

1. Agenda

Documents: [01-26-15 AGENDA.PDF](#)

2. Packet

Documents: [01-26-15 PACKET.PDF](#)

PLANNING COMMISSION AGENDA

DATE: Monday, January 26, 2015

TIME: 12:00 NOON

CALL TO ORDER:

ROLL CALL:

APPROVE AGENDA:

MINUTES: Regular Meeting January 12, 2015

NEXT MEETING: February 9, 2015

PLAT: Lot 2 of Wagner's Addition, a subdivision of the SW ¼ of Section 4, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota

PLAT: Lot 8, Block 4 of Woodland Heights First Addition, a subdivision of Lot 2, Crane's Addition in the SE ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota

DISCUSSION: Stravia – 1112 N Rowley St – variance, rezoning. Zoned CB.

DISCUSSION: Possible Zoning Code Amendments. Please bring zoning code with you.

OTHER BUSINESS:

ADJOURN:

"The City of Mitchell invites all interested parties to give oral or written comments. If special accommodations are required, please notify the Public Works Department at 995-8433 at least 24 hours prior to the scheduled meeting."

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CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, January 12, 2015
NOT APPROVED

Chairman Larson called the January 12, 2015 meeting to order at 12:00 pm, Council Chambers, City Hall, Mitchell, SD.

Members Present: Larson, Everson, Fergen, Griffith, Meyers, Schmucker, and Doescher

Members Absent: Molumby

Others Present: Putnam, Hegg, London, Overweg, Laursen, Koch

Approval of Agenda: Motion by Everson, seconded by Griffith to approve the agenda as presented. All members present voting aye, motion carried.

Minutes: Motion by Fergen, seconded by Schmucker to approve the minutes of the December 8, 2014 meeting. All members present voting aye, motion carried.

Next Meeting: Motion by Everson, seconded by Griffith to schedule the next meeting for January 26, 2015. All members present voting aye, motion carried.

Variance: Bill Wittstruck has made an application for a side-yard on a corner variance of 0' vs 15' as required and an oversize variance of 5,400 square feet vs 2,000 square feet for an addition to an existing accessory building at the 301 Block of E Hackberry Avenue, legally described as W 100' of N 158' of Block 9, Weaver's Square Addition, City of Mitchell, Davison County, SD. Property is zoned R3 Medium Density Residential District.

The applicant was not present and No one testified in opposition to the application.

The commission reviewed written correspondence about the application.

Letters to the neighboring property owners were sent December 31, 2014 and the public notice was published in the *Mitchell Daily Republic* on December 31, 2014.

Motion by Everson, seconded by Schmucker to recommend to the Board of Adjustment the variance request to be denied. All members present voting aye, motion carried.

Discussion: The commission discussed possible amendments to the zoning code. They include some revisions to the definitions, procedures, and updating possible uses in the respective districts. A formal public hearing will be conducted by the commission at a future date.

Chairman Larson Adjourned the meeting at 1:10 pm.

Chairman

Date

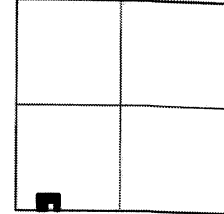


GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

SEC. 4, T 102 N, R 60 W



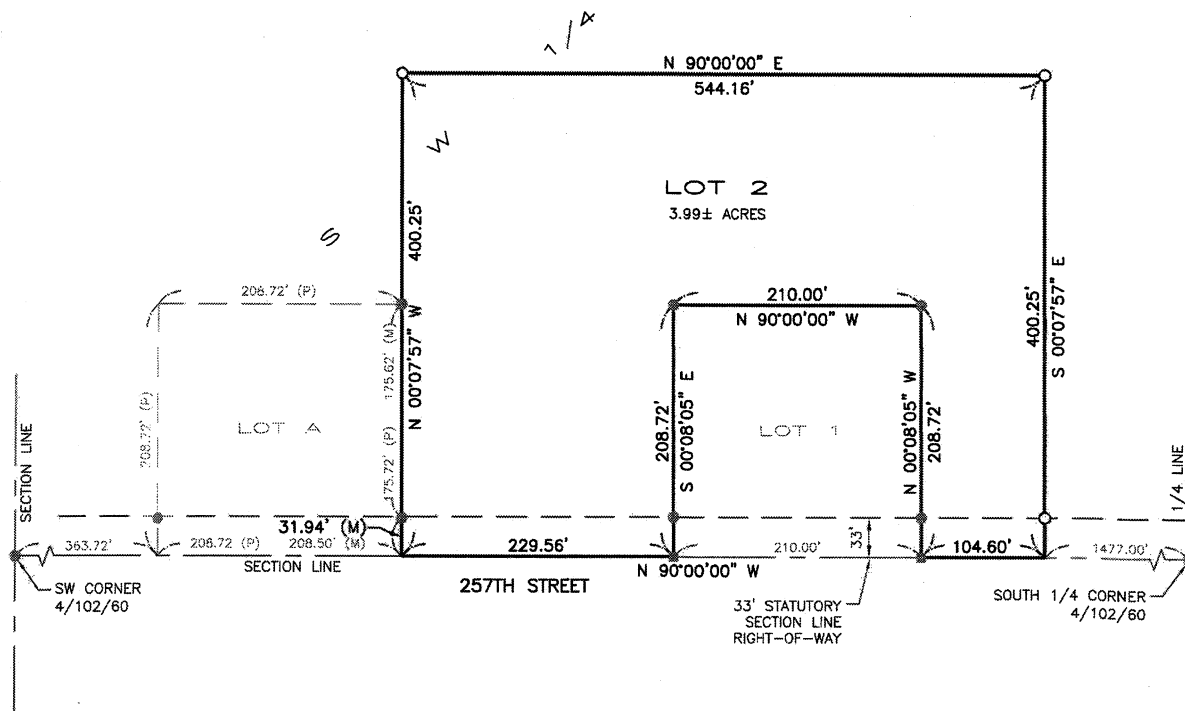
LOCATION MAP
SCALE: 1" = 3000'

LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 8296
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- ⊠ = SET NAIL
- ▲ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- WM = WITNESS MONUMENT

PREPARED BY: PAUL C. KIEPKE, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM



A PLAT OF LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

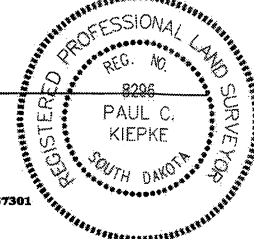
I, Paul C. Kiepke, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of Curtis D. Wagner, as owner, and under his direction for purposes indicated therein, I did on or prior to January 12, 2015, survey those parcels of land described as follows: LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA. In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this 16th day of January, 2015.

Registered Land Surveyor #SD8296

SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



A PLAT OF LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE, DEDICATION AND AGREEMENT OF PROTECTION OF WATER

KNOW ALL MEN BY THESE PRESENTS that I hereby certify that I am the absolute and unqualified owner of all of the land included in the within and foregoing plat; the plat is of a parcel of ground located in THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at my request and under my direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and I hereby dedicate to the public, for public use forever as such, the streets and alleys, if any, as shown and marked on said plat; and that development of the land included within the boundaries of said Lot 2 shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations; further that there now exists 257th Street. Pursuant to SDCL 11-3-8.1 and 11-3-8.2 the developer of the property described within this plat shall be responsible for protecting any waters of the state located adjacent to or within such platted area from pollution from sewage from such subdivision and shall, in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same. Additionally the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2015.

Curtis D. Wagner

STATE OF SOUTH DAKOTA)
COUNTY OF _____)SS

On this, the _____ day of _____, 2015, before me, _____, the undersigned officer, personally appeared Curtis D. Wagner, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public, South Dakota
My Commission Expires: _____

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul C. Kiepke, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the City Finance Officer of Mitchell, South Dakota, has been submitted to the City Planning Commission of the said City of Mitchell, South Dakota; and

WHEREAS, the City Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the City of Mitchell, South Dakota, heretofore adopted by this Commission;

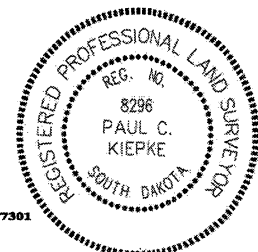
NOW THEREFORE, be it resolved by the City Planning Commission of Mitchell, South Dakota, that the plat of LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul C. Kiepke, a Land Surveyor, be and the same is hereby approved and its adoption by the City Council of the City of Mitchell, South Dakota, is hereby recommended.

I, _____, Chairman of the City Planning Commission for the City of Mitchell, South Dakota, do hereby certify that the foregoing resolution was passed by the City Planning Commission of Mitchell, South Dakota, at a meeting thereof held on the _____ day of _____, 2015.

CITY PLANNING COMMISSION -- BY: _____

SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



A PLAT OF LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2015; and

WHEREAS, it appears from an examination of the plat of LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul C. Kiepke, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul C. Kiepke, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

I, _____, Finance Officer of the City of Mitchell, South Dakota, hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2015.

FINANCE OFFICER --- BY: _____

RESOLUTION OF COUNTY PLANNING COMMISSION

WHEREAS, the plat of LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul C. Kiepke, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the County Auditor of Davison County, South Dakota, has been submitted to the County Planning Commission of the said County of Davison, South Dakota; and

WHEREAS, the County Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the County of Davison, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the County Planning Commission of Davison County, South Dakota, that the plat of LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul C. Kiepke, a Land Surveyor, be and the same is hereby approved and its adoption by the Board of Commissioners of the County of Davison, South Dakota, is hereby recommended.

I, _____, of the County Planning Commission for the County of Davison, South Dakota, do hereby certify that the foregoing resolution was passed by the County Planning Commission of Davison County, South Dakota, at a meeting thereof held on the _____ day of _____, 2015.

COUNTY PLANNING COMMISSION --- BY: _____

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS

Be it resolved by the Board of County Commissioners of Davison County, South Dakota, that the plat of LOT 2 OF WAGNER'S ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 4, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, which has been submitted for examination pursuant to law, is hereby approved and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated this _____ day of _____, 2015.

Chairperson, Board of County Commissioners
Davison County

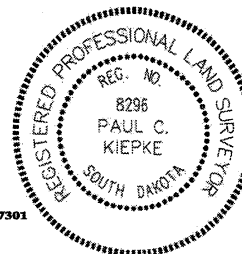
AUDITOR'S CERTIFICATE

I, _____, do hereby certify that I am the duly elected, qualified, and acting County Auditor of Davison County, South Dakota, and that the above resolution was adopted by the Board of County Commissioners of Davison County, South Dakota, at a regular meeting held on _____, 2015, approving the above named plat.

Auditor, Davison County

SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015





GRAPHIC SCALE



(IN FEET)
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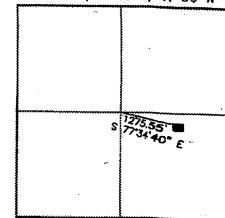
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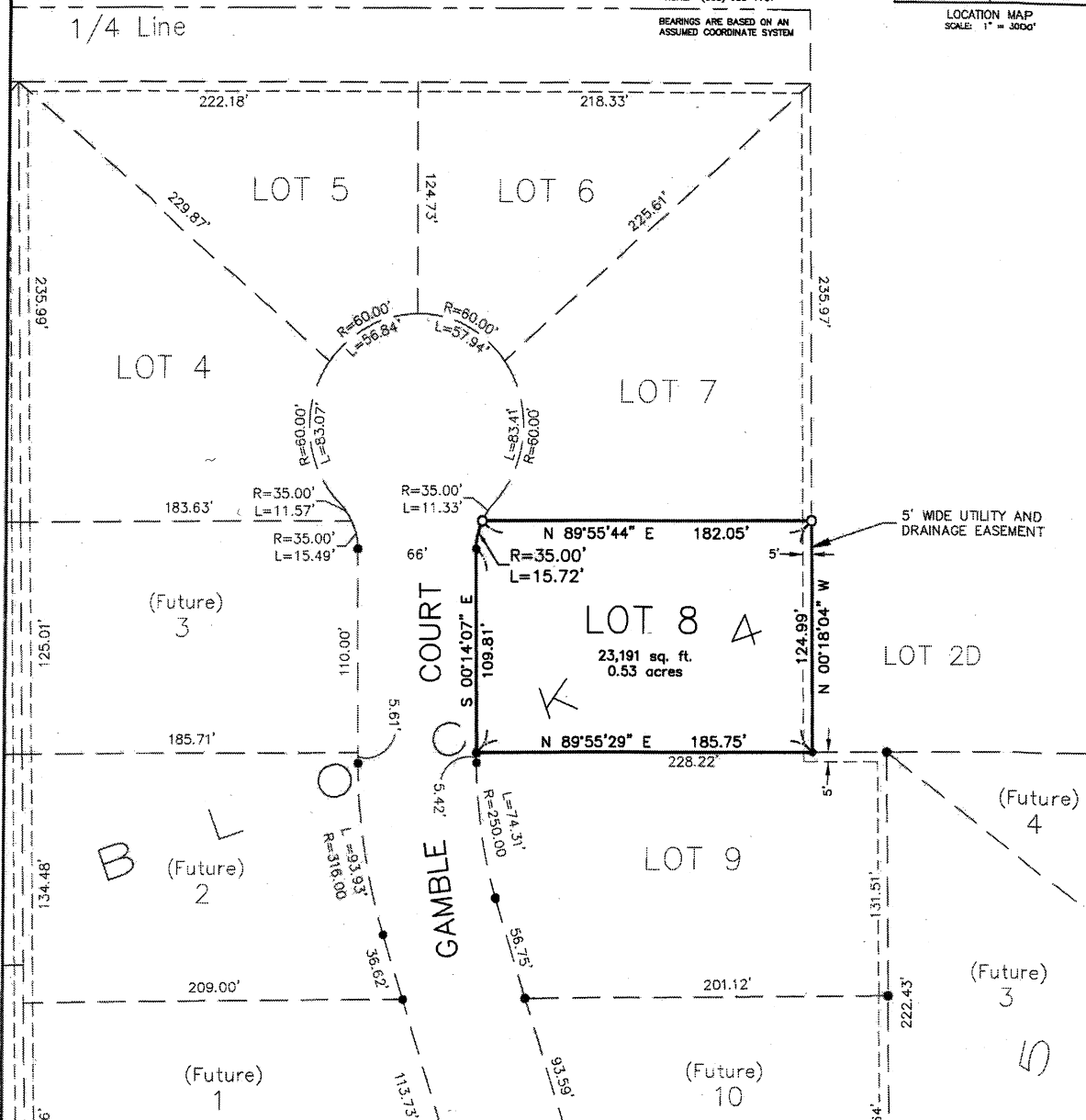
PREPARED BY: PAUL C. KIEPKE, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN
ASSUMED COORDINATE SYSTEM

SEC. 34, T 103 N, R 60 W



LOCATION MAP
SCALE: 1" = 3000'



A PLAT OF LOT 8, BLOCK 4 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 2, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

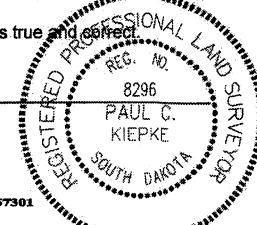
I, Paul C. Kiepke, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of Ethan Co-op Lumber Association, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to January 5, 2015, survey those parcels of land described as follows: LOT 8, BLOCK 4 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 2, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.
Dated this 5th day of January, 2015.

Registered Land Surveyor #SD8296

SPN

& Associates
Engineers, Planners and Surveyors
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Phone: (605) 996-7761 Fax: (605) 996-0015



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RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2015; and

WHEREAS, it appears from an examination of the plat of LOT 8, BLOCK 4 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 2, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul C. Kiepke, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

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I, _____, Finance Officer of the City of Mitchell, South Dakota, hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2015.

FINANCE OFFICER — BY: _____

CERTIFICATE OF COUNTY TREASURER

I, _____, hereby certify that I am the duly elected, qualified, and acting Treasurer of Davison County, South Dakota, and I hereby certify that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of my office, have been fully paid.

Treasurer, Davison County

DIRECTOR OF EQUALIZATION

I, _____, Director of Equalization of Davison County, South Dakota, hereby certify that a copy of the plat of LOT 8, BLOCK 4 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 2, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in my office.

DIRECTOR OF EQUALIZATION: _____

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

FILED for record this _____ day of _____, 2015, at _____, and recorded in Book _____ of Plats on Page _____ therein and recorded on Microfilm Number _____.

Register of Deeds, Davison County

By _____
Deputy

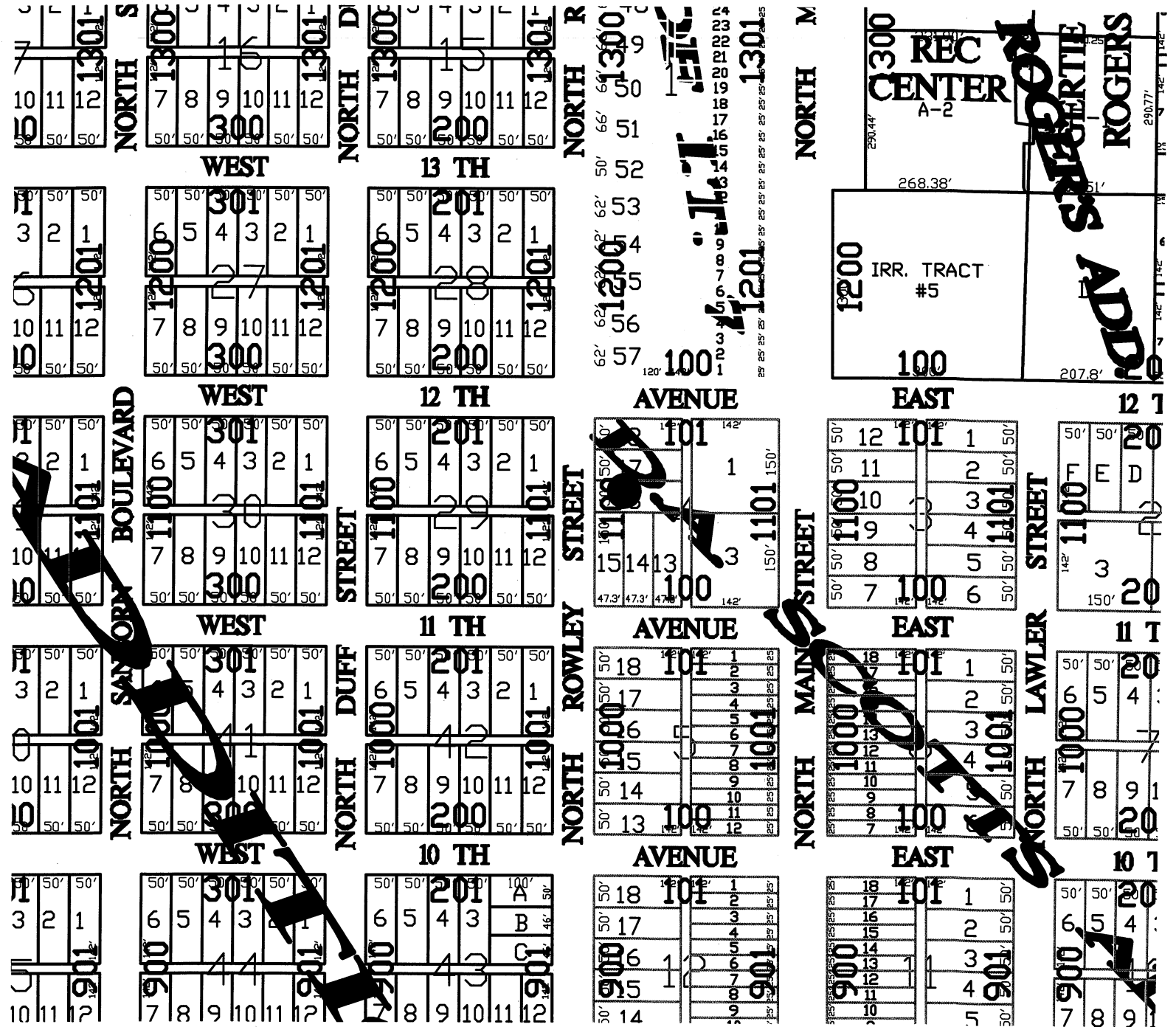


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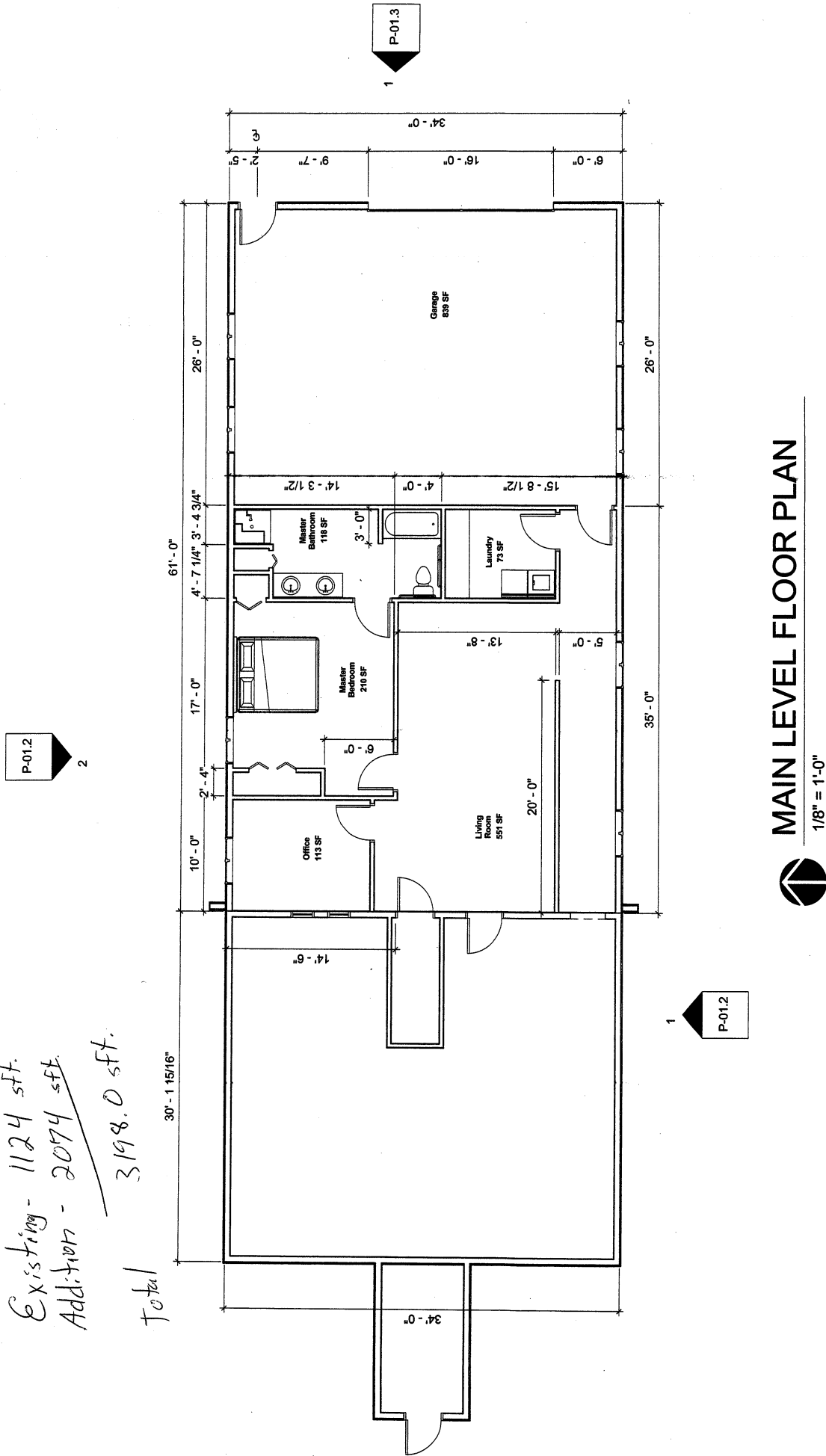
& Associates

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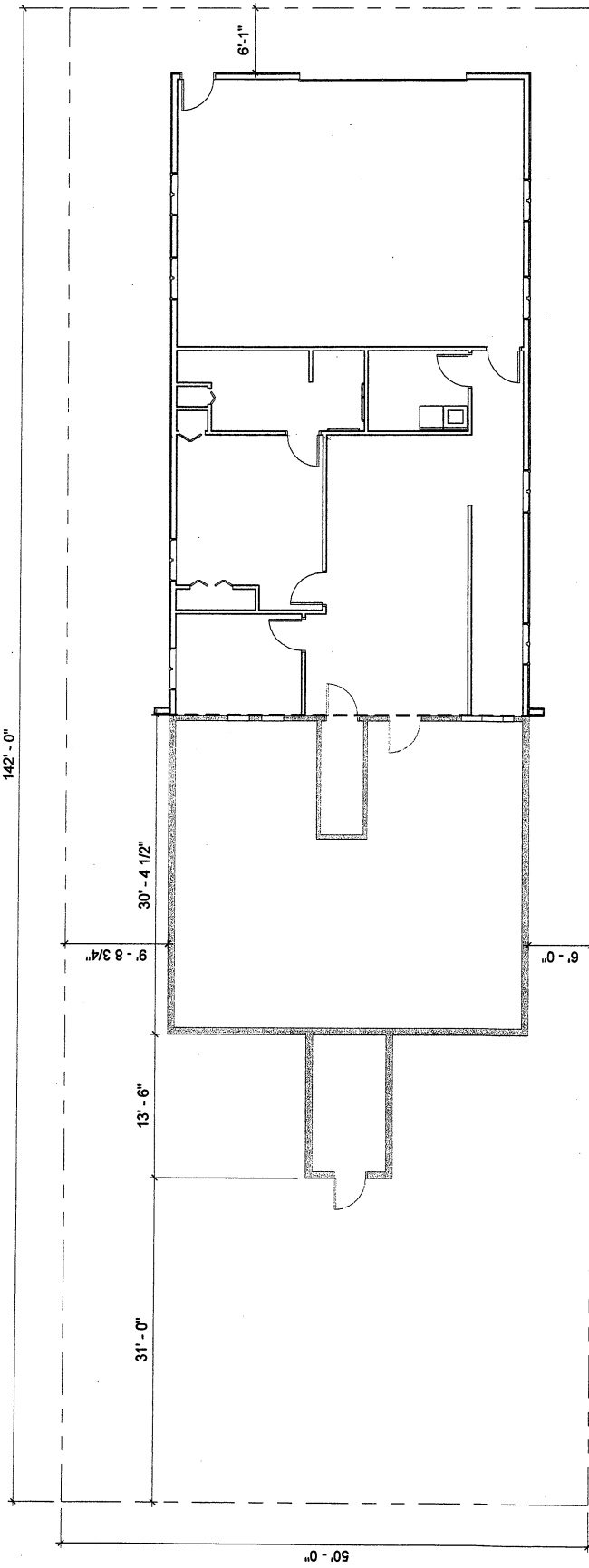


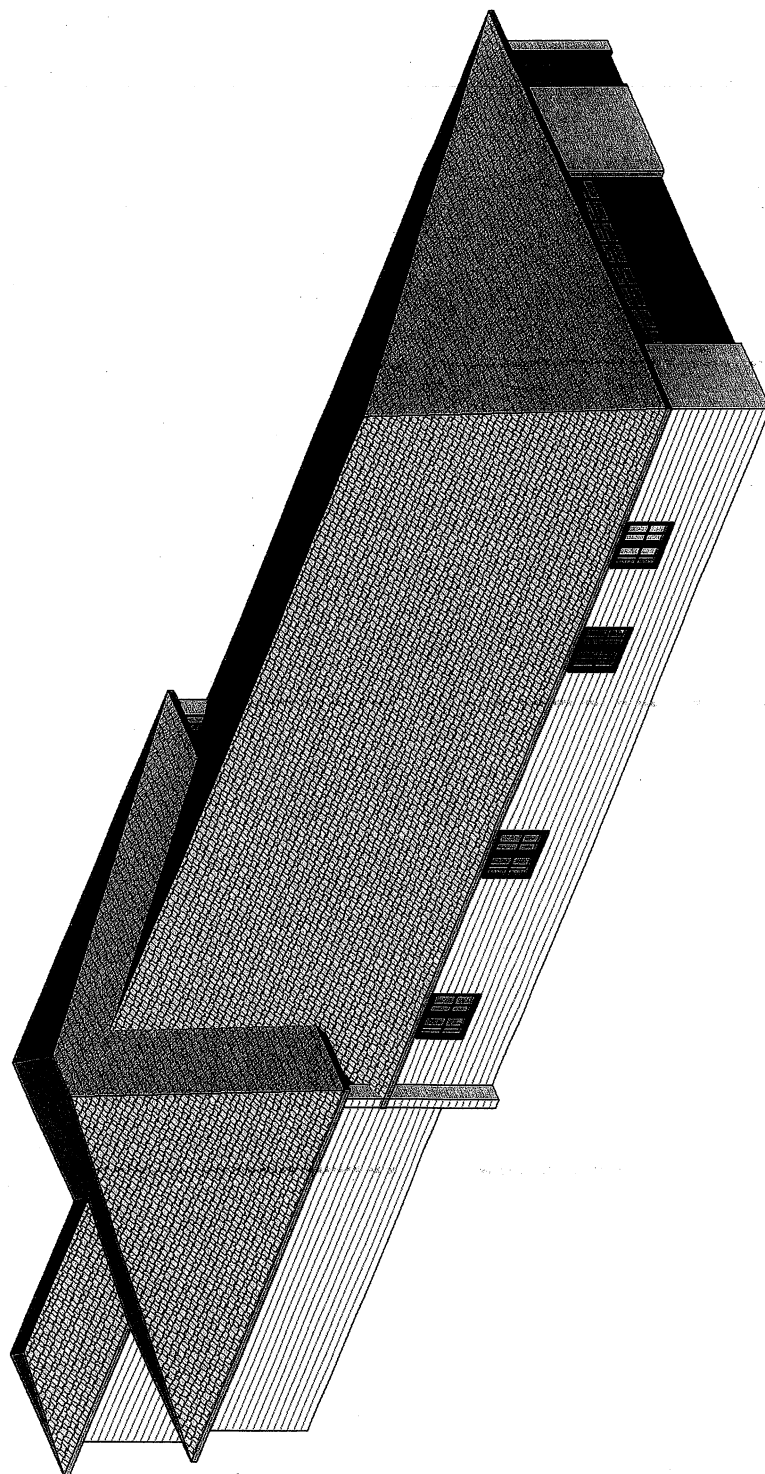
Existing - 1124 sft.
 Addition - 2074 sft.
 Total 3198.0 sft.





Jerry House
Mitchell, SD





ORDINANCE NO. ____

An Ordinance to Amend Title Ten, Zoning Regulations, City of Mitchell, Municipal Code

Now be it ordained by the City Council, City of Mitchell, Davison County, South Dakota:

Section 1. That 10-2-2 be amended with the following changes:

DEFINITIONS OF WORDS AND PHRASES:

BREW PUB (MICROBREWERY): A ~~restaurant, drinking establishment or similar facility~~ that includes the brewing of ~~a malt~~ alcoholic beverages as an accessory use. The brewing operation processes water, malt, hops, ~~and yeast~~ and other ingredients into ~~beer or ale~~ alcoholic beverages by mashing, cooking, ~~and fermenting and other processes performed on the site.~~

BUILDING CODE: A code or codes governing the erection, construction, renovation, demolition, relocation, or maintenance of buildings as currently adopted by the city.

BUILDING PERMIT: Permission in writing that is issued by the proper authority for the construction, repair, alteration, demolition, relocation, or addition to structure(s).

COMPREHENSIVE PLAN: ~~The document which describes in words, and may illustrate by maps, charts, plats, charts, and other descriptive matter, the goals, objectives of the municipality to interrelate all functional and natural systems and activities relating to the development of the territory under its jurisdiction.~~

any document which describes in words, and may illustrate by maps, plats, charts, and other descriptive matter, the goals, policies, and objectives of the municipality to interrelate all functional and natural systems and activities relating to the development of the territory under its jurisdiction;

DISTILLATION: the process of purifying a liquid by successive evaporation and condensation.

CONCENTRATED ANIMAL FEEDING OPERATION: A facility as defined by Davison County, South Dakota, where animal units are stabled, confined, fed, or maintained in either open or housed lots for a total of 45 days or more in any 12 month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. The operation shall comply with state and Davison County performance standards and regulations.

EDUCATIONAL INSTITUTION (SCHOOL): A public, parochial, private, charitable, or nonprofit school, offering instruction for preschool, elementary and/or secondary students. Also included are facilities offering instruction for students of a junior or community college, college, university, vocational or technical institution (including industry training and support), including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, assembly halls, and other incidental facilities for students, faculty, administrators and support staff.

HOME OCCUPATION: A use incidental and secondary to a property's primary residential use. A home occupation use shall ~~not change the residential character of the property or the neighborhood and~~ shall meet all applicable legal requirements as set forth in chapter 5, article G of this title.

OUTSIDE COMMERCIAL STORAGE: The short-term or long-term leasing for the parking or storage of motor vehicles, equipment, or personal items outside.

PERMITTED USE: The listing of uses, buildings or land which ~~are~~ is acceptable in a particular zoning district. A building permit may be issued for a permitted use set forth under a listing of "permitted uses" based upon a properly filed application without further action.

RAILROAD TERMINAL STATIONS AND ACTIVITIES: A facility for the operation of a line-haul or short-line freight railroad.

THEATER: A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money may be received.

VARIANCE: A departure from any provision of the zoning requirements for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel. A variance is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same ~~zone~~ zoning district.

Section 2: That Chapter 3 Administration and Enforcement, be it amended with the following changes:

Section 10-3-1 Administrative Authorities.

B. In case any building or structure is erected, constructed, reconstructed, altered repaired, converted or maintained, or any building, structure or land is used in violation of this title, the appropriate authorities of the city, may, in addition to other remedies...

That Section 10-3-3 Board of Adjustment Powers and Duties, is amended with the following changes.

A. Appeals:

1. Filing: Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) calendar days, as ...
4. Vote: The concurring vote of two-thirds (2/3) of the full membership ~~members~~ of the board of adjustment shall be necessary to reverse any order...

7. Consideration of Submission and Testimony: The planning commission and board of adjustment will only consider the site plan, building plans, and drawings submitted by the applicant, staff, and interested parties and testimony presented to said body.

C. Conditional Uses:

1 e. The planning commission and board of adjustment will only consider the site plan, building plans, and drawings submitted by the applicant, staff, and interested parties, and testimony presented to said body.

7. Vote: The concurring vote of two-thirds (2/3) of the full membership ~~members of~~ the board of adjustment ~~elected~~ shall be necessary ...

That Section 10-3-4 Changing the Zoning District Classification to be amended with the following changes.

C 4. Approval or Denial: Approval or Denial of any application for a zoning district classification change shall be a majority of the members of the city council, ~~who are present and voting.~~

Section 3: That Section 10-4-5 GENERAL STANDARDS to be amended with the following changes.

D. Accessory Buildings and Uses:

1. In the R-L, R-1, R-2, R-3, R-5, and UD districts ~~and planned developments~~ consisting of residential properties...

2. No accessory building or use shall be constructed or established upon a zoning lot located in a residential zoning district until the construction of the principal building has actually commenced, and no accessory buildings shall be use unless the principal building on the zoning lot is also being used, unless approved by ~~a conditional use permit variance~~. The exterior appearance and materials shall be consistent with residential construction materials and comparability with the neighboring properties.

3. The total square footage of all accessory buildings on a zoning lot used for residential in the R-L, R-1, R-3, R-4, R-5, and UD districts, ~~and planned developments~~ shall not exceed the standards set forth in the respective district descriptions. Exceptions are as follows:

Lots with apartment buildings, townhouses, condominiums and similar uses.

G. Conformance:

1. c. Only in conformance with federal and state law and in accordance with all municipal ordinances and regulations as may be applicable. Where this ~~chapter title~~ and any other ordinance conflict or overlap, which imposes the more stringent restrictions shall apply.

2. The density and yard regulations of this ~~chapter title~~ are minimum regulations for each building existing at the time of the effective date of this ~~chapter title~~ or for any building erected or structurally altered thereafter. No land required for yards, zoning lot frontage or other open spaces adjacent to an existing building or any building hereafter erected or structurally altered shall be considered a yard, frontage, or zoning lot area for more than one building except for a unit group of buildings.

Section 4: Chapter 5, Residential District Uses and Standards to be amended with the following changes.

That Section 10-5A-3 R-L Lake Residential District Conditional Uses be amended with the following changes.

Childcare (Family Residential) not permitted on properties on the shoreline.

That Chapter 5 Article D, R-3 Medium Density Residential District to be amended by making the following changes.

10-5D-3 Conditional Uses:

Community Residence ~~up to twelve (12) units~~ more than four and less than twelve (12) units

Multi-family Dwelling units ~~of twelve (12) units or less~~ between five and twelve (12) units

Residential Care Facility ~~up to twelve (12) units~~ between five and twelve (12) units

Supportive Living Home ~~up to twelve (12) units~~ between five and twelve (12) units

That Chapter 5 Article E, R-4 High Density Residential District to be amended by making the following changes.

10-5E-3 Conditional Uses:

Assisted Living Center more than 24 units

That Section 10-5G-3 Home Occupation Permits to be amended with the following changes.

- A. Application: If the applicant meets all the conditions hereinabove set forth, the appropriate public official, as designated by the director of public works, shall issue the home occupation permit. All other applicants who do not meet the criteria above set forth shall be required to make the appropriate application for a conditional use permit ~~home occupation permit~~ under the provisions of this article title. ~~The city planning commission shall review applications that do not meet the conditions set forth and the city board of adjustment may approve applications for those asking for exceptions to the conditions set forth.~~

- B. ~~Fee, Duration, Renewal:~~ The fee for the permit shall be set by resolution of the city council, ~~and be valid for a period of three (3) years, with a requirement that the permit be renewed on an annual basis, which renewal shall be computed from the date of the original issuance. Failure to renew shall constitute a revocation of authority to conduct a home occupation until such time as the renewal process has been completed.~~

Section 5: Chapter 6, Commercial Districts to be amended with the following changes.

That Section 10-6-1 Conditions of Use be amended by making the following changes.

- A. 2. The building official shall transmit these plans and drawings to ~~the chairman of the planning commission, who shall set a meeting for the review, as here and after set forth,~~ The the planning commission shall review...

That Article A ,NS Shopping District be amended by making the following changes.

10-6A-2 Permitted Uses

Assisted Living

Bakery

Bed and Breakfast

Business Service

Community Garden

Grocery Store

Historic Site

Recreational Indoor Facility

Roadside Stand

10-6A-3 Conditional Uses:

Outside Storage

Article B Highway Oriented Business District

10-6B-2 Permitted Uses:

Open Space

Outside Storage

Theater

That Article C CB Central Business District be amended by making the following changes.

10-6C-2 Permitted Uses:

Assisted Living

Boarding House

~~Preschool/nursery~~ (duplicative)

~~Hotel~~ (covered in retail)

Hospice Residential Care

Locker/Butcher

Lodging House

Open Space

Residential Care

Roadside Stand

Supportive Living

Theater

Utility Station

10-6C-3 Conditional Uses:

Boarding School

Outside Storage

Student Housing Off Campus

Section 6: That Chapter 7 Industry and Transportation, Warehousing, Commercial Districts be amended by making the following changes.

Article A. Transportation, Warehousing, and Commercial District

10-7A-2 Permitted Uses:

~~Veterinarian~~

Open Space

Outside Storage

Outside Commercial Storage

Theater

Truck Terminal

10-7A-3 Conditional Uses:

Childcare/Preschool

10-7A-5: Density, Area and Height Regulations:

~~2. Telecommunication towers 100 feet in tower height or under are permitted. Telecommunications towers over 100 feet require a conditional use permit.~~

That 10-7B-4 (I) Industrial Districts be amended by making the following changes.

10-7B-4 Conditional Uses:

~~Distillation Facilities~~

Section 7: That Chapter 8 Other Districts be amended with the following changes.

Article A. PL Public Lands and Institutions District

10-8A-2: Permitted Uses:

Adjustment Training Centers

Boarding House

Coffee House

Community Garden

Community Residence

~~Community Theater~~

Congregate Housing

Open Space

Retail Services and Trade

Riding Stable

Roadside Stand

Shooting Range

Student Housing (Off Campus)

Supportive Living

Telecommunications 100 feet or under in height

Temporary Emergency Shelter

Theater

10-8A-3: Conditional Uses:

Assembling and Packaging

Race Track

Rodeo Grounds

Shooting Range

Telecommunication Towers over 100 feet in height

Section 8: That Chapter 9, Planned Unit Developments to be amended with the following changes:

10-9-1 PUD Requirements:

Adopted planned unit development districts may be identified by legal descriptions that may have been platted or re-platted subsequent to the original adoption of the districts. The uses listed in the respective districts may not be specifically defined in 10-2-2. Therefore, similar terms listed in 10-2-2 or commonly used definitions from a Standard English Dictionary or other recognized sources may be used to determine the definitions of uses listed in the district.

Article A. Mitchell Technical Institute Planned Development

10-9A-8: Sign Regulations:

Signs shall be regulated in conformance with ~~this code~~ Title 9 Chapter 4.

Article B. Woodland Heights Planned Development District

10-9B-3 Scope of Regulations:

A. Sub-area A:

4. Sign Regulations: Signs regulations shall be in conformance with ~~this code~~ Title 9 Chapter 4.

B. Sub-area B.

4. Sign Regulations: Signs regulations shall be in conformance with ~~this code~~ Title 9 Chapter 4.

C. Sub-area C.

5. 4. Sign Regulations: Signs regulations shall be in conformance with ~~this code~~ Title 9 Chapter 4.

Article E, South Point Village Planned Development District

10-9E-7: Sign Regulations:

Signs and the placement thereof shall be in conformance with ~~this code~~ Title 9 Chapter 4.

Section 7: That Section 10-10-5 Damage and Destruction be amended by making the following changes.

Any structure, other than residential, destroyed or damaged due to involuntary circumstances to an extent of more than seventy five percent (75%) of its replacement cost, at the time of destruction or damage, ~~or any sign destroyed or damaged to an extent of fifty percent (50%) of its replacement cost at the time of destruction or damage,~~ shall not be rebuilt except in conformance with this title. The reconstruction of any structure ~~and sign~~ used for a nonconforming use, otherwise prohibited by this section, may be permitted if a variance is granted prior to reconstruction, in accordance with the standard procedure relating to variances. In such case, the reconstruction shall be limited to a structure not larger than the structure destroyed, determined by the square footage of floor area of a building ~~and square footage of sign area for a sign.~~ Residential structures may be reconstructed without restriction. Upon approval, the nonconforming prior lawful use subject to this section shall be deemed a permitted use, notwithstanding any other provision of this title.

That Section 10-10-7 EXISTING SMALL LOTS be amended by adding the following.

Where an individual lot is held in separate ownership and complies with all applicable zoning and subdivision requirements, except for the minimum lot size requirement of the zoning district in which it is located, such lot may be developed for any permitted uses or conditional uses specified in that zoning district except for duplex or multi-family development.

Section 8: That CHAPTER 11 OFF STREET PARKING AND LOADING be amended with the following changes.

10-11A-2 General Requirements and Design Standards

D. Off street parking spaces may be located in any required yards, ~~except front yards. Residences may provide a driveway for parking purposes not to exceed twenty four feet (24') in width in the front yard.~~

~~F. Any lighting used to illuminate an off street parking area shall be so arranged as to reflect light away from adjoining premises in any residential district or from any public or institutional uses.~~

Standards for Outdoor Lighting: Community lighting practices should promote personal safety and crime prevention.

1. Eliminate glare onto neighboring property or street right-of-way.
2. Limit light trespass over a property line onto residential property.
3. Canopy lights shall contain fully shielded (cutoff) light fixtures to prevent glare onto adjacent property or street rights-of-way, except for focus lighting.

Section 9: The City Finance Officer shall publish notice of this ordinance and the same shall become effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Passed and Approved this the _____ day of _____, 2015.

MAYOR

ATTEST:

FINANCE OFFICER

First Reading
Second Reading
Adoption

City of Mitchell

612 NORTH MAIN STREET • MITCHELL, SOUTH DAKOTA 57301 • (605) 995-8420 • FAX (605) 995-8410
ENGINEER (605) 995-8435 • WATER PLANT (605) 995-8449 • STREET (605) 995-8465 • WASTE WATER (605) 995-8446
WATER/UTILITIES (605) 995-8498 • PUBLIC WORKS/PLANNING/ZONING/INSPECTOR (605) 995-8433
www.cityofmitchell.org

CITY OF MITCHELL

PLANNING COMMISSION SUMMARY OF ACTIVITIES

	2013	2014
PLATS	27	26
COND USES	16	15
VARIANCES	13	18
REZONING	4	10
AMENDMENTS	1	1
ANNEXATION	0	0
VACATIONS	0	0
TIF DISTRICTS	2	0

City of Mitchell

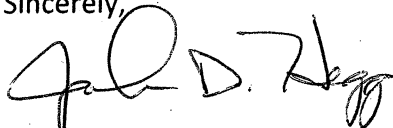
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www.cityofmitchell.org

Date: January 13, 2015

To: Mayor and City Council
Re: Building Permits Issued in 2014

<u>TYPE OF BUILDING</u>	<u>NUMBER</u>	<u>VALUATION</u>	<u>PERMIT FEE</u>
New Residential	17	\$2,502,411.00	\$9,358.00
City Buildings	2	\$8,500.00	n/c
Duplexes	4	\$701,190.00	\$2,502.00
New Commercial	9	\$27,405,480.00	\$65,246.00
Residential Additions	34	\$672,960.00	\$4,287.50
Garages/Sheds	68	\$1,412,545.00	\$8,770.00
Commercial Additions	19	\$3,425,521.00	\$15,214.50
Demolitions	9		n/c
TOTALS	<u>162</u>	<u>\$36,128,607.00</u>	<u>\$105,378.00</u>

Sincerely,



John D. Hegg
Building Official

City of Mitchell

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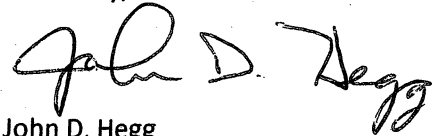
Date: January 8, 2014

To: Mayor and City Council

Re: Building Permits Issued in 2013

<u>TYPE OF BUILDING</u>	<u>NUMBER</u>	<u>VALUATION</u>	<u>PERMIT FEE</u>
New Residential	25	\$4,104,418.48	\$14,801.00
City Buildings	3	\$5,086,543.00	n/c
Duplexes	3	\$544,845.00	\$1,931.00
Towers	-	-	-
New Commercial	23	\$19,076,807.30	\$56,755.00
Residential Additions	30	\$517,682.00	\$3,171.50
Garages/Sheds	62	\$851.631.00	\$6,217.00
Commercial Additions	16	\$1,817,680.00	\$9,398.00
Demolitions	7		n/c
TOTALS	<u>169</u>	<u>\$31,999,336.30</u>	<u>\$92,273.50</u>

Sincerely,



John D. Hegg
Building Official