

ORDINANCE 24-033

AN ORDINANCE AMENDING CHAPTER 94, ARTICLE IV, DIVISION 2 PERTAINING TO SECTION 94-165 COMMERCIAL CORRIDOR DESIGN REVIEW OVERLAY DISTRICT.

BE IT ORDAINED BY THE GOVERNING BODY of the City of Brookings, South Dakota that the Zoning Regulations be amended as follows:

I.

Chapter 94 – Zoning

Article IV. – District Regulations

Division 2 – Overlay Districts

Sec. 94-165. Commercial corridor overlay district.

- (a) *Intent and scope.* The following standards are established to improve the appearance, quality, and function of commercial structures along key corridors of the community and is intended to enhance the safety of pedestrians, bicyclists, and motor vehicles traveling these corridors while enhancing the visual interest/appeal.

These standards shall apply to any of the following:

- (1) New commercial, industrial, and mixed-use construction;
- (2) Renovations exceeding 50 percent of the equalized assessed value of the structure at the time of reconstruction/renovation; and
- (3) Additions or alterations that significantly change the exterior facade and penetrations of a building.

This does not include nonstructural repairs or ordinary maintenance repairs, such as internal and exterior painting, decorating, paneling and the replacement of doors and other nonstructural components. The property owner of an existing structure that is being remodeled or renovated for use as a commercial structure shall satisfy the requirements of this ordinance for building design and site plans prior to obtaining a building permit.

- (b) *Scope of regulations.* The regulations set forth in this ordinance when referred to in this chapter are the regulations for the commercial corridor overlay district. These regulations are not intended to interfere with, abrogate or annul any other rules or regulations of this chapter. Except as provided herein, if the commercial corridor overlay district imposes a greater restriction than the underlying zoning district regulations, the commercial corridor overlay district regulations shall control.
- (c) *Boundaries of districts.* The boundaries of the commercial corridor overlay district shall consist of:
- (1) 6th Street and a corridor along 6th Street which is 150 feet north of the north right-of-way and 150 feet south of the south right-of-way from Western Avenue to 34th Avenue;

- (2) 20th Street South and a corridor along 20th Street South which is 150 feet north of the north right-of-way and 150 feet south of the south right-of-way, from Main Avenue to 34th Avenue;
- (3) Main Avenue and a corridor 150 feet east of the east right-of-way and west of the west right-of-way from 6th Street to 32nd Street South excluding the Brookings Commercial and Sexauer Historic Districts; and
- (4) 22nd Avenue and a corridor 150 feet east of the east right-of-way and west of the west right-of-way from 6th Street to 32nd Street South.

This overlay district is shown upon a map that is made a part of each overlay district by reference. The map shall have the same force and effect as if it were fully set forth herein.

When a parcel of land is located within the overlay district and with frontage along 6th Street, 20th Street South, Main Avenue or 22nd Avenue, the standards shall apply to the buildings adjacent to the street frontage.

- (d) *Uses permitted.* A building or premises may be used for the purposes permitted in the underlying zoning district provided it is in conformity with the conditions required in the commercial corridor overlay district.
- (e) *Accessory uses.* Accessory uses and buildings which are permitted as accessory buildings and uses customarily incidental to any of the permitted uses in the underlying zoning district are not prohibited by the commercial corridor overlay district.
- (f) *Sign regulations.* Signs shall be regulated in accordance with Division 5. Signs, and any regulations imposed by this commercial corridor overlay district.
- (g) *Parking regulations.* All parking, loading and stacking shall be regulated by the underlying zoning district and in conformance with the provisions of this commercial corridor overlay district.
- (h) *Density, area, yard and height regulations.* Density, area, yard and height regulations shall be regulated in conformance with the underlying zoning district and any regulations imposed by this commercial corridor overlay district.
- (i) Landscaping and buffer yards shall conform with the regulations provided in sections 94-399 and 94-399.1.
(Ord. No. 21-017, § 1, 5-11-2021)

Editor's note(s)—Ord. No. 21-017, § 1, adopted May 11, 2021, repealed the former section 94-165, and enacted a new section 94-165 as set out herein. The former section 94-165 pertained to SDSU campus edge neighborhood design review overlay district and derived from Ord. No. 03-13, § 1, 4-23-2013.

Sec. 94-165.1. Review procedures.

- (a) These design standards will be administered as part of the building permit process and the documents required by these standards must be submitted to the

community development department at or prior to the time an application is made for a building permit.

- (1) The applicant is encouraged to meet with city staff at the concept stage, the design stage, and the submittal stage.
- (2) A pre-application meeting with the community development department is required prior to submittal of building and development plans for the purpose of reviewing the requirements of this district.
- (3) One complete set of plans as described in the submittal requirements shall be submitted to the community development department as part of the application. Electronic copies of plan sheets shall also be submitted. Incomplete submissions will not be accepted.

(b) *Submittal requirements.*

- (1) All architectural and engineering plan sets typically required for a building permit application, including: site plan including the size and location of building, drive-through facilities, parking lots with access points defined, utilities, connection points, stormwater facilities, signage locations, bicycle parking areas, pedestrian sidewalks, trash receptacles, outdoor refuse and recycling receptacles, landscaping, fences, exterior lights, parking lot snow storage areas, garages and accessory buildings, and any other improvements the applicant intends to make within the district.
- (2) A photometric lighting plan including the locations of exterior light fixtures and light levels in accordance with section 94-165.5.
- (3) Photos of at least four nearby buildings and four street views of nearby blocks.
- (4) Building elevations, including materials.
- (5) A completed design standards checklist.
- (6) A landscaping plan.
- (7) Nothing in these design standards is intended to prevent the use of materials, systems, methods, or devices of equivalent or superior quality, strength, effectiveness, attractiveness, durability, and safety in place of those prescribed by this district that demonstrate equivalency, where the materials, systems, method or device are approved for the intended purpose.

(c) *Design review process and review timeline.* All requests shall be reviewed within ten business days. The review timelines shall be provided in instructions to applicants. Developers/applicants are required to attend a review meeting with the Community Development Director or designee prior to any submission for a building permit. Applications meeting the standards of the Commercial Corridor Overlay District shall be approved administratively.

(d) Commercial buildings within Historic Districts or adjacent to any designated historic building must first receive staff review and recommendation prior to submittal to the Brookings Historic Preservation Commission for their review and recommendation to the Planning Commission.

(e) *Planning commission review and recommendation.* Upon receipt of an application containing an exception(s) to the Commercial Corridor Overlay standards, the

planning commission shall schedule a hearing for which notice has been published in the legal newspaper of the city at least ten days prior to the planning commission meeting. Exception(s) to the standards required by this district may be allowed on a case-by-case basis, consistent with the overall purpose of this district. All requests for exceptions to the standards required by this district shall be requested in writing with the submittals as provided in 94-165.1(b), with requests for exceptions considered during the review and approval process set forth in this section and 94-165.1(f). The planning commission shall forward its recommendation with or without modification, to the city council.

- (f) *City council approval.* Upon receipt of a recommendation from the planning commission for an application containing an exception(s) to the Commercial Corridor Overlay standards, the city council shall schedule a hearing for which notice has been published in the legal newspaper of the city at least ten days prior to the city council meeting.

(Ord. No. 21-017, § 1, 5-11-2021)

Editor's note(s)—Ord. No. 21-017, § 1, adopted May 11, 2021, repealed the former section 94-165.1, and enacted a new section 94-165.1 as set out herein. The former section 94-165.1 pertained to campus edge neighborhood standards and derived from Ord. No. 03-13, § 1, 4-23-2013.

Sec. 94-165.2. Parking lot design and parking standards.

- (a) Buildings will be placed close to and facing the street for the following reasons:
- (1) To enhance customer and tenant use of transit;
 - (2) To reinforce the building setback pattern;
 - (3) To minimize the visual impact of parking areas as seen from the street;
 - (4) To enhance pedestrian access, circulation and safety by reducing curb cuts and parking lot conflicts;
 - (5) To minimize the volume and maximize the quality of stormwater runoff;
 - (6) To provide adequate but not excessive parking for customers and tenants;
 - (7) To prohibit the use of satellite parking lots (unless it can be demonstrated that shared parking will be beneficial to multiple property owners and does not result in a gap effect on a block face);
 - (8) To prohibit parking in side or front yards;
 - (9) To provide for adequate snow storage;
 - (10) To discourage the reliance on single occupant vehicles;
 - (11) To encourage the use of transit and other alternative means of transportation;
 - (12) To reduce the reliance on petroleum based paving materials and methods; and
 - (13) To reduce the "heat island" effect of traditional paved parking lots due to lack of trees or plants.
- (b) No parking stall may be closer to the street than the building setback line or any portion of the primary building located on the same parcel, whichever is further from the street, unless the applicant can demonstrate that there are no practical alternatives related specifically to the site. An exception to this requirement may be

made for corner lots in which parking may be located within the front yard of the street of the lower street classification according to the Major Street Plan.

- (c) The minimum setback for parking stalls and drives is ten feet along a street right-of-way, and five feet from all property lines with the exception of the alley. Parking for adjacent properties may be combined into continuous paved lots, and eliminating the required setback at the shared property line, provided that 100 percent of the lost green space is replaced elsewhere on the parcel.
- (d) Buffers, setbacks, and planting islands are encouraged to be used for stormwater infiltration.
- (e) All approaches, parking, pedestrian and vehicular circulation areas shall be paved and graded for proper stormwater management. The use of pervious pavement for stormwater infiltration is encouraged.

(Ord. No. 21-017, § 1, 5-11-2021)

Sec. 94-165.3. Building and mechanical service elements.

- (a) Developments will minimize the negative visual impacts of service elements on adjoining streets, public spaces and adjacent properties; to minimize noise, odor, and litter; and to provide adequate amenities for building users.
- (b) The design and location of the following items shall be indicated on building and/or site plans, illustrated with specification sheets as appropriate, and submitted with the design standards checklist:
 - (1) Utility meters.
 - (2) Building mechanicals.
 - (3) Trash and recycling containers.
 - (4) Bicycle parking.
 - (5) Outdoor seating areas.
 - (6) Solar and wind facilities.
 - (7) Dish antennas.
 - (8) Transformers.
 - (9) Back-up generators.
- (c) Service areas, utility meters, and building mechanicals shall not be located on the commercial corridor side of the building, nor on the side wall closer than ten feet to the commercial corridor side of the building. For corner lots with frontage on two commercial corridors, service areas, utility meters, and building mechanicals may be allowed along a commercial corridor with approved screening, design, or other architectural consideration. The location of emergency back-up generators and transformers shall be coordinated between the city, the developer and the utility company. Screening of meters, generators, transformers, and mechanicals is required when visible from the commercial corridor with an approved screen device or vegetation. Rooftop mechanical units shall be located and appropriate screening utilized to minimize visual impact on adjacent properties.

- (d) Trash and recycling containers, including cans and dumpsters, shall be located in a rear or side yard only, shall be located no closer than ten feet from the commercial corridor side of the building, and shall have covers and be screened so as not to be visible from the street or from neighboring properties. Screening shall be one foot higher than the container, but no higher than six feet. Roofed enclosures may exceed the six-foot limit.
- (e) If a building owner chooses to provide a trash receptacle and/or a smoking materials receptacle, it shall be decorative if located at the entrance that faces a public street. These receptacles shall be screened from street view and/or designed to fit with the architecture and materials of the building.
- (f) Bicycle parking.
 - (1) Bicycle parking using bike racks specifically designed for bike parking shall be provided, with a minimum of one space per ten automobile parking spaces or one space per 20 employees, whichever is greater, and should be located near building entries, shall not interfere with pedestrian circulation and shall be well-lighted. Bikes are not permitted to be stored, locked or chained to fences or any other exterior location other than a bike rack specifically designed for bike parking.
 - (2) Bicycle parking (to accommodate four bicycles) shall be at least nine by six feet or 54 square feet, with increases in dimension at the same ratio to accommodate greater numbers of bicycle parking spaces.
 - (3) The base for bike racks should be concrete to ensure their stability, however the remaining bicycle parking area shall utilize porous paving materials (paving blocks with decorative gravel or wood mulch, or properly spaced cobbles, brick, and natural stone with grass planted in between in small clusters) to reduce stormwater runoff, but shall not result in standing water. If an area for bike parking is designed using these standards, then up to 100 percent of the space taken for the bike parking shall count as green space.

(Ord. No. 21-017, § 1, 5-11-2021)

Sec. 94-165.4. Walls and fences.

- (a) Developments will provide for the coordination of design and location of walls and fences to maximize the positive interrelationship of buildings and public streets, and to avoid the predominance of long, unarticulated walls or fences, and to prevent pedestrians from walking through plantings. Section 94-398, in addition to the following standards, shall apply:
 - (1) The design and materials for walls and fences shall be coordinated with the design and materials of the principal buildings, and should complement the design, scale, and color scheme of the principal building. This is not intended to require identical materials and design.
 - a. Pressure treated lumber fences shall not be permitted unless stained or painted.
 - b. All chain-link fences must be plastic or powder coated and shall only be permitted in the rear yard.

- c. Smooth faced concrete (CMV) blocks or non-architectural poured walls used to construct a wall shall be covered with brick or some other decorative block or dimensional material such as a stained block product. Painted or colored smooth faced concrete bricks or blocks shall not be considered decorative block.
- (2) Walls and fences shall provide variety and articulation at each end and at intervals not exceeding 25 feet through at least one of the following methods:
- a. Changes in plane of not less than one foot;
 - b. Expression of structure, such as post, column, or pilaster;
 - c. Variation of material; or
 - d. Landscaping.

(Ord. No. 21-017, § 1, 5-11-2021)

Sec. 94-165.5. Exterior lighting.

- (a) Exterior lighting shall enhance daytime and night time appearances; to establish a safe environment, and to minimize light pollution, glare and light trespass onto adjacent properties. The use of solar, LED or low watt compact florescent lights that decorate the property and are located and directed where people need to see in the dark are encouraged.
- (b) All exterior lights shall be designed for commercial use. A lighting plan showing lighting levels on-site and at the property line must be submitted with the design standards checklist for each exterior light to be used.
- (c) Pedestrian lighting shall clearly indicate the path of travel, shall minimize dark spots along that path, and shall utilize coordinated light fixtures.
- (d) The maximum height of wall mounted parking lot light fixtures shall be 16 feet above the ground. Pole-mounted fixtures are acceptable, but not required. The maximum height of pole-mounted fixtures is 30 feet from the ground to the top of the fixture. Fixtures shall be of full-cut-off (FCO) design to minimize glare and spillover.
- (e) Ornamental lighting to light the building facade is permitted, provided that the light source is not visible from the property line and is designed to minimize glare and spillover.
- (f) No overhead light source (i.e., the lamp or reflector) shall be visible from the property line. Shields may be employed, if necessary, to satisfy this requirement.
- (g) Each exterior entry to structures on the property shall have an exterior light.
- (h) For properties adjacent to residential uses, motion sensor flood or spot lights shall have shrouds, be limited to two bulbs pointed at least 30 degrees downward and not directly into windows or doors of neighboring building, and the light sources shall not be visible from the street.

(Ord. No. 21-017, § 1, 5-11-2021)

Sec. 94-165.6. Patios, porches, decks, and rooftop gardens/decks.

- (a) For commercial developments that include a residential component, the intent of this section is to increase resident safety, comfort and privacy by providing individual outdoor spaces for each unit.
- (b) Every residential unit is encouraged to have its own patio or balcony and shall be incorporated into the architectural facade of the building and may encroach into the building setback area defined in section 94-165.7(e), but not more than 25 percent. Commercial structures are also permitted to have exterior balconies. No patio or balcony shall extend over a public right-of-way.
- (c) For commercial developments, ground level patios or decks for customer seating are permitted in the setback areas and should include screening for noise.

(Ord. No. 21-017, § 1, 5-11-2021)

Sec. 94-165.7. Building design; form, scale and context.

- (a) Building design (forms, scale and context) will result in high quality, orderly, and consistent street spaces, compatible relationships to adjoining sites, and an urban character; to create buildings that provide human scale, interest, and are architecturally cohesive, yet varied, in their overall form, scale and context; and to protect the architectural character and cohesiveness of surrounding buildings.
- (b) Buildings shall be designed to provide human scale, interest, and variety. A combination of the following techniques - will be used to meet this objective:
 - (1) Variation in the building form, such as recessed or projecting bays, shifts in massing, or distinct roof shapes;
 - (2) Emphasis of building entries through projecting or recessed forms, detail, color, or materials;
 - (3) Variation of material, material modules, expressed joints and details, surface relief, color, and texture to break up large building forms and wall surfaces. Such detailing could include sills, headers, belt courses, reveals, pilasters, window bays, and similar features.
- (c) For all nonmanufacturing and retail buildings, where the allowable building is more than 50 percent wider than adjacent buildings, one of the following techniques shall be employed to minimize the apparent width of the primary facade:
 - (1) Articulate the facade with projections or bays.
 - (2) Use architectural elements such as columns, canopies, glass, changes in materials, and covered entries to interrupt the facade.
- (d) The first floor facade shall include windows to provide visual interest and visual connection to the street. For facades facing an arterial or collector street, the total area of windows and doors, including trim, shall not be less than 20 percent of the total area of the facade, excluding gables.

- (e) Buildings shall be built to the front yard setback line. One story buildings, and the first story of multi-story buildings, provided upper floors are recessed, may project ten feet into the front yard setback when adjacent to an arterial or collector street. No parking is permitted in the front yard setback area. Exception:
 - (1) Corner lots may have parking in the secondary front yard of the lower classified street, provided a 10-foot landscape area is provided along the right-of-way.(Ord. No. 21-017, § 1, 5-11-2021)

Sec. 94-165.8. Roofs and roof lines.

- (a) The intent of this section is to provide visual interest and architectural character.
 - (b) Any roof style such as hip, gambrel, mansard, colonial, flat or another roof style is permitted so long as the roof pitch is appropriate to the architectural style of the building and the roof element contains additional architectural elements such as dormers, long overhangs, windows or other features.
 - (c) Flat roofs are permitted, and must incorporate a parapet wall on all sides, unless the rear side of the building is sloped for drainage. The parapet should include architectural details appropriate to the building design that creates a positive visual termination for the building (a "top").
 - (d) A minimum of 50 percent of a building's linear roof drip edge should fall to ground surfaces that do not contain an impervious surface. If gutters or stormwater drain towards neighboring properties, then water shall be directed to rain garden(s), bio-swales, or other best management practices to minimize drainage onto neighboring properties.
- (Ord. No. 21-017, § 1, 5-11-2021)

Sec. 94-165.9. Exterior materials.

- (a) Developments will maintain architectural character and use attractive, high quality materials with low life-cycle costs.
- (b) The use of identical materials on all sides of the building is encouraged; however, higher-quality materials on street-facing facades and complementary materials on other facades are acceptable.
- (c) Use of decorative accessories and trim should conform to architectural design of the structure.
- (d) Vinyl, plywood, chipboard, T1-11, asphalt siding, non-architectural metal siding and smooth-faced concrete block are prohibited as exterior finish materials. Treated wood shall be painted or stained.
- (e) Natural wood shall be painted or stained, unless it is cedar, redwood or some other naturally weather resistant species and is intended to be exposed.

(Ord. No. 21-017, § 1, 5-11-2021)

Sec. 94-165.10. Garages and accessory buildings.

- (a) The visual impact of garages and accessory buildings facing the street, will be improved by preventing storage doors and overhead doors principally used for loading from facing the street, and to maximize pedestrian safety.
- (b) Street-facing overhead doors on garages are not permitted on lots served by an alley. Corner lots shall have overhead doors facing the street of the lowest classification according to the major street plan.
- (c) The cumulative length of all garage doors facing the commercial corridor shall not exceed 25 percent of the total length of the street-facing elevation, unless architecturally justified.
- (d) All accessory buildings shall be architecturally compatible and be constructed of the same materials as the primary building.

(Ord. No. 21-017, § 1, 5-11-2021)

Secs. 94-166—94-200. Reserved.

II.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: September 24, 2024
SECOND READING: October 8, 2024
PUBLISHED: October 11, 2024

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk