



**City of Vermillion
Planning Commission Agenda**

5:30 pm Regular Meeting

Monday, February 28, 2011

City Hall

Large Conference Room – 2nd Floor

25 Center Street

Vermillion, SD 57069

1. Roll Call

2. Minutes

- a. January 24, 2011 Regular Meeting; February 8, 2011 Special Meeting.

3. Adoption of the Agenda

4. Visitors To Be Heard

5. Public Hearings

- a. Proposed zone change from R-2 and GB to Cottage Place Planned Development District. (Old Wheeler Inn Property, located approximately at 14 West Cherry Street)
- b. Comprehensive Plan Amendment – Adoption of a Future Land Use Map for the City of Vermillion.
- c. Amendment to repeal existing subdivision regulations and adopt new regulations for the subdivision of land within the City of Vermillion and rural platting jurisdiction area.

6. Old Business

7. New Business

8. Staff Reports

9. Adjourn

WELCOME TO YOUR PLANNING COMMISSION MEETING

If you wish to participate in the discussion, the meeting provides several opportunities.

After the minutes are approved, the Chairperson will ask if any visitors wish to be heard. Any item not on the agenda may be discussed.

During the discussion of agenda topics, anyone may comment. The Chairperson will recognize you if you raise your hand. Please introduce yourself with your name and address when addressing the Planning Commission. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote. You may participate each time if you wish.

Your suggestions and ideas are welcome. The best decisions are made when everyone participates and provides information.

Meeting Assistance: The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

Unapproved Minutes
Vermillion Planning Commission
Tuesday February 8, 2011 Special Meeting

A special meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on February 8, 2011 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Gruhn, Howe, Reasoner, Tuve and Iverson.
Absent: Flanagan and Muenster.

Also present were members of the City Council, José Dominguez, City Engineer, Andy Colvin, Assistant to the City Manager, John Prescott, City Manager and Mike Carlson, Finance Officer.

2. Adoption of the Agenda

Moved by Forseth to adopt the agenda, seconded by Tuve. Motion carried 7-0.

3. Education Session

a. Future Land Use Map

Assistant to the City Manager, Andy Colvin, reported that SECOG has recommended adopting a future land use map prior to moving forward with adoption of the proposed Joint Jurisdictional Ordinance with Clay County. The City's Comprehensive Plan currently has no mention of land use categories outside of City limits since the plan focused more on infill. The future land use map will serve as a guide for the Planning Commission and City Council to make policy decisions within the joint jurisdictional area and 3 mile platting jurisdiction. Discussion followed on the future land use map noting two areas where the map will need to have the urban reserve area extended to agree with the proposed joint jurisdictional area. Andy stated that the process for the adoption of the future land use map will be a public hearing before the Planning Commission followed by a public hearing before the City Council.

b. Vermillion/Clay County Joint Jurisdictional Ordinance

Assistant to the City Manager, Andy Colvin reported that the County and City have been working on a joint jurisdictional ordinance to replace the existing extraterritorial ordinance. Following the joint meeting of the County Commission and City Council, a committee was formed to draft a joint jurisdictional ordinance and to work to come to agreement on land use issues and processes. The committee was made up of two members from the County Commission, County Planning Commission, City Council and City Planning Commission. Andy noted that the draft ordinance is a work in progress and is urban in nature compared to a County ordinance. Discussion followed. It was noted that the proposed ordinance provides for the County to issue building permits and do inspections in this area but the County has not adopted a building code or hired an inspector. Discussion followed on the need to have construction conform to a building code and for inspections be done during construction in this area because, as the city grows, these would be the structures annexed into the city. As an option, the County and City could enter into an agreement whereby the City Building Inspector did the inspection in this

area for residential, commercial, industrial and planned developments while the County could do inspections for agricultural structures. The consensus of the group was to have the members of the joint committee report the need for a building code to be adopted by the County and that a plan is in place for construction inspection in the joint jurisdictional area before a joint jurisdictional ordinance could be adopted.

According to reports from the committee meetings, it was suggested that an ex-officio member from the City Planning Commission be on the County Planning Commission which is similar to USD having an individual attend the City Planning Commission meetings.

There was discussion on Section 17 that listed the individual fees noting that in order to change items in the joint jurisdictional ordinance it will require both the County and City to adopt an ordinance. The consensus was to have the joint committee work on removing the fees from the ordinance and refer to the fee schedule adopted by the entity that collects the fee.

The group discussed how the boundaries of the joint jurisdictional area would change following an annexation. Andy noted that there was a section that stated the entities shall amend the joint jurisdictional area following annexation to have the same area.

As to zoning in the joint jurisdictional area, Andy noted that existing zoning districts will need to be updated on a new map so that existing residential, commercial and industrial uses will be properly zoned and non-conforming uses are avoided.

Andy reviewed flow charts developed to be used for conditional use permits, variances and zone changes. It was noted that variances would go directly to the City Council and County Commission while conditional use and zone changes would first go to the Planning Commission. There was discussion on whether the Planning Commission should also review and make recommendations on variances in City limits. Mayor Powell requested that the Policies and Procedures Committee review the need for the Planning Commission to review and report on variance requests.

As to the adoption of the joint jurisdictional ordinance, Andy stated that respective Planning Commissions would hold public hearings then forward a recommendation to their respective governing bodies that would separately have first reading of the ordinance. Then a joint County/City public hearing would be held when each entity would approve the second reading of the ordinance.

Discussion followed on the joint jurisdictional map and it was noted that the members of the joint committee have developed the boundaries and that the boundaries, as shown on the map, would be final for now.

3. Adjourn

Moved by Howe to adjourn, seconded by Fairholm. Motion carried 7-0.

Chairman Iverson declared the meeting adjourned 7:16 p.m.



Planning Commission Agenda Memo

From: José Domínguez, City Engineer

Meeting: February 28, 2011

Subject: Rezone from R-2 and GB to Cottage Place Planned Development District. (Old Wheeler Inn Property, located approximately at 14 West Cherry Street)

Presenter: José Domínguez

Background: Banner Associates has submitted the above rezoning request on behalf of the owners, Mr. Troy Gregoire, Mr. Mike Manning and Mr. Larry Anthofer. The development area will include the location of the old Wheeler Inn property and the properties fronting Cottage Place. Over the last month or so, City staff has offered input to the consulting engineer. The current plan calls for the construction of a 60-foot by 100-foot storage building fronting Cottage Place. There are future plans that could include constructing commercial and residential units within the development.

During the initial planning stages, it became apparent that the proposed uses would not fit within either a GB or R-2 district. The creation of a Planned Development District seemed to be the best choice to continue with the proposed construction. The Planned Development (PD) process also provides for more public input and oversight by the Planning Commission.

Discussion: Providing for a PD allows the Planning Commission and City Council to attach conditions to the project. The PD also fosters public input and a more customized development. Of the many requirements in the GB and R-2 districts, there are several that cannot be met by the Cottage Place District:

1. Area A of the Cottage Place District would allow, as a permitted use, mixed commercial/residential within what is now a GB district.
2. Area B of the Cottage Place District would allow, as a permitted use, multiple dwellings within what is now a GB district.
3. Area C of the Cottage Place District would allow for multiple dwelling units ranging from a duplex to a 12-plex. In addition, the planned district would also allow, as permitted uses, a myriad of commercial uses ranging from contractor's shop to motor vehicle sales and display. With the exception of the duplex dwelling units, all of the other uses are not allowed within the R-2 district.
4. Area D of the Cottage Place District would allow for multiple dwelling units ranging from a duplex to a building larger than a 12-plex. A 4-plex is the largest multiple dwelling structure allowed within the R-2 district.

In addition to the changes in zone, it has been agreed that, in order for some of the proposed buildings to be constructed along Cottage Place, additional right-of-ways will have to be dedicated to the public. Cottage Place is currently classified as an alley. City ordinance does not allow for the construction of buildings with the only frontage being an alley. In order to remove this obstacle, the applicants have agreed to dedicate the additional right-of-way and, thus, making Cottage Place into half a street.

Today, the engineer is presenting the initial development plan. The Planning Commission is asked to allow questions from the public and allow any input by the public on the project. At this meeting, the Planning Commission is also asked to place any addition regulations on the project. Staff looked at issues, such as utilities, transportation access, parking, setbacks, fire/building codes, and standards for rental housing during the preliminary review. The majority of these items have been addressed and have been included in the proposed development plan.

Conclusion/Recommendations: The Planning Commission is asked to take action on the initial development plan. Once the City Council adopts the ordinance changing the zoning to the planned development, the Planning Commission will have another chance to review the project when a final development plan is presented. The Planning Commission is the last stop before construction, once the initial plan has been approved, unless a major amendment to the project is made.

Should the Planning Commission look favorably on the proposal to create the Cottage Place District, staff recommends the plan be approved with the following conditions:

- Residential units be limited to Areas B and D only
- That any construction within Area B require an egress/ingress easement from West Cherry Street
- Area C be used for construction of storage sheds only
- Contractor's shop/storage yard in Area C only be used for storage and no repairs or sales occur on the premises

COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT

INITIAL DEVELOPMENT PLAN

PROJECT NAME: COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT

OWNERS:
 TROY GREGOIRE MIKE MANNING LARRY ANTHOFER
 500 CRAWFORD CT 30 CYPRESS DR 514 SHARPE
 VERMILLION SD 57069 VERMILLION SD 57069 VERMILLION SD 57069

ADDRESS: LOCATIONS IDENTIFIED ON PLAN INCLUDING THE BELOW ADDRESSES
 14 W. CHERRY ST, VERMILLION SD
 23 COTTAGE PLACE, VERMILLION SD
 25 COTTAGE PLACE, VERMILLION SD
 502 COTTAGE STREET, VERMILLION SD
 508 COTTAGE STREET, VERMILLION SD
 514 COTTAGE STREET, VERMILLION SD

EXISTING GREGOIRE LEGAL DESCRIPTION:

- W225' OF LOT 4 & W 225' OF N 5' OF LOT 5 BLOCK 85, ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- W 293' OF 1 & 2 Exc H-1 BLOCK 85 ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- W 293' OF 3 BLOCK 85, ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- W 150' OF S 94' OF E 293' OF 5 & W 150' OF NE 49' OF E 293' OF 6 SUBJECT TO EASEMENT BLOCK 85, ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- THE W 50' OF THE S 94' OF 5 AND THE W 50' OF THE N 49' OF 6, SUBJECT TO A 20' ROAD EASEMENT ALONG THE SOUTH SIDE THEREOF, BLOCK 85, ADDITION TO SNYDERS CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

PROPOSED GREGOIRE LEGAL DESCRIPTION :

- TRACTS 1, 2, 3 & 6, COTTAGE PLACE ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

EXISTING MANNING LEGAL DESCRIPTION:

- E 50' OF THE W 100' OF THE S 94' OF 5 AND THE E 50' OF THE W 100' OF THE N 49' OF 6, SUBJECT TO A 20' ROAD EASEMENT ALONG THE SOUTH SIDE THEROF, ALL IN BLOCK 85, ADDITION TO SNYDER'S, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- S 50' OF 6, N 58' OF 7, AND THE S 74', EXCEPT THE S 10' OF THE E 165' OF 7, BLOCK 85, ADDITION TO SNYDER'S, CITY OF VERMILLION, SOUTH DAKOTA

PROPOSED MANNING LEGAL DESCRIPTION:

- TRACTS 4, 7, & 8 COTTAGE PLACE ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

EXISTING ANTHOFER LEGAL DESCRIPTION:

E 50' OF THE W 150' OF THE S 94' OF LOT 5 AND THE E 50' OF THE W 150' OF THE N 49' OF LOT 6, BLOCK 85, ADDITION TO SNYDER'S ADDITION, EXCEPT THE SOUTH 20' THEREOF DESIGNATED AS A ROADWAY, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

PROPOSED ANTHOFER LEGAL DESCRIPTION:

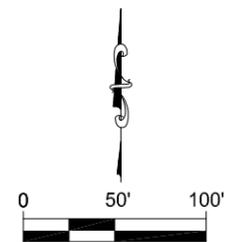
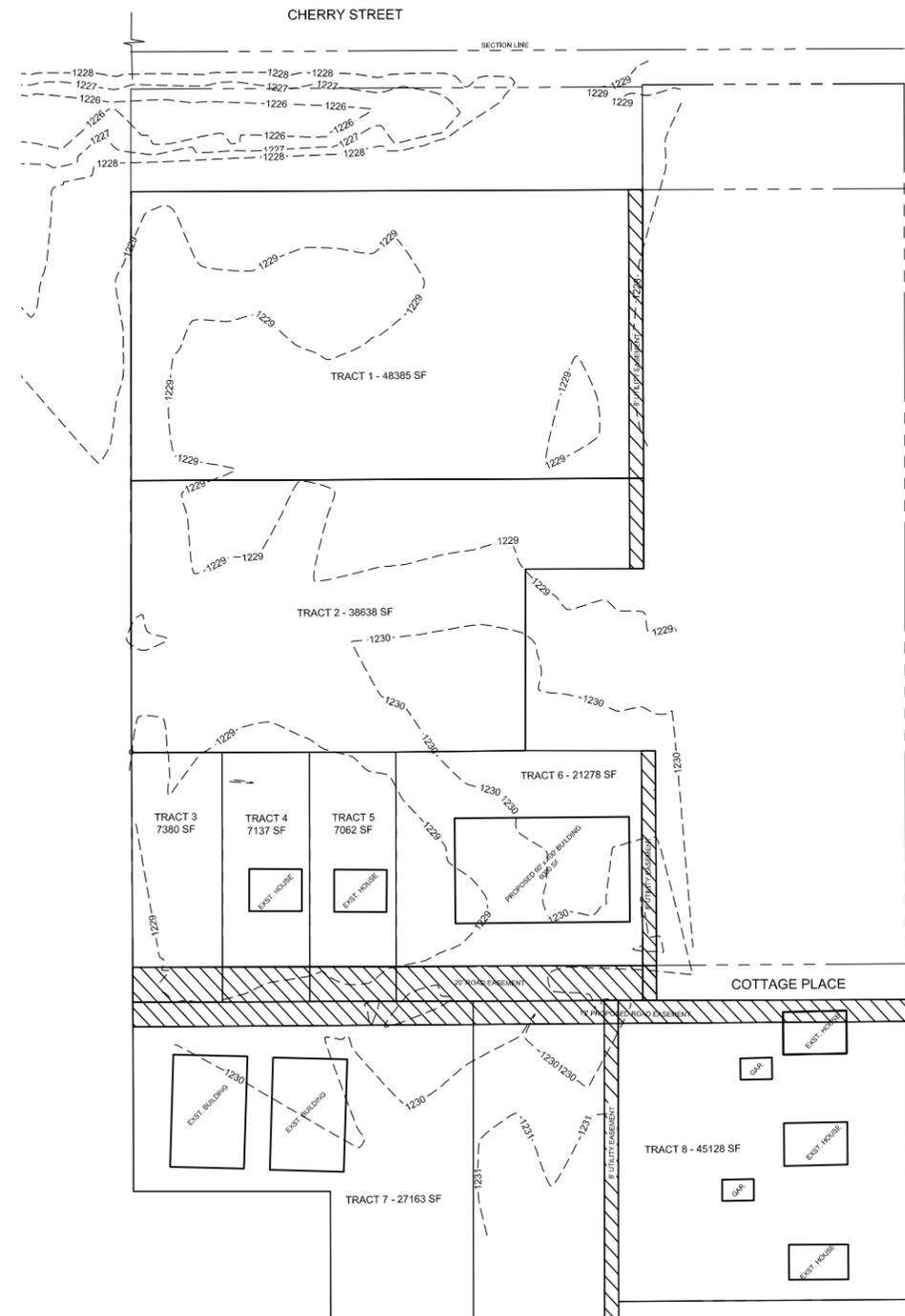
TRACT 5, COTTAGE PLACE ADDITION, IN THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

PROPOSED LAND USES, DWELLING UNITS/BUILDING, MAXIMUM DWELLING DENSITY, MINIMUM SETBACKS, MAXIMUM HEIGHTS - SEE EXHIBIT A

LAND DESCRIPTION	PROPOSED LAND USES
TRACT 1	AREA A
TRACT 2	AREA B
TRACT 3	AREA C
TRACT 4	AREA C
TRACT 5	AREA C
TRACT 6	AREA C
TRACT 7	AREA C
TRACT 8	AREA D

ANTICIPATED DEVELOPMENT SEQUENCE (TIME FOLLOWING PDD APPROVAL)

TRACT 1	(NO IMMEDIATE PLANS)
TRACT 2	(1-2 MONTHS, WEATHER PERMITTING)
TRACT 3	(NO IMMEDIATE PLANS)
TRACT 4	(NO IMMEDIATE PLANS)
TRACT 5	(NO IMMEDIATE PLANS)
TRACT 6	(NO IMMEDIATE PLANS)
TRACT 7	(NO IMMEDIATE PLANS)
TRACT 8	(NO IMMEDIATE PLANS)



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 605-624-6342
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 Designing Projects. Building Trust.

CONSULTANTS:

FOR REVIEW ONLY
 NOT FOR CONSTRUCTION

PROJECT TITLE:
COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT
 PROJECT LOCATION:
 VERMILLION SOUTH DAKOTA

REV.	DATE	DESCRIPTION

DRAWN BY: JLS
 DESIGNED BY: LDW
 CHECKED BY: LDW
 JOB NO: 21260.00.01
 DATE: JANUARY 2010

SHEET TITLE:
INITIAL DEVELOPMENT PLAN

SHEET NO.:
1

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EXHIBIT A – COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT

PROPOSED ORDINANCE - § 155.057 COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Cottage Place Planned Development District. The purpose of this district is to provide for mixed use commercial and residential areas within the Planned Development District. All city ordinances apply to the Planned Development District.

(B) *Area A.* (mixed use commercial and residential areas) All city ordinances apply to the planned development district identified as Area A except for those modified below.

(1) *Permitted uses (Area A).*

Permitted Uses	Applicable Standards
Retail trade or service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Office	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Personal service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Mixed commercial/residential	Residential being above the ground floor
Accessory structures	§§ <u>155.070</u> , <u>155.095(A)</u>
Churches	All parking lots being 8 feet from all residential properties.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u>
Drug store	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Medical and dental clinics	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Day care center	Adequate and safe playground area with fence 4 feet high.
	A safe pickup and drop off area must be provided for the children.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Fences	§ <u>155.074</u>
Neighborhood utilities	§ <u>155.070</u>
Small animal veterinarian	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u> , <u>155.095(A)</u>
On/Off premise parking	§ <u>155.095(A)</u>

(2) *Conditional uses (Area A).*

Conditional Use	Applicable Standards
Convenience store	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u>

Hotel/motel	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Hospital/clinic	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Public utility facility	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Funeral home/mortuary	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Private club	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Restaurants	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Arcade	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
On/Off-sale alcoholic beverage establishment	Located at least 500 feet from a school.*
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Motor vehicle repair shop	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Greenhouse/nursery	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Car wash	Five storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the site.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Motor vehicle sales, display, and service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
	Subject to screening of all outdoor storage of parts from view.
Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Public service facility	§ <u>155.070</u>
Theatre	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u>
Wholesale trade	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
* Measured from the closest point of the outside walls of both structures	

(C) **Area B** (commercial, multi dwelling, mixed use) Area B is identified to allow multi-dwelling equivalent to R-3 off of Cherry Street frontage. Area B will utilize the same permitted uses as Area A with the addition of the following. Area B will utilize the same conditional uses as Area A without any additions.

(1) *Permitted uses (Area B).*

Permitted Uses	Applicable Standards
Area A permitted uses	See Area A permitted uses
Multiple- dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Accessory use (such as, garage, shed)	§§ <u>155.071</u> , <u>155.082(A)</u> (see definition)

(2) *Conditional uses (Area B).*

Conditional Use	Applicable Standards
Area A conditional uses	See Area A conditional uses

(D) **Area C.** (storage, multi dwelling). All city ordinances apply to the planned development district identified as Area C except for those modified below.

(1) *Permitted uses (Area C).*

Permitted Uses	Applicable Standards
Storage facility	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u> , <u>155.095(A)</u>
Single-family detached dwellings (Tract 5 only)	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Multiple dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Accessory structures	§§ <u>155.070</u> , <u>155.095(A)</u> (see definition)
Accessory use (such as, garage, shed)	§§ <u>155.071</u> , <u>155.082(A)</u> (see definition)
Fences	§ <u>155.074</u>
Contractor's shop/storage yard	Subject to screening of all outdoor storage from view. No repairs or sales
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Warehouse, mini-warehouse	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Neighborhood utilities	§ <u>155.070</u>
Motor vehicle repair/cleaning/detailing	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Motor vehicle storage	
Motor vehicle sales and display	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
On/Off premise parking for adjacent tracts only and parking shall abut the adjacent tract	§ <u>155.095(A)</u>

(2) *Conditional uses (Area C).*

Conditional Use	Applicable Standards
Motor vehicle sales service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
	Subject to screening of all outdoor storage of parts from view.
* Measured from the closest point of the outside walls of both structures	

(E) **Area D.** (high density residential) This area shall provide for certain high density residential areas now developed primarily with single-family. All city ordinances apply to the planned development district identified as Area D except for those modified below.

(1) *Permitted uses (Area D).*

Permitted Use	Applicable Standards
Single-family detached dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Single-family attached dwellings (up to 2)	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Multiple dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Neighborhood utilities	§ <u>155.070</u>
Fences	§ <u>155.074</u>
Accessory structure (such as, garage, shed)	§§ <u>155.071</u> , <u>155.082(A)</u> (see definition)

(2) *Conditional uses (Area D).*

Conditional Use	Applicable Standards
Public service facility	§ <u>155.070</u>

(F) **Lot and yard regulations.** All measurements shall be taken from the lot line to the building line (see definitions).

	Tract Area	Front Yard	Side Yard	Rear Yard	Maximum Height
Business and all other uses	7,000 square feet	15 feet	5 feet	10 feet	45 feet
Single-family detached	7,000 square feet	30 feet	8 feet	25 feet	45 feet
Single-family attached dwellings (2 units-1 lot)	5,000 square feet	30 feet	0 or 10 feet on nonparty wall side	25 feet	45 feet
3 to 8 multiple dwelling units (1 lot)	7,500 square feet	30 feet	10 feet	10 feet	45 feet
9 to 12 multiple dwelling units (1 lot)	20,000 square feet	30 feet	10 feet	10 feet	45 feet
Over 12 multiple dwelling units (1 lot)	30,000 square feet	30 feet	10 feet	10 feet	45 feet
Accessory building	NA	Not permitted	5 feet	5 feet	12 feet
Parking Lots	§ <u>155.072</u>	10 feet	10 feet	10 feet	NA
Exceptions:					
#1	Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.				
#2	There shall be a required front yard on each thru street side of lots.				
#3	See adjustments to yard regulations (§ <u>155.082</u>) for other specific exceptions.				
#4	A conditional use permit will be required for any structure exceeding heights identified above (§ <u>155.095(A)</u>)				
#5	The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.				
#6	There shall not be a required front yard on Cottage Place for a double frontage lot. There shall be a required front yard on Cottage Street of a corner lot.				

(G) **Property re-division** All future property re-division shall require a re-platting of the affected parcels. Planned Development District may be required to be amended depending on property redivision.

1. **Ingress/Egress Easements** – Future transfer of ownership which creates a landlocked parcel shall require a dedicated ingress/egress easement for the issuance of a building permit.

(H) **Parking regulations.** Parking shall comply with § 155.072. Required parking shall be dedicated to the occupants and located as close to the building served as possible.

(I) **Visibility at Intersections and Driveways.** Safety zones shall comply with § 155.070.

(J) **Accessory Use and Structures** shall conform to the following standards:

1. Roofing and siding materials shall be of a type customarily used on site-constructed residence.
2. Any accessory building that covers more than 120 square feet shall be secured to the ground to prevent the structure from being moved or damaged by high winds.
3. Accessory buildings may not be used for dwelling purposes.

4. Accessory buildings in excess of 750 square feet in area should be approved only if there is a legitimate purpose for accessory buildings.

(K) *Off Street Loading Requirements* shall comply with § 155.073.

(L) *Site-built dwelling standards* shall comply with with § 155.076.

(M) *Landscaping standards*

1. Within any zoning district, at least 75% of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways and parking (§ 155.072).
2. 1 tree per 50 feet of tract width is required. No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees.
3. Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.
4. Where feasible, landscape areas must be capable of providing a substantially full expanse of foliage within 3 years after planting. All deciduous trees shall be 1 3/4 inch caliper and all deciduous ornamental shall be 1 1/4-inch caliper. Berms or other landscaping techniques may be used for all or part of the 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.
5. A fence, wall, or shrubbery 6 feet in height and of a character necessary for adequate screening shall be installed or planted when a commercial use is located adjacent to residentially used property or across the right-of-way from residentially used property (unless the right-or-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.
6. If proper screening is provided, parking lot setbacks may be reduced at City Engineer's discretion.

(N) *Adjustments to Yard Regulations* shall comply with § 155.082

(O) *Non-conforming Uses and Structures* shall comply with § 155.083

(P) *Lighting*

1. When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:
 - a. The maximum light level shall be no greater than 3 foot candles field measured at the property line (ground level).
 - b. The maximum height of light luminaries shall be 25 feet above the ground.
 - c. Canopy luminaries and other on-site lighting with luminaries greater than 2000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.
 - d. The maximum number of canopy luminaries shall be determined by the following industry standard: Canopy length (in feet) x canopy width (in feet) x 3= Maximum No. of Luminaries lamp wattage
2. All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.
3. The following structures or uses are exempt from these lighting standards:., parks, pedestrian walkways, and illuminated flags or statues.
4. Lighting for parking lots shall be constructed so as to prevent light pollution to surrounding properties.

(Q) *Sign regulations.* Signs shall be regulated by Chapter 152. Regulations shall be those used in the R-3 District.

(R) *Fence regulations.* Fences shall comply with § 155.074(A), (B) and (C), except for fences used to enclose recreational areas that may comply with § 155.074(G).

(Ord. XXXX, passed TBD)



Council/Planning Commission Agenda Memo

From: Andy Colvin, Assistant to the City Manager

Meeting: February 28, 2011

Subject Future Land Use Map

Presenter: Andy Colvin

Background: With the upcoming proposal to adopt the Joint Jurisdictional Ordinance, SECOG has recommended that the City adopt a future land use map prior to the joint ordinance. The City's Comprehensive Plan currently has no provision for land use categories outside of City limits since the plan focused more on infill. The future land use map will serve as a guide for the Planning Commission and City Council to make policy decisions within the joint jurisdictional area and 3 mile platting jurisdiction (Master Street Plan Adoption). Since there are no defined use categories in the area currently, it would be difficult to consider zone change requests and provide for future extensions of utilities and infrastructure.

On June 2, 2010, the City Council and Planning Commission met jointly to review and discuss two proposed future land use maps. Both maps were developed by the Planning Commission: one was very broad and encompassed an area along the Missouri River from County line to County line; the other was scaled-back and looked at natural boundaries and limits for development. The consensus of the group was to continue working with the City/County planning committee.

Discussion: The City Council and Planning Commission met again on February 8, 2011 to view and comment on a proposed future land use map presented by staff and prepared by SECOG. Overall, it seemed that the group was comfortable with the map as presented, with the exception of a few corrections that needed to be made. There were a few comments that the map needed to encompass more area along the river.

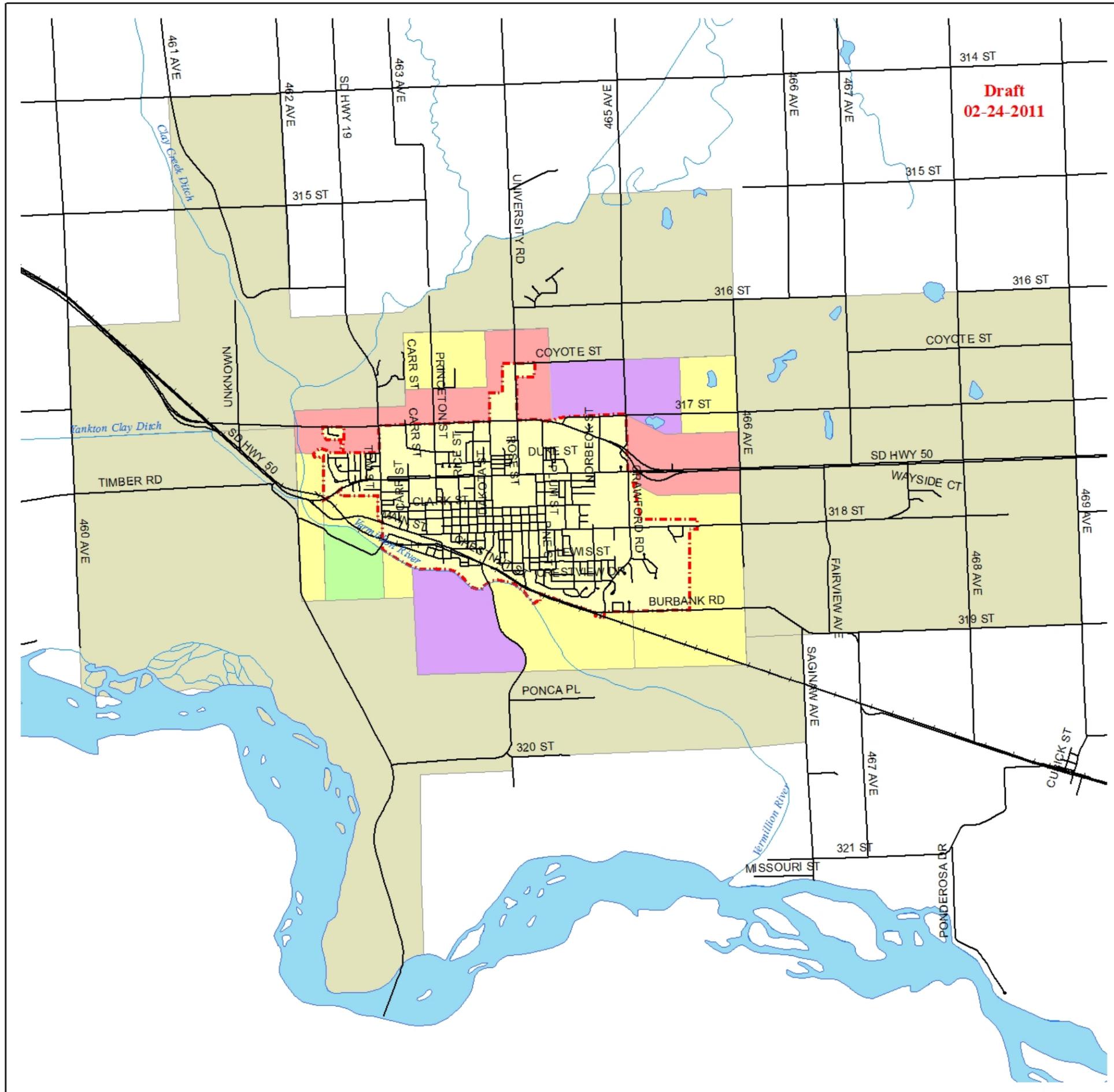
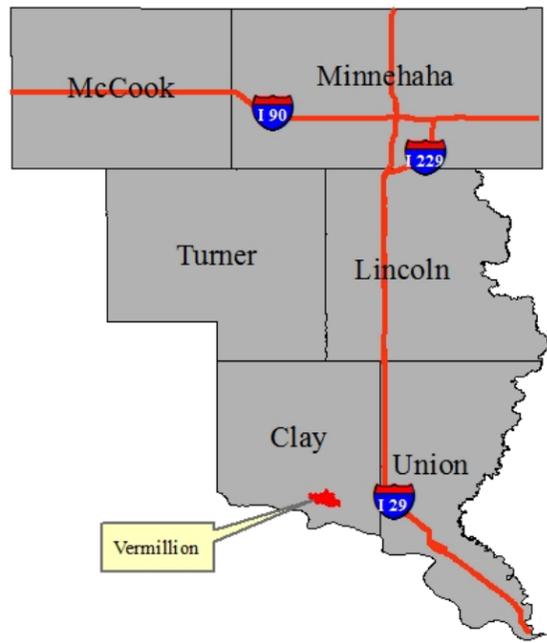
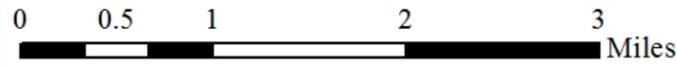
Decisions on platting and zoning will be reflected by this map. The document can be changed as circumstances warrant. Staff looked at where current and future growth would likely occur, as well as utility capabilities. It should be made clear that this map does not provide platting jurisdiction, which extend significantly farther away from City

limits than this map. The Master Street Plan provides for an approximate three-mile platting boundary outside of City limits.

Conclusion/Recommendations: The proposed map is a joint effort between City staff and SECOG planners. If the Planning Commission would like to make changes to the map, then staff would request such changes be made part of the motion to adopt in order to ensure it is the general wishes of the group.

Legend

- Residential
- Commercial
- Industrial
- Parks, Recreation & Open Space
- Urban Reserve
- Roads
- + Railroad
- Creeks, Rivers & Lakes
- City Limits



Map 4

Future Land Use

City of Vermillion



Limit on Liability: This information has been secured from sources we believe to be reliable, however, we do not guarantee the accuracy of the information contained herein. This map does not eliminate the need for an onsite investigation.



Planning Commission Agenda Memo

From: José Domínguez, City Engineer

Meeting: February 28, 2011

Subject: Amendment to repeal existing subdivision regulations and adopt new regulations for the subdivision of land within the City of Vermillion and rural platting jurisdiction area.

Presenter: José Domínguez

Background: The current subdivision ordinance was adopted in 1967. Over the years, the ordinance has seen minor updates. Since the ordinance was adopted, new federal regulations and State statutes have been enacted which affect the ordinance. These changes in federal and state regulations have not been included into our ordinances. The past 44 years have also seen changes to the way communities are planned and services provided to growing areas.

Discussion: As previously mentioned, the current ordinance has not been updated to reflect current federal and state regulations. For example, the platting process called out on our ordinance is outdated. The County is not required to actively participate and platting jurisdiction has change numerous times since the original ordinance was enacted. Additionally, the requirement for development plans is weak and does not provide for different levels and classifications of plans (i.e. preliminary, conceptual, etc.) Also, the ordinance does not give any authority to enforce storm drainage standards.

In comparison, the proposed ordinance will have requirements for platting and development plans clearly defined. Platting within the City will be divided into minor and major plats, with minor plats being utilized to speed up the process for smaller, simpler, projects within the City. Major plats will require the applicant to present to the Planning Commission and to the City Council. In addition, the projects going through the major plat process will also have to complete a set of development plans prior to a building permit being issued. The major plat process is meant to afford the public, Planning Commission, and City Council

opportunities to comment on developments. However, the development plans will only be reviewed by the staff.

As with plats within the City, platting outside of the City limits will also be divided into minor and major plats. However, the minor plats will be utilized to monitor development occurring further than 1-mile of the City, while the major plat will look at plats within 1-mile of the City. Both minor and major plats will be reviewed by the County Commissioners prior to plats being filed.

Conclusion/Recommendations: The proposed ordinance is meant to bring the City's subdivision ordinance up to current standards, to simplify the platting process, and to give the City a method to better control growth. In other words, the subdivision ordinance will be used as a tool to better plan and monitor the growth of the City.

At this time, the Planning Commission is asked to review and comment on the proposed ordinance. The ordinance will be brought before the City Council at the March 21, 2011 regular meeting for adoption.