

1. Agenda

Documents: [02-23-15 AGENDA.PDF](#)

2. Packet

Documents: [02-23-15 PACKET.PDF](#)

PLANNING COMMISSION AGENDA

DATE: Monday, February 23, 2015

TIME: 12:00 NOON

CALL TO ORDER:

ROLL CALL:

APPROVE AGENDA:

MINUTES: Regular Meeting February 9, 2015

NEXT MEETING: March 9, 2015

VARIANCE: Paul Muth and Arlen Schuh for an oversize variance of 3,200 square feet vs 2,000 square feet for a new storage building at 1902 N Foster St, legally described as the W 425' of the N 240.42' of Lot A-2, a subdivision of Lot A of Skyline Estates, in the S 100 Acres of the NW ¼ of Section 14, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. Zoned R4.

PLAT: Lot 3, Block 1 of CJM Second Addition, a subdivision of the NW ¼ of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

PLAT: Lot 21, Block 6 of the Woods First Addition, a subdivision of the East ½ of the SW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

PUBLIC HEARING: Zoning Code Amendments

RECOMMENDATIONS TO CITY COUNCIL: Zoning Code Amendments

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."

PLANNING COMMISSION AGENDA

DATE: Monday, February 23, 2015

TIME: 12:00 NOON

CALL TO ORDER:

ROLL CALL:

APPROVE AGENDA:

MINUTES: Regular Meeting February 9, 2015

NEXT MEETING: March 9, 2015

VARIANCE: Paul Muth and Arlen Schuh for an oversize variance of 3,200 square feet vs 2,000 square feet for a new storage building at 1902 N Foster St, legally described as the W 425' of the N 240.42' of Lot A-2, a subdivision of Lot A of Skyline Estates, in the S 100 Acres of the NW ¼ of Section 14, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. Zoned R4.

PLAT: Lot 3, Block 1 of CJM Second Addition, a subdivision of the NW ¼ of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

PLAT: Lot 21, Block 6 of the Woods First Addition, a subdivision of the East ½ of the SW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

PUBLIC HEARING: Zoning Code Amendments

RECOMMENDATIONS TO CITY COUNCIL: Zoning Code Amendments

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."

**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, February 9, 2015**

NOT APPROVED

Call to Order: Chairman Larson called the February 9, 2015 meeting to order at 12:00 pm, Council Chambers, City Hall, Mitchell, SD.

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

Members Absent: Schmucker

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

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

Minutes: Motion by Fergen, seconded by Molumby to approve the minutes of the January 26, 2015 meeting. All members present voting aye, motion carried.

Rezoning: Jerry Stravia, Lot 16, Block 4, D.A. Scotts 1st Addition (1112 N Rowley St) Rhonda Hoffman, Lot 15, Block 4, D.A. Scotts 1st Addition (120 W 11th Ave) Rodney & Mary Titze, Lots 13 & 14, Block 4, D.A. Scotts 1st Addition (116 W 11th Ave) Joseph Bunker & Sierra Reinartz, S 75' Ex 95.9" of Lot 3, Block 4, D.A. Scotts 1st Addition (112 W 11th Ave) from Central Business District (CB) to Single Family Residential District (R2).

Jerry Stravia was present to answer questions. No one testified in opposition of the rezoning. The commission reviewed written comments.

Letters to the neighbors were sent January 29, 2015 and the public notice was published in the *Mitchell Daily Republic* January 29, February 5, and February 11, 2015.

Stravia indicated that he has contacted the affected neighboring property owners that are also going to be rezone. They are supportive of the change.

Motion by Molumby, seconded by Griffith to recommend approval to the City Council of the rezoning request. All members present voting aye, motion carried.

Variance: Jerry Stravia has made an application for a backyard variance of 6' vs 25' and lot coverage variance 40% vs 45% for construction of an addition and an attached garage at 1112 S Rowley St, legally described as Lot 16, Block 4, D.A. Scott's 1st Addition, City of Mitchell, Davison County, South Dakota.

Stravia and his builder were present to answer questions about circumstances of the variance. They explained they would like to make the home addition accessible for a person with disabilities. Stravia mentioned that he is working the YWCA about an easement and location of a possible to accommodate backing out into the alley.

Motion by Everson, seconded by Griffith to recommend approval of the variance to to the Board of Adjustment with the following conditions:

- 1) Contingent on the property rezoning to residential
- 2) Comply with ADA requirements
- 3) No parking in the driveway behind the proposed garage.

All members present voting aye, motion carried.

Chairman Larson adjourned the meeting at 12:25 pm.

Chairman

Date



PM - STORAGE SHED
770-9423 SITE PLAN

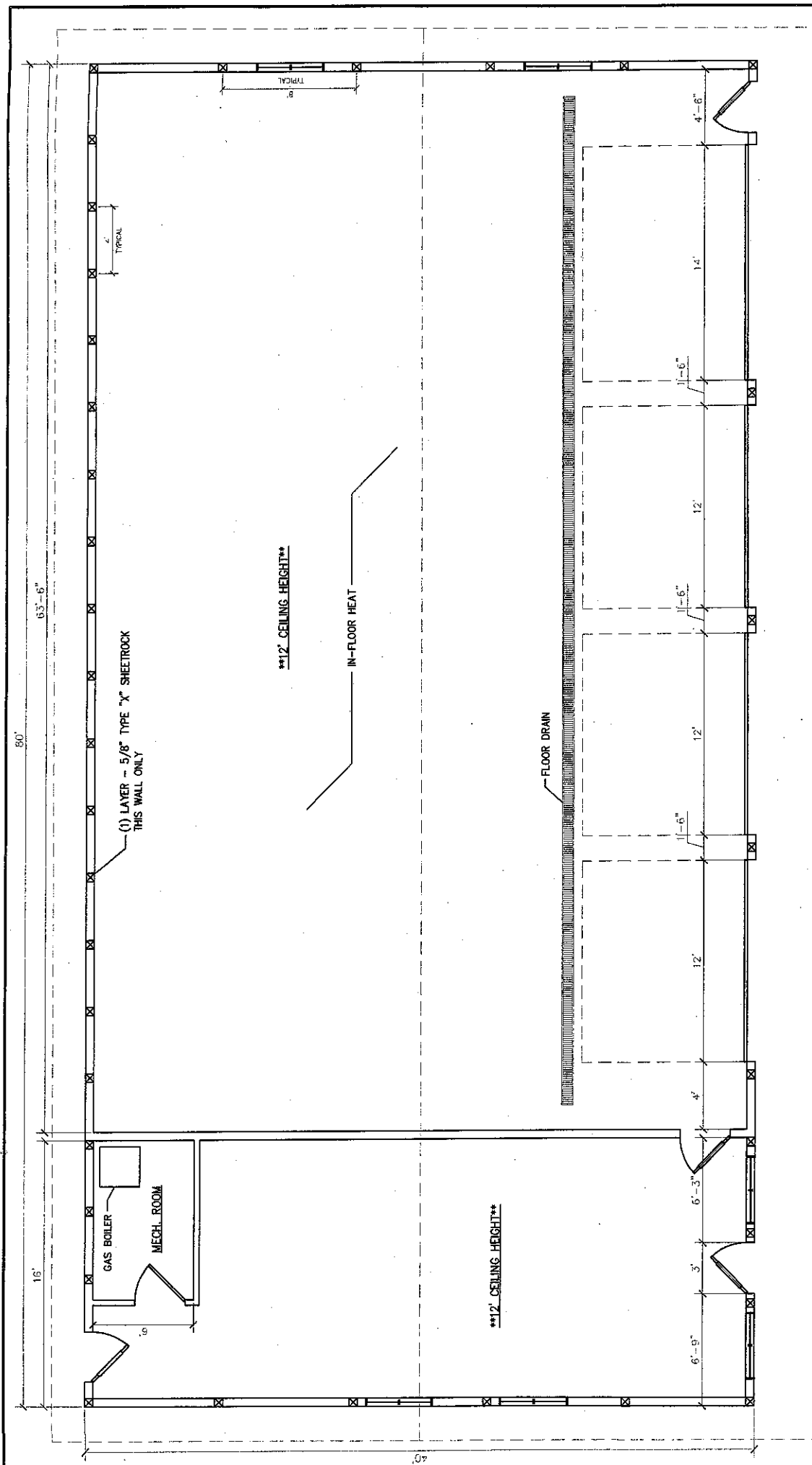
A001

SCALE: 1" = 40'
01/27/15

PM - STORAGE SHED
FLOOR PLAN

A10

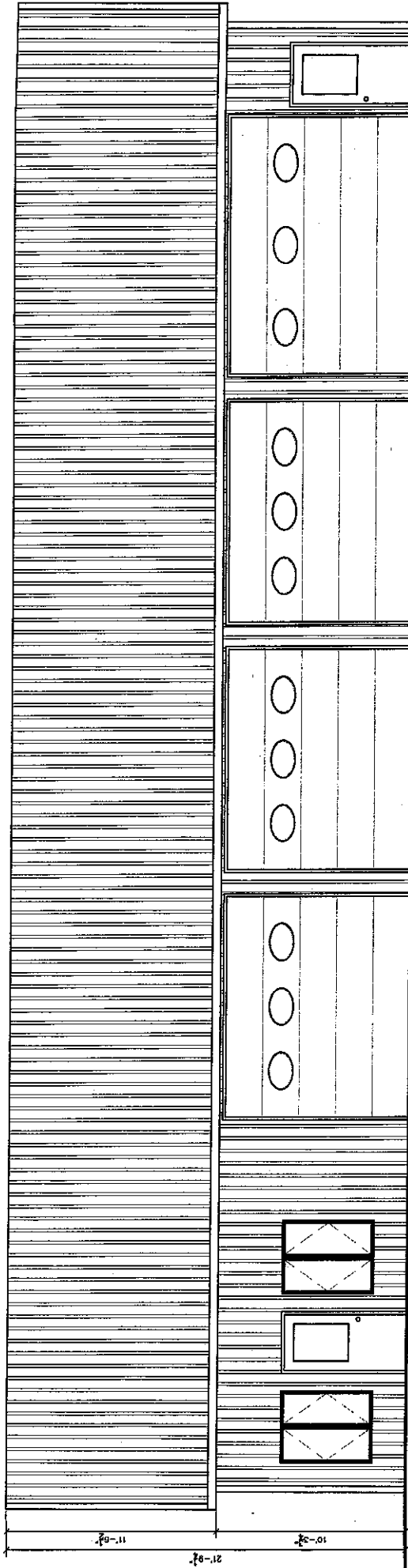
SCALE: 3/16" = 1'-0" 01/27/15



PM - STORAGE SHED
A200

SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

01/27/15



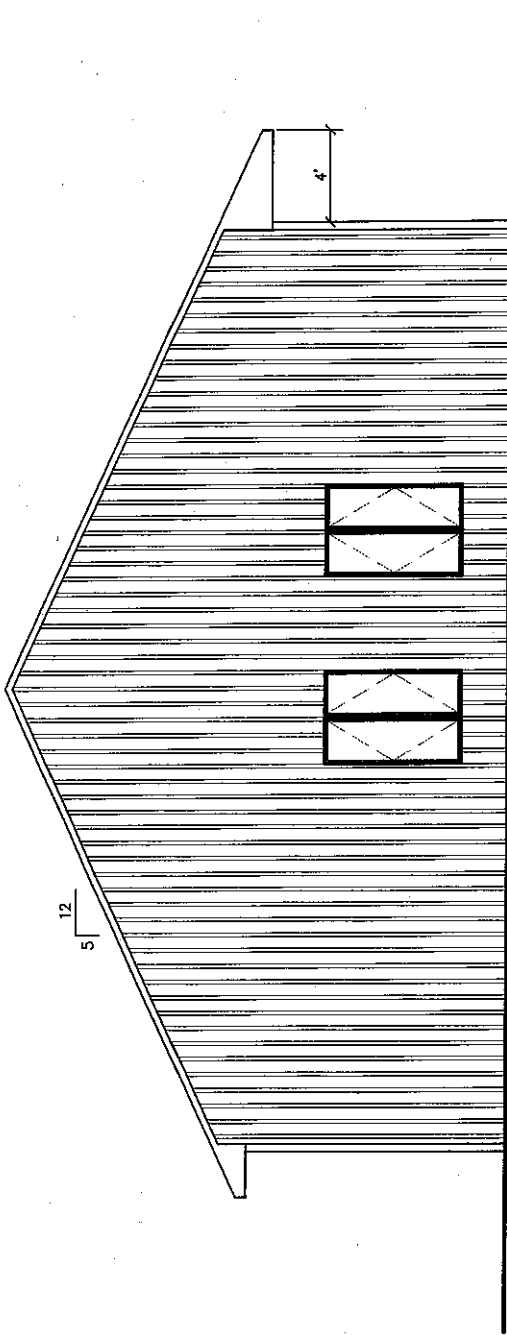
11'-0"

10'-0"

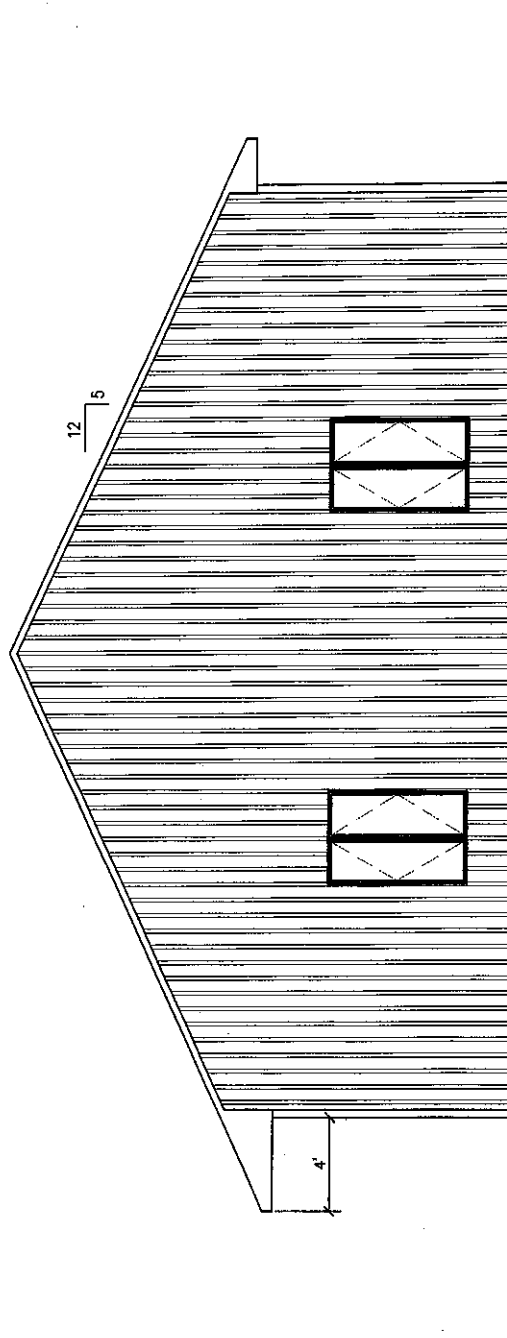
21'-0"

PM - STORAGE SHED
WEST/EAST ELEVATION

SCALE: 3/16" = 1'-0" 01/27/15



WEST ELEVATION



EAST ELEVATION

MUTH/SCHUH

TODD MABEE REVOCABLE
LIVING TRUST
49400 NW HILLSIDE RD
FOREST GROVE OR 97116

GARY MEBIUS
1809 SCENIC CT DR
MITCHELL SD 57301

DANIEL & CATHERINE SAND
816 KYNETTE PL
MITCHELL SD 57301

MERVELA HILDERANDT
1707 WESTVIEW DR
MITCHELL SD 57301

KRISTY MARTIN
1701 WESTVIEW DR
MITCHELL SD 57301

JAMES & IONE KLINGER
1621 WESTVIEW DR
MITCHELL SD 57301

KENNETH & TERESA TAYLOR
1612 WESTVIEW DR
MITCHELL SD 57301

JANET MARTIN LIVING TRUST
1700 WESTVIEW DR
MITCHELL SD 57301



GRAPHIC SCALE

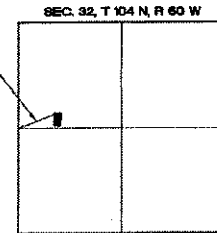


(IN FEET)

1 inch = 100 ft.

EASEMENTS WITHIN LOT 3, BLOCK 1 DEDICATED BY THIS PLAT:

Rear = 20' Utility, Drainage and Access
 Sides = 5' Utility and Drainage
 Front Along Anthony Avenue = 10' Utility

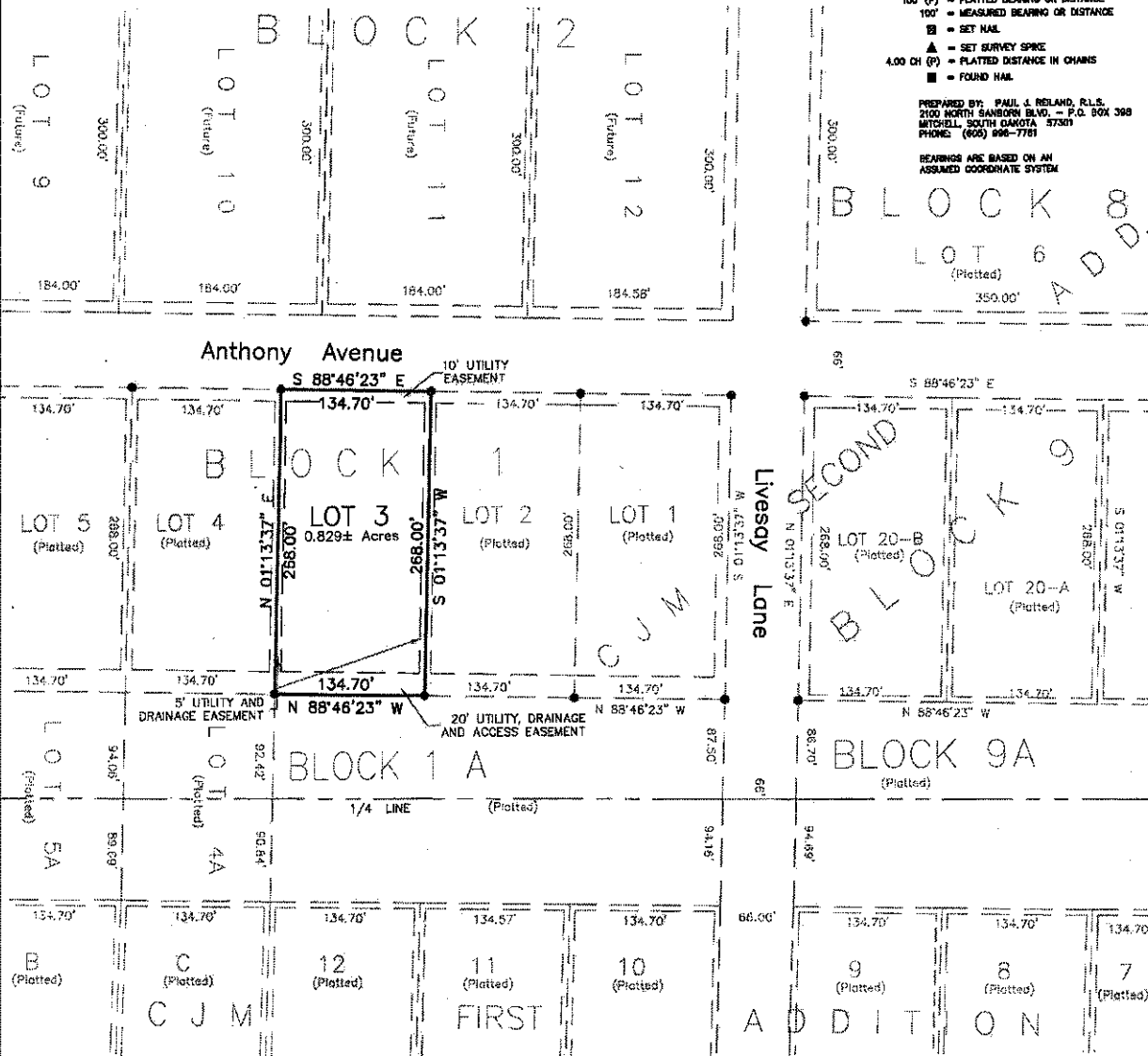
N 68°52'22" E
1021.61'LOCATION MAP
SCALE: 1" = 3000'

LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" X 16" REBAR WITH PLASTIC CAP NO. 8702
- 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

PREPARED BY: PAUL J. REILAND, R.L.S.
 2100 NORTH SAUBORN BLVD. - P.O. BOX 398
 MITCHELL, SOUTH DAKOTA 57301
 PHONE: (605) 996-7781

BEARINGS ARE BASED ON AN
 ASSUMED COORDINATE SYSTEM



A PLAT OF LOT 3, BLOCK 1 OF CJM SECOND ADDITION, A SUBDIVISION OF THE NW 1/4 OF SECTION 32, T 104 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of CJM Consulting, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to February 17, 2015, survey those parcels of land described as follows: LOT 3, BLOCK 1 OF CJM SECOND ADDITION, A SUBDIVISION OF THE NW 1/4 OF SECTION 32, T 104 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 _____ day of _____, 2015.

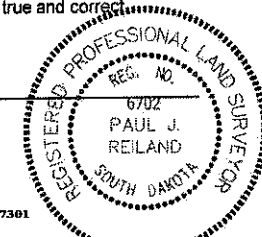
Registered Land Surveyor #SD6702

SPN

& Associates

Engineers, Planners and Surveyors

2100 North Sauborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
 Phone: (605) 996-7781 Fax: (605) 996-0015



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

A PLAT OF LOT 3, BLOCK 1 OF CJM SECOND ADDITION, A SUBDIVISION OF THE NW 1/4 OF SECTION 32, T 104 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, 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 3, BLOCK 1 OF CJM SECOND ADDITION, A SUBDIVISION OF THE NW 1/4 OF SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, 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 3, BLOCK 1 OF CJM SECOND ADDITION, A SUBDIVISION OF THE NW 1/4 OF SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, 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: _____

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 3, BLOCK 1 OF CJM SECOND ADDITION, A SUBDIVISION OF THE NW 1/4 OF SECTION 32, T 104 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

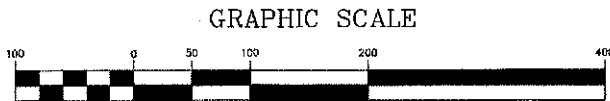


SPN

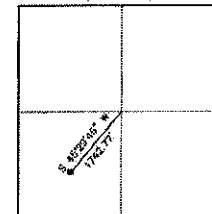
& Associates

Engineers, Planners and Surveyors

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



(IN FEET)
1 inch = 100 ft.



LOCATION MAP

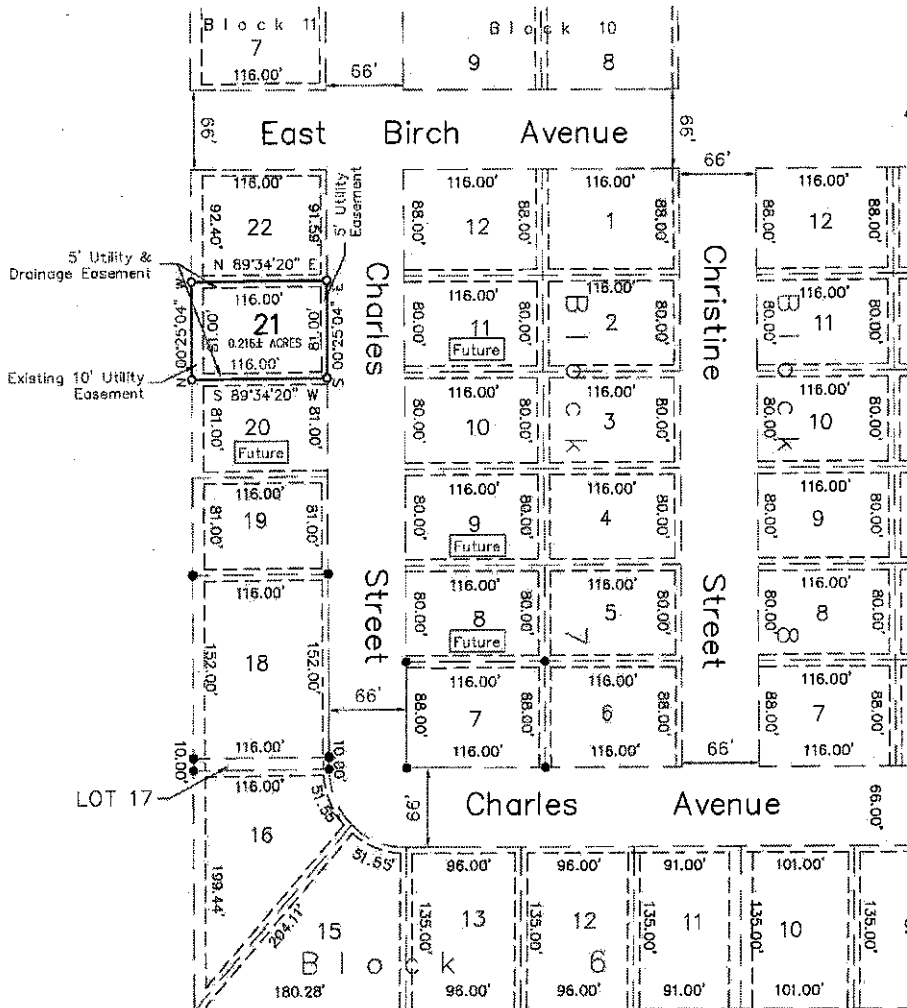
SCALE: 1" = 300'

LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR
- WITH PLASTIC CAP NO. 6702
- 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
- [Future] = FUTURE LOTS

PREPARED BY: PAUL J. REILAND, 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 21, BLOCK 6 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of CJM Consulting, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to February 12, 2015, survey those parcels of land described as follows: LOT 21, BLOCK 6 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, 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 _____ day of _____, 2015.

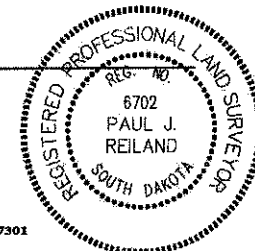
Registered Land Surveyor #SD6702

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 21, BLOCK 6 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned, hereby certify that CJM Consulting, Inc., a South Dakota corporation, is 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 EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at the request of CJM Consulting, Inc., a South Dakota corporation, and under its direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOT 21, BLOCK 6 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and CJM Consulting, Inc., a South Dakota corporation, hereby dedicates 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 21, Block 6 shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations; further that there now exists Charles Street.

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

Charles J. Mauszycki, Jr., Vice President of CJM Consulting, Inc.,
a South Dakota corporation

CORPORATION ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2015, before me, _____, the undersigned officer, personally appeared Charles J. Mauszycki, Jr., of CJM Consulting, Inc., a South Dakota corporation, and that he, as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President.

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 21, BLOCK 6 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, 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;

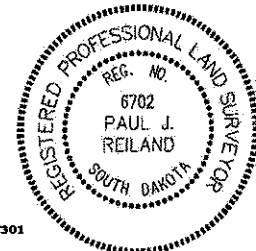
NOW THEREFORE, be it resolved by the City Planning Commission of Mitchell, South Dakota, that the plat of LOT 21, BLOCK 6 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, 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



REGISTERED PROFESSIONAL LAND SURVEYOR
REG. NO.
6702
PAUL J. REILAND
SOUTH DAKOTA

You are hereby notified that the City Planning Commission will conduct a public hearing on the proposed amendments to the City Code, Title 10, Zoning Regulations. The hearing will be 12:00 pm, February 23, 2015, Council Chambers, City Hall, 612 N Main St, Mitchell, SD. The planning may recommend the changes to the City Council, City of Mitchell for their consideration.

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 facility that includes the brewing of alcoholic beverages. The brewing operation processes water, malt, hops, yeast and other ingredients into alcoholic beverages by mashing, cooking, 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: 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 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 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 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 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, 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, interested parties, and testimony presented to said body.

7. Vote: The concurring vote of two-thirds (2/3) of the full membership of the board of adjustment 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.

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 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 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 district 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 title and any other ordinance conflict or overlap, which imposes the more stringent restrictions shall apply.

2. The density and yard regulations of this title are minimum regulations for each building existing at the time of the effective date of this 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 more than four and less than twelve (12) units

Multi-family Dwelling units between five and twelve (12) units

Residential Care Facility between five and twelve (12) units

Supportive Living Home 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 under the provisions of this title
- B. Fee, The fee for the permit shall be set by resolution of the city council
- C. 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 planning commission. 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 to be amended by making the following changes.

10-6C-2 Permitted Uses:

Assisted Living

Boarding House

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:

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:

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

10-7B-4 Conditional Uses:

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

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 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 Title 9 Chapter 4.

B. Sub-area B.

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

C. Sub-area C.

5. 4. Sign Regulations: Signs regulations shall be in conformance with 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 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, , shall not be rebuilt except in conformance with this title. The reconstruction of any structure 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. 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,

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

Publish once: February 12, 2015

Approximate cost: