BRANDON
ZONING ORDINANCE

Effective 10/05/2022

Prepared by the South Eastern Council of Governments at the direction of the Planning & Zoning Commission and City Council of Brandon, South Dakota

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CHAPTER 15-1
GENERAL PROVISIONS

15-1-1 TITLE AND APPLICATION

These regulations shall be referred to as Brandon Zoning Ordinance, or herein as "this Ordinance".

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

15-1-2 JURISDICTION

The provisions of this ordinance shall apply to all territory within the boundaries of the City of Brandon, South Dakota, as established on the official zoning map of the City of Brandon.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

15-1-3 PURPOSE

This ordinance has been based upon the Brandon Comprehensive Plan adopted and in conformance with Chapter 11-4 and 11-6 of South Dakota Codified Laws. These regulations are designed to carry out the goals, objectives, and policies of the comprehensive plan.

This Ordinance is intended to:

- lessen congestion in the streets;
- secure safety from fire, panic, and other dangers;
- promote public health and general welfare;
- provide adequate light and air;
- prevent overcrowding of land;
- avoid undue concentrations of population; and
- facilitate the adequate provision of transportation, water, sewers, schools, parks and other public necessities.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

15-1-4 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this Ordinance conflict either internally or with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

15-1-5 PRIVATE AGREEMENTS

The City shall not be responsible for monitoring or enforcing private easements, covenants, deed restrictions, or homeowner associations and their documents, although it may inquire as to whether a lot or lots are subject to any of the aforementioned private agreements during the review of any application submitted pursuant to this Ordinance.

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

Authority:
SDCL § Ch. 9

15-1-6 PENALTIES FOR VIOLATION

It is unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure, or to use any land in violation of this Ordinance. Any person, firm, association, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance shall be subject to a fine of five hundred dollars ($500.00). Upon failure of a person to pay the full amount of the fine to the office of the City Finance Officer, and upon conviction of a violation of this Ordinance, the person shall be fined the remaining balance of the five hundred dollar ($500.00) fine plus court costs, which fine shall be collected by the Magistrate Court. The person, firm, association, or corporation also has the right to contest the charges or plead "not guilty" within the time periods dictated by state law or otherwise prescribed within this Ordinance, and have the matter transferred to Magistrate Court. The penalties in this Chapter may be adjusted by resolution of the City Council. Each day such violation continues shall be considered a separate offense.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

15-1-7 SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part other than the part so declared to be unconstitutional or invalid.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

15-1-8 SAVINGS CLAUSE

This Ordinance shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any regulations hereby repealed. Further, it shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may already have accrued or grown out of any regulations repealed.

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

Authority:
SDCL § Ch. 9

15-1-9 REPEAL OF CONFLICTING ORDINANCES

All prior ordinances and/or parts of prior ordinances in conflict with this Ordinance are hereby declared repealed.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

15-1-10 EFFECTIVE DATE

These regulations shall be in full force and effect from and after their passage, approval, publication, and effective date of this Ordinance, as provided for by South Dakota law.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

CHAPTER 15-2
DISTRICTS AND BOUNDARIES

15-2-1 GENERALLY

Unless otherwise provided herein, the following shall apply to all zoning districts:

A. A lot shall be used only:

1. For a principal land use authorized in this Ordinance as either a Permitted or Conditional Use in the zoning district in which it is located or proposed to be located;

a. Exception: The Authorized Official may determine that a proposed principal land use, while not specifically classified within a zoning district as either a Permitted or Conditional Use, is sufficiently similar to another land use so classified that it shall be treated similarly within that district. In reaching such a conclusion, the Zoning Administrator shall first evaluate the nature of the proposed land use including, but not limited to, its potential generation of traffic, congestion, noise, odors, dust, litter, and other effects on the community.

2. In conformance with the lot, yard, and building height requirements; the accessory use, parking, and sign regulations; and any other applicable requirements of the zoning district in which the land use is located or proposed to be located; and

3. In conformance with all federal, state, or local laws as may be applicable.

B. All required permits shall be obtained in conformance with Chapter 15-18 and all other applicable building codes.

C. One (1) principal Permitted or Conditional Use is allowed per lot in the NRC, R-1, R-2, R-3, and R-4 Districts, except lots in the NRC District may contain both a single-family detached dwelling and agricultural uses. Each building shall meet the zoning district's minimum setback requirements. Accessory buildings, structures, and land uses are allowed in conformance with Chapter 15-14-2.

D. One (1) or more principal Permitted or Conditional Uses are allowed per lot in the CB, 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 15-14-2.

E. The density, area, width, and setback requirements are minimum standards for each and every lot existing at the effective date of this Ordinance and for any lot created or annexed into the City after the effective date of this Ordinance.

F. Every building or structure erected, converted, moved, enlarged, reconstructed, or structurally altered after the effective date of this Ordinance shall be on a lot abutting a public street or with access to an approved private drive, and all buildings and structures shall be so located on lots as to provide safe and convenient access for servicing and required off-street parking.

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

Authority:
SDCL § Ch. 9

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
GB	General Business
LI	Light Industrial
HI	Heavy Industrial
IN	Institutional
PD	Planned Development

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-2-3 ADOPTION OF OFFICIAL ZONING MAP

The Official Zoning Map for the City of Brandon, on record with the Zoning Administrator, is hereby adopted by reference and declared to be a part of this Ordinance.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

15-2-4 CHANGES TO OFFICIAL ZONING MAP

Changes to or replacement of the Official Zoning Map shall require amendment of these regulations by ordinance, as provided for in Chapter 15-20-1.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-2-5 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of the districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following platted lot lines or city limits shall be interpreted to follow such platted lot lines or city limits.

B. Boundaries indicated as approximately following railroad lines shall be interpreted to be midway between the main tracks.

C. Boundaries indicated as approximately following the center lines of streets or other rights of way, or streams or other bodies of water, shall be interpreted to

follow such center lines.

D. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment, as established in Chapter 15-19, shall interpret the district boundaries; and

E. Where a district boundary line divides a lot that was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit, by conditional use permit, the extension of the regulations for either portion of the lot into the remaining portion of the lot.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-2-6 ANNEXATIONS

When possible, the City will make every effort to conduct the rezoning of new properties concurrent with the annexation into the City. When it is not possible to conduct the rezone concurrent with the annexation, the properties that hereafter may be annexed into the City shall be automatically assigned the zoning district concurrent with or closest to the existing Minnehaha County zoning classification until such time as the area is rezoned in conformance with this Ordinance.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18

Authority:
SDCL § Ch. 9

CHAPTER 15-3
NRC: NATURAL RESOURCE CONSERVATION DISTRICT

15-3-1 PURPOSE

The purpose of this district is to preserve lands best suited for natural drainage areas, public open space, and agricultural uses from encroachment by incompatible uses. The area also will provide protection from floods and erosion, protect views, preserve natural settings for wildlife habitats, add to the aesthetic quality of the community, and lessen the urban density.

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

Authority:
SDCL § Ch. 9

15-3-2 PERMITTED USES

Lots in the NRC District may be used for one (1) of the following principal land uses except when otherwise permitted below:

Permitted Use	**Applicable Standards**
Agriculture	Agriculture Uses and a Single-Family Detached Dwelling are both permitted to exist on the same lot. All relevant standards within Chapter 15-14 shall apply.
Single-Family Detached Dwelling	Single-Family Detached Dwelling and Agriculture Uses are both permitted to exist on the same lot. Not within identified flood plain area. All relevant standards within Chapter 15-14 shall apply.
Golf Course	All relevant standards within Chapter 15-14 shall apply.
Public Park	All relevant standards within Chapter 15-14 shall apply.
Neighborhood Utility Facility	All relevant standards within Chapter 15-14 shall apply.
Cemetery	Shall be at least two (2) acres in size and shall have an adequate road system within cemetery and not within an identified flood plain area. All relevant standards within Chapter 15-14 shall apply.
Group Home	A Group Home in the NRC District shall house no more than eight (8) handicapped persons as defined herein. Group homes may be subject to additional state and federal requirements. 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
Ordinancee #626, 5/5/2021
Ordinance #662, 10/05/2022

Authority:
SDCL § Ch. 9

15-3-3 CONDITIONAL USES

One (1) 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:

Conditional Use	Applicable Standards
Wireless Communication Facility on an Existing Support Structure/Base Station	Not within identified flood plain area. All relevant standards within Chapter 15-14 shall apply.
Municipally Owned Waste Water Treatment Facility	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.
Public Utility Facility	All relevant standards within Chapter 15-14 shall apply.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #486, 10/18/11
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #626, 5/5/2021

Authority:
SDCL § Ch. 9

15-3-4 PROHIBITED PRINCIPAL BUILDINGS AND LAND USES

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

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

Authority:
SDCL § Ch. 9

15-3-5 ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Accessory buildings, structures, and land uses permitted within the NRC 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

15-3-6 HOME OCCUPATIONS

Home occupations within the NRC District require a Conditional Use permit and shall be regulated in conformance with the provisions of Chapter 15-14-11.

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

Authority:
SDCL § Ch. 9

15-3-7 FENCE REGULATIONS

Fences within the NRC 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

15-3-8 ACCESSORY WIND ENERGY CONVERSION SYSTEMS

Accessory wind energy conversion systems within the NRC 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

15-3-9 OFF-STREET PARKING REGULATIONS

Off-street parking within the NRC 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

15-3-10 SIGN REGULATIONS

Signs within the NRC 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

15-3-11 LOT AND YARD REGULATIONS

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

	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
All Uses	1 acre	150 feet	25 feet	30 feet	30 feet	35 feet

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

Exception

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

Legislative History:
Ordinance #445, 5/27/09

Authority:
SDCL § Ch. 9

Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

CHAPTER 15-4
R-1: LOW DENSITY RESIDENTIAL DISTRICT

15-4-1 PURPOSE

The purpose of this district is to provide for areas of low residential density. This district provides for single-family detached dwellings, single-family attached dwellings and such supportive community facilities as parks, playgrounds, schools, libraries, and houses of worship. It is intended that this district provide protection for those areas existing as or planned for single-family neighborhoods.

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

Authority:
SDCL § Ch. 9

15-4-2 PERMITTED USES

Lots in the R-1 District may be used for one (1) of the following principal land uses:

Permitted Use	**Applicable Standards**
Single-Family Detached Dwelling	The footprint of an attached private garage shall not exceed the footprint of the principal dwelling. If lot contains a Single-Family Detached Dwelling, no other principal building may be present thereon. All relevant standards within Chapter 15-14 shall apply.
House of Worship	One (1) of the principal frontages shall abut upon an arterial or collector street. Where any House of Worship is abutting property zoned or developed for residential use, it shall provide screening along its boundary abutting said the residential property. Screening shall be installed so as to block direct vision. It shall consist of the following: (1) An opaque fence or wall not less than five (5) feet in height, but not extending within fifteen (15) feet of any street or driveway. (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 twenty-four (24) feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees must be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches in diameter. Coniferous trees must be at least four (4) feet in height. All mechanical or electrical equipment located on the roof of a building or on the ground around the perimeter of a building shall be hidden from view at ground level using

	materials and designs that match those used for the building. All relevant standards within Chapter 15-14 shall apply.
Library	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.
School	One (1) of the principal frontages shall abut upon an arterial or collector street. Where any school is abutting 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 direct vision. It shall consist of the following: (1) An opaque fence or wall not less than five (5) 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 twenty-four (24) feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees must be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches in diameter. Coniferous trees must be at least four (4) feet in height. All mechanical or electrical equipment located on the roof of a building or on the ground around the perimeter of a building shall be hidden from view at ground level using materials and designs that match those used for the building. All relevant standards within Chapter 15-14 shall apply.
Public Park	All relevant standards within Chapter 15-14 shall apply.
Neighborhood Utility Facility	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.
Group Home	A Group Home in the R-1 District shall house no more than eight (8) handicapped persons as defined herein. Group homes may be subject to additional state and federal requirements. All relevant standards within Chapter 15-14 shall apply.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #538, 10/25/16

Authority:
SDCL § Ch. 9

Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #662, 10/05/2022

15-4-3 CONDITIONAL USES

One (1) 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:

Permitted Use	**Applicable Standards**
Single-Family Attached Dwelling (up to 2)	This use includes townhomes and duplexes. The footprint of an attached private garage shall not exceed the footprint of the principal dwelling unit. All relevant standards within Chapter 15-14 shall apply.
Group Home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All Single-Family Detached Dwelling standards apply. All relevant standards within Chapter 15-14 shall apply.
Public Utility Facility	All relevant standards within Chapter 15-14 shall apply.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #486, 10/18/11
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #626, 5/5/2021

Authority:
SDCL § Ch. 9

15-4-4 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 R-1 District.

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

Authority:
SDCL § Ch. 9

15-4-5 ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Accessory buildings, structures, and land uses permitted within the R-1 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

15-4-6 HOME OCCUPATIONS

Home occupations within the R-1 District require a conditional use permit and shall be regulated in conformance with the provisions of Chapter 15-14-11.

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

Authority:
SDCL § Ch. 9

15-4-7 FENCE REGULATIONS

Fences within the R-1 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

15-4-8 ACCESSORY WIND ENERGY CONVERSION SYSTEMS

Accessory wind energy conversion systems within the R-1 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

15-4-9 OFF-STREET PARKING REGULATIONS

Off-street parking within the R-1 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

15-4-10 SIGN REGULATIONS

Signs within the R-1 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

15-4-11 LOT AND YARD REGULATIONS

The minimum lot area, minimum lot width, setback requirements, and maximum building height within the R-1 District shall be as follows:

	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
Single Family Detached	7,500 sq. ft.	80 feet see #1	25 feet see #4	7 feet	25 feet/20 feet on corner lots	35 feet
Single Family Attached (2) 2 lots	5,000 sq. ft.	40 feet per unit	25 feet see #4	0' or 7' on non party wall side	25 feet/20 feet on corner lots	35 feet

Single Family Attached (2) 1 lot	10,000 sq. ft.	80 feet	25 feet see #4	7 feet	25 feet/20 feet on corner lots	35 feet
Neighborhood Utility Facility	3,000 sq. ft.	50 feet	25 feet see #4	15 feet	25 feet/20 feet on corner lots	35 feet
All other uses	7,500 sq. ft.	75 feet	25 feet see #4	15 feet	25 feet/20 feet on corner lots	35 feet

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

Exceptions

#1. A residence may be constructed on a lot-of-record that has a lot width of less than eighty (80) feet.

#2. For a lot located on a cul-de-sac bulb, the required lot width shall be measured at the required front yard setback line; however, the minimum lot width at the right-of-way line shall not be less than sixty-five (65) feet.

#3. 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.

#4. The front yard setback on lots abutting a public street shall be twenty-five (25) feet. However, the non-addressed front yard setback may be reduced to twenty (20) feet on corner lots if it also abuts a public street.

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

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 #624, 5/5/2021

Authority:
SDCL § Ch. 9

CHAPTER 15-5
R-2: MEDIUM DENSITY RESIDENTIAL DISTRICT

15-5-1 PURPOSE

The purpose of this district is to provide for areas of medium residential density. This district provides for single-family detached dwellings, single-family attached dwellings, multiple-family dwellings, and such supportive community facilities as parks, playgrounds, schools, libraries, and houses of worship.

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

Authority:
SDCL § Ch. 9

15-5-2 PERMITTED USES

Lots in the R-2 District may be used for one (1) of the following principal land uses:

Permitted Use	**Applicable Standards**
Single-Family Detached Dwelling	The footprint of an attached private garage shall not exceed the footprint of the principal dwelling. If lot contains a Single-Family Detached Dwelling, no other principal building may be present thereon. All relevant standards within Chapter 15-14 shall apply.
Single-Family Attached Dwelling (Up to 4)	This use includes townhomes and duplexes. The footprint of an attached private garage shall not exceed the footprint of the principal dwelling unit. All relevant standards within Chapter 15-14 shall apply.
Single-Family Attached Dwelling (Up to 4); Individually Platted Lots Surrounded by Commonly Owned Space	The footprint of an attached garage shall not exceed the footprint of the principal dwelling unit. All relevant standards within Chapter 15-14 shall apply.
House of Worship	One (1) of the principal frontages shall abut upon an arterial or collector street. Where any house of worship is abutting property 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 direct vision. It shall consist of the following: (1) An opaque fence or wall not less than five (5) 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 twenty-four (24) feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees must be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches in diameter. Coniferous trees must be at least four (4) feet in height. All mechanical or electrical equipment located on the roof of a building or on the ground around the perimeter of a building shall be hidden from view at ground level using materials and designs that match those used for the building. All relevant standards within Chapter 15-14 shall apply.
Library	All parking lots must be at least eight (8) feet from all residential zoned or used lots. All relevant standards within Chapter 15-14 shall apply.
Homeowners Association (HOA) Maintenance Building	Each HOA shall be limited to one (1) maintenance building. No building shall exceed a maximum sidewall height of ten (10) feet and one-thousand (1,000) square feet of floor area. Must be owned by HOAs consisting of at least eleven (11) separate lots within its jurisdiction. Each building must have roofing and siding similar to other principal buildings owned by members of the HOA. All relevant standards within Chapter 15-14 shall apply.

School	One (1) of the principal frontages shall abut upon an arterial or collector street. Where any school is abutting a lot or lots zoned or developed for residential use, it shall provide screening along its boundary abutting said the residential property Screening shall be installed so as to block direct vision. It shall consist of the following: (1) An opaque fence or wall not less than five (5) 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 twenty-four (24) feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees must be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches in diameter. Coniferous trees must be at least four (4) feet in height. All mechanical or electrical equipment located on the roof of a building or on the ground around the perimeter of a building shall be hidden from view at ground level using materials and designs that match those used for the building. All relevant standards within Chapter 15-14 shall apply.
Public Park	All relevant standards within Chapter 15-14 shall apply.
Neighborhood Utility Facility	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.
Group Home	A Group Home in the R-2 District shall house no more than twelve (12) handicapped persons as defined herein. Group homes may be subject to additional state and federal requirements. All relevant standards within Chapter 15-14 shall apply.

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 #636, 10/20/21
Ordinance #662, 10/05/2022

Authority:
SDCL § Ch. 9

15-5-3 CONDITIONAL USES

One (1) 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.

Conditional Use	**Applicable Standards**
Multiple-Family Dwelling (Up to 8 Dwelling Units)	All relevant standards within Chapter 15-14 shall apply.
Single-Family Attached Dwelling (Up to 8 Dwelling Units); Individually Platted Lots Surrounded by Commonly Owned Space	The footprint of an attached garage shall not exceed the footprint of the principal dwelling unit. All relevant standards within Chapter 15-14 shall apply.
Office	All relevant standards within Chapter 15-14 shall apply.
Group Home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All Single-Family Detached Dwelling standards apply. All relevant standards within Chapter 15-14 shall apply.
Assisted-Living Facility	Applicant must provide copy of Department of Health license. All Multiple-Family Dwelling standards apply. All relevant standards within Chapter 15-14 shall apply.
Nursing Home	Applicant must provide copy of Department of Health license. All relevant standards within Chapter 15-14 shall apply.
Convent/Monastery	All relevant standards within Chapter 15-14 shall apply.
Public Utility Facility	All relevant standards within Chapter 15-14 shall apply.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #470, 5/18/10
Ordinance #486, 10/18/11
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #626, 5/5/2021
Ordinance #636, 10/20/21

Authority:
SDCL § Ch. 9

15-5-4 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 R-2 District.

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

Authority:
SDCL § Ch. 9

15-5-5 ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Accessory buildings, structures, and land uses permitted within the R-2 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

15-5-6 HOME OCCUPATIONS

Home occupations within the R-2 District require a conditional use permit and shall be regulated in conformance with the provisions of Chapter 15-14-11.

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

Authority:
SDCL § Ch. 9

15-5-7 FENCE REGULATIONS

Fences within the R-2 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

15-5-8 ACCESSORY WIND ENERGY CONVERSION SYSTEMS

Accessory wind energy conversion systems within the R-2 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

15-5-9 OFF-STREET PARKING REGULATIONS

Off-street parking within the R-2 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

15-5-10 SIGN REGULATIONS

Signs within the R-2 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

15-5-11 LOT AND YARD REGULATIONS

The minimum lot area, minimum lot width, setback requirements, and maximum building height within the R-2 District shall be as follows:

	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
Multi-family Dwelling	3,000 sq. ft. per unit	75 feet see #2	25 feet see #3 & #4	10 feet see #1 & #5	25 feet see #7	45 feet
Single Family Detached	6,000 sq. ft.	50 feet see #2	25 feet see #3 & #4	7 feet see #5	25 feet see #7	35 feet
Single Family Attached	3,000 sq. ft. per unit	25 feet	25 feet see #3 & #4	0' or 10' on nonparty wall side see #5	25 feet see #7	35 feet
Single Family Attached; Individually Platted Lots Surrounded by Commonly Owned Space	3,000 sq. ft. per unit (Platted Dwellings +Common Space)	25 feet *	25 feet * see #3, & #4 - #6 applies to individ. platted lots	0’ or 10’ on nonparty wall side * see #5 - #6 applies to individ. platted lots	25 feet * see #7 - #6 applies to individ. platted lots	35 feet
Neighborhood Utility Facility	3,000 sq. ft.	50 feet	25 feet see #3 & #4	15 feet	25 feet	35 feet
All other uses	7,500 sq. ft.	50 feet	25 feet see #3 & #4	15 feet	25 feet	35 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 #6 below.

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

Exceptions

#1. The side yard shall be required to be increased to twenty (20) feet when the building exceeds thirty-five (35) feet in height.

#2 A residence may be constructed on a lot of record that has a lot width of less than fifty (50) feet.

#3. 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.

#4. The front yard setback on lots abutting a public street shall be twenty-five (25) feet. However, the non-addressed front yard setback may be reduced to twenty (20) feet on corner lots if it also abuts a public street.

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. A side yard of fifteen (15) feet shall be required where a lot is adjacent to or abuts a R-1 district.

#6. Zero lot line option: Single-Family Attached Dwellings 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 single-family attached dwellings 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.

Single-Family Attached Dwellings 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.

#7. 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 #538, 10/25/16
Ordinance #541, 1/17/17
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #624, 5/5/21
Ordinance #636, 10/20/21

Authority:
SDCL § Ch. 9

CHAPTER 15-6
R-3: HIGH DENSITY RESIDENTIAL DISTRICT

15-6-1 PURPOSE

The purpose of this district is to provide for areas of high residential density. This district provides for multiple-family dwellings and such supportive community facilities as parks, playgrounds, schools, libraries, and houses of worship.

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

Authority:
SDCL § Ch. 9

15-6-2 PERMITTED USES

Lots in the R-3 District may be used for one (1) of the following principal land uses:

Permitted Use	**Applicable Standards**
Multiple-Family Dwellings (9 to 36 Dwelling Units)	All relevant standards within Chapter 15-14 shall apply.
Single-Family Attached Dwelling (5 to 36 Dwelling Units)	The footprint of an attached garage shall not exceed the footprint of the principal dwelling unit. All relevant standards within Chapter 15-14 shall apply.
Single-Family Attached Dwelling (5 to 36 Dwelling Units); Individually Platted Lots Surrounded by Commonly Owned Space	The footprint of an attached garage shall not exceed the footprint of the principal dwelling unit. All relevant standards within Chapter 15-14 shall apply.

House of Worship	One (1) of the principal frontages shall abut upon an arterial or collector street. Where any house of worship is abutting property zoned or developed for residential use, it shall provide screening along its boundary abutting said the residential property. Screening shall be installed so as to block direct vision. It shall consist of the following: (1) An opaque fence or wall not less than five (5) 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 twenty-four (24) feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees must be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches in diameter. Coniferous trees must be at least four (4) feet in height. All mechanical or electrical equipment located on the roof of a building or on the ground around the perimeter of a building shall be hidden from view at ground level using materials and designs that match those used for the building. All relevant standards within Chapter 15-14 shall apply.
Library	All parking lots must be at least eight (8) feet from all residential zoned or used lots. All relevant standards within Chapter 15-14 shall apply.

School	One (1) of the principal frontages shall abut upon an arterial or collector street. Where any school is abutting a lot or lots zoned or developed for residential use, it shall provide screening along its boundary abutting said the residential property. Screening shall be installed so as to block direct vision. It shall consist of the following: (1) An opaque fence or wall not less than five (5) 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 twenty-four (24) feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees must be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches in diameter. Coniferous trees must be at least four (4) feet in height. All mechanical or electrical equipment located on the roof of a building or on the ground around the perimeter of a building shall be hidden from view at ground level using materials and designs that match those used for the building. All relevant standards within Chapter 15-14 shall apply.
Public Park	All relevant standards within Chapter 15-14 shall apply.
Neighborhood Utility Facility	All relevant standards within Chapter 15-14 shall apply.
Home owners Association (HOA) Maintenance Building	Each HOA shall be limited to one (1) maintenance building. No building shall exceed a maximum sidewall height of ten (10) feet and one-thousand (1,000) square feet of floor area. Must be owned by HOAs consisting of at least eleven (11) separate lots within its jurisdiction. Each building must have roofing and siding similar to other principal buildings owned by members of the HOA. 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.
Group Home (Up to Thirty-Six (36) Handicapped Persons)	Group homes may be subject to additional state and federal requirements. All relevant standards within Chapter 15-14 shall apply.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #538, 10/25/16

Authority:
SDCL § Ch. 9

Ordinance #550, 05/02/17
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #636, 10/20/21
Ordinance #662, 10/05/2022

15-6-3 CONDITIONAL USES

One (1) 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:

Conditional Use	Applicable Standards
Multiple-Family Dwellings (36 or More Dwelling Units)	All relevant standards within Chapter 15-14 shall apply.
Office	All relevant standards within Chapter 15-14 shall apply.
Group Home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All Single-Family Detached Dwelling standards apply. All relevant standards within Chapter 15-14 shall apply.
Assisted-Living Facility	Applicant must provide copy of Department of Health license. All multiple dwelling standards apply. All relevant standards within Chapter 15-14 shall apply.
Nursing Home	Applicant must provide copy of Department of Health license. All relevant standards within Chapter 15-14 shall apply.
Convent/Monastery	All relevant standards within Chapter 15-14 shall apply.
Public Utility Facility	All relevant standards within Chapter 15-14 shall apply.
Group Home (More than Thirty-Six (36) Handicapped Persons)	Group homes may be subject to additional state and federal requirements. All relevant standards within Chapter 15-14 shall apply.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #486, 10/18/11
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #626, 5/5/2021
Ordinance #662, 10/05/2022

Authority:
SDCL § Ch. 9

15-6-4 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 R-3 District.

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

Authority:
SDCL § Ch. 9

15-6-5 ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Accessory buildings, structures, and land uses permitted within the R-3 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

15-6-6 HOME OCCUPATIONS

Home occupations within the R-3 District require a conditional use permit and shall be regulated in conformance with the provisions of Chapter 15-14-11.

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

Authority:
SDCL § Ch. 9

15-6-7 FENCE REGULATIONS

Fences within the R-3 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

15-6-8 ACCESSORY WIND ENERGY CONVERSION SYSTEMS

Accessory wind energy conversion systems within the R-3 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

15-6-9 OFF-STREET PARKING REGULATIONS

Off-street parking within the R-3 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

15-6-10 SIGN REGULATIONS

Signs within the R-3 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

15-6-11 LOT AND YARD REGULATIONS

The minimum lot area, minimum lot width, setback requirements, and maximum building height within the R-3 District shall be as follows:

	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
Multi-family Dwelling (more than 8 dwelling units)	2,000 sq. ft. per unit	75 feet see #2	25 feet see #3 & #4	10 feet see #1, #5	25 feet see #7	55 feet
Single Family Detached	6,000 sq. ft.	50 feet see #2	25 feet see #3 & #4	7 feet see #5	25 feet see #7	35 feet
Single Family Attached	3,000 sq. ft.	25 feet	25 feet see #3 & #4	0' or 10' on nonparty wall side see #5	25 feet see #7	35 feet
Single Family Attached; Individually Platted Lots Surrounded by Commonly Owned Space	3,000 sq. ft. per unit (Platted Dwellings +Common Space)	25 feet *	25 feet * see #3, & #4 - #6 applies to individ. platted lots	0’ or 10’ on nonparty wall side * see #5 - #6 applies to individ. platted lots	25 feet * see #7 - #6 applies to individ. platted lots	35 feet
Neighborhood Utility Facility	3,000 sq. ft.	50 feet	25 feet see #3 & #4	15 feet	25 feet	35 feet
All other uses	7,500 sq. ft.	50 feet	25 feet see #3 & #4	15 feet	25 feet	35 feet

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

Exceptions

#1. The side yard shall be required to be increased to twenty (20) feet when the building exceeds thirty-five (35) feet in height.

#2. A residence may be constructed on a lot of record that has a lot width of less than fifty (50) feet.

#3. 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.

#4. The front yard setback on lots abutting a public street shall be twenty-five (25) feet. However, the non-addressed front yard setback may be reduced to twenty (20) feet on corner lots if it also abuts a public street.

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. A side yard of fifteen (15) feet shall be required where a lot is adjacent to or abuts a R-1 or R-2 district.

#6. Zero lot line option: Single-Family Attached Dwellings 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 single-family attached dwellings 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.

Single-Family Attached Dwellings 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.

#7. 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 #538, 10/25/16
Ordinance #542, 1/17/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #624 5/5/21
Ordinance #636, 10/20/21
Ordinance #648, 12/01/21

Authority:
SDCL § Ch. 9

CHAPTER 15-7
R-4: MANUFACTURED HOUSING RESIDENTIAL DISTRICT

15-7-1 PURPOSE

The purpose of this district is to provide for high density residential areas in the City that may be developed for all types of manufactured housing and support facilities.

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

Authority:
SDCL § Ch. 9

15-7-2 PERMITTED USES

Lots in the R-4 District may be used for one (1) of the following principal land uses:

Permitted Use	**Applicable Standards**
Manufactured Home in Licensed Manufactured Home Park	Municipal code regulations regarding manufactured home parks. 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.
Neighborhood Utility Facility	All relevant standards within Chapter 15-14 shall apply.
Group Home	A Group Home in the R-4 District shall house no more than eight (8) handicapped persons as defined herein. Group homes may be subject to additional state and federal requirements. 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 #662, 10/05/2022

Authority:
SDCL § Ch. 9

15-7-3 CONDITIONAL USES

One (1) 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:

Conditional Use	**Applicable Standards**
Manufactured Home Park	Municipal code regulations regarding manufactured home parks. All relevant standards within Chapter 15-14 shall apply.

House of Worship	One (1) of the principal frontages shall abut upon an arterial or collector street. Where any house of worship is abutting property 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 direct vision. It shall consist of the following: (1) An opaque fence or wall not less than five (5) feet in height, 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 twenty-four (24) feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees must be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches in diameter. Coniferous trees must be at least four (4) feet in height. All mechanical or electrical equipment located on the roof of a building or on the ground around the perimeter of a building shall be hidden from view at ground level using materials and designs that match those used for the building. All relevant standards within Chapter 15-14 shall apply.
School	One (1) of the principal frontages shall abut upon an arterial or collector street. Where any school is abutting 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 direct vision. It shall consist of the following: (1) An opaque fence or wall not less than five (5) feet in height, but not extending within fifteen (15) feet of any street or driveway. (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 twenty-four (24) feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees must be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches

	in diameter. Coniferous trees must be at least four (4) feet in height. All mechanical or electrical equipment located on the roof of a building or on the ground around the perimeter of a building shall be hidden from view at ground level using materials and designs that match those used for the building. All relevant standards within Chapter 15-14 shall apply.
Group Home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All relevant standards within Chapter 15-14 shall apply.
Public 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

15-7-4 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 R-4 District.

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

Authority:
SDCL § Ch. 9

15-7-5 ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Accessory buildings, structures, and land uses permitted within the R-4 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

15-7-6 HOME OCCUPATIONS

Home occupations within the R-4 District require a conditional use permit and shall be regulated in conformance with the provisions of Chapter 15-14-11.

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

Authority:
SDCL § Ch. 9

15-7-7 FENCE REGULATIONS

Fences within the R-4 District shall be regulated in conformance with the provisions of Chapter 15-14-6.

Legislative History:

Authority:

Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

SDCL § Ch. 9

15-7-8 ACCESSORY WIND ENERGY CONVERSION SYSTEMS

Accessory wind energy conversion systems within the R-4 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

15-7-9 OFF-STREET PARKING REGULATIONS

Off-street parking within the R-4 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

15-7-10 SIGN REGULATIONS

Signs within the R-4 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

15-7-11 LOT AND YARD REGULATIONS

The minimum lot area, minimum lot width, setback requirements, and maximum building height within the R-4 District shall be as follows:

A. Each manufactured home park shall be at least five (5) acres.

B. The licensed manufactured home park shall be surrounded by a landscaped area at least twenty-five (25) feet wide along all public streets and all manufactured home park boundaries.

	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
Residential Uses	6,000 sq. ft.	50 feet	25 feet	10 feet see #1	20 feet	35 feet
Neighborhood Utility Facility	3,000 sq. ft.	50 feet	20 feet	10 feet	20 feet	35 feet
All Other Uses	6,000 sq. ft.	60 feet	20 feet	10 feet	20 feet	35 feet

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

Exception

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

Legislative History:
Ordinance #445, 5/27/09
Ordinance #486, 10/18/11
Ordinance #531, 5/10/16
Ordinance #538, 10/25/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

CHAPTER 15-8
CB: CENTRAL BUSINESS DISTRICT

15-8-1 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 preserving the City's Downtown Commercial Core. The grouping of uses is intended to preserve and improve the character and economic vitality of downtown.

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

Authority:
SDCL § Ch. 9

15-8-2 PERMITTED USES

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

Permitted Use	**Applicable Standards**
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.
Commercial Parking Lots/Parking Ramps	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.

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 #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #626, 5/5/2021

Authority:
SDCL § Ch. 9

15-8-3 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:

Conditional Use	**Applicable Standards**
Dwellings	Must be above the first floor. All relevant standards within Chapter 15-14 shall apply.
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.
Wireless Communication Facility on Existing Support Structure/Base Station	All relevant standards within Chapter 15-14 shall apply.
Day Care Center	Adequate and safe playground area with a fence four (4) feet high. All relevant standards within Chapter 15-14 shall apply.
On-Sale Alcoholic Beverage Establishment	All relevant standards within Chapter 15-14 shall apply.
Wireless Telecommunications Tower	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.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #486, 10/18/11
Ordinance #531, 5/10/16

Authority:
SDCL § Ch. 9

Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #626, 5/5/2021
Ordinance #638, 9/29/2021

15-8-4 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 CB District.

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

Authority:
SDCL § Ch. 9

15-8-5 ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Accessory buildings, structures, and land uses permitted within the CB 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

15-8-6 FENCE REGULATIONS

Fences within the CB 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

15-8-7 ACCESSORY WIND ENERGY CONVERSION SYSTEMS

Accessory wind energy conversion systems within the CB 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

15-8-8 OFF-STREET PARKING REGULATIONS

Off-street parking within the CB 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

15-8-9 SIGN REGULATIONS

Signs within the CB 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

15-8-10 LOT AND YARD REGULATIONS

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

	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
All Uses	NA	NA	see #1, #4	see #2, #4	see #1, #3, #4	NA

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

Exceptions

#1. The average front and rear yard setback of existing buildings or structures located on other CB zoned lots within the same block shall apply.

#2. A required side yard of fifteen (15) feet shall be required where a lot is adjacent to or abuts a residential district.

#3. A required rear yard of twenty (20) feet shall be required where a lot is adjacent to or abuts a residential district.

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

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #543, 1/17/17
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

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:

Permitted Use	**Applicable Standards**
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:

Conditional Use	**Applicable Standards**
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

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

CHAPTER 15-10
LI: LIGHT INDUSTRIAL DISTRICT

15-10-1 PURPOSE

This district is intended to provide for a number of light manufacturing, wholesale, warehousing, and service uses in an attractive industrial park-like setting.

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

Authority:
SDCL § Ch. 9

15-10-2 PERMITTED USES

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

Permitted Use	**Applicable Standards**
Wholesale Trade	All relevant standards within Chapter 15-14 shall apply.
Light Manufacturing	All relevant standards within Chapter 15-14 shall apply.
Contractor's Shop/Storage Yard	All outdoor storage shall be screened from view. All relevant standards within Chapter 15-14 shall apply.
Office	All relevant standards within Chapter 15-14 shall apply.
Public Utility Facility	All relevant standards within Chapter 15-14 shall apply.
Frozen Food Locker	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.
Printing Plant	All relevant standards within Chapter 15-14 shall apply.
Motor Vehicle Service Station	All relevant standards within Chapter 15-14 shall apply.
Electrical Substation	Opaque screen, six (6) feet in height, located as far back as all setback lines. All relevant standards within Chapter 15-14 shall apply.
Warehouse, Mini-Warehouse	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. All relevant standards within Chapter 15-14 shall apply.
Lumberyard	All relevant standards within Chapter 15-14 shall apply.

Retail Trade or Service	Only when it is an accessory use when in conjunction with the primary use of wholesaling or manufacturing. All relevant standards within Chapter 15-14 shall apply.
Motor Vehicle Sales, Display, and Rental	All relevant standards within Chapter 15-14 shall apply.
Motor Vehicle Body Repair Shop	An adequate number of parking spots to store the cars and screen parts and materials from view. All relevant standards within Chapter 15-14 shall apply.
Motor Vehicle Service Station	All relevant standards within Chapter 15-14 shall apply.
Truck or Bus Wash	All water from the truck or bus wash shall be contained on the lot. All relevant standards within Chapter 15-14 shall apply.
Farm Store/Feed Store	Only accessory storage of fertilizer or farm chemicals on the lot. All relevant standards within Chapter 15-14 shall apply.
Farm Implement Sales, Display, and Service	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.
Contractor's Shop/Storage Yard; Individually Platted Lots	All outdoor storage shall be screened from view. All relevant standards within Chapter 15-14 shall apply.
Contractor's Shop/Storage Yard; Individually Platted Lots Surrounded by Commonly Owned Space	All outdoor storage shall be screened from view. 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 #660, 8/31/22

Authority:
SDCL § Ch. 9

15-10-3 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:

Conditional Use	**Applicable Standards**

Wireless Telecommunications Tower	All relevant standards within Chapter 15-14 shall apply.
Bus/Truck Terminal	All relevant standards within Chapter 15-14 shall apply.
Recycling Collection or Processing Facility	All recyclable materials must be screened from view. All relevant standards within Chapter 15-14 shall apply.
Motor Vehicle Storage Yard	Screening of the storage yard with fence, berm vegetation or placement on the lot. All relevant standards within Chapter 15-14 shall apply.
Broadcast Tower	Must be located at least three hundred (300) feet from a residential district. All relevant standards within Chapter 15-14 shall apply.
Municipally Owned Waste Water Treatment Facility	All relevant standards within Chapter 15-14 shall apply.
Owner Occupied Dwelling Unit	Dwelling unit shall occupy the lesser of one thousand-three hundred (1,300) square feet or twenty-five percent (25%) of the building's foot print. All relevant standards within Chapter 15-14 shall apply.
Medical Cannabis Establishment	All relevant standards within Chapter 15-14 and requirements of Chapter 17 shall apply.
Commercial Kennel	All relevant standards within Chapter 15-14 shall apply.

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 #638, 9/29/2021
Ordinance #646, 12/15/21

Authority:
SDCL § Ch. 9

15-10-4 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 LI District.

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

Authority:
SDCL § Ch. 9

15-10-5 ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Accessory buildings, structures, and land uses permitted within the LI 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

15-10-6 FENCE REGULATIONS

Fences within the LI 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

15-10-7 ACCESSORY WIND ENERGY CONVERSION SYSTEM

Accessory wind energy conversion systems within the LI 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

15-10-8 OFF-STREET PARKING REGULATIONS

Off-street parking within the LI 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

15-10-9 SIGN REGULATIONS

Signs within the LI 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

15-10-10 LOT AND YARD REGULATIONS

The minimum lot area, minimum lot width, setback requirements, and maximum building height within the LI 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 #3, #4	10 feet, see #2, #3, #4	25 feet, see #4	45 feet, see #1
Contractor's Shop/Storage Yard; Individually Platted Lots Surrounded by Commonly Owned Space	NA	37.5 feet	25 feet, see #3, #4	10 feet, see #2, #3, #4	25 feet, see #4	45 feet, see #1

All Other Uses	NA	75 feet	25 feet, see #3	10 feet, see #2, #3	25 feet	45 feet, see #1

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

Exceptions

#1 A conditional use permit shall be required for any structure having a maximum height exceeding forty-five (45) feet.

#2 A side yard of twenty-five (25) feet shall be required where a lot is adjacent to or abuts a residential district.

#3 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.

#4 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 so long as they comply with all location and surfacing requirements of Chapter 15-14-3. If the lots are replatted to eliminate the commonly owned space, each lot shall be required to meet all requirements of Chapter 15-14-3.

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

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16

Authority:
SDCL § Ch. 9

Ordinance #566, 9/25/18
Ordinance#584, 6/19/19
Ordinance #624, 5/5/21
Ordinance #660, 8/31/22

CHAPTER 15-11
HI: HEAVY INDUSTRIAL DISTRICT

15-11-1 PURPOSE

This district is intended to provide for general industrial uses that may create some nuisance and that are not properly associated with, nor compatible with, residential, office, or commercial establishment. All uses in this district shall comply with any state or local regulations regarding noise, emissions, dust, odor, glare, vibration, or heat when applicable.

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

Authority:
SDCL § Ch. 9

15-11-2 PERMITTED USES

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

Permitted Use	**Applicable Standards**
Wholesale Trade	All relevant standards within Chapter 15-14 shall apply.
General Manufacturing Other Than Those Specifically Listed	All relevant standards within Chapter 15-14 shall apply.
Farm Store/Feed Store	All relevant standards within Chapter 15-14 shall apply.
Contractor's Shop/Storage Yard	All outdoor storage must be screened from view. All relevant standards within Chapter 15-14 shall apply.
Public Utility Facility	All relevant standards within Chapter 15-14 shall apply.
Frozen Food Locker	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.
Electrical Substation	An opaque screen, six (6) feet in height, must be located as far back as all setback lines. All relevant standards within Chapter 15-14 shall apply.
Retail Trade or Service	All relevant standards within Chapter 15-14 shall apply.

A Warehouse or Mini-Warehouse	Subject to the materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. All relevant standards within Chapter 15-14 shall apply.
Bus and Truck Wash	All water from the truck or bus wash shall be 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.
Motor Vehicle Service Station	All relevant standards within Chapter 15-14 shall apply.
Fruit/Vegetable Canning and Processing	Traffic to and from the facility shall not travel on residential streets, and the odor will not affect residential districts. All relevant standards within Chapter 15-14 shall apply.
Refining	Traffic to and from the facility shall not travel on residential streets, and the location shall not be located within a half (½) mile of a residential district. All relevant standards within Chapter 15-14 shall apply.
Motor Vehicle Body Repair Shop	An adequate number of parking spots to store the cars and screen parts and materials from view. 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.
Contractor's Shop/Storage Yard; Individually Platted Lots	All outdoor storage shall be screened from view. All relevant standards within Chapter 15-14 shall apply.
Contractor's Shop/Storage Yard; Individually Platted Lots Surrounded by Commonly Owned Space	All outdoor storage shall be screened from view. 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 #660, 8/31/22

Authority:
SDCL § Ch. 9

15-11-3 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:

Conditional Use	**Applicable Standards**
All Permitted and Conditional Uses in the LI District (if not authorized above as a Permitted Use)	Shall be subject to standards identical to those required in the LI District. All relevant standards within Chapter 15-14 shall apply.
Bus/Truck Terminal	All relevant standards within Chapter 15-14 shall apply.
Wireless Telecommunications Tower	All relevant standards within Chapter 15-14 shall apply.
Recycling Collection Facility	Any outdoor storage of recyclable materials must be within an opaque screened area at least six (6) feet in height. All relevant standards within Chapter 15-14 shall apply.
Manufacture of: Acid, Alcohol, Ammonia, Asphalt, Bleach, Cement, Chlorine, Dyestuffs, Explosives, Fertilizer, Glue, Gypsum, Lime, Oils, Paint, Plaster of Paris, Shellac, Sizing, Turpentine, or Yeast.	Traffic to and from the facility shall not travel on residential streets, and the odor shall not affect residential districts. All relevant standards within Chapter 15-14 shall apply.
Owner-Occupied Dwelling Unit	Dwelling unit shall occupy the lesser of one thousand-three hundred (1,300) square feet or twenty-five percent (25%) of the building foot print. All relevant standards within Chapter 15-14 shall apply.
Stockyards; Slaughterhouse	Traffic to and from the facility shall not travel on residential streets, and the odor shall not affect residential districts. All relevant standards within Chapter 15-14 shall apply.
Distillation of Products	Traffic to and from the facility shall not travel on residential streets, and the odor shall not affect residential districts. All relevant standards within Chapter 15-14 shall apply.
Paper Manufacturing Smelting Boiler works	Traffic to and from the facility shall not travel on residential streets, and the location shall not be located within a half (½) mile of a residential district. All relevant standards within Chapter 15-14 shall apply.
Tank Farm; Petroleum Products Terminal	Traffic to and from the facility shall not travel on residential streets, and the odor shall not affect residential districts. All relevant standards within Chapter 15-14 shall apply.

Grain Terminal; Grain Processing	Traffic to and from the facility shall not travel on residential streets, and the odor shall not affect residential districts. All relevant standards within Chapter 15-14 shall apply.
Salvage Yard	Shall be sited off the main thoroughfares of the City, one-half (½) mile from a residential district and be screened from view; the owner shall agree to control rodents as a condition of the permit. All relevant standards within Chapter 15-14 shall apply.
Manufacture and Storage of Electric Transformers	Chemicals associated with the transformers shall be contained in an acceptable manner. All relevant standards within Chapter 15-14 shall apply.
Quarry	All relevant standards within Chapter 15-14 shall apply.
Motor Vehicle Storage Yard	Screening of the storage yard with fence, berm, vegetation, or placement on the lot. All relevant standards within Chapter 15-14 shall apply.
Recycling Processing Facility	Any outdoor storage of recyclable materials shall be within an opaque screened area at least six (6) feet in height, and all processing operations must be fully enclosed. All relevant standards within Chapter 15-14 shall apply.
Broadcast Tower	Shall be located at least three hundred (300) feet from a residential district. All relevant standards within Chapter 15-14 shall apply.
Solid Waste Transfer Facility	Screening of the storage area with fence, berm, vegetation, or placement on the lot. Traffic to and from the facility shall not travel on residential streets, and the location shall not be located within a half (½) mile of a residential district. All relevant standards within Chapter 15-14 shall apply.
Medical Cannabis Establishment	All relevant standards within Chapter 15-14 and requirements of Chapter 17 shall apply.
Commercial Kennel	All relevant standards within Chapter 15-14 shall apply.

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 #625 5/5/2021
Ordinance #638, 9/29/2021
Ordinance #646, 12/15/21

Authority:
SDCL § Ch. 9

15-11-4 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 HI District.

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

Authority:
SDCL § Ch. 9

15-11-5 ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Accessory buildings, structures, and land uses permitted within the HI 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

15-11-6 FENCE REGULATIONS

Fences within the HI 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

15-11-7 ACCESSORY WIND ENERGY CONVERSION SYSTEMS

Accessory wind energy conversion systems within the HI 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

15-11-8 OFF-STREET PARKING REGULATIONS

Off-street parking within the HI 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

15-11-9 SIGN REGULATIONS

Signs within the HI 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

15-11-10 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	25 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	25 feet, see #4, #5	45 feet, see #1, #3
All Other Uses	NA	75 feet	25 feet, see #2, #3	10 feet, see #4	25 feet, see #4	45 feet, see #1, #3

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

Exceptions

#1 A conditional use permit shall be required for any structure having a maximum height exceeding sixty-five (65) 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 A 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 so long as they comply with all location and surfacing requirements of Chapter 15-14-3. If the lots are replatted to eliminate the commonly owned space, each lot shall be required to meet all 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.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #471, 7/20/10
Ordinance #531, 5/10/16
Ordinance #538, 10/25/16
Ordinance #544, 1/17/17
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #624, 5/5/2021
Ordinance #660, 8/31/22

Authority:
SDCL § Ch. 9

CHAPTER 15-12
IN: INSTITUTIONAL DISTRICT

15-12-1 PURPOSE

The purpose of this district is to provide area for buildings and facilities that are owned and operated by Federal, State, or local governments, public utilities, special districts, or non-profit organizations which are used to provide governmental or public services. This zone also provides for school sites, public park and recreational facilities, natural areas, trails, wetlands, and similar types of open space owned and managed by a local government or special district.

15-12-2 PERMITTED USES

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

Permitted Use	**Applicable Standards**
House of Worship	One (1) of the principal frontages shall abut upon an arterial or collector street. Where any House of Worship is abutting property 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 direct vision. It shall consist of the following: (1) A fence, wall, or shrubbery six (6) feet in height and of a character necessary for adequate screening of an IN property from an abutting or adjacent R-1, R-2, R-3, or R-4 property shall be provided; or (2) Landscaped trees and bushes 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 twenty-four (24) feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees must be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches in diameter. Coniferous trees must be at least four (4) feet in height. All mechanical or electrical equipment located on the roof of a building or on the ground around the perimeter of a building shall be hidden from view at ground level using materials and designs that match those used for the building. All relevant standards within Chapter 15-14 shall apply.

Library	All parking lots shall be at least seven (7) feet from all residentially zoned or used lots. All relevant standards within Chapter 15-14 shall apply.
School	One (1) of the principal frontages shall abut upon an arterial or collector street. Where any school is abutting 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 direct vision. It shall consist of the following: (1) An opaque fence or wall not less than five (5) feet high, but not extending within fifteen (15) feet of any street or driveway; or (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 twenty-four (24) feet in width. At planting, hedge material must be at least two and one-half (2 ½) feet in height and deciduous trees must be at least five (5) feet in height and a minimum of two and one-half (2 ½) inches in diameter. Coniferous trees must be at least four (4) feet in height. All mechanical or electrical equipment located on the roof of a building or on the ground around the perimeter of a building shall be hidden from view at ground level using materials and designs that match those used for the building. All relevant standards within Chapter 15-14 shall apply.
Cemetery	Shall be at least two (2) acres in size and shall have an adequate road system within cemetery and not within identified flood plain area. All relevant standards within Chapter 15-14 shall apply.
Governmental Building and/or Facility	All relevant standards within Chapter 15-14 shall apply.
Public Park	All relevant standards within Chapter 15-14 shall apply.
Neighborhood Utility Facility	All relevant standards within Chapter 15-14 shall apply.
Public Utility Facility	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.

15-12-3 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:

Conditional Use	Applicable Standards
Municipally Owned Waste Water Treatment Facility	All relevant standards within Chapter 15-14 shall apply.

15-12-4 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 IN District.

15-12-5 ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

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

15-12-6 FENCE REGULATIONS

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

15-12-7 ACCESSORY WIND ENERGY CONVERSION SYSTEM

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

15-12-8 OFF-STREET PARKING REGULATIONS

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

15-12-9 SIGN REGULATIONS

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

15-12-10 LOT AND YARD REGULATIONS

The minimum lot area, minimum lot width, setback requirements, and maximum building height within the IN 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	1 acre	60 feet	See #1	See #1	See #1	See #1

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

Exception

#1. Setbacks shall be based on the height of the tallest principal building located on the lot as follows:

Height of Principal Building	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Less than 35 feet	25 feet	7 feet	25 feet
35 feet to less than 45 feet	25 feet	10 feet	25 feet
45 feet to less than 55 feet	30 feet	15 feet	25 feet
55 feet to less than 65 feet	35 feet	20 feet	30 feet
65 feet to less than 75 feet	40 feet	25 feet	35 feet
Equal to and Greater than 75 feet	Subject to the terms of an approved Conditional Use Permit.		

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

Legislative History:
Ordinance #584, 6/19/19
Ordinance #623 5/5/2021

Authority:
SDCL § Ch. 9

CHAPTER 15-13
PD: PLANNED DEVELOPMENT DISTRICT

15-13-1 PURPOSE

The planned development district is intended to permit flexibility of site design and the conservation of land and open space through clustering of buildings and activities. This flexibility can be achieved by allowing deviations from standards including setbacks, heights, and similar regulations.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-13-2 COMPREHENSIVE PLAN CONSISTENCY

A Planned Development (PD) must be consistent with the Brandon Comprehensive Plan.

Legislative History:
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-13-3 PERMITTED USES AND STANDARDS

The permitted uses, standards, and development plan shall be set forth in the ordinance rezoning the property to PD.

Legislative History:
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-13-4 PROCEDURE FOR PLANNED DEVEOPMENTS

A. Approval process. The application and hearing process for planned developments will be as required for other zoning chapter amendments (Chapter 15-20).

B. Application information. An applicant shall submit a completed application form furnished by the Zoning Administrator, together with the following information:

1. Drawings in schematic from containing the following:
   a. The location, size of site, and the proposed uses of the land to be developed.
   b. The use, height, bulk, and approximate location of buildings and other structures.
   c. The plans for parking of vehicles and the location and width of proposed streets, curbs, gutter, and landscaping.
   d. A schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.

2. A written statement must include the following:
   a. A narrative explanation of the general character of the planned unit development and its integration with the surrounding land uses.

   b. A statement identifying the final ownership and describing maintenance of all parts of the development including streets, structures, and useable open space.

3. The following exhibits:
   a. A legal description of the property including approximate total acreage.

   b. Boundary survey prepared by a registered surveyor of the property and one hundred (100) feet beyond showing:

      i. Existing property lines and dimensions.
      ii. Ownership of all parcels.
      iii. Platting and easements.
      iv. Street and railroad rights-of-way.
      v. Buildings.
      vi. Utility lines and facilities.

   c. A topographic map prepared by a registered civil engineer or registered land surveyor covering the entire tract proposed for development, which contains the following information:

      i. Contour lines at no more than foot intervals.
      ii. Hydrologic information including drainage patterns, wetlands, and land subject to periodic flooding.
      iii. Vegetation.

   d. Any other material requested by the City Council, Planning & Zoning Commission, or Zoning Administrator.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-13-5 COORDINATION WITH SUBDIVISION APPROVAL

If development of the PD requires subdivision approval, the PD and subdivision shall be processed concurrently.

Legislative History:
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-13-6 AMENDMENT OF PLAN

Any substantial changes in the final development plan, including but not limited to changes in land use, increases in development density or intensity or changes in the provisions for common open spaces shall require a PD amendment. The amendment

process for planned unit developments shall be the same as that for all other zoning chapter amendments (Chapter 15-20).

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-13-7 PLANNED DEVELOPMENT DISTRICTS

Planned development districts shall be as enumerated below:

- Hedgewood Estates (15-13-8)
- Sunrise Estates (15-13-9)
- Brickwood Addition (15-13-10)

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #602, 03/18/20

Authority:
SDCL § Ch. 9

15-13-8 PD HEDGEWOOD ESTATES

The Hedgewood Estates District includes the properties located at Lots 1-8 of Block 1 and Lots 1-4, 6A, 7A, 8A and 9 of Block 2, of Hedgewood Estates Addition, Minnehaha County, Brandon, South Dakota. It is the intention of this district to establish a housing development of single family homes with smaller lots and smaller setbacks. Property owners shall provide lawn mowing, snow removal and exterior maintenance for their individual properties.

SPECIAL AREA REGULATIONS:

A. Minimum Lot Requirements:
For each permitted dwelling, there shall be a lot area of not less than fifty-four hundred (5,400) square feet. The minimum lot width shall be sixty (60) feet.

B. Minimum Yard Requirements:
Permitted uses and structures shall have a minimum front yard of twenty (20) feet, minimum side yards of five (5) feet, and a minimum rear yard of twenty (20) feet.

C. Maximum Lot Coverage:
The maximum lot coverage for all buildings and structures shall not exceed seventy (70) percent of the total lot area, less setbacks.

D. Maximum Height of Structures: The maximum height of all buildings and structures shall not exceed thirty-five (35) feet.

E. Street right-of-way to be sixty (60) feet and the width of the street back of curb to back of curb to be thirty-two (32) feet.

F. No accessory buildings shall exist on any lot.

G. Units to be individual homes with an attached garage.

H. No campers, boats, or trailers shall be parked outside on the property or on any street in the district.

I. A permanent development identification sign no larger than two (2) square feet shall be allowed.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #559, 01/02/18
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-13-9 PD SUNRISE ESTATES

The Sunrise Estates District includes the properties located at Lots 8-14 of Block 1, Sunrise Estates Addition, Minnehaha County, Brandon, South Dakota. It is the intention of this district to establish a housing development of single family homes with smaller lots and smaller setbacks. Property owners shall provide lawn mowing, snow removal and exterior maintenance for their individual properties.

SPECIAL AREA REGULATIONS:

A. Minimum Lot Requirements:
For each permitted dwelling, there shall be a lot area of not less than five thousand-four hundred (5,400) square feet. The minimum lot width shall be fifty-three and one half (53 ½) feet.

B. Minimum Yard Requirements:
Permitted uses and structures shall have a minimum front yard of twenty (20) feet, minimum side yards of five (5) feet, and a minimum rear yard of twenty (20) feet.

C. Maximum Height of Structures:
The maximum height of all buildings and structures shall not exceed thirty-five (35) feet.

D. Street right-of-way to be twenty-nine-and-a-half (29 ½) feet and the width of the street back of curb to back of curb to be twenty-nine-and-a-half (29 ½) feet.

.

E. No accessory buildings shall exist on any lot.

F. Units to be individual homes with an attached garage.

G. No campers, boats, or trailers shall be parked outside on the property or on any street in the district.

H. A permanent development identification sign no larger than two (2) square feet shall be allowed.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/17
Ordinance #559, 01/02/18
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-13-10 PD BRICKWOOD ADDITION

The Brickwood Addition District includes the properties located at Lots B thru N in Block 1 of Brickwood Addition to the City of Brandon, Minnehaha County, South Dakota. It is the intention of this district to provide affordable townhomes, which shall be individually owned. The common area of the development shall be controlled by a HOA, which is owned and managed equally by all townhome owners. The HOA shall provide for lawn mowing, snow removal, maintenance of driveways and parking areas, and exterior maintenance of all structures, excluding windows and doors.

PERMITTED USES

Lots in the Brickwood Addition District may be used for one (1) of the following principal land uses:

Permitted Use	**Applicable Standards**
Single-Family Attached Dwelling	Only townhomes are permitted in this district. All relevant standards within Chapter 15-13 shall apply.

CONDITIONAL USES

Conditional Use	**Applicable Standards**
Homeowners Association (HOA) Maintenance Building	HOA shall be limited to one (1) maintenance building. The building shall not exceed a maximum sidewall height of ten (10) feet and one-thousand (1,000) square feet of floor area. The building must have roofing and siding similar to other principal buildings owned by members of the HOA. All relevant standards within Chapter 15-13 shall apply.

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 Brickwood Addition District.

ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

Unless modified by the Special Area Regulations below, accessory buildings, structures, and land uses permitted within the Brickwood Addition District shall be regulated in conformance with the provisions of Chapter 15-14-2. Regulations shall be those used in the R-3 District.

HOME OCCUPATIONS

Unless modified by the Special Area Regulations below, home occupations within the Brickwood Addition District require a conditional use permit and shall be regulated in conformance with the provisions of Chapter 15-14-11.

FENCE REGULATIONS

Unless modified by the Special Area Regulations below, fences within the Brickwood Addition District shall be regulated in conformance with the provisions of Chapter 15-14-6.

OFF-STREET PARKING REGULATIONS

Unless modified by the Special Area Regulations below, off-spring parking within the Brickwood Addition District shall be regulated in conformance with the provisions of Chapter 15-14-3. Regulations shall be those used in the R-3 District.

SIGN REGULATIONS

Unless modified by the Special Area Regulations below, signs within the Brickwood Addition District shall be regulated in conformance with the provisions of Chapter 15-14-5. Regulations shall be those used in the R-3 District.

LOT AND YARD REGULATIONS:

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

	Minimum Lot Area	Minimum Lot Width* **	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
Lot B	62,195 sq. ft.	-	25 feet	15 feet	25 feet	35 feet
Lot C	1,331 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet
Lot D	1,315 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet
Lot E	981 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet
Lot F	982 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet
Lot G	981 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet
Lot H	1,330 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet
Lot I	1,346 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet
Lot J	985 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet
Lot K	985 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet
Lot L	985 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet

Lot M	984 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet
Lot N	1,345 sq. ft.	FP: 20 feet RG: 12 feet	0 feet	0 feet	0 feet	35 feet

* For Lot B, minimum lot widths shall be as approved on the plat of the Brickwood Addition District.

** For Lots C thru N, minimum lot widths shall be maintained at both the front/principal (FP) entrance side and the rear/garage (RG) side of the lot.

SPECIAL AREA REGULATIONS

A. No accessory buildings shall be allowed on any lot containing an individually owned dwelling.

B. Each individually owned lot shall contain one dwelling and at least one detached garage stall.

C. No campers, boats, or trailers shall be parked outside.

D. All existing driveways and parking areas shall be maintained.

PROPERTY RE-DIVISION

Any future subdivision shall require a re-platting of the affected lots and the amendment of the Brickwood Addition District.

Legislative History:
Ordinance #602, 03/18/20

Authority:
SDCL § Ch. 9

CHAPTER 15-14
ADDITIONAL USE REGULATIONS

15-14-1 VISIBILITY AT INTERSECTIONS AND DRIVEWAYS

A. Intersection safety zones: No monument-style sign or other sign with its face less than twelve (12) feet above grade, or any fence, wall, shrub, or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted or maintained within a triangular area of a corner lot that is included by measuring straight lines along the curb lines at points forty (40) feet distant in each direction from the intersection of the curbs and a straight line connecting the first two (2) lines. (See Figure 1)

B. Driveway safety zones: No monument style sign or other sign with its face less than ten (10) feet above grade or any fence, wall, shrub, or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted, or maintained within the area from the curb line to ten (10) feet behind the curb line. (See Figure 1)

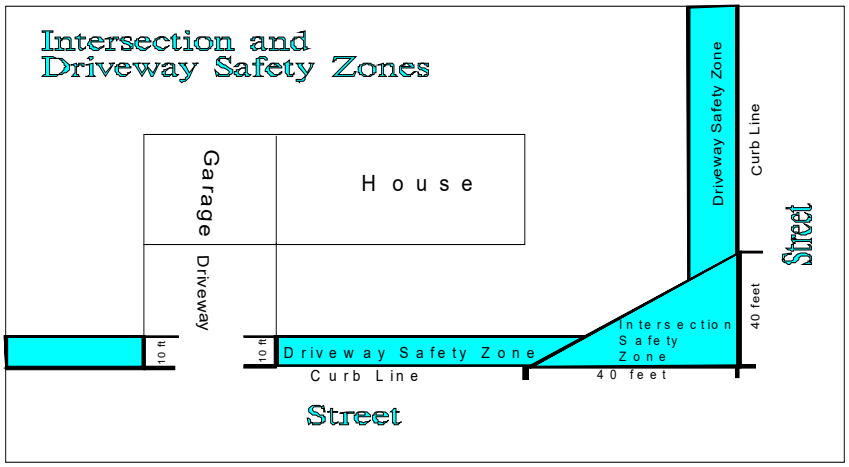

Figure 1

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-14-2 ACCESSORY BUILDINGS, STRUCTURES, AND LAND USES

A. In General.

1. No accessory building or structure shall be erected upon a lot until the construction of the principal building has commenced or an active principal land use exists on the lot. No accessory building or structure may be used unless an active principal land use exists on the lot.

2. No accessory building or structure may be placed within any easement granted by the City of Brandon or any utility or drainage easement, except for equipment pertaining to said easement. Any existing accessory building or structure 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.

3. Accessory buildings may not be used as dwellings.

4. No accessory building, structure or use shall be located within ten (10) feet of a principal structure.

5. Home Occupations, while an accessory use of certain lots, shall conform to Chapter 15-14-11.

6. Fences shall not be considered an accessory structure for purposes of this Ordinance.

B. Accessory Buildings and Structures:

1. Only one (1) accessory building shall be permitted per lot in the R-1, R-2, R-4, CB, and GB Districts.

2. NRC: All accessory buildings shall be approved by conditional use permit. They are not required to be subordinate to the principal building regarding size and height.

3. R-1, R-2, R-4, CB, 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 or 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.

4. R-3: One (1) private garage stall per unit. One additional accessory building is allowed per lot so long as it is subordinate to the smallest principal building with regarding to size and height, but in no event shall it exceed one thousand (1,000) square feet of floor area or have sidewalls greater than ten (10) feet in height. Exception: Lots with a lot area of one (1) acre or greater may have one (1) accessory building up to two thousand (2,000) square feet with sidewalls no greater than ten (10) feet in height.

5. LI and HI: Accessory buildings are not required to be subordinate to the principal building regarding size and height.

6. IN: The number of accessory buildings allowed per lot shall depend on the size of the lot. That number shall be based on the following:

Lot Area	Number of Accessory Buildings Allowed
1 acre to less than 2 acres	1
2 acres to less than 4 acres	2
4 acres to less than 7 acres	3

7 acres to less than 10 acres	4
10 acres or greater	5+*

* Anyone wishing to have more than five (5) accessory buildings located on a lot ten (10) acres or greater shall obtain a conditional use permit. See Chapter 15-21.

7. The roofing and siding materials of accessory buildings larger than one hundred-fifty (150) square feet in area shall be similar to its associated principal structure. This provision does not apply to the IN District.

8. In the IN District, the roofing and siding materials of accessory buildings larger than seven hundred-fifty (750) square feet in area shall be similar to its associated principal structure.

9. Any accessory building that is entered directly from an alley shall not be closer than fifteen (15) feet to the property line abutting the alley.

10. Access to a private garage shall consist of a minimum of eight (8) feet of unoccupied property beyond the required yards.

11. No accessory building shall be erected or located within any front yard.

    a. Exception: An accessory building may be erected or located within the second front yard on either a double frontage or corner lot, so long as it is not within the setback. It may be placed within the setback if approved by a conditional use permit.

    b. Exception: In the IN District, accessory buildings may be erected or located within the second front yard on either a double frontage or corner lot.

12. Accessory buildings shall be five (5) feet or more from all property lines.

13. Children's Playhouses.

    a. Children's playhouses shall not be counted as an accessory building if:

        i. The structure does not exceed one (1) story;

        ii. Sidewalls do not exceed eight (8) feet in height; and

        iii. The structure does not exceed ninety-six (96) square feet in gross floor area.

    b. No children's playhouse shall be erected or located within any front yard or any required yard other than the rear yard; however, in cases involving a double frontage or corner lot, it may be erected or located within the second front yard, so

long as it is not within the setback. It may be placed within the setback if approved by a conditional use permit.

14. A private kennel shall not be erected or located within any front yard and shall be five (5) feet or more from all property lines; however, in cases involving a double frontage or corner lot, it may be erected or located within the second front yard, so long as it is not within the setback. Private kennels shall not be counted as an accessory building.

15. Accessory wind energy conversion systems (WECS) shall conform to the requirements of Chapter 15-14-14.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #538, 10/25/16
Ordinance #559, 01/02/18
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #618, 01/20/2021

Authority:
SDCL § Ch. 9

15-14-3 OFF-STREET PARKING

A. General Conditions.

1. Front Yard.

a. NRC: Parking spaces are allowed; parking spaces within the setback are allowed only by conditional use; all required parking spaces shall be hard surfaced.

b. R-1, R-2, R-3 and R-4: Required parking spaces are allowed, so long as they are not within the setback, except for the portion of the front yard setback necessary for hard surfaced driveways; any parking space or parking pad shall be hard surfaced.

i. Exception for house of worship, school, and library uses: Parking spaces are allowed in the front yard. Parking spaces are allowed in the setback only by conditional use.

c. CB and GB: Parking spaces are allowed within the front yard and setback; any parking space shall be hard surfaced.

d. LI and HI: Parking spaces are allowed within the front yard and setback; all required parking spaces shall be hard surfaced.

e. IN: Parking spaces are allowed within the front yard and setback; all required parking spaces shall be hard surfaced.

2. Side Yard.

a. NRC, R-1, R-2, and R-4: Parking spaces are allowed, so long as they are not within the setbacks; any parking space, parking pad or driveway in the side yard shall be hard surfaced and be in line with a garage or on only one side of a house with no garage.

b. R-3: Parking spaces are allowed so long as they are not within the setbacks; all parking spaces shall be hard surfaced.

c. CB and GB: Parking spaces are not allowed within the setbacks; however, they are allowed within the side yard and shall be hard surfaced.

d. LI and HI: Parking spaces within the side yard and setbacks are allowed; any required parking space in the side yard shall be hard surfaced.

e. IN: Parking spaces are allowed within each side yard and setback; all required parking spaces shall be hard surfaced.

3. Rear Yard.

a. NRC, R-1, R-2, and R-4: Parking spaces are not allowed within the setback; however, they are allowed within the rear yard only by conditional use and must be hard surfaced.

b. R-3: Parking spaces are allowed so long as they are not within the setback. All parking spaces must be hard surfaced.

c. CB and GB: Parking spaces are allowed so long as they are not within the setback. All parking spaces must be hard surfaced.

d. LI and HI: Parking spaces within the rear yard and setback are allowed. Any required parking space in the rear yard must be hard surfaced.

e. IN: Parking spaces are allowed within the rear yard and setback; all required parking spaces shall be hard surfaced.

4. Access aisles and maneuvering and drive areas primarily utilized by parking spaces shall comply with the applicable location and paving requirements as described in Chapters 15-14-3(A)(1)-(3) above.

5. CB, GB and LI: Access aisles and maneuvering and drive areas primarily utilized by loading areas may be located within setbacks only by conditional use and shall be hard surfaced.

6. HI: Access aisles and maneuvering and drive areas primarily utilized by loading areas are not required to be hard surfaced. They are allowed within the side and rear setbacks; however, they are allowed within the front yard setback only by conditional use permit.

7. IN: Access aisles and maneuvering and drive areas primarily utilized by loading areas may be located within the setbacks and shall be hard surfaced.

8. Unless otherwise specified below, each lot shall have one (1) driveway that does not exceed forty (40) feet wide as measured at the inside of the sidewalk. For a lot located on a cul-de-sac bulb, the driveway width shall be measured at the corresponding front yard setback line.

The location, design, and spacing of all driveways shall be controlled by the City's Engineering Design Standards.

a. Exception for single-family attached dwellings and multiple-family dwellings where individual dwelling units have an attached accessory garage: Each driveway's width as measured at the inside of the sidewalk may be equal to the width of its associated garage. A parking pad located in the side yard next to the driveway is allowed so long as it meets setback requirements and is equal to the garage width as measured at the inside of the sidewalk.

   The location, design, and spacing of all driveways shall be controlled by the City's Engineering Design Standards.

b. Exception for R-3, CB, GB, LI, HI, and IN Districts: Each lot is allowed one (1) driveway per street frontage. The width of each driveway shall not exceed sixty (60) feet as measured at the inside of the sidewalk. Each additional driveway shall require a conditional use permit.

   The location, design, and spacing of all driveways shall be controlled by the City's Engineering Design Standards.

9. Each parking space shall be directly accessible to an access aisle.

10. Except in conjunction with a legal nonconforming business it is unlawful for any person to park, store, leave or permit the parking, storing or leaving of any commercial vehicle, with a manufacturer's gross vehicle weight rating over ten thousand (10,000) pounds, in a NRC, R-1, R-2, R-3 or R-4 District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

11. Unless otherwise specified, the parking requirements in this Section shall not be applicable to property in the CB District, except for residential uses in the CB District that are authorized by a conditional use permit.

12. All off-street parking spaces must be located on the same parcel as the principal use. This requirement does not apply to the IN District.

B. Required Parking Spaces.

In computing the number of required off-street parking spaces the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see TABLE 1 below:

TABLE 1: Minimum Off-Street Parking and Loading Requirements

Uses & Structures	**Minimum Parking Requirements**
Single-Family and Two-Family Dwellings	Two (2) spaces for each dwelling unit.
Multiple-Family Dwellings	One (1) space for each dwelling unit of two (2) bedrooms or less. Two (2) spaces for each dwelling unit of three (3) bedrooms or more.
Rooming/Boarding Houses, Sororities, and Fraternities	One (1) parking space for each two hundred (200) square feet of floor area or one (1) space per two (2) beds, whichever is greater.
Bed and Breakfast Establishments	Parking requirements for the residence, plus one (1) space per guest room.
Golf Courses	Three (3) spaces for each golf hole, plus one (1) space for each two (2) employees.
Bowling Alleys	Four (4) spaces per lane.
Houses of Worship	One (1) space for each four (4) seats in main setting area.
Private Clubs or Lodges	One (1) parking space for each three hundred (300) square feet of floor area.
High Schools	Four (4) spaces for each classroom or office room, plus one (1) for each one hundred fifty (150) square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
Elementary Schools	Two (2) spaces for each classroom or office room, plus one (1) for each one hundred fifty (150) square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
Eating and Drinking Establishments	One (1) space for each one hundred (100) square feet of gross floor area or one (1) space for each three (3) seats, whichever is greater.
Hospitals	One (1) space for each bed.
Nursing, Convalescent, and Rest Homes	One (1) space for each three (3) beds.
Auditoriums, Theaters and Places of Public Assembly	One (1) space for each four (4) seats of design capacity.
Hotels and Motels	One (1) space for each two (2) rental rooms.
Funeral Homes	One (1) space for each four (4) seats in the chapel.
Retail Sales Establishments	One (1) space for each three hundred (300) square feet of floor area.

Medical and Dental Clinics	One (1) space for each two (2) staff members and full-time employees, plus one (1) space for each six hundred (600) square feet of gross floor area.
Manufactured Home Parks	Two (2) spaces for each manufactured home lot.
Industrial Uses	One and one-half (1 ½) spaces for each two (2) employees on the maximum working shift.
Service Establishments	One (1) space for each three hundred (300) square feet of floor area.
Wholesale and Distribution Establishments	One (1) space for each two (2) employees on the maximum working shift.
Day Care Centers; Preschools	One (1) space for each employee on the maximum working shift, plus one (1) space for each ten (10) persons the facility is licensed to enroll. Additional parking or designated area for drop-off and pick-up may be required.

All other uses not specified above shall have minimum off-street parking and off-street loading spaces as determined by the Planning & Zoning Commission.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #457, 10/6/09
Ordinance #479, 2/1/11
Ordinance #531, 5/10/16
Ordinance #549, 05/09/17
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #631, 7/21/21
Ordinance #635, 10/20/21
Ordinance #652, 01/19/22

Authority:
SDCL § Ch. 9

15-14-4 OFF-STREET LOADING REQUIREMENTS

There shall be provided at the time any building is erected or structurally altered, off-street loading spaces for the following uses.

Use	**Gross square feet floor area**	**Number of Off-street loading spaces (located next to building)**
Office Buildings	25,000 - 50,000 every additional 75,000	One 14' x 35' space Add one 14' x 35' space
Retail, Service and Trade Establishments and Industrial and Wholesale Commercial	5,000 - 20,000 20,000 - 100,000 Every additional 75,000	One 14' x 35' space Two 14' x 35' spaces Add one 14' x 35' space

Legislative History:
Ordinance #445, 5/27/09
Ordinance #457, 10/6/09
Ordinance #479, 2/1/11
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-14-5 SIGN REGULATIONS

A. Purpose.

The purpose of this Chapter is to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations contained within this Ordinance are not intended to censor speech or to regulate viewpoints, but instead are intended to address the secondary effects of signs, specifically those that impact aesthetics, traffic, and pedestrian safety. This Chapter is not intended to regulate objects that traditionally are not considered signs for purposes of governmental regulation.

B. General.

This Chapter is designed to regulate the sign copy located on or attached to a sign structure. The sign structure itself, if constructed independently of the copy and/or not a fundamental part of the sign, shall require a Building Permit in conformance with Chapter 15-18.

C. Sign Permit.

1. Permit Required. Except as otherwise provided herein, it shall be unlawful for any person to erect, alter, relocate, or maintain any sign without first obtaining a sign permit from the City.

2. Application for Permit.

a. An application for a sign permit shall be submitted to the Zoning Administrator on a form as he or she may prescribe and shall include all information as may be required for a complete understanding of the proposed work and all other information to show full compliance with this Ordinance and all other laws and ordinances of the City.

If the Zoning Administrator determines that the proposed work conforms to the requirements of this Ordinance and all other laws and ordinances of the City, he or she shall issue a sign permit as soon as practicable.

3. Validity of Permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Ordinance or of any other ordinance of the City. Permits presuming to give authority to violate or cancel the provisions of this Ordinance or of any other ordinance of the City shall not be valid. The issuance of a permit based on the application, sketch, and site plan or other construction documents shall not prevent the Zoning Administrator from requiring the correction of errors in the application or other data.

4. Expiration. Every permit issued shall become invalid unless the work on the lot authorized by such permit is completed with one hundred-eighty (180) days after its issuance. If an inspection has not been requested after one hundred-eight (180) days of permit issuance and the permit has not been extended, the permit shall expire without notice. The Zoning Administrator is authorized to grant, in writing, one extension of time for a period of not more than one hundred-eighty (180) days. The extension shall be requested in writing and justifiable cause demonstrated.

5. Suspension or Revocation. The Zoning Administrator is authorized to suspend or revoke a permit issued under the provisions of this Ordinance wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or if he or she determines the permit was granted in violation of this Ordinance or of any other ordinance of the City.

6. Fee. A permit fee shall be paid to the City for each permit required by this chapter in an amount set by resolution of the City Council. All applicable fees must be paid prior to the issuance of a permit.

7. Sign Maintenance. Maintenance of legal signs is allowed and shall not require a permit. Sign maintenance includes, but is not limited to, the replacement or repair of a part or portion of a sign required by ordinary wear, tear, or damage, with like material, color, and design.

8. Nonissuance Due to Existing Illegality. A permit for a new sign shall not be issued for a lot upon which there exists an illegal sign.

9. Assignment. A current and valid permit is freely assignable to a successor as owner of the property.

10. Building Permit Not Required. If a permit has been issued pursuant to this Chapter, the applicant is not required to obtain a separate building permit for the sign.

D. Signs Not Regulated. The following signs may be allowed in addition to the signs permitted by this Ordinance. They do not require a sign permit but must be in conformance with all other federal, state, and local laws.

1. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like, of permanent-type construction and made an integral part of the building structure.

2. Signs located entirely inside the premises of a building or other enclosed space.

3. Signs erected by the City or any other governmental entity.

4. Signs regulated, approved, or otherwise required by state or federal agencies including, but not limited to, historical marker signs, official traffic control device signs, etc.

5. Holiday lights and decorations displayed during the appropriate time of year.

6. National, state, or historical flags or their emblem or insignia.

E. Prohibited Signs.

1. Signs that imitate an official traffic sign or signal or that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device.

2. Signs attached to trees, telephone poles, public benches, street lights, street signs, or placed on any public property or public right-of-way.

3. Signs that obstruct any required egress from a building or structure.

4. Unsafe, unlawful, or abandoned signs.

5. Signs placed on vehicles or trailers that are parked or otherwise located on a lot for the primary purpose of displaying the signs.

6. Any sign that is not protected by either state or federal statute, or otherwise allowed by this Ordinance.

F. Computation of Area and Height.

The following principals shall control the computation of sign area and sign height:

1. Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this Ordinance and is clearly incidental to the display itself.

2. Computation of area of multifaced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be examined from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

3. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is defined as the lower of:

   a. The existing grade prior to construction; or

   b. The newly established grade after construction.

G. General Regulations. The following regulations shall apply to all signs unless otherwise indicated:

1. Except as required by law, no sign shall be displayed without the consent of the legal owner of the lot on which the sign is located. For

purposes of this section, the term "owner" shall mean the holder of the legal title to the lot and any party and person holding a present legal right to possession, control, or use of the lot.

2. Except as required by law or otherwise permitted by the City, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

3. No wall sign shall project over the public right-of-way or sidewalk unless the building or structure to which the sign is attached is less than five (5) feet from said right-of-way or sidewalk. In such situations, the sign shall be placed at an adequate height so as not to interfere with pedestrians, vehicular traffic, or snow removal.

H. Permanent Signs. The sign requirements set forth herein shall apply to all permanent signs as defined herein.

1. General Standards. All permanent signs shall conform to the following standards:

a. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment, frame, or sign structure.

b. All signs shall be constructed to withstand a wind load of thirty (30) pounds per square foot.

c. Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs that are not maintained shall be either removed or brought into compliance immediately upon written notice. Any expenses incurred by the City during the removal or maintenance of a private sign shall be the responsibility of its owner.

2. Signs Not Requiring a Permit. The following permanent signs are exempt from the requirement of obtaining a sign permit.

a. Street Address Signs.

1. Each single-family dwelling shall be clearly identified by a Street Address Sign for first responders to locate the residence as necessary to respond to any fire or public safety issue. The Street Address Sign shall not exceed three (3) square feet in area.

2. Each dwelling unit that is part of a multi-family dwelling and is immediately accessible through an exterior door shall be clearly identified by a Street Address Sign for first responders to locate the residence as necessary to respond to any fire or

public safety issue. The Street Address Sign shall not exceed three (3) square feet in area.

3. Each location of a business or non-residential use that is immediately accessible through an exterior door shall be clearly identified by a Street Address Sign for first responders to locate the same as necessary to respond to any fire or public safety issue. The Street Address Sign shall not exceed six (6) square feet in area.

b. Building Identification Signs.

1. If more than one multi-family residential building is located on a lot, each building shall be clearly identified with a Building Identification Sign for first responders to locate the same as necessary to respond to any fire or public safety issue. The Building Identification Sign shall not exceed six (6) square feet in area.

2. If more than one business or other non-residential building is located on a lot, each building shall be clearly identified with a Building Identification Sign for first responders to locate the same as necessary to respond to any fire or public safety issue. The Building Identification Sign shall not exceed six (6) square feet in area.

3. Lots Containing a Single-Family Dwelling.

a. Single-Family Detached Dwelling.

1. Each lot containing a single-family detached residence may have one (1) wall or freestanding sign. This allowed sign is in addition to the required Street Address Sign. One (1) additional wall sign shall be permitted when there is an approved Home Occupation. Each sign shall be a maximum area of two (2) square feet and shall not exceed two (2) feet in height above grade if placed as a freestanding sign.

b. Single-Family Attached Dwelling.

1. Each individual dwelling unit may have one (1) wall or freestanding sign. This allowed sign is in addition to the required Street Address Sign. One (1) additional wall sign shall be permitted for each dwelling unit where there is an approved Home Occupation. Each sign shall have a maximum area of two (2) square feet and shall not exceed two (2) feet in height above grade if place as a freestanding sign.

4. Lots Containing a Multi-Family Dwelling.

a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) square feet.

b. One (1) freestanding sign shall be permitted per lot. It shall not exceed sixty (60) square feet in area nor be taller than six (6) feet above grade. The size of this sign may be increased to as much as one hundred (100) square feet in area and up to ten (10) feet above grade if approved by a conditional use permit.

c. Each individual dwelling unit within a multi-family dwelling if immediately accessed through an exterior door may have one (1) wall or freestanding sign. One (1) additional wall sign shall be permitted for each dwelling unit where there is an approved Home Occupation. Each sign shall have a maximum area of two (2) square feet and shall not exceed two (2) feet in height above grade if placed as a freestanding sign.

5. R-1, R-2, R-3, and R-4 Lots Not Containing a Residence.

a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) square feet.

b. One (1) freestanding sign shall be permitted per lot. It shall not exceed one hundred (100) square feet in area and be taller than six (6) feet above grade.

6. CB and GB.

a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed three (3) square feet per one (1) foot of lineal street frontage with a maximum of two hundred (200) square feet. Roof and projecting signs may not be located higher than five (5) feet above the building's roof line.

b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. Each lot shall be limited to one (1) per street frontage except that businesses on frontages of two hundred (200) feet or more may erect two freestanding signs. They shall not be taller than eighteen (18) feet above grade in the CB District and thirty (30) feet above grade in the GB District.

7. LI and HI.

a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed one (1) square foot per three (3) feet of lineal street frontage.

b. Freestanding signs shall be permitted so long as each does not exceed one (1) square foot of area per three (3) lineal feet of street frontage. Each lot shall be limited to one (1) per street frontage except that businesses on frontages of two hundred (200) feet or more may erect two freestanding signs.

c. Any sign that exceeds two hundred (200) square feet in area must be located at least five hundred (500) feet from a

residential zoning district or another sign two hundred (200) square feet in area or larger.

d. A freestanding sign in the LI or HI Districts shall be no taller than ten (10) feet above the height of the tallest principal building located on the lot.

8. IN.

a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed three (3) square feet per one (1) foot of lineal street frontage with a maximum of two hundred (200) square feet. Roof and projecting signs may not be located higher than five (5) feet above the building's roof line.

b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1) foot of lineal street. They shall not exceed thirty (30) feet in height above grade; however, signs located less than five hundred (500) feet from a residential zoning district shall not exceed eighteen (18) feet above grade.

I. Temporary Signs. Unless otherwise expressly exempt below, all temporary signs require a permit in conformance with Chapter 15-14-5(C).

1. General Standards. All temporary signs shall conform to the following standards:

a. No temporary sign may be illuminated in any manner.

b. Any temporary sign larger than or equal to nine (9) square feet in area shall be located at least ten (10) feet from all property lines.

c. Signs shall be kept in good repair. Faded, torn, damaged or otherwise unsightly signs must be repaired or removed. Signs that are not maintained shall either be removed or brought into compliance immediately upon written notice. Any expenses incurred by the City during the removal or maintenance of a private sign shall be the responsibility of its owner.

d. Signs shall be securely attached to a sign support, building, or other structure.

2. Temporary Signs Requiring a Permit. Unless it is exempt from requiring a permit in conformance with Chapter 15-14-5(I)(3), a lot's temporary signs shall be limited to the following:

a. NRC, R-1, R-2, R-3, and R-4.

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.

b. CB, 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 15-13-5(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.

3. Temporary Signs Not Requiring a Permit. A temporary sign that complies with the following standards does not require a sign permit.

a. NRC, R-1, R-2, and R-4.

1. One (1) wall or freestanding sign shall be allowed per lot for up to ninety (90) days per calendar year 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.

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.

b. R-3.

1. Two (2) wall or freestanding signs shall be allowed per lot for up to ninety (90) days per calendar year so long as no individual sign exceeds nine (9) square feet in area. If it 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.

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

1. Two (2) wall or freestanding signs shall be allowed per lot for 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.

J. Portable Signs. A permit is required prior to the placement of a portable sign. Applicant may, after obtaining a permit from the City, locate a portable sign in the permitted location for a period not to exceed thirty (30) consecutive days. If sign placement exceeds thirty (30) consecutive days, applicant will need to obtain a renewed permit. Separate permits shall be required for each sign displayed.

Portable signs shall meet the following standards:

1. No portable sign may be located on a lot containing a single-family detached dwelling.

2. Sign shall not exceed forty (40) square feet in area.

3. Sign shall not be located closer than ten (10) feet to a lot line.

4. Portable signs shall be secured to prevent overturning.

K. Electronic Message Signs. Any permanent, temporary, or portable sign displaying an electronic message shall also meet the following standards:

1. Electronic message sign displays shall be limited to displays that are gradual movements, including, but not limited to, dissolve, fade, scrolling, or traveling. However, sudden movement is prohibited, including, but not limited to strobing, blinking, and flashing.
2. All electronic message signs located in a residential zoning district shall require a conditional use permit.

L. Lighting Standards.

1. The standards for illuminated signs shall comply with Chapter 15-14-10.

M. Nonconforming Signs. Legal nonconforming signs shall comply with Chapter 15-16.

1. A sign lawfully existing prior to the effective date of this Ordinance, or applicable amendments thereto, that does not conform to the provisions of this Chapter is deemed a legal nonconforming sign.

N. Removal of Unsafe, Unlawful, or Abandoned Signs.

1. Unsafe or Unlawful Signs.

a. Upon written notice from the City, the sign's owner shall either bring the sign into compliance with the terms of this Ordinance or remove the sign when it becomes unsafe, is in danger of falling, becomes so deteriorated that it no longer serves a useful purpose of communication, the City determines it to be a nuisance, it is deemed unsafe by the City, or it is unlawfully erected in violation of any of the provisions of this Chapter.

b. The City may remove or cause to be removed the sign at the expense of its owner if the sign has not been brought into compliance with the terms of this Ordinance within thirty (30) days of the date of the notice. In the event of immediate danger, the City may remove the sign immediately upon the issuance of notice to its owner.

2. Abandoned Signs.

a. It shall be the responsibility of the owner of any lot upon which an abandoned sign is located to remove such sign within one hundred-eighty (180) days of the sign becoming abandoned as defined in this Ordinance. Removal of an abandoned sign shall include the removal of the entire sign copy. If it is a temporary or portable sign, the entire sign structure shall be removed as well.

b. Where the owner of the lot upon which an abandoned sign is located fails to remove such sign in one hundred-eighty (180) days, the City may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the lot.

Legislative History:
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #585, 6/19/19
Ordinance #595, 1/1/20

Authority:
SDCL § Ch. 9

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. 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 in height may be allowed in the second front yard. In no case shall fences exceed a height of six (6) feet.

E. 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.

F. No fence shall be erected that violates Chapter 15-14-1. A fence may be allowed in the required site triangle if the fence is not more than thirty percent (30%) solid.

G. 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.

H. 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.

I. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.

J. The side of the fence considered being the face (facing as applied to fence post) shall face abutting property.

K. 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.

Legislative History:
Ordinance #291, 8/1/00
Ordinance #445, 5/27/09
Ordinance #471, 7/20/10

Authority:
SDCL § Ch. 9
SDCL § Ch. 11, 5, & 6

Ordinance #474, 10/05/10
Ordinance #531, 5/10/16
Ordinance #533, 7/21/16
Ordinance #538, 10/25/16
Ordinance #546, 1/17/17
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #645, 12/15/21

15-14-7 WIRELESS TELECOMMUNICATIONS FACILITIES

A. Purpose.

The purpose of this Chapter is to establish reasonable, uniform, and comprehensive standards and procedures for wireless telecommunication facility deployment, installation, collocation, modification, operation, relocation, and removal within the City, consistent with and to the extent permitted by federal and state law. The standards and procedures contained in this Chapter are intended to, and should be applied to, protect and promote the public health, safety, and welfare, and also balance the benefits of a robust, advanced wireless telecommunications network with the City's local values.

This Chapter is not intended to, nor shall it be interpreted or applied to:

1. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;

2. Unreasonably discriminate amongst providers of functionally equivalent services;

3. Deny any request for authorization to place, construct, or modify any wireless telecommunication facility on the basis of the environmental effects of radio emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; or

4. Prohibit any collocation or modification that the City may not deny under federal or state law.

B. Application of Chapter.

This Chapter applies to all existing wireless telecommunication facilities within the City and all applications and requests for approval to construct, install, modify, collocate, relocate, or otherwise deploy wireless facilities on privately owned lots within the City. Notwithstanding the aforementioned, the provisions of this Chapter will not be applicable to:

1. Facilities owned and operated by the City for public purposes.

2. Amateur radio; receive-only antennas. This article shall not govern any tower, or the installation of any antenna, that is forty (40) feet or less in height and is owned and operated by a federally licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna.

3. Broadcast towers used solely for the transmission of radio or television broadcast communications.

4. Pre-existing towers and antennas. Any wireless telecommunications facility for which a permit has been properly issued that was lawfully erected prior to the effective date of this Ordinance shall not be

required to meet the requirements of this Ordinance unless there has been a cessation of operations for six (6) months. These facilities shall be referred to in this ordinance as "pre-existing" towers or antennas and are allowed to continue as they presently exist, but will be considered lawful nonconforming legal uses subject to Chapter 15-16.

5. Wireless facilities installed completely indoors and intended to extend signals of personal wireless telecommunication services in a personal residence or a business.

C. New Wireless Telecommunication Facility Requests.

1. Permit Required. No new wireless telecommunication facility shall be installed until an applicant or operator has obtained a conditional use permit, which satisfies the additional Wireless Facility Requirements outlined below.

2. Permit Application. In addition to the requirements of Chapter 15-21-1(B) for all conditional use permit applications, the following information is required:

a. Documented evidence that the applicant holds all current licenses and registrations from the FCC and any other applicable regulatory body where such license(s) and/or registration(s) are necessary to provide wireless telecommunications services utilizing the proposed facility;

b. An inventory of the applicant's existing facilities that are either within the City or within one-quarter (1/4) mile of the City's border, including a map showing the location of the specific site that is the subject of the application. The inventory shall provide specific information about the location, height, power rating, frequency range, and design of each facility.

c. A list of all existing structures considered as alternatives to the proposed location, together with a general description of the site design considered at each location. The applicant must also provide a written explanation for why the alternatives considered were unacceptable or infeasible, unavailable, or otherwise inconsistent with the General Requirements outlined in Chapter 15-14-7(C)(3). If an existing wireless facility is listed among the alternatives, the applicant must specifically address why the collocation or modification of that facility is not a viable option.

d. Photographs and photo simulations showing the proposed facility superimposed on the site and surroundings from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that identifies the photo location of each view angle.

e. All site plans, photographs, and photo simulations shall include a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed facility as a baseline.

f. A written statement of the applicant's willingness to allow other carriers to collocate on the proposed telecommunication facility whenever technically and economically feasible and aesthetically desirable.

3. General Requirements. Wireless telecommunications facilities shall be designed and maintained as follows:

a. All new facilities shall be set back at least three hundred (300) feet from a residentially zoned or used property, as measured from the base of the facility (including accessory equipment) to the property line.

b. Wireless telecommunication towers and base stations over ninety (90) feet in height above grade shall not be located within one-quarter (1/4) mile from any existing tower or base station that is over ninety (90) feet in height above grade.

c. The maximum height of wireless telecommunications towers shall not exceed one hundred (100) feet for single providers or two hundred (200) feet for two or more providers. If such a structure is located within an airport approach zone, Federal Aviation Administration approval shall be required prior to the issuance of any permits.

d. Base stations shall not exceed or project more than fifteen (15) feet beyond the existing building or structure.

e. Facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures.

f. The facilities shall not bear any signs or advertising devices other than certification, warning, or other signage required by law or expressly permitted by the City.

g. To the extent feasible and aesthetically desirable, all facilities should be designed and sited in a manner that accommodates future collocations and equipment installations that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to its outward appearance.

h. All cables and connectors for telephone, primary electric, and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches, and other associated improvements must be placed in inconspicuous locations where possible. The Planning & Zoning Commission shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the cost of the project.

i. All wireless telecommunication towers shall be enclosed by security fencing not less than six (6) feet in height and also

shall be designed in such a manner or equipped with an appropriate device to make it inaccessible for unauthorized persons to climb.

j. Facilities shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning & Zoning Commission shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding lots.

4. Application Review. Each conditional use permit application for a new wireless facility shall be submitted to the Zoning Administrator. Under federal law, the Zoning Administrator, within thirty (30) days of the receipt of the application, shall either (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Zoning Administrator informs the applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information.

If the application is deemed incomplete, an applicant may submit additional materials to complete the application. An applicant's failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application.

After meeting with the applicant, the Zoning Administrator shall review the substantive contents of the application and make a recommendation to the Planning & Zoning Commission either to approve or not approve the application. The Zoning Administrator's recommendation shall include a summary of the application and the reasons and justification for either approval or disapproval of the application.

The Zoning Administrator shall set the date, time, and place for a public hearing to be held by the Planning & Zoning Commission. No less than ten (10) days prior to the scheduled public hearing, the Zoning Administrator shall notify the landowner and applicant by mail, post notices at the City Office and the lot affected by the proposed conditional use permit, and publish notice of the public hearing in the legal newspaper of the City.

The public hearing shall be held. Any applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning & Zoning Commission.
The Planning & Zoning Commission with an affirmative vote of two-thirds (2/3) of its members, may grant the conditional use permit with such conditions and safeguards as are appropriate to protect the health, safety, and welfare of the community. The decision of the Planning & Zoning Commission shall be final unless an appeal is filed in conformance with Chapter 15-21-2.

The Planning & Zoning Commission shall issue either the conditional use permit or a written statement of denial within one hundred-fifty (150) days of the submission of the initial application unless:

a. The Zoning Administrator notified applicant that the application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty (150) day total review time is suspended until the applicant provides the missing information; or

b. An extension of time is agreed to by the applicant and City.

Failure to approve the conditional use permit or issue a written denial within one hundred-fifty (150) days shall not be deemed to be approval of the application but, instead, shall create only a rebuttable presumption that the failure to act timely was not reasonable under 47 U.S.C 332(c)(7)(B)(ii).

5. Findings Required for Approval. The Board of Adjustment shall not grant a Wireless Facility Permit unless it finds as follows:

a. All applicable requirements of Chapter 15-21-1(E)(2) and 15-14-7(C)(3) are met; or

b. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the operator's service coverage. Such evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be served by the facility; and

c. The applicant has demonstrated by clear and convincing evidence that no feasible alternative site exists that would both close a significant gap in the operator's service coverage and be a more appropriate location for the facility under the standards.

D. Mandatory Collocation or Modification Requests.

1. Purpose.

This Section is intended to comply with the City's obligations under federal law, which provides that the City "may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." (47 U.S.C. § 1455(a)(1), adopted as Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156.) This subsection creates a process for the City to review an application for a wireless facility minor modification permit submitted by an applicant who asserts that a proposed collocation or modification to an existing personal wireless telecommunications facility is covered by this federal law and to determine whether the City must approve the proposed collocation or modification. The City's review of these applications is structured to comply with the requirements of 47 U.S.C. § 1455 and the Federal Communications Commission's regulations implementing this federal law, adopted on December 17, 2014, and codified at 47 C.F.R. §§ 1.40001, et seq. This section is intended to promote the public health, safety, and welfare, and shall be interpreted consistent with the Federal Telecommunications Act of 1996 (Pub. L. No. 104-104, 110 Stat. 56), 47 U.S.C. § 1455, and all applicable Federal Communications

Commission regulations and court decisions considering these laws and regulations.

2. Minor Modification Permit.

a. Permit Required. An applicant seeking approval of a collocation or modification to an existing wireless telecommunications facility that he or she contends is within the protection of 47 U.S.C. § 1455 shall apply for a Minor Modification Permit. No collocation or modification to an existing wireless telecommunications facility shall be installed unless the applicant obtains the permit.

b. Permit Application. All applications for a Minor Modification Permit must include the following items:

1. Legal description and/or address of the lot upon which the existing facility is located.

2. Name, address, and phone number of the owner of the lot that is the subject of the application.

3. Name, address, and phone number of the owner of the existing facility.

4. Name, address, and phone number of the applicant, if different than the owner of the existing facility.

5. The district and principal land use classification(s) under which the lot is regulated at the time of the application.

6. A site plan of sufficient clarity to indicate the location, nature, and extent of the proposed collocation or modification. Where applicable, all site plans shall contain the following information:

a. The legal description or address of the lot shown on the site plan.

b. A north arrow.

c. All existing and proposed buildings, structures, or additions thereto, with information regarding their dimensions, height, and number of stories.

d. Distance from all building lines to the lot lines at the closest points.

e. Dimensions of all lot lines.

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

7. Be signed by the applicant, who may be required to submit evidence to indicate such authority.

8. Any other information concerning the lot of the proposed collocation or modification as may be requested by the Authorized Official.

c. Application Review. Each application for a Minor Modification Permit shall be reviewed by the Zoning Administrator. Under federal law, the Zoning Administrator, within thirty (30) days of the receipt of the application, shall either (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Zoning Administrator informs the applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information.
If the application is deemed incomplete, an applicant may submit additional materials to complete the application. An applicant's failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application.

The City must approve or deny an application for a Minor Modification Permit, together with any other City permits required for a proposed collocation or modification to an existing wireless telecommunications facility, within sixty (60) days after the applicant submits the application for a Minor Modification Permit, unless suspended due to issuance of any notice of incomplete filing or by mutual agreement between the City and the applicant. Under federal law, failure to approve or disapprove a Minor Modification Permit within the sixty (60) day review period, excluding any suspension periods, shall not be deemed to be approval of the application but, instead, shall create only a rebuttable presumption that the failure to timely act was not reasonable under 47 U.S.C. 332(c)(7)(B)(ii).

d. Findings Required for Approval.

1. The Zoning Administrator shall approve an application for a Minor Modification Permit for a collocation or modification to an existing wireless tower located on a privately owned lot only if the following findings can be made:

a. The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing for the sole and primary purpose of supporting any Federal Communications Commission licensed or

authorized antennas and their associated facilities;

b. The proposed collocation or modification does not increase the height of the existing wireless telecommunications facility above its lowest height on the effective date of this Ordinance or as approved if constructed after the effective date of this Ordinance by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;

c. The proposed collocation or modification does not increase the width of the facility by more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater;

d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);

e. The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access or utility easements;

f. The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and

g. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, 47 U.S.C. § 1455(a).

2. The Zoning Administrator shall approve an application for a Minor Modification Permit for a collocation or modification to an existing base station located on a privately owned lot only if each of the following findings can be made:

a. The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing, whether built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or not, that currently supports existing wireless transmission equipment;

b. The proposed collocation or modification does not increase the height of the existing wireless telecommunication facility above its lowest height on the effective date of this Ordinance or as approved if constructed after the effective date of this Ordinance by more than ten percent (10%) or ten (10) feet, whichever is greater;

c. The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;

d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);

e. The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access and utility easements;

f. The proposed collocation or modification does not defeat any existing concealment elements of the existing structure; and

g. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, 47 U.S.C. § 1455(a).

e. Permit Denial. An application for a Minor Modification Permit may be denied if the Zoning Administrator determines the proposed collocation or modification does not qualify for mandatory approval under 47 U.S.C. § 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.

E. Non-Mandatory Collocation or Modification Requests

1. Permit Required. All collocations or modifications to an existing wireless telecommunications facility that do not meet the findings of approval required for a Minor Modification Permit in conformance with Chapter 15-14-7(D)(2)(d) shall require the approval of a conditional use permit, which includes the additional Wireless Facility Requirements outlined below.

2. Permit Application. In addition to the requirements of Chapter 15-21-1(B) for all conditional use permit applications, the following information is required:

a. Documented evidence that the applicant holds all current licenses and registrations from the FCC and any other applicable regulatory body where such license(s) and/or

registration(s) are necessary to provide wireless telecommunications services utilizing the proposed facility;

b. An inventory of the applicant's existing facilities that are either within the City or within one-quarter (1/4) mile of the City's border, including a map showing the location of the specific site that is the subject of the application. The inventory shall provide specific information about the location, height, power rating, frequency range, and design of each facility.

c. Photographs and photo simulations showing the proposed facility superimposed on the site and surroundings from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that identifies the photo location of each view angle.

3. General Requirements. Collocations and modifications to an existing wireless tower or base station not protected by 47 U.S.C. § 1455 shall meet the following requirements:

a. The applicant proposes a collocation or modification to a wireless tower or base station constructed and maintained with all necessary permits in good standing for the sole and primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;

b. Wireless facilities on an existing base station shall not exceed or project more than fifteen (15) feet beyond the existing building or structure.

c. Facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures.

d. The facilities shall not bear any signs or advertising devices other than certification, warning, or other signage required by law or expressly permitted by the City.

e. To the extent feasible and aesthetically desirable, all facilities should be collocated or modified in a manner that accommodates future collocations and equipment installations that can be integrated into the wireless facility or its associated structures with no or negligible visual changes to its outward appearance.

f. All cables and connectors for telephone, primary electric, and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches, and other associated improvements must be placed in inconspicuous locations where possible. The Zoning Administrator shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the cost of the project.

g. Facilities shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning & Zoning Commission shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding lots.

4. Application Review. Each conditional use permit application for non-mandatory collocation or modification requests shall be submitted to the Zoning Administrator. Under federal law, the Zoning Administrator, within thirty (30) days of the receipt of the application, shall either: (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Zoning Administrator informs the applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information.

If the application is deemed incomplete, an applicant may submit additional materials to complete the application. An applicant's failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application.

After meeting with the applicant, the Zoning Administrator shall review the substantive contents of the application and make a recommendation to the Planning & Zoning Commission to either approve or not approve said application. The Zoning Administrator's recommendation shall include a summary of the application and the reasons and justification for either approval or disapproval of the application.

The Zoning Administrator shall set the date, time, and place for a public hearing to be held by the Planning & Zoning Commission. No less than ten (10) days prior to the schedule public hearing, the Zoning Administrator shall notify the landowner and applicant by mail, post notices at the City Office and the lot affected by the proposed conditional use permit, and publish notice of the public hearing in the legal newspaper of the City.

The public hearing shall be held. Any applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning & Zoning Commission.

The Planning & Zoning Commission with an affirmative vote of two-thirds (2/3) of its members may grant the conditional use permit with such conditions and safeguards as are appropriate to protect the health, safety, and welfare of the community. The decision of the Planning & Zoning Commission shall be final unless an appeal is filed in conformance with Chapter 15-21-2.

The Planning & Zoning Commission shall either issue the conditional use permit or issue a written statement of denial within ninety (90) days of the submission of the initial application unless:

a. The Zoning Administrator notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ninety (90) day total review time is suspended until the applicant provides the missing information; or

b. An extension of time is agreed to by the applicant.

Failure to approve the conditional use permit or issue a written denial within ninety (90) days shall not be deemed to be approval of the application but, instead, shall create only a rebuttable presumption that the failure to timely act was not reasonable under 47 U.S.C. 332(c)(7)(B)(ii).

5. Findings Required for Approval. The Planning & Zoning Commission shall not grant a Wireless Facility Permit unless it finds as follows:

a. All applicable requirements of Chapter 15-21-1(E)(2) and 15-14-7(E)(3) are met; or

b. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the operator's service coverage. Such evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be remedied by the facility; and

c. The applicant has demonstrated by clear and convincing evidence that no feasible alternative site exists that would both close a significant gap in the operator's service coverage and be a more appropriate location for the facility under the standards.

F. Operation and Maintenance Standards. All wireless telecommunications facilities shall at all times comply with the following operation and maintenance standards:

1. Wireless telecommunications facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the City.

2. Except for emergency repairs, testing, and maintenance activities that will be audible beyond the property line shall occur only between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, excluding holidays.

3. Backup generators shall be operated only during periods of power outages or for testing. Any testing of the backup generators should occur during daylight hours.

G. Permit Fees. A permit fee shall be paid to the City for each permit required by this Chapter in an amount set by resolution of the City Council. All applicable fees must be paid prior to the issuance of a permit.

H. Financial Assurance. Prior to obtaining a building permit to erect, install, collocate, or modify a wireless communication facility, the applicant either must secure a bond or provide financial assurances, in a form acceptable to the Zoning Administrator, for the removal of the facility in the event that its use is abandoned or the approval is otherwise terminated.

I. Removal of Abandoned Wireless Telecommunication Facilities. Any wireless telecommunication facility that has not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such facility shall remove the same within ninety (90) days of receipt of notice from the Zoning Administrator notifying its owner of such abandonment. Failure to remove an abandoned facility within said ninety (90) days shall result in the City removing it at its owner's expense. If there are two (2) or more users of a single facility, this provision shall not become effective until all users have abandoned the facility.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-14-8 SITE-BUILT SINGLE-FAMILY AND MULTI-FAMILY DWELLING STANDARDS

A. All dwellings must be placed on a permanent foundation, and the space between the foundation and the bottom of the home must be enclosed by concrete or approved concrete products.

B. All single-family dwellings shall be oriented on the lot so that the primary pedestrian entrance faces the street or access easement.

C. The primary roof line must have a minimum of a 4:12 pitch. This is not applicable to re-roofing or additions to existing structures.

D. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted. Roofing material requirements may receive a variance if consent of all adjacent landowners is obtained.

E. Eaves and gable ends must be a minimum of twelve (12) inches. This is not applicable to re-roofing or additions to existing structures.

F. The exterior of the home must be finished with a minimum of two types of materials. Exposed fastener metal siding is prohibited on residential buildings. Siding material requirements may receive a variance if consent of all adjacent landowners is obtained.

G. No dwelling shall be constructed, installed, or moved into the area under the jurisdiction of these regulations, unless said dwelling is constructed upon, installed on or moved onto a permanent foundation as defined in these regulations, excepting manufactured homes placed in an approved R-4 district. The Zoning Administrator or his or her designee shall inspect and authorize all

dwellings moved into the City of Brandon. For the purposes of these regulations, manufactured housing shall be allowed only in the R-4 Manufactured Housing Residential District.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-14-9 LANDSCAPING STANDARDS

It is the desire of the City of Brandon to encourage development that is environmentally sensitive and aesthetically pleasing. To assist in these objectives, a minimum standard for landscaping is prescribed.

A. Within any zoning district, at least ninety percent (90%) of the required front yard setback shall be landscaped and maintained with grass or other living ground cover except for the portion of the front yard necessary for hard surfaced driveways (see 15-14-3) and parking areas.

B. Within the R-3, 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 five percent (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.

C. The area between the street paving or curb line and the property line or sidewalk, with the exception of driveways and walkways, shall be used exclusively and maintained as landscaped area with grass or other living ground cover.

D. Required landscape areas must be capable of providing a substantially full expanse of foliage within three years after planting. All deciduous trees shall be one and three quarter (1 ¾) inch caliper and all deciduous ornamental shall be one and one quarter (1 ¼) inch caliper. These requirements are considered to be minimum requirements, and under no circumstances shall these measurements be lowered.

E. All off-street parking lots shall meet the following perimeter landscaping requirements:

1. A landscaping strip with a minimum width of five (5) feet shall be located between the parking lot and the adjoining lot lines.
2. A fence, wall or shrubbery six (6) feet in height and of a character necessary for adequate screening shall be installed or planted when a parking lot is abutting a residentially used lot. Berms or other landscaping techniques may be used for all or part of the six (6) foot screening if they have a maximum grade of three (3) feet horizontal to one (1) foot vertical and sodded or planted with other acceptable materials.

3. The Planning & Zoning Commission may modify the perimeter landscaping requirements.

F. Within the CB 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.

G. Within the LI and HI Districts, dumpsters 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.

H. Any property owner may submit an alternate landscaping plan based upon the principals of xeriscaping that is appropriate for Brandon's geographic region.

1. An application for an alternate landscaping plan, available from the Zoning Administrator of the City of Brandon, shall be completed by the landowner or landowner's representative. Completed applications shall be returned to the City Engineer for review. To be considered complete, the application form shall be accompanied by the following additional items:

   a. Any required attachments and City fees;

   b. One copy of plans drawn to scale, showing the dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings and structures already existing, if any; and the location, materials used, and design of the proposed alternative landscaping; and

   c. Any additional information, as requested by the City Engineer, as lawfully may be required to determine conformance with and provide for the enforcement of this Ordinance.

2. A copy of the alternate landscaping plan shall be returned to the applicant after the City Engineer has marked such copy as either approved or disapproved, and attested to the same by signing said copy of the plans. Proposed plans that are not in compliance with the principals of xeriscaping that are appropriate for Brandon's geographic region shall not be approved. A copy of the plans, similarly marked, shall be retained by the Zoning Administrator of the City of Brandon for City records.

   If the City Engineer determines the proposed alternate landscaping plan does not comply with the principals of xeriscaping that is appropriate for Brandon's geographic region, the applicant may appeal his or her decision to the Board of Adjustment pursuant to Chapter 15-18-3. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to overturn a decision or determination of the City Engineer.

   Approval of an alternate landscaping plan shall indicate that, in the opinion of the City Engineer or the Board of Adjustment, the proposed plan complies with the principals of xeriscaping that are appropriate

for Brandon's geographic region. It shall not be construed as waiving or changing any other provisions of this Ordinance.

3. An alternate landscaping plan approved under the provisions of this Chapter shall expire by limitation and become null and void if either the landscaping work is not completed within one hundred-eighty (180) days from the date of approval or if some event or other happening, such as the approval of a building permit that fundamentally changes the layout of the lot, is approved, whichever occurs first. Before such work can be recommenced, a new approval shall be required.

   The City Engineer may, except as otherwise provided herein, extend the time for completing the landscaping work for a period not exceeding ninety (90) days upon written request by the permittee showing that circumstances beyond his or her control have prevented completion of the work. This provision shall not apply if the plan expired due to fundamental changes resulting from some event or other happening, such as the approval of a building permit that fundamentally changed the layout of the lot.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #471, 5/20/10
Ordinance #511, 5/6/14
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #586, 6/19/19

Authority:
SDCL § Ch. 9

15-14-10 LIGHTING STANDARDS

Lighting of all types, excluding street lighting and traffic signals, shall be directed so as to reflect away from all residential districts, and shall be so situated so as not to reflect directly onto any public right-of-way, so as to create a traffic hazard. When property is adjacent to or within one hundred fifty (150) feet of residentially used or zoned property, the following lighting standards apply:

A. The maximum light level shall be no greater than three (3) foot candles field measured at the property line (ground level).

B. The maximum height of light luminaries shall be twenty-five (25) feet above the ground.

C. Canopy luminaries and other on-site lighting with luminaries greater than two thousand (2,000) lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.

D. The maximum number of canopy luminaries shall be determined by the following industry standard:

   Canopy length (in feet) x canopy width (in feet) x 3 = Maximum Number of Luminaries Lamp wattage.

All other light luminaries shall have a maximum height of thirty-eight (38) feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.

The following structures or uses are exempt from these lighting standards: Public recreation facilities, parks, pedestrian walkways, illuminated flags or statues, airport runways, telecommunication towers, broadcast towers, and historic period lighting.

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

Authority:
SDCL § Ch. 9

15-14-11 HOME OCCUPATIONS

All home occupations require a conditional use permit in conformance with Chapter 15-21. The following are the minimum standards required for a Home Occupation, but may be supplemented by the Planning & Zoning Commission:

A. Advertising displays and advertising devices displayed through a window of the building shall not be permitted.

B. No more than fifty percent (50) of the home can be used for the home occupation (excluding Group Day Cares).

C. No more than two hundred (200) square feet of an accessory building can be used for the home occupation.

D. In-home day care operations shall be limited to Group Day Cares, as defined herein.

E. Home occupations shall employ no more than one full-time or part-time employee on-site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by the non-resident employee (excluding Group Day Cares).

F. Group Day Cares, Home-Based Preschools, and other Home Occupations involving the care or supervision of children must provide a safe pickup and drop-off area and an enclosed and safe playground area with a fence at least four (4) feet in height.

G. Unless expressly permitted by a conditional use permit, no retail sales are permitted from the site other than incidental sales related to services provided.

H. No exterior storage is permitted.

I. Additional off-street parking may be required for the business.

J. If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on the street. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage, provided one (1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment

parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.

K. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.

Legislative History:
Ordinance #441, 4/01/09
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-14-12 MANUFACTURED HOME REQUIREMENTS

A. The pitch of the main roof shall not be less than three (3) inches of vertical rise for each twelve (12) inches of horizontal run. Metallic roofing surfaces shall not be permitted.

G. Minimum width shall be twenty-two (22) feet.

C. The use of flat or corrugated sheet metal for the exterior walls is prohibited.

D. The manufactured home shall meet United States Department of Housing and Urban Development Safety Standards Act of 1974, effective 1976. The installation of a manufactured home shall not be permitted if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of issuance of a building permit to install the manufactured home.

E. Each manufactured home shall be properly secured to the ground with either a permanent foundation extending no less than four (4) feet below grade, or with tie downs installed as recommended by the manufacturer, but in no event more than twelve (12) feet apart along the perimeter of the structure. Such tie downs shall extend down no less than four (4) feet below grade.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-14-13 BED AND BREAKFAST ESTABLISHMENTS

A. Bed and Breakfasts shall be limited to a residential structure.

B. They shall be in compliance with applicable state laws including South Dakota Department of Health, maintaining a guest list, and providing a smoke detector in each sleeping room.

H. Such uses shall be an incidental use with an owner-occupied principal dwelling structure, provided that not more than four (4) bedrooms in such dwelling structure shall be used for such purpose.

D. Off-street parking requirements shall be one space per guest room and shall be in addition to parking requirements for the residence.

E. The length of stay shall not exceed fourteen (14) days during any one hundred-twenty (120) day consecutive period.

F. Meals shall be limited to breakfast that is prepared in a common facility (household kitchen). Meals may be served only to overnight registered guests, and cooking is not permitted in the sleeping rooms.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-14-14 ACCESSORY WIND ENERGY CONVERSION SYSTEMS

A. General. Accessory wind energy conversion systems (WECS) shall be allowed as conditional uses in certain zoning districts. In addition to the standards set forth below, they shall meet all conditional use permit requirements in conformance with Chapter 15-21-1.

B. Setbacks. WECS shall be set back a distance equal to no less than one and one tenth (1.1) times the total height of the structure. The setback distance requirement shall be measured from the base of the WECS to the nearest property line.

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 or R-4 District or one hundred-fifty (150) feet in a CB, GB, LI or HI District as measured from the ground to the rotor hub.

D. Rotor clearance. Blade arcs created by the WECS shall have a minimum of twenty (20) feet of clearance over any structure or tree. WECS attached to principal or accessory structures are exempt from this requirement.

E. Rotor safety. Each WECS shall be equipped with both a manual and an automatic braking device capable of stopping WECS operation in high wind or in conditions of imbalance.

F. Noise. No wind energy conversion system shall produce more than sixty (60) decibels of sound measured at the closest point on the closest property line from the base of the system. Information from the manufacturer of the wind energy conversion system shall be submitted at the time of the submittal of the conditional use application, ensuring that this requirement can be met once the system is operational.

G. Electromagnetic interference. WECS shall be designed and constructed so as not to cause interference with radios, televisions or other electronic devices.

H. Access. Appropriate safety measures must be undertaken to discourage unauthorized climbing of a WECS tower.

1. The tower shall not be climbable for a height of eight (8) feet above the ground unless the applicant proves it would not be a public hazard.

2. All access doors to the tower and exterior electrical equipment shall be locked when not attended.

I. Warning information. Information related to the maximum power output, nominal voltage and maximum current, and emergency shut-down procedures for the WECS shall be posted near the base of the tower in a visible location.

J. Lighting. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by the FAA or other State or Federal agency.

K. Manufacturer warranty/maintenance information. Upon application for a conditional use for a WECS, the petitioner shall submit a manufacturer's statement documenting that the system has been operated successfully and safely operated in atmospheric conditions that are similar to conditions in Brandon.

L. Construction standards. Any wind energy conversion system shall be constructed in accordance with all applicable safety, building, and fire codes including, but not limited to, the following:

1. Standard drawings of the structural components of the WECS and support structures, including base and footings shall be provided along with the engineering data and calculations to demonstrate compliance with the structural design provisions of the City Building Code, especially with regard to wind and icing loads. Drawings and engineering calculations shall be certified by a registered structural engineer.

2. Roof-mounted WECS shall include detailed plans illustrating roof construction, mounting techniques, and wind load capacity.

3. Lightning Protection. Any WECS shall have appropriate lightning protection to sufficiently protect all connected and adjacent equipment and structures from damage. The lightning protection system shall effectively discharge lightning energy from the structure to the ground through the application of shielding, lightning arresters, and deep earth grounding.

4. All WECS shall conform to applicable industry standards as well as local, state, and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories or an equivalent third party.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #486, 11/18/11
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-14-15 HOLDING TANKS IN LIEU OF SANITARY SEWER SYSTEMS

No permits of any kind shall be issued in any residential or commercial zoning district not served by the municipal sanitary sewer system unless a holding tank is installed under the following provisions and requirements:

A. Holding tanks must be installed with no outlets except one that is accessible for pumping. All holding tanks must be maintained so as to prevent any seepage or leakage. Only such holding tanks that are recommended for use by the City Engineer and approved by the City Council shall be installed. No drain field or other means of underground distribution shall be installed on the parcel of land.

I. All such holding tanks must be pumped, as required, into such trucks or conveyances that will haul the sewage to an appropriate discharge area. It shall be the responsibility of the person authorizing the pumping of a holding tank to provide such evidence of pumping to the Code Enforcement Officer or the Municipal Finance Officer within seven (7) days following any pumping of a holding tank. Such evidence shall state the location of the holding tank, the name of the person authorizing the pumping, the date of pumping, the amount so pumped, and the signature of the person or firm doing the pumping. No discharge of sewage from a holding tank by pumping shall be distributed on any part of the lot.

J. If, in the event a holding tank is not pumped as required, the Code Enforcement Officer or the City Council shall order such tank to be pumped, and for such purposes may enter upon any such lot or parcel of land. Any and all expenses incurred in such pumping shall be paid by the owner of the lot, and the City Council may use any legal means to collect such expenses.

D. Any on-site inspection of the installation of a holding tank shall be made by the Code Enforcement Officer. He or she shall certify that the holding tank is of a type approved, that there are no outlets or connections to any drain field, dry hole, or any other means of distribution on the lot or parcel of land affected by this section, and that all sources of sewage from the lot or parcel of land are connected directly to such holding tank. It shall be the responsibility of the developer or owner of such lot or parcel of land to request such inspection before the holding tank or any of its connections are covered. In the event the holding tank or any of its connections are covered prior to any inspections, the Code Enforcement Officer shall order such excavation as necessary to inspect the tank and all its connections. The owner or developer requisitioning such inspection shall pay all expenses incurred in excavation for the purpose of an inspection.

E. Each day in violation of this section shall constitute a separate violation of this ordinance.

F. Use of such holding tanks shall be discontinued within sixty (60) days after connection with the municipal.

Legislative History:
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-14-16 OUTDOOR SALES, DISPLAYS, AND STORAGE

This Section is to provide for the appropriate location and design of outdoor sales, display, and storage areas and to mitigate any adverse effects that such uses may have on abutting or adjacent properties and rights-of-way.

A. Within the GB, LI, and HI Districts, no temporary sales, displays, or storage areas may be located within five (5) feet of the front property line.

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

Authority:
SDCL § Ch. 9

15-14-17 SWIMMING POOLS

Swimming pools are considered an accessory structure. The most recent publication of the International Swimming Pool and Spa Code, and any amendments thereto, governs swimming pools with the exception that barriers must be installed even if a swimming pool is equipped with a power safety cover, and Section 4 of 305.2.1 is not adopted.

Legislative History:
Ordinance #619, 01/20/2021

Authority:
SDCL § Ch. 9

CHAPTER 15-15
ADJUSTMENTS TO YARD REGULATIONS

15-15-1 ADJUSTMENT TO FRONT YARD REQUIREMENTS

A front yard may be adjusted to an average of the adjacent structures' front yards where existing adjacent structures have a front yard less than required.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-15-2 ADJUSTMENT TO SIDE YARD REQUIREMENTS

Buildings constructed prior to the effective date of this Ordinance with side yard setbacks of less than required by this Ordinance, may have additions erected in line with the existing building and provided further that said addition shall be erected no closer to the lot line than the existing building.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-15-3 PROJECTION FROM BUILDINGS

Every part of any required yard shall be open to the sky and unobstructed except:

A. Eaves may project into a front, side, or rear yard up to thirty-six (36) inches, exclusive of gutter.

B. Air conditioners may project into a required side or rear yard setback.

C. Solar collectors that are a part of the main building may extend into a required rear yard for a distance not to exceed ten (10) feet.

D. An open, unenclosed, and uncovered deck or paved patio may project into a required front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed four (4) feet.

E. An open, unenclosed, and uncovered deck or paved patio that does not exceed twelve (12) inches in height above grade may project into a required yard, provided these projections be a distance of at least five (5) feet from the adjacent side or rear lot line.

F. Bay windows or cantilevered walls attached to a building may extend up to three (3) feet into one front or rear yard setback, but not both. If the width of the cantilevered section exceeds more than fifty percent (50%) of the buildable width of the lot, it must be located at least eight (8) feet above grade.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #547, 1/17/17
Ordinance #566, 9/25/18
Ordinance #570, 10/30/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

CHAPTER 15-16
NON-CONFORMING USES AND NON-STANDARD LOTS

15-16-1 NON-CONFORMING USES AND STRUCTURES

A lawful use or structure existing at the time this Ordinance is adopted or amended may continue even though such use or structure does not conform with the district regulations subject to the following provisions:

A. Whenever a non-conforming use has been changed to an authorized Permitted or Conditional Use, it shall not be changed back to a non-conforming use.

B. Should any non-conforming use or structure be destroyed by any means to the extent of more than fifty percent (50%) of its replacement cost, such non-conforming use or structure shall not continue.

C. When a non-conforming use is discontinued for a period of more than six (6) months, any subsequent use, lot, or occupancy of the land or premises shall be in conformance.

D. Any non-conforming use may be extended throughout any part of a structure that was arranged or designed for such use prior to the adoption of this Ordinance, but shall not be extended outside such structure unless required by law.

E. An existing non-conforming structure shall not be enlarged, moved, or structurally altered except to change to an authorized Permitted or Conditional Use or as otherwise required by law. This is not to include normal repairs and maintenance that do not enlarge, move, or structurally alter a non-conforming structure.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-16-2 MERGER OF NON-STANDARD LOTS

If two (2) or more contiguous lots are held in single or joint ownership prior to the issuance of a building permit for any of the lots in conformance with Chapter 15-18, they shall be replatted into one (1) lot to the extent necessary to meet the zoning district's minimum lot and yard requirements if: (1) all share the same zoning district classification; (2) any of the lots do not individually meet the minimum lot and yard requirements of the zoning district in which they are located; and (3) any of the lots are undeveloped or contain no principal building or structure.

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

Authority:
SDCL § Ch. 9

15-16-3 MERGER OF SIMULTANEOUSLY IMPROVED LOTS

When improvements are proposed involving two (2) or more contiguous lots held either

in single or joint ownership, said lots shall be replatted into one (1) lot prior to the issuance of a building permit in conformance with Chapter 15-18. This provision shall not apply to the construction or erection of fences.

Legislative History:
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #617, 01/20/2021

Authority:
SDCL § Ch. 9

CHAPTER 15-17
ADMINISTRATION AND ENFORCEMENT

15-17-1 POWERS AND DUTIES

The Zoning Administrator is hereby authorized and directed to enforce all the provisions of this Ordinance and establish rules for its administration. For such purposes he or she shall have the powers of a law enforcement officer. The Zoning Administrator shall have the power to render interpretations of this Ordinance. Such interpretations shall be within the intent and purpose of this Ordinance and be set forth in writing. In addition, the Zoning Administrator may appoint or solicit technical advice, inspectors, city officials, and other city employees to assist with the administration of the Zoning Ordinance. The Zoning Administrator shall be a City employee, with work week, hours of work, and wages to be determined by the City Council or another person approved by the City Council. With approval of the City Council, the Mayor shall appoint the Zoning Administrator.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-17-2 RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this title, the Zoning Administrator and authorized representatives may enter such building or premises at all reasonable times to inspect. Provided such building or premises is occupied, the Zoning Administrator or authorized representative shall first present proper credentials and request entry. If such building or premises is unoccupied, the Zoning Administrator first shall make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or if the owner or another person is not found, then the Zoning Administrator or authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Zoning Administrator or authorized representative has first obtained a proper inspection warrant or other remedy provided by law to secure entry of the building or premises, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect to promptly permit entry.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-17-3 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of the Zoning Ordinances occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall state the cause(s) and basis thereof and shall be filed with Zoning Administrator, who shall investigate and enforce the provisions of the Zoning Ordinances. The complainant may appeal the Zoning administrator's decision to the Board of Adjustment as set forth in 15-19-3.

Legislative History:
Ordinance #445, 5/27/09

Authority:
SDCL § Ch. 9

Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

15-17-4 STOP ORDER

Whenever any work or use is being done contrary to the provisions of this title, the Zoning Administrator may order the work or use stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work or use until authorized by the Zoning Administrator to proceed with the work or use.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

CHAPTER 15-18
BUILDING PERMITS AND FEES

15-18-1 BUILDING PERMITS

No new development, change of use, moving in/moving out of structures, demolition, or other action that may be regulated by the provisions of this Ordinance and adopted building code including use, height, number of occupants, lot area, off-street parking or yard requirements, shall occur without a Building Permit issued by the Zoning Administrator, or his or her authorized designee, of the City of Brandon.

A. An application for Building Permit, available from the Zoning Administrator of the City of Brandon, shall be completed by the landowner or landowner's representative requesting the Building Permit. Completed applications shall be returned to the Zoning Administrator of the City of Brandon for review. To be considered complete, the application form shall be accompanied by the following additional items:

1. Any required attachments and City fees;

2. One copy of plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration if structurally altering; and

3. Any additional information, as requested by the Zoning Administrator of the City of Brandon, as lawfully may be required to determine conformance with and provide for the enforcement of this ordinance.

B. A copy of the plans shall be returned to the applicant after the Zoning Administrator of the City of Brandon has marked such copy as either approved or disapproved, and attested to the same by signing said copy of the plans. A copy of the plans, similarly marked, shall be retained by the Zoning Administrator of the City of Brandon for City records.

C. If the Zoning Administrator of the City of Brandon determines the proposed action would not be in compliance with the provisions of these regulations, a Building Permit may not be issued, except upon completion of one of the following processes established in these regulations, as may be applicable to such proposed action. The Zoning Administrator of the City of Brandon shall inform the applicant when one of the following processes may be applicable:

1. Variance

2. Amendment

3. Conditional Use Permit

Issuance of a Building Permit shall indicate that, in the opinion of the Zoning Administrator of the City of Brandon, the proposed use and/or alterations of existing use are in compliance with the requirements of these Zoning Regulations. Issuance of a Building Permit shall not be construed as waiving any provisions of this Ordinance. Proposed uses and/or alterations of existing uses that are not in compliance with the requirements of this Ordinance shall not be issued a Building Permit.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-18-2 FEES

A schedule of fees, charges, and expenses for permits, change of zone, appeals, and other matters pertaining to this Zoning Ordinance shall be established by resolution of the City Council. The current fee schedule shall be available from the Zoning Administrator of the City of Brandon. All fees shall be the property of the City and shall be paid over to the Zoning Administrator of the City of Brandon for credit to the General Fund of the City, which under no condition shall be refunded. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch.

15-18-3 EXPIRATION OF A BUILDING PERMIT

Every building permit issued under the provisions of this Chapter shall expire by limitation and become null and void if the work or use authorized by such permit is not completed within three hundred-sixty five (365) days from the date of such permit. Before such work can be recommenced, a new permit shall first be obtained to do so, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one (1) year.

The Zoning Administrator may, except as otherwise provided herein, extend the time for action by the permittee for a period not exceeding one hundred-eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. No more than two (2) active building permits are allowed on a residentially zoned lot at a time.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #578, 05/14/19
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

CHAPTER 15-19
BOARD OF ADJUSTMENT

15-19-1 ESTABLISHMENT

A Board of Adjustment is hereby established for the City of Brandon, which shall consist of the members of the Planning & Zoning Commission, pursuant to SDCL 11-4-13.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-19-2 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

A. To hear and decide appeals where it is alleged there is error in any requirement or determination made by the Zoning Administrator of the City of Brandon in the enforcement of this ordinance; and

B. To hear and decide upon petitions for variances to vary the strict applications of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. A variance shall not be allowed to vary the use regulations.

C. To hear and decide upon appeals, orders or determinations made by the building official or employee relative to the application and interpretation of any Code adopted by the City pursuant to Brandon Ordinance 4-1-1.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #588, 07/03/19

Authority:
SDCL § Ch. 9

15-19-3 BOARD OF ADJUSTMENT APPEAL PROCEDURE

Appeals to the Board may be taken by any person or persons aggrieved or by any officer, Department, board or bureau of the municipality affected by any decision of the Zoning Administrator or Building Official. Such appeal shall be filed with the Zoning Administrator or the City of Brandon and with the Board of Adjustment. The Zoning Administrator shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. Such notice of appeal shall be presented to the Zoning Administrator and the Board of Adjustment within ten (10) days after the filing of the decision in the office of the Zoning Administrator.

The Board of Adjustment shall keep a public record of all findings and decisions. All meetings shall be held at the call of the Chairman and at such other times as necessary. Each session at which an appeal is to be heard shall be a public meeting. No less than ten (10) days before the public hearing, the Zoning Administrator of the City of Brandon shall publish notice of the public hearing in the legal newspaper of the City and shall provide notice of the hearing by mail to the appellant.

The public hearing shall be held. The appellant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the

Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to overturn a decision or determination of the Zoning Administrator.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #588, 07/03/19

Authority:
SDCL § Ch. 9

15-19-4 VARIANCES

A. The purpose of a variance is to modify the strict application of a specific zoning requirement in the case of an exceptionally irregular, narrow, shallow, or steep lot or other exceptional physical conditions whereby the strict application would result in an unnecessary hardship that would deprive an owner of the reasonable use of the land. Variances are to be granted only when necessary to overcome some obstacle that prevents the owner from using the property as the zoning ordinances intended. A variance will not be granted to allow a use that is not permissible in the zoning district.

B. An application for a variance, available from the Zoning Administrator of the City of Brandon, shall be completed by the landowner requesting the variance. Completed applications shall be returned to the Zoning Administrator for review. To be considered completed, the application shall contain the following information:

1. Legal description of the land on which such variance is requested, together with local street address;

2. Name and address of each owner of the property;

3. Name, address, phone number, and signature of the applicant;

4. Zoning district classification under which the property is regulated at the time of such application;

5. Description of the variance sought from the Zoning Regulations;

6. Be accompanied with a site plan, unless waived by the Zoning Administrator; and

7. Be accompanied by the appropriate fee as designated by resolution of the City Council.

C. The Zoning Administrator shall review the application, and prior to submission to the Board of Adjustment, the City staff may provide comments on the application including, but not limited to, suggestions and recommendations.

D. The Zoning Administrator shall set the date, time, and place for a public hearing to be held by the Board of Adjustment. No less than ten (10) days prior to the scheduled public hearing, the Zoning Administrator shall notify the landowner by mail, post notices at the City Office and on the property affected by the proposed variance, mail notice by first class mail to all property owners within

300 feet of the variance, and publish notice of the public hearing in the legal newspaper of the City.

E. The public hearing shall be held. The applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any variance.

F. The Board of Adjustment shall have the jurisdiction to hear and decide upon petitions for variances, to vary the strict application of the height, area, setback, yard, landscaping, signage, parking or density requirements as will not be contrary to the public interest. For purposes of these regulations, public interest shall include the interests of the public at large within the City, not just neighboring property owners. At all times, the burden shall be on the applicant to prove the need for a variance. The following issues are to be considered as determining factors in whether or not the issuance of a variance is justified:

1. An unnecessary hardship must be established by the applicant who applies for the variance. An "unnecessary hardship" refers solely to the particular physical condition of the property, not any personal or self-inflicted hardship to its owner, financial or otherwise. The hardship must be substantial and of compelling force, not merely for reasons of convenience or profit.

2. Literal interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance.

3. The variance requested is the minimum variance that will alleviate the unnecessary hardship.

4. Granting of the variance will comply with the general purpose and intent of the Ordinance, and will not be offensive to adjacent areas or to the public welfare.

5. No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered the sole grounds for the issuance of a variance.

6. Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances that are not of the applicant's making.

G. To preserve the intent of these Zoning Regulations and to protect the public interest, the Board of Adjustment may attach conditions to a variance. A variance shall remain valid only as long as the property owner complies with any terms and conditions of the variance, as attached by the Board of Adjustment.

H. No applicant requesting a variance whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Board of Adjustment or City

Council shall be again considered by the Board of Adjustment before the expiration date of six (6) months from the date of the final action on the petition.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #656, 6/15/22

Authority:
SDCL § Ch. 9

15-19-5 APPEAL OF BOARD OF ADJUSTMENT DECISION TO CITY COUNCIL

Within five (5) working days after the filing of the Board of Adjustment's written findings by the Board of Adjustment's Chair, any person or persons aggrieved by any decision may submit a written request to the City Council specifying the reason(s) the Board decision should be modified, reversed, or vacated, or the matter remanded to the Board. The City Council may review the request and the decision and evidence presented to the Board of Adjustment; no new testimony or evidence may be submitted to the City Council in connection with the review. The City Council, upon a two-thirds (2/3) vote, may modify, reverse, or vacate the Board of Adjustment's decision, and/or may remand the matter back to the Board of Adjustment with or without direction. The City Council shall enter its decision within ten (10) working days after the appeal has been filed. Its decision shall be entered in its regular minutes. The City Council's decision thereafter may be presented to the court within thirty (30) days after the its decision has been entered in the minutes. The City Council's ability to conduct a review of the Board's decision, however, shall not toll the time limits specified in SDCL 11-4-25 for court review of the Board of Adjustment's filed decision.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-19-6 COURT REVIEW

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the Board's decision as provided in SDCL 11-4-25.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

CHAPTER 15-20
AMENDMENTS AND CHANGE OF ZONE

15-20-1 PROCEDURE

Zoning amendments and change of zones are changes to this Ordinance. Applications for amendment may be submitted by either the City or any owner of land within the City. The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, or repealed, provided however, that no such action may be taken until after public hearings, at which parties in interest and citizens shall have an opportunity to be heard.

The following procedure for requesting an amendment shall be followed:

A. The Zoning Administrator of the City of Brandon shall review the application for amendment or change of zone and forward the application and his/her comments to the Planning & Zoning Commission for review.

B. The Zoning Administrator of the City of Brandon shall set the date, time, and place for a Planning & Zoning Commission public hearing. The Zoning Administrator of the City of Brandon shall publish notice of the public hearing in a legal newspaper of the city once not less than ten (10) days prior to the public hearing. At least one sign shall be posted on the property for a continuous period of ten (10) days immediately prior to any public hearing held by the Planning & Zoning Commission to consider any rezoning application.

C. The public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning & Zoning Commission.

D. The Planning & Zoning Commission, upon a two-thirds (2/3) vote of the members, shall either recommend or not recommend approval of the amendment to the City Council.

E. The Zoning Administrator of the City of Brandon shall set the date, time, and place for a public hearing. The Zoning Administrator of the City of Brandon shall publish notice of the public hearing in a legal newspaper of the City once not less than ten (10) days prior to the public hearing. At least one (1) sign shall be posted on the property for a continuous period of ten (10) days immediately prior to any public hearing held by the City Council to consider any rezoning application.

F. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these Zoning Regulations, in accordance with standard procedures for reading, approval, publication, and effective date.

G. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect twenty (20) days after publication, unless the referendum has been invoked.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

CHAPTER 15-21
CONDITIONAL USE PERMITS

15-21-1 CONDITIONAL USES

Any conditional use approved by the Planning & Zoning Commission shall conform to the standards set forth for such uses below. These standards shall be construed to be the minimum requirements for any of the specified Conditional Uses, and the Planning & Zoning Commission may require additional reasonable stipulations at its discretion. In all cases, the effect of the proposed use on adjacent properties shall be a major consideration.

A. Procedure.

The Planning & Zoning Commission may authorize by conditional use permit those principal land uses specifically designated as Conditional Uses in Chapters 15-3 through 15-13 and any other building, structure, or land use requiring such a permit pursuant to the terms of this Ordinance. The Planning & Zoning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of such conditional use permit.

B. Application.

To obtain a conditional use permit, the applicant shall file an application with the Zoning Administrator on a form furnished by the City. Every application shall contain the following information:

1. Legal description of the land on which such conditional use permit is requested, together with local street address;

2. Name and address of each owner of the property;

3. Name, address, phone number, and signature of the applicant;

4. Zoning district classification under which the property is regulated at the time of such application;

5. A site plan, unless waived by the Zoning Administrator; and

6. Any other information concerning the property as may be requested by the Zoning Administrator or the Planning & Zoning Commission.

C. Fees.

Upon the filing of any application for a conditional use permit with the Zoning Administrator, the applicant shall pay to the City the appropriate fee as designated by Resolution of the City Council.

D. Information on Site Plan.

In addition to the following information, plans shall be drawn to scale upon substantial paper or provided electronically and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter and all relevant laws,

ordinances, rules, and regulations. The Zoning Administrator may waive the submission of plans if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Chapter.

1. The address of the property and the legal description;

2. The name of the project and/or business;

3. The scale and north arrow;

4. All existing and proposed buildings or additions;

5. Dimensions of all buildings;

6. Distance from all building lines to the property lines at the closest points;

7. Building height and number of stories;

8. Dimensions of all property lines;

9. Parking lots or spaces; designate each space, give dimensions of the lot, stalls, and aisles;

10. Screening; show height, location, and type of material to be used;

11. The landscaped setback and trees; indicate species of trees and material to be used for landscaping; and

12. Name and location of all adjacent streets, alleys, waterways, and other public places.

Approved plans shall not be changed, modified, or altered without authorization from the Planning & Zoning Commission giving final approval, and all work shall be done in accordance with the approved plans.

E. Review and Public Hearing Procedure.

Prior to approval of a conditional use permit, the Zoning Administrator shall review the application, and City staff may provide comments to the Planning & Zoning Commission including but not limited to, suggestions and recommendations.

The Zoning Administrator shall set the date, time, and place for a public hearing to be held by the Planning & Zoning Commission. No less than ten (10) days prior to the scheduled public hearing, the Zoning Administrator shall notify the landowner by mail, post notices at the City Office and on the property affected by the proposed conditional use permit, mail notice by first class mail to all property owners within 300 feet of the proposed conditional use, and publish notice of the public hearing in the legal newspaper of the City.

The following procedure shall be followed by the Planning & Zoning Commission:

1. The public hearing shall be held. Any applicant may appear in person,

or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning & Zoning Commission.

2. Before any conditional use permit shall be granted, the Planning & Zoning Commission shall make written findings certifying compliance with the specific rules governing individual Conditional Uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:

   a. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

   b. Off-street parking and loading areas where required;

   c. Refuse and service areas, with particular reference to (a) and (b) above;

   d. Utilities, with reference to locations, availability, and compatibility;

   e. Screening and buffering with reference to type, dimensions and character;

   f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;

   g. Required yards and other open space;

   h. General compatibility with adjoining properties and other property in the zoning district in which such use is to be located;

   i. The goals and objectives of the most recently adopted Comprehensive Plan.

The Planning & Zoning Commission, upon a two-thirds (2/3) vote of its members, shall decide whether to grant the conditional use permit with such conditions and safeguards as are appropriate or to deny a conditional use permit when not in harmony with the purpose and intent of this Ordinance. The decision of the Planning & Zoning Commission shall be final unless an appeal is filed in accordance with Chapter 15-21-2.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19
Ordinance #657, 6/15/22

Authority:
SDCL § Ch. 9

15-21-2 APPEAL OF CONDITIONAL USE APPLICATION

The decision rendered by the Planning & Zoning Commission on a conditional use permit may be appealed to the City Council. Any such appeal by the applicant or any other person aggrieved by the decision of the Planning & Zoning Commission shall be filed through a written appeal with the Zoning Administrator within five (5) working

days of the Planning & Zoning Commission's oral decision. When an appeal is filed, the Zoning Administrator shall present the Planning & Zoning Commission's decision to the City Council for review. The Zoning Administrator shall set the date, time, and place for a public hearing to be held by the City Council. No less than ten (10) days prior to the scheduled public hearing, the Zoning Administrator shall mail the landowner notice, post notices at the City Office and on the property affected by the proposed conditional use permit, and publish notice of the public hearing in the legal newspaper of the City. On the day of the appeal review, the City Council shall review the decisions and recommendations of the Planning & Zoning Commission. No new testimony or evidence shall be submitted. The City Council upon a two-thirds (2/3) vote of the members may modify, reverse, or vacate the Planning & Zoning Commission's decision, or may remand the matter back to the Planning & Zoning Commission with or without direction. The City Council shall enter its decision in its regular minutes. An appeal to the City Council does not waive any requirements under SDCL 11-4-25.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-21-3 PERMIT REVOCATION

A conditional use permit may be revoked only for cause, consisting of failure to maintain the standards required for the initial conditional use permit. A notice of intent to revoke a conditional use permit shall be given in writing thirty (30) days prior to actual revocation and shall specify the area or areas of continued failure to meet requirements and maintain conditions the city may have imposed. If, during that period, proof of compliance is made by the holder of the conditional use permit, the conditional use permit shall be continued in force. If a hearing has been requested following receipt of notice of intent to revoke, the Planning & Zoning Commission shall hold a public hearing on the matter and make a final determination on the revocation.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-21-4 EXPIRATION

A conditional use permit shall expire two years from the date upon which it becomes effective if no work has commenced. Upon written request to the Zoning Administrator and prior to the conditional use permit expiration date, a one (1) year time extension for the conditional use permit may be granted by the Zoning Administrator.

A conditional use permit approved in accordance with Chapter 15-21-1 shall expire one (1) year after the use discontinues on the premises, or the use is changed to another permitted use in the underlying district.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-21-5 RE-APPLICATION

No applicant requesting a conditional use permit whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Planning & Zoning Commission or City Council shall be again considered by the Planning & Zoning Commission before the expiration date of six (6) months from the date of the final action on the application.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

CHAPTER 15-22
DEFINITIONS

15-22-1 PURPOSE

In the application of this Ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

A. Words used in the present tense shall include the past and future.

B. Words used in the singular number shall include the plural number and the plural, the singular.

C. The word "shall" is mandatory and not discretionary.

D. The word "may" is permissive.

E. The words "used" or "occupied" shall include the words "intended," "designed," or "arranged to be used or occupied."

F. The word "lot" shall include the words "plot," "parcel," or "tract."

G. The word "person" shall include a "firm," "association," "organization," "partnership," "trust," "company," or "corporation" as well as an "individual."

H. Any word not herein defined shall be as defined in any recognized Standard English dictionary.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #566, 9/25/18
Ordinance #584, 6/19/19

Authority:
SDCL § Ch. 9

15-22-2 DEFINITIONS

ABUTTING - Abutting shall mean contiguous or having a common boundary and shall include property separated by an alley. The term "abutting" implies a closer proximity than the term "adjacent."

ACCESSORY BUILDING – One that:

1. Is customary and clearly incidental and subordinate to the principal building or principal use.

2. Serves exclusively the principal building or principal use.

3. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.

4. Is located on the same zoning lot as the principal use served.

5. An accessory building is detached from the principal building.

ACCESSORY STRUCTURE – One that:

1. Is customary and clearly incidental and subordinate to the principal building or principal use.

2. Serves exclusively the principal building or principal use.

3. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.

4. Is located on the same zoning lot as the principal use served.

ACCESSORY USE - One that:

1. Is customary and clearly incidental and subordinate to the principal building or principal use.

2. Serves exclusively the principal building or principal use.

3. Contributes to the comfort, convenience or necessity of occupants of the principal use served.

4. Is located on the same zoning lot as the principal building or principal use served.

5. An accessory use, unless specifically listed otherwise, shall be within the same building as the primary use. All accessory uses shall have their operations internal to the primary use. However, uses such as day care operations within places of worship, offices, or other uses may have outdoor play areas that are to the same standards as if they were a principal use.

ACTIVITY - Any application for a permit under this ordinance or any development or use encompassed within the jurisdiction of this Ordinance.

ADJACENT - Close in proximity, but not necessarily next to or sharing a common boundary.

ADULT ORIENTED BUSINESS – Commercial retail or service businesses including, but not limited to, adult arcades, adult bookstores or video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios, adult live entertainment establishment, or any combination of the aforementioned as defined by SDCL 11-12-1 or as modified by local ordinance. All adult oriented businesses shall comply with SDCL 11-12 and all local ordinances.

AGRICULTURE - The production, keeping, or maintenance, for sale, lease or personal use, of plants and land useful to man, including but not limited to: forages sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

AIRPORT - A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers, including Heliports.

ALLEY - A public or private right-of-way that affords only a secondary means of access to abutting property.

ANTENNA - Any device that radiates or captures electromagnetic wave signals, including digital voice and data signals, analog voice and data signals, video signals or microwave signals, and is mounted on a structure that allows freedom from obstruction for the radiation and capture of the electromagnetic signals.

ARCADE - A building or structure, open to the public, that contains coin operated games and similar entertainment and amusement devices, as the primary use or with five (5) or more games as an accessory use.

ASSISTED-LIVING FACILITY - A licensed health care facility that provides twenty-four (24) hour supervision of the frail elderly including, but not limited to, providing rooms, meals, personal care, and supervision of self-administrated medication. It also may provide services such as recreational activities, financial services, and transportation.

BED AND BREAKFAST ESTABLISHMENT - A private, single-family residence that is used to provide limited meals and temporary accommodations for a charge to the public. See Home Occupation.

BOARD OF ADJUSTMENT - Public and quasi judicial agency charged with duty to hear and determine zoning appeals.

BROADCAST TOWER - Shall mean a structure, not including offices or studio, for the transmission of radio or television broadcast communications.

BUILDING - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is constructed or erected on the ground or attached to the ground with a fixed location on the ground.

BUILDING, DETACHED - A building surrounded by open space on the same lot.

BUILDING, HEIGHT - The vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest roof, or to the average height of the highest gable of a pitched, hipped, or shed roof. The measurement shall be taken from the average elevation of the finished grade within ten (10) feet of the structure.

BUILDING LINE – A line on a lot, generally parallel to property lines and located a sufficient distance from the property lines to provide the minimum setback areas required by this Ordinance.

BUILDING PERMIT - A document signed by the Zoning Administrator of the City of Brandon as a condition precedent to the commencement of a use or the erection, construction, re-construction, restoration, alteration, conversion, or installation of a building, which acknowledges that such use or building complies with the provisions of the municipal zoning ordinance or an authorized variance therefrom.

BUILDING, RESIDENTIAL - A building that is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:

1. Single-family detached dwellings;

2. Single-family attached dwellings;

3. Multiple-family dwellings (including apartment hotels);

4. Lodging houses; and

5. Fraternity and sorority houses.

BUS PASSENGER TERMINAL - A place where the transfer of people between modes of transportation takes place.

BUS/TRUCK TERMINAL - An area and building where buses, trucks, and cargo is stored; where loading and unloading is carried on regularly; and where minor maintenance of these types of vehicles is performed.

BUS/TRUCK WASH - Any building or portions thereof used for washing buses and/or trucks.

CAMPGROUND, TRAVEL TRAILER PARKING AREA - Shall mean a plot of ground for public use upon which two (2) or more campsites are located, established, maintained, advertised, or held out to the public, to be a place where camping units can be located and occupied as temporary living quarters.

CANNABIS (OR MARIJUANA) - all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.
CANNABIS ESTABLISHMENT OR MEDICAL CANNABIS ESTABLISHMENT - A medical cannabis cultivation facility, a medical cannabis testing facility, a medical cannabis product manufacturing facility, or a medical cannabis dispensary.

CAR WASH - Any building or portions thereof used for washing motor vehicles.

CERTIFICATE OF OCCUPANCY - A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

CHANGE OF USE - Substitution of one thing for another specifically regarding use of land or use of a building.

CITY - The City of Brandon, South Dakota.

CITY COUNCIL - The Board of City Council Members, Brandon, South Dakota.

CLINIC - An establishment where patients are admitted for examination and treatment by one (1) or more physicians, dentists, psychologists, chiropractors, optometrists, social workers, etc., and where patients are not usually lodged overnight.

CLUB - Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service that is customarily carried on as a business.

COMMERCIAL PARKING LOT/FACILITY - An approved open or enclosed off-street parking area or structure where licensed and operable motor vehicles are temporarily stored for a fee.

COMPREHENSIVE PLAN - The adopted long-range plan intended to guide the growth and development of the community and region, including analysis, recommendations and proposals of the community's population, economy, housing, transportation, community facilities, and land use.

CONDITIONAL USE PERMIT - A permit issued by the Planning & Zoning Commission stating that a Conditional Use complies with the conditions and standards set forth in this Ordinance.

CONTRACTOR'S SHOP AND STORAGE YARD - Use of land or buildings for storage and preparation of materials used by the same individuals in conducting the business of construction and repair work, generally completed at some other on-site location.

CONTAMINANT - Any "regulated substance," as defined by SDCL 34A-12-1(8), as in effect on the date of passage of this ordinance and as amended from time to time, and all petroleum products, including gasoline, oil, waste oils, and other fuels as well as their hazardous constituents.

CONVENT AND MONASTERY - A place of residence for bona fide members of a religious order who carry on religious, medical, educational, or charitable work in adjacent institutions.

CURB LINE - The outside lines of the pavement or roadway.

DAY CARE - The providing of care and supervision of children, adults, or both as a supplement to regular parental/home care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.

DAY CARE, CENTER - A commercial facility providing only day care, nursery, or pre-kindergarten services. The number of children, adults, or both is limited in number to twelve (12) persons; however, additional persons shall be allowed based upon the square footage of usable space available at a ratio of thirty-five (35) square feet per person indoors and fifty (50) square feet per person outdoors.

DAY CARE, GROUP – Care is done in a family home, and the number of persons cared for is limited to a maximum of twelve (12) adults or children, including the provider's own children. See “HOME OCCUPATION”.

DENSITY - The number of families, individuals, dwelling units, or housing structures per unit of land.

DEVELOPMENT - The carrying out of any construction, reconstruction, alteration of surface, structure, change or land use or intensity of use, and including but not limited to the deposit of refuse, solid or liquid waste, any mining or drilling operation, or work relating to the creation of a road, street, or parking area.

DISTILLATION OF PRODUCTS - A building or premises used for the purification and concentration of a substance by volatilization or evaporation and subsequent condensation.

DISTRICT - A part, zone, or geographic area of the City of Brandon within which certain zoning or development regulations apply.

DRIVEWAY - A private road that gives access from a public roadway to a garage, side yard, or rear yard.

DWELLING - A building, or portion thereof, used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels, or lodging houses.

DWELLING, ATTACHED - A single-family dwelling attached to two (2) or more single-family dwellings by common vertical walls.

DWELLING, MULTIPLE-FAMILY – A building, or portion thereof, containing three (3) or more dwelling units served by common corridors and entrance. Each dwelling unit shall be designed for and used by one (1) family. Examples of Multiple-Family Dwellings include apartment complexes and condominiums.

DWELLING, SINGLE FAMILY ATTACHED – A building, or portion thereof, containing two (2) or more dwelling units joined by common walls. Examples of Single-Family Attached Dwellings include Duplexes, Twin Homes, and Townhouses.

DWELLING, SINGLE FAMILY DETACHED - A dwelling that is designed for and occupied by not more than one (1) family and is surrounded by yards and is not attached to any other dwelling by any means.

DWELLING, TOWNHOUSE – One (1) of a group of row of three (3) or more single-family attached dwellings designed and built as a single building. Each individual townhouse may be owned collectively or separately. For the purpose of side yard regulations, the building shall be treated as if it occupies a single lot.

DWELLING, TWIN HOME – A single-family attached dwelling consisting of two (2) dwelling units joined by common walls. Each dwelling unit is platted onto its own lot.

DWELLING, TWO FAMILY (DUPLEX) – A single-family attached dwelling consisting of two (2) dwelling units joined by common walls. Both dwelling units are located on the same lot.

DWELLING UNIT - One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

DWELLING UNIT, OWNER OCCUPIED – One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of the business owner's family to maintain a household.

ELECTRICAL SUBSTATION - A premises that may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place among systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.

EXISTING ANTENNA SUPPORT STRUCTURE/BASE STATION - Any existing structure that supports wireless communications facilities, such as but not restricted to telecommunications and broadcast towers, buildings, clock towers, steeples, and light poles.

FAMILY – Any one of the following:

1. One (1) or more adults related by blood, marriage, adoption, court order, or legal guardianship, including foster children, living together in a dwelling unit.
2. A group of not more than three (3) adults not related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit.

FARMER'S MARKET - An outdoor market where at least seventy five percent (75%) of products sold directly to consumers is local food and agriculturally related products grown or created by canning, baking, preserving, etc.

FARM IMPLEMENT DEALER - Any building or land area used for the display and sale of new and used farm implements, including any warranty repair work and other repair service conducted as an accessory use.

FARM STORE/FEED STORE - A retail store selling primarily agricultural products, including the bulk storage of fertilizers and related agri-chemicals.

FENCE – An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. For purposes of this Ordinance, a fence shall not be considered an Accessory Structure.

FLOOR AREA - The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said space is used for storage or incidental uses.

FRONTAGE - That side of a lot abutting on a street; the front lot line.

FRUIT/VEGETABLE CANNING AND PROCESSING - A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

GARAGE, ATTACHED PRIVATE - An enclosed building that is connected to and shares a common wall with the principal building. For purposes of this Ordinance, an attached private garage is considered part of the principal building, rather than an accessory building.

GARAGE, PRIVATE – A building or portion thereof designed or used for the storage of automobiles, excluding all commercial vehicles, owned and used by the occupants of the 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 manufacturing, which have the potential to be a nuisance due to dust, odor, noise, vibration, pollution, smoke, heat, glare, or the operation of the processes outside the building.

GOLF COURSE - A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

GOVERNMENTAL BUILDING AND/OR FACILITY: Government facilities that provide an essential public purpose or service including, but not limited to, city hall,

police station, judicial court, fire station, government owned or operated ambulance service, transit or transportation transfer station, community center, public recreation facility, or other office. This definition does not include public utility or treatment stations, sanitary landfills, or facilities for incarcerated persons.

GRADE - The average elevation of the land around a building.

GRAIN TERMINAL - A facility for the storage of agricultural grains.

GREENHOUSE - A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROUP HOME – A dwelling used to provide a home and community-based family environment for handicapped persons, as defined herein and consistent with the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.), as amended, and the Federal Fair Housing Act (42 U.S.C. § 3601-3619). For purposes of this Ordinance, this definition shall not include transitional homes for inmates, nursing homes, assisted living facilities, hospitals, or any other group housing or congregate living facility that does not house residents solely based upon their handicap.

HANDICAP – A physical, developmental, intellectual, or mental impairment that substantially limits one (1) or more major life activities, a record of having such an impairment, or being regarded as having such an impairment. However, a person with a handicap shall not include: (1) any person currently engaged in the illegal use of controlled substances [as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 208)]; (2) any person convicted by a court of competent jurisdiction of the illegal manufacture or distribution of controlled substances [as defined in Section 102 of the Controlled Substances Act (21 U.S. 208)], even if that person has a “handicap”; or (3) any person who could constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others that cannot be eliminated or reduced by reasonable accommodation. Handicap and direct threat shall be interpreted consistent with the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.), as amended, and the Federal Fair Housing Act (42 U.S.C. § 3601-3619).

HARD SURFACED - An impervious surface or a permeable pavement, including asphalt, concrete, and/or landscape pavers.

HAZARDOUS MATERIAL - Any contaminant as defined in this ordinance, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC 11021 and 11022 as in effect on the date of publication of this Ordinance.

HOME OCCUPATION – Any business activity that takes place in a home occupied as a primary residence and is incidental and secondary to the residential use of the lot.

HOMEOWNERS ASSOCIATION (HOA) – An organization composed of separate lots in a subdivision, planned community, or condominium that makes and enforces rules for the properties in its jurisdiction.

HOSPITAL - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

HOTEL - Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.

HOUSE OF WORSHIP - A building or structure, or groups of buildings or structures, which by design and construction are intended primarily for the conducting of organized religious worship and activities intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

HUB - The center of a wind generator rotor, which holds the blades in place and attaches to the shaft.

IMPERVIOUS SURFACE - Any surface which does not allow rainfall to percolate into the underlying subgrade.

JUNKYARD - Any lot, land, parcel or portion thereof, used for the storage, wrecking, dismantling, salvage, collection, processing, purchase, sale, or exchange of abandoned or discarded vehicles, goods, waste, and scrap materials, including but not limited to: two or more abandoned or inoperable motor vehicles, waste paper, rags, glass, tires, wood, lumber, appliances, machinery, or automotive and mechanical parts. A junkyard does not include operations entirely enclosed within buildings.

KENNEL, COMMERCIAL - Any premises, or portion thereof, where dogs, cats, and other household animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale. Kennel facilities include kennels, animal runs, enclosures, and/or any other building used for the keeping or housing of such animals.

KENNEL, PRIVATE - Any premises, or portion thereof, where dogs, cats, and other household animals are kept as pets and not used for any purpose other than companionship for their owners. Kennel facilities include kennels, animal runs, enclosures, and/or any other building used for the keeping or housing of such animals.

LANDSCAPED AREA/LIVING GROUND COVER - An area that is permanently devoted and maintained in blue grass/ creeping red fescue, herbaceous perennials, trees, shrubbery, and flowers.

LIGHT MANUFACTURING - Those manufacturing processes that are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building itself.

LOADING SPACE - A space within the main building or on the same lot adjacent to the building for the standing, loading, or unloading of trucks.

LOT - A parcel of land occupied or intended for occupancy by a use or uses permitted in this Ordinance. It shall have its principal frontage upon a street or an officially approved access.

LOT AREA - The lot area is the area of a horizontal plane bounded by the front, side, and rear lot lines.

LOT, CORNER - A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

LOT COVERAGE - The portion of a lot that is occupied by any building or structure, excepting paved areas and walks, regardless of whether said building or structure is intended for human occupancy.

LOT, DOUBLE FRONTAGE - A lot that abuts a street on two (2) opposite sides (not a corner lot).

LOT, FRONTAGE - The length of the front lot line measured at the street right of way line.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINE – See "PROPERTY LINE".

LOT LINE, FRONT - The lot line separating a lot from a street right-of-way.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT OF RECORD - A lot of record is a lot that is part of a subdivision or a certified survey map that 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 said Register of Deeds prior to the effective date of this ordinance.

MANUFACTURE OF: ACID, ALCOHOL, AMMONIA, ASPHALT, BLEACH, CEMENT, CHLORINE, DYESTUFFS, EXPLOSIVES, FERTILIZER, GLUE, GYPSUM, LIME, OILS, PLASTER OF PARIS, SHELLAC, SIZING, TURPENTINE OR YEAST, ETC. - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

MANUFACTURED HOME - A dwelling unit that is fabricated in one (1) or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. A manufactured home is designed to be towed on its own chassis or be site delivered by alternative means. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards.

> For manufactured homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required. This definition does not include prefabricated homes constructed under the International Residential Code (IRC).

MANUFACTURED HOME PARK - A contiguous parcel of land operated as a unit, under the same ownership where six (6) or more lots are rented for the temporary placement of manufactured homes, with all necessary facilities and services, and is licensed by the City of Brandon.

MEDICAL CANNABIS CULTIVATION FACILITY - In addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment.

MEDICAL CANNABIS DISPENSARY - In addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses medical cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

CANNABIS ESTABLISHMENT OR MEDICAL CANNABIS ESTABLISHMENT - A medical cannabis cultivation facility, a medical cannabis testing facility, a medical cannabis product manufacturing facility, or a medical cannabis dispensary.

MEDICAL CANNABIS PRODUCT MANUFACTURING FACILITY - In addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells medical cannabis products to a medical cannabis dispensary.

MEDICAL CANNABIS PRODUCTS - Any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

MEDICAL CANNABIS TESTING FACILITY - In addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of medical cannabis.

MORTUARY - A place for the storage of human bodies prior to their burial or cremation.

MOTEL - An establishment consisting of a group of attached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone, and secretarial or desk service, and the use and upkeep of furniture. In a motel, less than fifty percent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

MOTOR VEHICLE – A self-propelled vehicle that does not operate on rails, such as trains or trams, and is used for the transportation of passengers or property.

MOTOR VEHICLE BODY REPAIR - Any building or premises involving the repair and/or painting of motor vehicle bodies or parts thereof and the rebuilding and/or overhauling of engines or transmissions.

MOTOR VEHICLE, COMMERCIAL - Any vehicle that has more than sixteen (16) square feet of signage or that is adapted, designed, equipped, and used to perform a specific commercial function.

MOTOR VEHICLE, INOPERABLE - A motor vehicle that is not in operating condition due to damage, removal, or inoperability of one or more tires and/or wheels, engine, or other essential parts, or that is not in operating condition due to damage or removal of equipment as required by the State of South Dakota for its lawful operation, or that does not have lawfully affixed thereto a valid state license plate, or that constitutes an immediate health, safety, fire or traffic hazard.

MOTOR VEHICLE, PERSONAL/PASSENGER - Any motor vehicle that has less than sixteen (16) square feet of signage and that is designed and facilitates personal/passenger travel and has not been externally altered with features not customary to personal usage.

MOTOR VEHICLE, RECREATIONAL - Any vehicle that is adapted, designed, and equipped to facilitate leisure time activities including but not limited to the following: ATVs, boats, motor bikes, snowmobiles, along with trailers to haul said vehicles; RVs and travel trailers.

MOTOR VEHICLE SALES, DISPLAY, AND RENTAL - The use of any building or lot for the display, sale, or rental of new or used motor vehicles, and including any warranty repair work and other repair service conducted as an accessory use except body work and painting. The sale or display of inoperable motor vehicles is not allowable as part of this use category, see "JUNKYARD".

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.

MOTOR VEHICLE STORAGE YARD - The temporary storage of vehicles that are impounded, licensed, and operable, in an unroofed area.

NEIGHBORHOOD UTILITY FACILITY - Telephone, electric, and cable television lines, poles, and equipment; water or gas pipes, mains and valves; sewer pipes and valves; lift stations; telephone exchanges and repeaters; and all other facilities and equipment (excluding buildings, facilities and above ground structures that exceed six hundred (600) square feet of area) necessary for conducting a service by a government or a public utility.

NON-CONFORMING USE - A land use that lawfully existed prior to the adoption, revision, or amendment to this Ordinance, but that fails, by reason of such adoption, revision, or amendment, to conform to the authorized use classifications, setback requirements, minimum building height standards, and other use restrictions of the zoning district in which it is located.

NON-STANDARD LOTS - Lots that existed prior to the effective date of this Ordinance that fail to comply with the minimum lot width and area requirements of the zoning district in which it is located.

NURSERY - Land or greenhouses used to raise flowers, shrubs, and plants for sale. See "GREENHOUSE".

NURSING HOME - An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OFFICE BUILDING - A building designed for or used as the office of professional, commercial, industrial, financial, religious, institutional, public, or semipublic persons or organizations. Broadcast stations, offices, and studios shall be considered to be office buildings; broadcast towers as defined in this title shall not be so considered.

OFF-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT - Any use that has been licensed to sell alcoholic beverages for consumption off the premises where sold.

ON-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT - Any use that has been licensed to sell alcoholic beverages for consumption upon the premises where sold, except for special one-day liquor or special malt beverage licenses.

OUTDOOR STORAGE - The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. Goods, material, merchandise, or motor vehicles shall not include items listed, nor be of a nature as indicated in the definition of "JUNKYARD as defined herein.

PARKING PAD - An off-street hard surfaced area, enclosed or unenclosed, accessible and available for the parking of one (1) or more motor vehicles.

PARKING SPACE - A hard-surfaced area, enclosed or unenclosed, sufficient in size to park one motor vehicle. A parking space must be provided an unobstructed means of access, and all spaces shall meet the minimum criteria as prescribed by City Ordinance.

PARTY WALL - A common shared wall between two separate structures, buildings, or dwelling units.

PERMANENT FOUNDATION - A continuous foundation around the perimeter of a structure, which, at bottom, extends no less than forty-eight (48) inches below the surface of the ground.

PERMEABLE PAVEMENT - A paving system which allows rainfall to percolate into the underlying subgrade.

PERMITTED USE – A land use determined to be so compatible with the general intent and nature of the district in which the lot is located that it is "allowed by right".

PERSONAL SERVICES - Establishments primarily engaged in providing services involving the care of a person or their apparel. Including, but not limited to: laundry or dry cleaning, receiving station; garment services; coin-operated laundries; photographic and art studios; beauty shops; nail salons; barber shops; shoe repair; reducing salons and health clubs; clothing rental.

PLANNING & ZONING COMMISSION - The duly designated planning board of the City of Brandon responsible for reviewing and approving applications for development and preparation of master plans and ordinances.

PRINCIPAL BUILDING - A building in which is conducted the primary or predominant use of the lot on which it is located.

PRINCIPAL USE - The primary or predominant use of any lot, including all buildings fundamental or essential thereto.
PRINTING PLANT - A commercial printing operation that makes reproductions involving the use of a printing press and the making of photographic plates.

PRIVATE CLUB - A group of people organized for a common purpose to pursue common goals, interests, or activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

PROPERTY LINE - A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space.

PUBLIC UTILITY FACILITIES - See "NEIGHBORHOOD UTILITY FACILITY". The definition is the same as for "NEIGHBORHOOD 'UTILITY FACILITY" except

that buildings, structures, and facilities of all sizes, including those exceeding six hundred (600) square feet in area are allowable.

QUARRY - A surface excavation used for the removal of rock, stone, sand, gravel, and fill dirt for sale or use off-site and includes sifting, crushing, and washing and bagging.

RECREATION FACILITY, COMMERCIAL - A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive and operated as a business and open to the public for a fee.

RECYCLABLE MATERIALS - Materials or products that may be readily separated from the solid waste stream and may be used or reused as a substitute for raw materials or other items, including but not limited to, aluminum, paper, glass, steel, and plastic.

RECYCLING COLLECTION FACILITY - An established facility where recyclable materials are collected for shipment off site, with no processing such as grinding or crushing of the materials. Fully enclosed automated self-service aluminum collection machines not more than seven hundred-fifty (750) square feet are considered recycling collection facilities regardless of whether they contain a crusher or grinder. Facilities that handle recyclable hazardous materials or waste petroleum products as a primary or substantial portion of their business are not included.

RECYCLING PROCESSING FACILITY - An established facility where recyclable materials are collected and/or processed for shipment off site, including processing operations such as grinding or crushing of the materials. No on-site sales of materials, nor salvage-type automobiles may be processed at these types of facilities. Facilities that handle recyclable hazardous materials or waste petroleum products as a primary or substantial portion of their business, are not included.

RESIDENCE - A permanent dwelling place.

RETAIL SERVICES AND TRADE - Establishments engaged in selling products, goods, or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including eating establishments, hotels, motels, repair shops, indoor amusement, copying services, health, professional, educational, and social services, and other miscellaneous services but does not include on-sale alcoholic beverage establishments.

RESTAURANT - An establishment where food and drink is prepared, served, and consumed primarily within the principal building.

ROOMING/BOARDING HOUSE – A building, other than a hotel or motel, where for compensation and by pre-arrangement for define periods, lodging, meals, or lodging and meals are provided for three (3) or more persons.

SCHOOL, ELEMENTARY OR SECONDARY (HIGH SCHOOL) - Any building or part thereof, whether public or private, that is designed, constructed, or used for instruction in elementary or secondary (high school) education.

SETBACK/SETBACK LINE - That line that is the required minimum distance from any lot line that establishes the area within which the principal use must be erected or placed.

SIGN - Any object, device, display, or structure, or part thereof, situated outdoors or visible from outdoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event

or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SIGN, ABANDONED - Any sign located on a private lot that has been vacant or unoccupied for a period of six (6) months or more.

SIGN AREA - The area of the largest single face of the sign within a perimeter that forms the outside shape, including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas shall be totaled.

SIGN, ELECTRONIC MESSAGE - Signs containing a computer or digital software generated message or other automated or remote method of changing copy.

SIGN FACE (DISPLAY SURFACE) - The entire area of sign on which copy could be placed. See "SIGN AREA".

SIGN, FREESTANDING - A sign supported by one or more uprights, poles, or braces in or upon the ground and not attached to any building.

SIGN, PERMANENT – A sign that exists perpetually or is everlasting, especially without significant change.

SIGN, PORTABLE - A sign constructed of more permanent materials than a temporary sign, but is not permanently attached to the ground or building.

SIGN, PROJECTING - A sign other than a wall sign, which is attached to and projects from a building or structure.

SIGN STRUCTURE - Any structure that supports, has supported, or is capable of supporting a sign.

SIGN, TEMPORARY - A banner, pennant, poster, or similar sign constructed of cloth, canvas, plastic, wallboard, or other like materials, and intended to be displayed for a limited period of time.

SIGN, WALL - A sign attached to or erected against a wall of a building and projecting no more than twelve (12) inches with the face in a parallel plane to the plane of the building wall.

SLAUGHTERHOUSE - A facility for the slaughtering and processing of animals and the refining of their byproducts.

SOLID WASTE TRANSFER FACILITY - A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This does not include an infectious waste incineration facility.

STORY - Story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement cellar or unused under-floor space shall be considered a story.

STREET - A public or private way that affords the principal means of access to an abutting property.

STREET, ARTERIAL - A principal traffic artery, more or less continuous across the city, that acts as a principal connecting street with state and federal highways and includes each street designated as an arterial street on the Major Street Plan.

STREET, COLLECTOR - A street that carries traffic from local streets to arterial streets or highways, including the principal entrance streets of a residential development and streets for circulation in such development.

STREET, LOCAL - A street intended to provide access to other streets from individual properties and to provide right of way beneath it for various utilities but not intended to be used for through traffic.

STRIPMALL – A retail trade or service establishment where two (2) or more individual stores are arranged in a row, typically with a sidewalk and/or parking lot located in front.

STRUCTURAL ALTERATION - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or any complete rebuilding of the roof or the exterior walls.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, decks, manufactured homes, and sheds. The term structure does not include hard surfacing less than twelve (12) inches above grade.

TANK FARM - An open-air facility containing a number of above-ground, large containers for the bulk storage in liquid form of petroleum products.

TELECOMMUNICATIONS TOWER - A self-supporting lattice, guyed-lattice, or monopole structure that supports wireless telecommunications facilities. The term includes new and existing towers that are used for services such as microwave, common carrier, cellular telephone, personal communication services, two-way radio paging, and other similar services. The term telecommunications tower does not include amateur radio operator’s equipment, as licensed by the Federal Communications Commission.

TELECOMMUNICATIONS TOWER HEIGHT - The vertical distance above grade to the highest point of the telecommunications tower, including the base pad and any antenna.

TELECOMMUNICATIONS TOWER SITE - The telecommunications tower site shall be the lot of record for which the telecommunications tower is located.

TOTAL HEIGHT - The highest point above natural grade reached by a rotor tip or any other part of a wind turbine.

TOWER - A vertical structure that supports a wind turbine.

TRAVEL TRAILER - Means any of the following:

1. Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel, recreational, and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer and, when factory equipped for the road, it

shall have a body width not exceeding eight (8) feet, and a body length not exceeding thirty (30) feet.

2. Pick-up Coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

3. Motorhome. A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as any integral part of a self-propelled vehicle.

4. Camping Trailer. A canvas, folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

TREE, REQUIRED - A tree that is required by this Ordinance and meets or exceeds the minimum specifications according to tree type.

WAREHOUSE - A building used primarily for the storage of goods and materials.

WASTE - Any garbage, refuse, or sludge from a waste treatment plant, waste supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations, or from community activities, but does not include solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended to January 1, 1986, or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended to January 1, 1986.

WHOLESALE MERCHANDISING / WHOLESALE TRADE - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY CONVERSION SYSTEM (WECS) - An electrical generating facility that consists of a wind turbine, feeder line and/or other associated controls and may include a tower.

WIND TURBINE - A machine used to produce electricity by converting the kinetic energy of wind to electrical energy. A wind turbine consists of a rotor, nacelle, tower and supporting cables and foundation.

WIRELESS TELECOMMUNICATIONS FACILITIES - Any cables, wires, lines, wave guides, antennas, antenna arrays, and any other equipment associated with the transmission or reception of telecommunications signals that a person seeks to locate or have installed upon or near a telecommunications tower or base station.

YARD LINE - See “BUILDING LINE”.

YARD, FRONT - A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

YARD, PRIMARY FRONT - The addressed front yard of a double frontage lot. For single-family dwellings, this is typically the front yard that most closely aligns with the orientation of its primary pedestrian entrance.

YARD, REAR - A yard extending a full width of the lot between a principal building and the rear lot line.

YARD, REQUIRED – The required open space between a property line and a building line. The open space shall be unoccupied and unobstructed from the ground upwards except as otherwise provided for in this Ordinance.

YARD, REQUIRED FRONT - The required front yard shall extend across the front of a lot between the said property lines. There shall be a required front yard on each street side of a corner lot. The required front yard with the smallest required front yard may be referred to as the side-street-side front yard.

YARD, REQUIRED REAR - The required rear yard shall extend across the rear of a lot between the said property lines. On corner lots, the required rear yard may be to the rear of either street. On interior lots, the required rear yard shall, in all cases, be at the opposite end of the lot from the front yard.

YARD, REQUIRED SIDE - The required side yard shall extend from the front property line to the rear property line. There shall be only one required side yard on a corner lot.

YARD, SECOND FRONT - The non-addressed front yard of a double-frontage lot.

YARD, SIDE - A yard between the main building and the side line of the lot and extending from the front yard line to the rear yard line.

ZONE - A specifically delineated area or district of the City of Brandon within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Legislative History:
Ordinance #445, 5/27/09
Ordinance #531, 5/10/16
Ordinance #538, 10/25/16
Ordinance #548, 1/17/17
Ordinance #559, 01/02/18
Ordinance #566, 9/25/18
Ordinance #570, 10/30/18
Ordinance #584, 6/19/19
Ordinance #603, 5/6/20
Ordinance #618, 1/20/21
Ordinance #622, 5/5/21
Ordinance #624, 5/5/21
Ordinance #626, 5/5/21
Ordinance #638, 9/29/21
Ordinance #636, 10/20/21
Ordinance #648, 12/01/21
Ordinance #662, 10/05/2022

Authority:
SDCL § Ch. 9