in the General Business District. Commissioner Parsons moved Commissioner Nichols seconded to approve the ordinance change as presented and made recommendation to City Council for approval. Motion carried.

Preliminary plans were presented for Chestnut Ridge Addition. Nick VanOverschelde, Chestnut Ridge Addition Development, 2604 W. Bitterroot Street, Sioux Falls, was present for discussion. Jarrod Larson, 2000 W. River Bluff Drive, was present for discussion representing the Brandon Valley School District. Commissioner Parsons moved Commissioner Heidbrink seconded to approve the preliminary plans as presented and made recommendation to City Council for approval. Motion carried.

Building permits for January were presented: #20230001 - #20230008. No action required.

At 7:16 p.m. having no further business, Commissioner Parsons moved Commissioner Noem seconded to adjourn the Planning & Zoning Commission meeting. Motion carried.

Respectfully Submitted,

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Melissa Labahn  
Recording Clerk

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Patrick Andrews  
Development Director

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:

<b><u>Permitted Use</u></b>	<b><u>Applicable Standards</u></b>
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.
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.
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 outdoor growing of plants or other vegetation for sale to the public may occur 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	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	Portions of this principal 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.
Library	Portions of this principal 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.
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-three hundred (1,300) 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.
Pharmacy	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 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.
Tailor 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.
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 Outdoor Sales, Displays, or Seating Areas in Conjunction with a Principal Land Use	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.
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.
Off-Sale Alcoholic Beverage Establishment	All relevant standards within Chapter 15-15 shall apply.
On-Sale Alcoholic Beverage Establishment	All relevant standards within Chapter 15-15 shall apply.
Public Utility Facility	All relevant standards within Chapter 15-15 shall apply.
Veterinarian, 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. No outdoor kenneling of dogs within one thousand (1,000) feet of a residential district. * All relevant standards within Chapter 15-15 shall apply.

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

**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. All other lighting shall be directed at the object, feature, or item that it is intended to illuminate. Other techniques approved by the Zoning Administrator 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. Unless the lot is surrounded by lots zoned for residential use, off-street loading areas shall not be located in a yard abutting or adjacent to a residentially zoned lot.
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 maximum building footprint, minimum lot width, setback requirements, and maximum building height within the NB District shall be as follows:

	Maximum Building Footprint	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
All Uses	10,000 sq ft. or 50% of the lot's	60 feet	25 feet	7 feet see #2, #5	10 feet see #3, #5	35 feet

	buildable area, whichever is less		see #1, #4, #5			
	15,000 sq. ft. or 33% of the lot's buildable area, whichever is less	60 feet	25 feet see #1, #4, #5	7 feet see #2, #5	10 feet see #3, #5	35 feet
All Uses; Individually Platted Lots Surrounded by Commonly Owned Space	10,000 sq ft. or 50% of the lot's buildable area, whichever is less see #5	60 feet	25 feet see #1, #4, #5, #6	7 feet see #2, #5, #6	10 feet see #3, #5, #6	35 feet
	15,000 sq. ft. or 33% of the lot's buildable area, whichever is less see #5	60 feet	25 feet see #1, #4, #5, #6	7 feet see #2, #5, #6	10 feet see #3, #5, #6	35 feet

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

### Exceptions

- #1 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.
- #2 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.
- #3 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.
- #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 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. At a minimum, this screening shall consist of an opaque fence or wall not less than six (6) feet high, but not extending within twenty-five (25) feet of any street or driveway.
- #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.

The combined footprint of all the buildings spread across the individually platted lots shall not exceed the maximum building footprint as authorized above. No building may be constructed or located within the commonly owned space.

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.

#7 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 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 9. 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 10. 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 11. 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 12. That the Brandon Zoning Ordinance is hereby amended to include Chapter 15-15-3(A)(13) which shall read as follows:*

- 13. Two (2) or more abutting commercial and/or industrial lots may utilize a parking lot mutual access easement if approved by the City Engineer. In addition to the requirements of Chapter 15-22-1(B) of this Ordinance, the owners of the lots upon which the parking lot mutual access easement is located shall file a maintenance agreement with the City. Upon the expiration, revocation, or termination of the maintenance agreement, the continued use of the parking lot mutual access easement shall constitute a violation of this Ordinance.

*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. One (1) freestanding sign shall be permitted on a lot upon which a street access is located. It shall not exceed one hundred (100) square feet in area and be taller than six (6) feet above grade.

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

- a. NRC, R-1, R-2, R-3, R-4, and NB.
  - 1. One (1) wall or freestanding sign shall be allowed per lot for up to one hundred eighty (180) days per calendar year if it is larger than nine (9) square feet, but equal to or less than thirty-two (32) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.

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

- b. R-3 and NB.
  - 1. Two (2) wall or freestanding signs shall be allowed per lot up to ninety (90) days per calendar year so long as no individual sign exceeds nine (9) square feet in area. If either or both is a freestanding sign, it cannot be taller than four (4) feet above grade.
  - 2. One (1) additional wall or freestanding sign shall be allowed per lot for up to thirty (30) consecutive days during a special event so long as it does not exceed nine (9) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.
  - 3. One (1) additional wall or freestanding sign up to nine (9) 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 four (4) 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. 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 seating areas shall 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:

**BUILDABLE AREA** – That portion of a lot which remains after all setbacks, minimum yard dimensions, and separation distances have been deducted.

**NONESSENTIAL COMMERCIAL EXTERIOR LIGHTING** – Any exterior lighting that is not necessary for the security and safety of the premises or its occupants. This term shall not include lighting associated with any signs permitted by this Ordinance.

**VETERINARIAN** – Any licensed practitioner of veterinary medicine licensed to practice such profession in the state.

**VETERINARIAN, SMALL ANIMAL** – A veterinarian practice limited to the medical and surgical treatment of small animals, being those animals customarily permitted to be kept in a yard or dwelling for company or pleasure by the City, including but not limited to, dogs, cats, pot-bellied pigs, chickens permitted in compliance with Chapter 3-4 of the Brandon Ordinances, gerbils, hamsters, tropical fish, and common house birds. Unless otherwise expressly authorized, a small animal shall not include livestock, poultry, and exotic animals as defined in Chapter 3-1 of the Brandon Ordinances.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

Planning & Zoning Public Hearing:  
City Council Public Hearing/1<sup>st</sup> Reading:  
City Council 2<sup>nd</sup> 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 15-22-2, DEFINITIONS, DEFINITIONS.

BE IT ORDAINED BY THE CITY OF BRANDON, SD:

*Section 1: That Chapter 15-22-2 of the Brandon Zoning Ordinance be amended to the following Definitions:*

ACCESS AISLE – Any connection or other means of providing for the movement of vehicles and/or other means of transportation to or from parking spaces, loading areas, or other features located on a lot intended to be accessed by such vehicle and/or applicable other means of transportation.

MUTUAL ACCESS EASEMENT – Any connection or other means of access allowing neighboring property owners to share access ways between two (2) or more properties.

PARKING LOT MUTUAL ACCESS EASEMENT – Any connection or other means of access for vehicles, pedestrians, and/or other means of transportation between two (2) or more abutting parking lots.

*Section 2: That the following definitions within Chapter 15-22-2 be amended to read as follows:*

DRIVEWAY – A principal access to a lot that exclusively provides for the movement of vehicles to or from the public roadway system or private street/mutual access easement. For purposes of this Ordinance, a driveway shall not be considered an access aisle or maneuvering and drive area for parking spaces, loading areas, or other features on a lot intended to be accessed by a motor vehicle as regulated by Chapter 15-14-3.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

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