

Ordinance 2022 – 04

An Ordinance Authorizing Rezoning of “Portion of Outlot 15 of Outlots 15-16-17-18 inclusive of W1/2 S1/2 NE1/4 of Section 11, T109N, R50W (Medary Township)”, that portion of Outlot 15 to be rezoned will be known as “Lot “A of Outlot 15 in the W1/2 of the S1/2 of the NE1/4 of Section 11, T109N, R50W of the 5th P.M., Brookings County, South Dakota”

WHEREAS, Jack Petersen made an application to the Brookings County Zoning Board to rezone property from Joint Jurisdiction B-3 (Business: Heavy) District to a Joint Jurisdiction R-3A (Multiple-Family & Mobile Home) District;

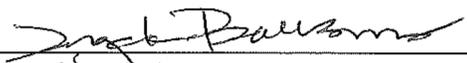
WHEREAS, the Brookings County Planning Commission recommended approval to rezone the property on June 7, 2022;

WHEREAS, SDCL 11-2-30 requires the Brookings County Commission to adopt or reject the change;

THEREFORE, BE IT ORDAINED, BY THE BROOKINGS COUNTY COMMISSION, BROOKINGS COUNTY, SOUTH DAKOTA, in accordance with Section 800 of Article VIII of Appendix C-Joint Jurisdiction Area Zoning Ordinance, of the City of Brookings and County of Brookings, South Dakota, that the following property be rezoned from Joint Jurisdiction B-3 (Business: Heavy) District. to a Joint Jurisdiction R-3A (Multiple-Family & Mobile Home) District

“Portion of Outlot 15 of Outlots 15-16-17-18 inclusive of W1/2 S1/2 NE1/4 of Section 11, T109N, R50W (Medary Township)”, that portion of Outlot 15 to be rezoned to Joint Jurisdiction R-3A (Multiple-Family & Mobile Home) will be known as “Lot “A” of Outlot 15 in the W1/2 of the S1/2 of the NE1/4 of Section 11, T109N, R50W of the 5th P.M., Brookings County, South Dakota”, the balance of “Outlot 15 in the W1/2 of the S1/2 of the NE1/4 of Section 11, T109N, R50W of the 5th P.M., Brookings County, South Dakota” will remain zoned Joint Jurisdiction B-3 (Business: Heavy) District.

Dated this 19th day of July 2022.


Angela Boersma, Chairperson
Brookings County Commission

ATTEST:

Lori Schultz
Brookings Finance Officer

First Reading: June 21, 2022
Second Reading: July 19, 2022
Adopted: July 19, 2022
Publication Date: July 28, 2022
Effective Date: August 18, 2022

BROOKINGS COUNTY DEVELOPMENT

Brookings City & County Government Center
520 3rd Street, Suite 200
BROOKINGS, SOUTH DAKOTA 57006
(605)-696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Commission
June 21, 2022, meeting.

June 8, 2022: The Brookings County Planning and Zoning Commission met in a joint meeting with the Brookings City Planning and Zoning Commission on June 7, 2022 at 8:00 PM for the rezoning application from Jack Petersen to rezone "Portion of Outlot 15 of Outlots 15-16-17-18 inclusive of W1/2 S1/2 NE1/4 of Section 11, T109N, R50W (Medary Township)" ~~~ located at 3707 Main Ave S, Brookings, SD 57006, from a Joint Jurisdiction B-3 (Business: Heavy) District to a Joint Jurisdiction R-3A (Multiple-Family & Mobile Home) District. The property is located in the Joint Jurisdictional Area. The Brookings County Planning and Zoning Commission voted 7-ayes and 0-nays and the Brookings City Planning Commission voted 5-ayes and 0-nays to recommend approval of the rezoning request. The rezoning request will be forwarded to Brookings City Council and Brookings County Commission by the respective Commission's for final approval or denial. The rezoning request must be passed by both entities to be approved.

Brookings County Planning and Zoning Commission- Joint Meeting
With City of Brookings Planning Commission.
June 7, 2022– 8:00 PM meeting

2022rz002 – June 7, 2022

Prepared by Richard Haugen

Applicant/Owner: Jack Petersen, 3707 Main Ave S, Brookings, SD 57006
Site: 3707 Main Ave S, Brookings, SD 57006

Legal Description: "Portion of Outlot 15 of Outlots 15-16-17-18 inclusive of W1/2 S1/2 NE1/4 of Section 11, T109N, R50W (Medary Township)" ~~~ located at 3707 Main Ave S, Brookings, SD 57006.

2022rz002: Jack Petersen has applied for rezoning a portion of property in the Brookings City/Brookings County Joint Jurisdiction Area from a Joint Jurisdiction B-3(Heavy Business) District to Joint Jurisdiction R-3A (Multiple-Family & Mobile Home) District. The property is located off Main Ave S. The property (Outlot 15) is currently zoned B-3 Heavy Business, he would

like to rezone a portion of Outlot 15, (where the house is located) to a Joint Jurisdiction R-3A, which would allow for some for residential options, some by permitted use and the rest by special exception. The zoning on the balance of Outlot 15, would remain the same, B-3. As noted in the Joint Jurisdiction Ordinance Residence "R3-A multiple-family and mobile home" is listed below:

Section 450. Residence R-3A multiple-family and mobile home.

451. Permitted uses.

- .1 All uses allowed by right in the Residence R-3 District.
- .2 Single mobile home. Shall be not less than four hundred (400) square feet in the main structure.
- .3 Mobile home park

452. Uses allowed by special exception by the Board of Adjustment.

- .1 Uses allowed by special exception in the Residence R-1B District.
- .2 Home occupations.

453. Area regulations.

- .1 Lot area and width.
 - a. Single-family, two-family and multiple-family structures shall conform to Section 443. 1a, .1b, .1c, .2, .3 and .4.
 - b. Single-mobile home. Lot area, frontage, front rear and side yard requirements shall be as required in Section 443.1a, .2, .3 and .4.
 - c. Mobile Home Park/Manufactured Housing Park
 - (1) Regulations regarding mobile homes/manufactured housing are set forth as follows:
 - (A) Perimeter park boundaries: The park shall have a twenty-five (25) foot landscaped area between a right-of-way line and any principal or accessory building, entryway, deck of private street. Other perimeter park boundaries shall have a minimum setback of seven (7) feet for any principal building and three (3) feet for any accessory building. (Ord. 11-01, 8-27-01)
 - (B) Streets – Private roadways or streets within a park shall have an asphalt or concrete surface thirty-four feet (34') in width where

parking is permitted on both sides, twenty-seven feet (27') in width where parking is restricted to one side only, and twenty-four feet (24') where parking is prohibited. All parks and private streets or roadways shall have unobstructed access to a public highway or street. (Ord. 11-01, 8-27-01)

- (C) Park Design: The location, site, and number of lots, streets, and driveways associated with a park shall be consistent with plans of file in the City Engineer's Department. A master site plan shall be required and shall be adhered to unless expressly modified through procedures established by the city. (Ord. 11-01, 8-27-01)
1. Lot Area – Each lot provided for the occupancy of a single mobile home/manufactured housing unit shall not be reduced in size.
Exception: A lot may be reduced in size to 5,500 square feet provided all setbacks are met. (Ord. 11-01, 8-27-01)
 2. Spacing:
 - a. A mobile home/manufactured housing unit shall not be less than fifteen (15) feet from any other mobile home/manufactured housing unit measured at the closest point. (Ord. 11-01, 8-27-01)
 - b. An entryway or accessory building containing not more than 120 square feet or a deck attached to or abutting a mobile home/manufactured home shall not be less than eight (8) feet from any other home. (Ord. 11-01, 8-27-01)
 - c. A garage, carport, or accessory building containing more than 120 square feet of floor area shall not be within ten (10) feet or an adjacent home. (Ord. 11-01, 8-13-01)
 - (D) Density - No park shall be permitted to have a density of more than ten (10) mobile home/manufactured housing units per acre and each park shall provide an area of not less than eight (8) acres. (Ord. 11-01, 8-13-01)
 - (E) Expansion - Existing mobile home/manufactured housing parks may be enlarged to an area of less than eight (8) acres provided

the expansion complies with the regulations set forth in this section. (Ord. 11-01, 8-13-01)

454. Supplementary regulations. See regulations prescribed in Article VII, Sections 700, 720, 730 and 740.

Listed below are the existing "Business B-3 Heavy" options:

Section 540. Business B-3 heavy.

541. Permitted uses.

- .1 Retail or service store (Ord. 5-95, 2-28-95)*
- .2 Personal service store (Ord. 5-95, 2-28-95)*
- .3 Personal health service (Ord. 5-95, 2-28-95)*
- .4 Office (Ord. 5-95, 2-28-95)*
- .5 Hotel (Ord. 5-95, 2-28-95)*
- .6 Drive-in food service (Ord. 5-95, 2-28-95)*
- .7 Public transportation facility (Ord. 5-95, 2-28-95)*
- .8 Public utility facility (Ord. 5-95, 2-28-95)*
- .9 Funeral home or mortuary (Ord. 5-95, 2-28-95)*
- .10 Financial institution (Ord. 5-95, 2-28-95)*
- .11 Grocery supermarket (Ord. 5-95, 2-28-95)*
- .12 Automobile sales (Ord. 5-95, 2-28-95)*
- .13 Gas dispensing station (Ord. 5-95, 2-28-95)*
- .14 Parking facility or lot (Ord. 5-95, 2-28-95)*
- .15 Indoor or outdoor recreational facility (Ord. 5-95, 2-28-95)*
- .16 Car wash (Ord. 5-95, 2-28-95)*
- .17 Animal hospital (Ord. 5-95, 2-28-95)*
- .18 Temporary storage facility (Ord. 5-95, 2-28-95)*
- .19 Reverse vending machine (Ord. 5-95, 2-28-95)*
- .20 Motel (Ord. 5-95, 2-28-95)*
- .21 Day care facility (Ord. 5-95, 2-28-95)*

542. Uses allowed as special exceptions by the Board of Adjustment.

- .1 Outdoor sales (Ord. 5-95, 2-28-95)*
- .2 Storage and warehousing (Ord. 5-95, 2-28-95)*
- .3 Lumberyard (Ord. 5-95, 2-28-95)*
- .4 Nursery or greenhouse (Ord. 5-95, 2-28-95)*
- .5 Automobile service station (Ord. 5-95, 2-28-95)*
- .6 Motor vehicle repair shop (Ord. 5-95, 2-28-95)*
- .7 Citizens dropoff for recyclables (Ord. 5-95, 2-28-95)*

- .8 Buy back center for recyclables (Ord. 5-95, 2-28-95)*
- .9 Household hazardous waste site (Ord. 5-95, 2-28-95)*
- .10 Transfer site for recyclables (Ord. 5-95, 2-28-95)*
- .11 Light processing facility (Ord. 5-95, 2-28-95)*
- .12 Contractors shop and storage yard (Ord. 5-95, 2-28-95)*
- .13 Seasonal roadside stand/operation (Ord. 5-95, 2-28-95)*
- .14 Assembling and packaging (Ord. 5-95, 2-28-95)*
- .15 Freight handling (Ord. 5-95, 2-28-95)*
- .16 Manufacturing, light (Ord. 5-95, 2-28-95)*
- .17 Utility truck and trailer rental (Ord. 5-95, 2-28-95)*
- .18 Kennel (Ord. 5-95, 2-28-95)*
- .19 Wholesale trade (Ord. 5-95, 2-28-95)*

543. Area regulations.

.1 All buildings and incidental uses on lots adjacent to a residential district shall be located to provide a fifty (50) foot side yard on the side abutting the residential district. When adjacent to other than residential districts, no side yard is required; however, where side yards are provided for such a building, each such side yard shall not be less than six (6) feet in width.

.2 Front yard. There shall be a front yard on each street which a lot abuts, which yard shall be not less than twenty (20) feet in depth.

.3 Rear yard. No building shall be within twenty (20) feet of the rear lot line.

544. Supplementary regulations. See regulations prescribed in Article VII, Sections 700, 710, 720 and 730.

The Brookings County Development Office has reviewed the rezoning request and has no objections to the request, providing it meets the requirements of the Brookings City Community Development Office.

The rezoning request will be heard by a joint meeting of the Brookings County Planning and Zoning Commission and the City of Brookings Planning and Zoning Commission as it is in the Joint Jurisdiction Area. The decision made by the Joint Planning Commission's is a recommendation to Brookings County Commission and the Brookings City Council for the final decision of the rezoning request.

Public notices were published in the Brookings Register on May 24 and 31, 2022. The applicant notified abutting landowners by certified mail of the proposed rezoning request at least 14 days prior to the public hearing.

Letters were sent to the Medary Township Chairman and Clerk, Brookings County Highway Department.

PETITION TO REZONE

The undersigned, Jack Petersen

owner(s) of the following described real estate situated in the City of Brookings, Brookings County, South Dakota, to wit (legal description/address):

Portion of Lot 15 of outlots 6-18 inclusive
of W 1/2 of S 1/2 of NE 1/4 of S 11-T109N-R50W of
5th P.M. Brookings Co, SD

do hereby respectfully petition the City Planning Commission to recommend to the City Council of the City of Brookings to adopt an appropriate ordinance rezoning and reclassifying the above described real estate from a class B3 District to a class R-3A District, and that due notice of hearing be given upon this petition and application.

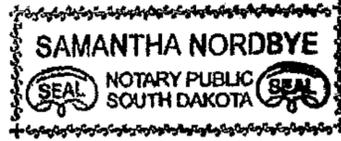
Attached hereto and made a part hereof is a plat of the area which is proposed to be rezoned, and that of the area adjacent thereto.

Dated at Brookings, South Dakota, this 25 day of April 2022

Jack Petersen

Petitioners

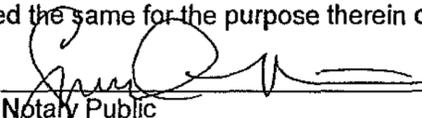
STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF BROOKINGS)



On this 25th day of April, 20 22, before me,

the undersigned officer, personally appeared Jack Petersen

known to me to be the person(s) subscribed to the above and foregoing instrument, and acknowledged to me that he/she executed the same for the purpose therein contained.



Notary Public

(seal)

My commission expires July 13th 2027

ACTION BY CITY PLANNING COMMISSION

Date petition received _____

Date recommendation made _____

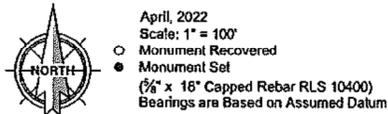
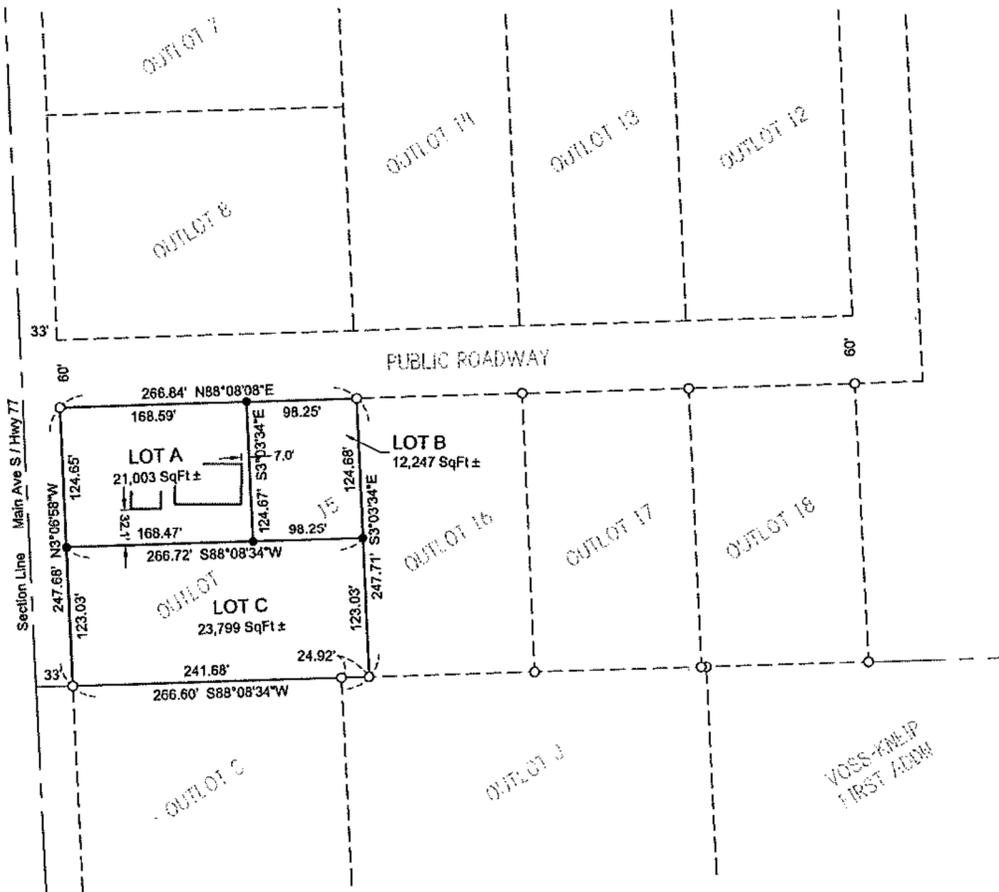
Recommendation to City Commission _____ approved or _____ disapproved

Chairperson, City Planning Commission

Attest

Secretary, City Planning Commission

PLAT OF
LOTS A, B, & C OF OUTLOT 15 IN THE W 1/2 OF THE S 1/2 OF THE NE 1/4 OF SECTION 11,
T109N, R50W OF THE 5TH P.M., BROOKINGS COUNTY, SOUTH DAKOTA.



SURVEYOR'S CERTIFICATE

I, Andrew E. Kangas, a Registered Land Surveyor of the State of South Dakota, do hereby certify that on or before the 29th day of April, 2022 and at the request of the owner of the real property hereinafter described, surveyed and platted a portion of the W 1/2 of the S 1/2 of the NE 1/4 of Section 11, Township 109 North, Range 50 West of the 5th P.M. Brookings County, South Dakota, as shown on the plat, and marked upon the ground boundaries thereof in the manner shown on the plat, and that the attached plat is a true and correct representation of said survey and that the parcel of land so platted contains: "PLAT OF LOTS A, B, & C OF OUTLOT 15 IN THE W 1/2 OF THE S 1/2 OF THE NE 1/4 OF SECTION 11, T109N, R50W OF THE 5TH P.M., BROOKINGS COUNTY, SOUTH DAKOTA".

IN WITNESS WHEREOF, I have executed this Surveyor's Certificate this 29th day of April, 2022.



Prepared By:



Civil Engineers & Land Surveyors
 Brookings, South Dakota
 Ph. 605-696-3200

OWNER'S CERTIFICATE

I, Jack C. Petersen, owner of the tract of land shown in the foregoing plat, hereby certify that I do authorize and do join in, and approve the above survey and plat, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulation. Any land shown in the above plat and designated as a street, road, alley, park or public ground is hereby dedicated to public land use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.

The portion so platted shall hereafter be designated as "PLAT OF LOTS A, B, & C OF OUTLOT 15 IN THE W 1/2 OF THE S 1/2 OF THE NE 1/4 OF SECTION 11, T109N, R50W OF THE 5TH P.M., BROOKINGS COUNTY, SOUTH DAKOTA".

IN WITNESS WHEREOF, I have executed this Owner's Certificate this _____ day of _____, 2022

Jack C. Petersen

STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 2022, before me, the undersigned Notary Public within and for the State and County aforesaid, personally appeared Jack C. Petersen, known to be the person who executed the foregoing Owner's Certificate, and acknowledged to me that he executed the same.

NOTARY PUBLIC

My commission expires: _____

CITY MANAGER'S CERTIFICATE

WHEREAS, Jack C. Petersen, owner of the hereinafter real property has submitted a proposed plat "PLAT OF LOTS A, B, & C OF OUTLOT 15 IN THE W 1/2 OF THE S 1/2 OF THE NE 1/4 OF SECTION 11, T109N, R50W OF THE 5TH P.M., BROOKINGS COUNTY, SOUTH DAKOTA", and the Brookings City Manager, being the duly authorized administrative official authorized to approve plats, having examined the proposed plat and it appears that all municipal taxes and special assessments if any upon said plat and survey, have been executed according to law. Access to the public streets, subject to all applicable municipal ordinances, is hereby granted except as may be designated "no access" on the attached plat.

Dated this _____ day of _____, 2022

CITY MANAGER
CITY OF BROOKINGS, SOUTH DAKOTA
ATTEST:

CITY CLERK'S CERTIFICATE

I, _____, being the duly appointed, qualified and acting City Clerk of the City of Brookings, do hereby that _____, City Manager of the City of Brookings, did personally appear and acknowledged to me that he executed the foregoing City Manager's Certificate for the purposes stated within.

CITY CLERK
CITY OF BROOKINGS, SOUTH DAKOTA

COUNTY FINANCE CERTIFICATE

I, Finance Officer of Brookings County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the records of my office, have been fully paid.

Dated this _____ day of _____, 2022

COUNTY FINANCE OFFICER
BROOKINGS COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION

I, Director of Equalization of Brookings County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Dated this _____ day of _____, 2022

DIRECTOR OF EQUALIZATION
BROOKINGS COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
COUNTY OF BROOKINGS) SS

Filed for record this _____ day of _____, 2022, at _____ o'clock _____ M., and recorded in Book _____ of Plats on page _____.

REGISTER OF DEEDS
BROOKINGS COUNTY, SOUTH DAKOTA



Prepared By:



Civil Engineers & Land Surveyors
Brookings, South Dakota
Ph. 605-696-3200

PETITION FOR REZONING

2022 RZ002

RECEIVED

To the Brookings County Commissioners
And County Planning Commissioners

MAY 10 2022

Gentlemen:

BROOKINGS
COUNTY DEVELOPMENT

We (I), the undersigned, owner (s) of the property described in paragraph 1 below, do hereby respectfully petition your Honorable Body to amend the present Brookings County Zoning Ordinance as hereinafter designated, and in support thereof, the following facts are presented:

1. That the area to be rezoned is contained in the following legal description:

Portion of Lot 15 of outlots 6-8 inclusive of W 1/2 of
SW of NE 1/4 of S11-T109N-R5067 of 5th P.M.
Brookings, Co, SD

2. That it is requested and desired that the foregoing property be rezoned from the B3 District to the R-3A District.

3. That the reasons for requesting the change are as follows:

The designation currently assigned is not
appropriate for the area assigned

4. That the undersigned below own (s) property within the area which is requested to be rezoned.

5. That the undersigned have been fully appraised and acquainted with the uses to which the area to be rezoned may be put if the rezoning takes place.

6. That in addition to the name (s) given below, there is also attached a plat and the names and mailing addresses of abutting landowners. (Property shall be considered as abutting even though it may be separated from the property of the petitioner by a public road or highway.)

7. That the undersigned shall notify all abutting landowners by registered or certified mail of the petitioned zoning change at least 14 days prior to any public hearing held thereon by the County Commissioners or County Planning Commission.

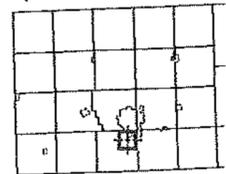
Respectfully,

Signed	(Date)	(Name)	(Address)	(Phone)	Description of Property
<u>[Signature]</u>	<u>5-11-22</u>	<u>Jack Petersen</u>	<u>3707 Main Ave S.</u>	<u>605-695-1522</u>	

2022 RZ 002



Overview



Legend

- Brookings City Limits
- City Limits
- City Zoning
 - A
 - AP
 - B-1
 - B-2
 - B-2A
 - B-3
 - B-4
 - B-5
 - I-1
 - I-1R
 - I-2
 - JJ-A
 - JJ-B3
 - JJ-11
 - JJ-11R
 - JJ-R1A
 - JJ-R1B
 - JJ-R3A
 - PDD
 - R-1
 - R-1A
 - R-1B
 - R-1C
 - R-2
 - R-3
 - R-3A
 - RB-4
 - RMH
- Township Boundar
- Sections
- Lots
- Parcels
- Roads

Parcel ID 123751095011170
Sec/Twp/Rng 11-109-50
Property Address 3707 MAIN AVE S
BROOKINGS

Alternate ID n/a
Class NACS
Acreage n/a

Owner Address PETERSEN, JACK C
3707 MAIN AVE S
BROOKINGS SD 57006

District 1201

Brief Tax Description OLS 15-16-17-18 OF W 1/2 S 1/2 NE 1/4 SEC 11-109-50 4.08 ACRES
(Note: Not to be used on legal documents)

Date created: 5/25/2022
Last Data Uploaded: 5/25/2022 8:09:21 AM

Developed by  Schneider
GEO SPATIAL

Looking north from intersection of Main Ave S & 37th St S.

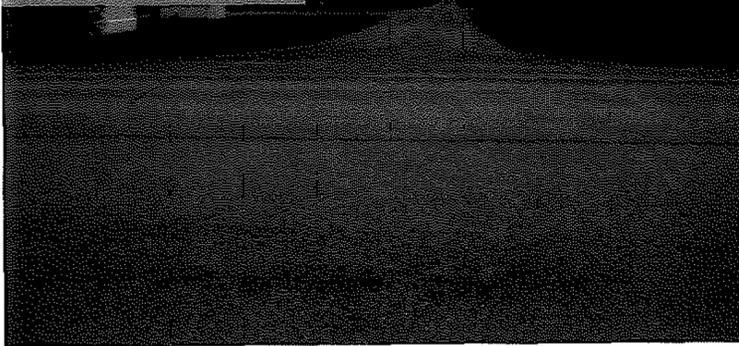


Looking south from intersection of Main Ave S & 37th St S.



2022rz002: Jack Petersen

Looking east down 37th St S from Main Ave S.



Property to be rezoned from B-3 to R-3A.



Looking south from
driveway on 37th St S.

