



**City of Vermillion
Planning Commission Agenda
5:30 pm Regular Meeting
Regular and Joint Session with
Clay county Planning Commission
Tuesday, May 29, 2012
City Hall
Large Conference Room
25 Center Street
Vermillion, SD 57069**

1. **Roll Call**
2. **Minutes**
 - a. May 14, 2012 Regular Meeting.
3. **Adoption of the Agenda**
4. **Visitors To Be Heard**
5. **Public Hearings**
 - a. Application for Conditional Use Permit to enlarge or extend an existing nonconforming use located at 2630 East Highway 50, Vermillion, SD 57069 (Joint Jurisdictional Zoning Area).
 - b. Proposed Ordinance 1279 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.031, R-1 Residential District, (A) Permitted Uses and (C) Lot and Yard Regulations to add Single Family Attached (townhouse) Dwellings as a Permitted Use and add regulations for Building Lines and Frontage.
 - c. Proposed Ordinance 1280 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.036, GB General Business District, (B) Conditional Uses, to modify the distance requirements for Veterinary Clinics and Kennels.
 - d. Proposed Ordinance 1281 Zoning Amendment – Amending Title 15 Chapter 155 Sections 155.034 (C), R-4 Manufactured Housing District Lot and Yard Regulations, 155.035 (C), CB Central Business District Lot and Yard Regulations, 155.036 (C), GB General Business District Lot and Yard Regulations 155.038 (C), GI General Industrial District Lot and Yard Regulations and 155.039 (C), Hi Heavy Industrial District Lot and Yard Regulations, to add regulations for Building Lines and Frontage.
6. **Old Business**
7. **New Business**
 - a. Preliminary Plat of Lot 3, Block 1, Park Avenue Addition.
 - b. Final Plat of Lot 3, Block 4 of Brooks Industrial Park Addition.
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

DRAFT

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
Monday May 14, 2012 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on May 14, 2012 at 5:30 p.m.

1. Roll Call

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

Also present were José Dominguez, City Engineer and Andy Colvin, Assistant City Manager.

2. Minutes

a. March 12, 2012 Regular Meeting.

Moved by Tuve to approve the April 23, 2012 Regular Meeting Minutes, seconded by Forseth. Motion carried 6-0.

3. Adoption of the Agenda

Moved by Forseth to adopt the agenda as printed, seconded by Muenster. Motion carried 6-0.

Reasoner arrived at 5:32 p.m.

4. Visitors to be Heard

5. Public Hearing

6. Old Business

7. New Business

a. Final Plat of Cottage Place Addition.

Jose reported that Banner Associates has submitted a preliminary plat on behalf of the owners of Cottage Place Planned Development District. Jose stated that the plat includes all of the required easements and will subdivide the property into eight lots. Reasoner inquired about a final development plan prior to construction taking place on the lots and whether plans will be submitted to the Planning Commission. Jose stated that City ordinance requires development plans to be approved by the Planning Commission.

Moved by Muenster to approve the final plat, seconded by Tuve. Motion carried 6-1.

Gruhn arrived at 5:35 p.m.

b. Preliminary Plat of Lot 3, Block 4 and Lots 1, 2 and Outlot C, Block 5 of Brooks Industrial Park Addition.

Jose reported that the VCDC has submitted a preliminary plat for vacant land within the Brooks Industrial Park. Jose stated that the plat

encompasses approximately 17 acres and will plat four lots, including one outlet.

Forseth asked for clarification on the purpose of an outlet. Jose reported that an outlet is a piece of ground that is platted with the intention of further subdivision in the future.

Steve Howe, VCDC Director, stated that the purpose of developing the land is to have land available for future industrial development and uses which may not be desirable in other, similar-zoned areas.

Moved by Muenster to approve the final plat, seconded by Reasoner. Motion carried 7-0 with Howe abstaining.

c. Preliminary Plat of Lot 1, Solomon's Addition in the NE ¼ of the NE ¼ of Section 15, T92N, R51W of the 5th P.M., Clay County, South Dakota.

Jose reported that the plat subdivides land located within the joint jurisdictional area and meets the lot requirements of the adopted ordinance. Reasoner expressed concern that the plat goes against the comprehensive plan by permitting development outside City limits. Reasoner stated that there has been discussion of a housing shortage in the City and allowing the subdivision of lots outside City limits does not help solve the problem. Discussion followed.

Moved by Forseth to approve the preliminary plat, seconded by Howe. Motion carried 7-1.

The Planning Commission held a brief discussion of housing needs within the City. Steve Howe stated that the VCDC and City are actively working to address the issue.

The Planning Commission also discussed the parking amendment from the last meeting and expressed concerns that the full discussion and intentions were not conveyed. Howe stated that the intent was to allow all attached garages to count without the criteria suggested by staff and allow the building code to define stall size and "attached." Andy offered the suggestion that the Planning Commission could request the City Council table adoption of the ordinance so the Planning Commission can meet to provide additional information on the recommendation. Moved by Manning to request that the City council table final action on the parking amendment, seconded by Reasoner. Motion carried 8-0.

8. Staff Reports

Andy informed the Planning Commission about upcoming hearings for zoning amendments on May 29th, which will include adding Townhomes to the R-1 district and amending the district regulations for other districts to include building lines and frontage. Andy also informed the board that an application for a conditional use permit within the Joint Jurisdictional Area has been submitted and schedule for hearing on May 29th.

9. Adjourn

Moved by Forseth to adjourn, seconded by Tuve. Motion carried 8-0.

Chairman Iverson declared the meeting adjourned 6:38 p.m.



Council Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: May 29, 2012

Subject: Conditional Use Permit Application to enlarge or extend an existing nonconforming use located at 2630 East Highway 50, Vermillion, SD 57069 (Joint Jurisdictional Zoning Area)

Presenter: Cynthia Aden, Clay County Zoning Administrator

Background: Josh Wood, owner of property located at 2630 East Highway 50, submitted an application for a conditional use permit to extend a deck on his existing home. The area is currently zoned commercial, which makes the residential use non-conforming.

Discussion: Chapter 13, Section 13.01 stipulates that an existing nonconforming use that existed legally prior to the change in regulations may be extended or altered if certain criteria are met:

- A. *Effect on surrounding property values:* From staff's review, it does not appear that the extension of an existing deck on the home would impact surrounding property values. Other lots in the vicinity are zoned commercial, with the remainder of the land being zone A-1 Agricultural. Although the deck extension is significant in size, the extension does not necessarily constitute a major addition or enlargement of a nonconforming use.
- B. *The density of land use for the subject and adjacent properties:* The current use is not considered high-density and the proposed addition will not impact density. The adjacent properties are of similar uses, with the exception of agricultural land. It does not appear that granting a conditional use permit would impact the density.
- C. *The degree of hardship upon the applicant which would be caused by failure to grant the permit:* Ordinance does not define "hardship." It does not appear that the applicant will face a financial hardship if the permit is denied. However, the house has existed for a number of years and extending a deck would increase the enjoyment of the property, which could tie into quality of life.
- D. *It can be demonstrated that it was the owner's intent to use the entire premises for said use prior to the adoption, revision or amendment of this Ordinance:* A deck is a common and reasonable attachment to a home. Therefore, staff have no reason to believe that it was not the owner's original intent to extend the deck prior to the adoption of the joint ordinance earlier this year.

Compliance with Comprehensive Plan: The Comprehensive Plan specifies that development should be encouraged in areas adjacent to the City where utilities can be provided easily. In this case, the applicant desires to extend a deck on an existing use. Staff feels that the addition does not qualify as “development” and would not impact the future land uses or existing uses. Therefore, permitting the extension would not be contrary to the plan.

Conclusion/Recommendations: The City and County Planning Commissions are asked to take public comment and grant or deny the conditional use permit application. It is the responsibility of the applicant to demonstrate compliance with the ordinance. Based on staff’s review, granting a conditional use permit would not impact adjacent properties and would not adversely impact the long-range plan for the highway 50 corridor.

CLAY COUNTY CONDITIONAL USE PERMIT

CONDITIONAL USE APPLICATION NUMBER JJ-01	Application Fee - \$100
---	--------------------------------

SECTION 1: APPLICANT/OWNER/CONTACT INFORMATION

	APPLICANT INFORMATION	OWNER INFORMATION	
NAME	Josh Wood	Josh Wood	
ADDRESS	2630 E. Hwy 50 Vermillion SD 57069	2630 E. Hwy 50 Vermillion SD 57069	
TELEPHONE	605 659 5212	605 659 5212	
FAX			
EMAIL	Josh.Wood@GE.com	Josh.Wood@GE.com	

SECTION 2: PROPERTY INFORMATION

STREET ADDRESS	2630 E. SD Hwy 50		
LEGAL DESCRIPTION	GOEMAN TRACT 1 SW 1/4 NE 1/4 17-92-51		
TOWNSHIP NAME & SECTION #	Fairview #17	ZONING DISTRICT	Commercial

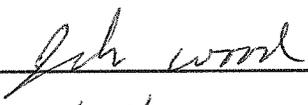
SECTION 3: SITE PLAN INFORMATION

Applicant must submit a plan of the lot or property with the following information:

- Location of all existing and proposed buildings or additions; dimensions of all buildings; distance from all buildings to the property lines at the closest points; North arrow; building height; dimensions of property lines; right-of-way easements; name and location of adjacent streets, waterways or other public places.
- If applicable, also show name of project or business; parking lots or spaces; screening; landscaped setback and trees.

SECTION 4: STATEMENT OF CONDITIONAL USE DESIRED

EXPAND Existing Deck AROUND POOL
 NOW-CONFORMING USE in COMMERCIAL DISTRICT, CANNOT be
 EXTENDED W/OUT SPECIAL USE PERMIT

Signature	
Date	5/14/2012

NOTE: The Zoning Office may require plans to be prepared by a registered engineer or land surveyor. The applicant may be required to provide additional information and/or records.



U.S. Fish and Wildlife Service

National Wetlands Inventory

May 14, 2012



Wetlands

-  Freshwater Emergent
-  Freshwater Forested/Shrub
-  Estuarine and Marine Deepwater
-  Estuarine and Marine
-  Freshwater Pond
-  Lake
-  Riverine
-  Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for its accuracy or completeness. All wetland data were derived from the National Wetlands Inventory. All wetland data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

JJ-05

Joint Jurisdiction Building Permit Application

Job Site Address 2630 E Hwy 50 Vermillion	Date 5-11-12
--	-----------------

Applicant is Owner Agent

Property Owner			
Name Josh + Lisa Wood	Phone 624-7963		
Address 2630 E Hwy 50	City Vermillion	State SD	Zip 57069

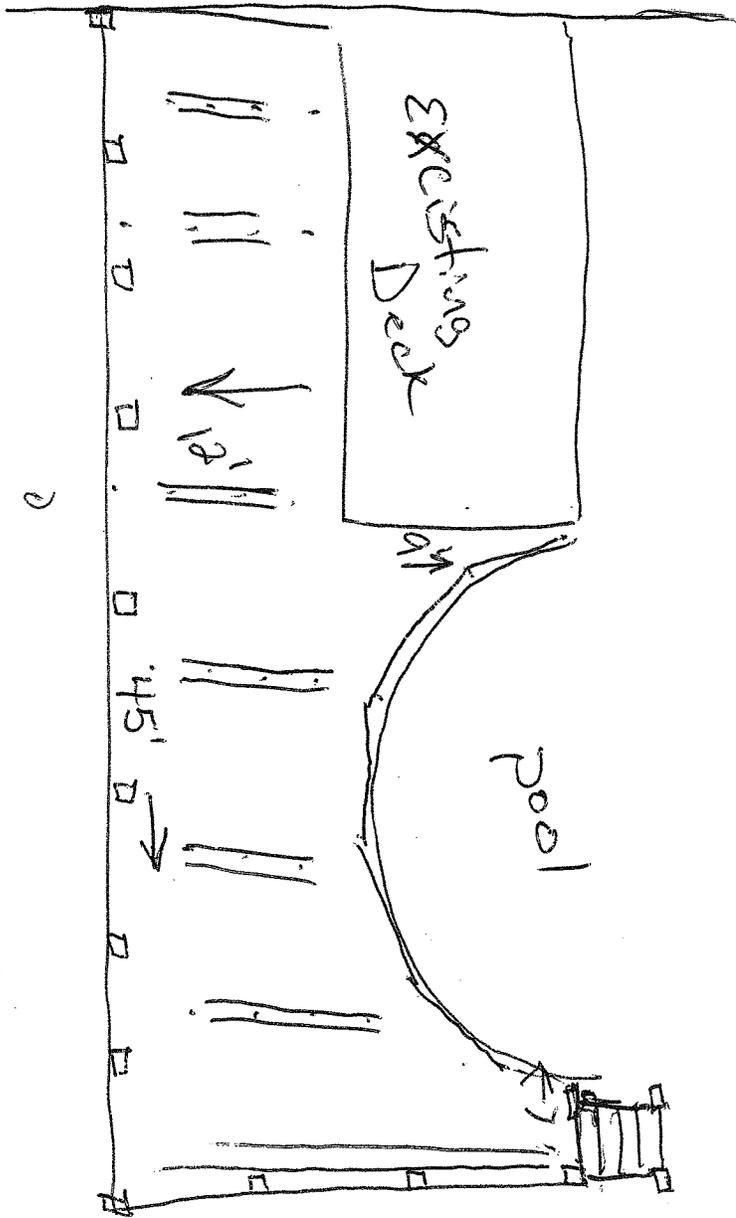
Type of Structure
Please Describe the project Deck Add on to Existing Deck

Foundation Contractor			
Name	Phone		
Address	City	State	Zip
Contact Person	Phone	Cell	

Framing Contractor			
Name Alan miller	Phone 670-1971		
Address 2620 E Hwy 50	City Vermillion	State SD	Zip 57069
Contact Person Alan miller	Phone 670-1971	Cell	

Plumbing Contractor			
Business Name	Phone		
Address	City	State	Zip
Contact Person	Phone	Cell	

Electrical Contractor			
Business Name	Phone		
Address	City	State	Zip
Contact Person	Phone	Cell	



2

12



Council Agenda Memo

From: Andrew Colvin, Assistant City Manager

Meeting: May 29, 2012

Subject: Proposed Ordinance 1279 Zoning Amendment - to add single family attached dwellings (townhomes) as permitted uses and add regulations for building lines and frontage.

Presenter: Andrew Colvin

Background: The R-1 Residential District currently permits single family detached dwellings as a permitted use and is the City's most restrictive district. Multiple family dwellings are prohibited. The thought behind the R-1 district during the 2008 revision was to preserve neighborhoods and ensure adequate space for single-family uses. In recent months, staff have received inquiries about townhomes in the R-1 district. The City recently revised the zoning ordinance to define townhomes as specific uses, each being on their own lot with shared walls, but owned individually. In contrast, duplexes and twin homes are often located on one lot and share a common wall. Townhomes are often a popular choice for developers who want to maximize density on a given parcel of ground. Townhomes also provide an affordable option and diversity in housing types. An example of townhomes can be found on East Main Street, on the north side of the Bluffs Golf Course. A potential concern could be from owners of single-family detached dwellings. Changing the zoning to permit townhomes could create a situation where you have a mix of townhomes and detached dwellings, which may look out of place aesthetically or could even be perceived to decrease property values.

Discussion: Staff have discussed proposing townhomes as a permitted use in the R-1 District. Recently, a landowner has approached the City with plans to sell land to a developer who desires to construct townhomes. However, the current zoning ordinance does not permit attached dwellings in the R-1 district. Since recent amendments have clarified the definition of attached dwellings, townhomes can be added to the R-1 district separate from multiple family dwellings, such as duplexes, which will not be permitted.

The proposed amendment adds townhomes as a permitted use in the R-1 district and creates lot and yard regulations accordingly. Prior to 2008, the City zoning ordinance included attached dwellings in the single-family district with a minimum lot width of 36 feet. This same standard has been carried over into the proposed amendment. Additionally, the minimum lot size has been reduced for detached dwellings from 7,500 square feet to 6,500 square feet. This will allow more options to build a higher concentration of detached homes on a given parcel of ground.

Compliance with Comprehensive Plan: The proposed amendment will expand the available options for developing land within the City, which is a goal of the Comprehensive Plan.

Conclusion/Recommendations: The Planning Commission is asked to take public comment and make a recommendation to the City Council on whether the amendment should be adopted. An important question the Planning Commission may want to ask is how the proposed amendment will impact the balance between quality of life and allowing flexibility in development.

ORDINANCE NO. 1279

AN ORDINANCE AMENDING TITLE 15 CHAPTER 155 SECTIONS 155.031, R-1 RESIDENTIAL DISTRICT, (A) PERMITTED USES AND (C) LOT AND YARD REGULATIONS, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA TO ADD SINGLE FAMILY ATTACHED DWELLINGS AS A PERMITTED USE AND ADD REGULATIONS FOR BUILDING LINES AND FRONTAGE.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SD:
 That Sections 155.039 (A) and (C), of the Zoning Ordinance of Vermillion, SD, are hereby amended to read as follows:

§ 155.031 R-1 RESIDENTIAL DISTRICT.

(A) *Permitted use.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
<u>Single-family attached (townhouse) dwellings</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
Home occupations	§§ 155.070, 155.072, 155.076, 155.077, 155.078
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential properties. One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Neighborhood utilities	§ 155.070
Electrical substation	An opaque screen, 6 feet in height located at all setback lines. §§ 155.070, 155.077
Fences	§ 155.074
Group day care	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply
Group home (see definition)	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All single-family detached dwelling standards apply.
Railroad right-of-way	Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Accessory structure (such garage, shed)	§§ 155.071, § 155.082 (see definition)

(C) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area.

	<i>Lot Area</i>	<i>Frontage</i>	<i>Lot Width Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
Single-family detached	76,500 square feet	<u>50 feet</u>	75-65 feet see #2, #4	30 feet <u>See #5</u>	8 feet see #3	25 feet	35 feet
<u>Single-family attached (townhouse) dwellings</u>	<u>2,500 square feet</u>	<u>36 feet</u>	<u>36 feet</u>	<u>30 feet</u> see #5	<u>0 feet or 8 feet on non-party wall side</u>	<u>25 feet</u>	<u>35 feet</u>
All other uses	7,500 square feet	<u>50 feet</u>	75 feet	30 feet	30 feet see #1, #3	25 feet	35 feet

Exceptions:

- #1 The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
- #2 A residence may be constructed on a lot-of-record, which has a lot width of less than 75 feet.
- #3 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- ~~#4 — A lot located on a cul-de-sac bulb shall have a lot width of not less than 50 feet.~~
- ~~#5 — 4~~ One required front yard may be reduced to 25 feet on corner lots.
- ~~#6 — 5~~ See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

Dated at Vermillion, South Dakota this 18th day of June, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: June 4, 2012
 Second Reading: June 18, 2012
 Publication: June 29, 2012
 Effective Date: July 19, 2012



Council Agenda Memo

From: Andrew Colvin, Assistant City Manager

Meeting: May 29, 2012

Subject: Proposed Ordinance 1280 Zoning Amendment - Amending GB General Business District to modify the distance requirements for Veterinary Clinics and Kennels.

Presenter: Andrew Colvin

Background: The City has been approached by a local real estate agency inquiring about locating a “doggy daycare” use within the General Business district. Based on the definitions within the zoning ordinance, the use would be classified as a kennel since animals would be boarded for periods of time. Kennels are permitted as a conditional use within the GB district, which means that a public hearing would be advertised and the Planning Commission would consider the use and place restrictions, if necessary. However, upon further review of the ordinance it became apparent that kennels, and veterinary clinics with outdoor kenneling of animals, are required to be at least 1,000 feet from any residential use, which essentially prohibits kennels anywhere in the GB district. For perspective, a City block in Vermillion is typically 400 feet. The purpose of requiring a conditional use permit is to consider potential impacts on the neighborhood (i.e. noise, odor, proximity to neighborhoods, etc.).

Discussion: Staff looked at other cities and found that those that do provide a minimum distance, 150 feet is standard. It is possible that the intent was to provide a minimum distance of 100 feet, but through the revisions 1,000 feet made it into the final draft.

The use will still be by conditional use permit, which means that the Planning Commission, after study, review and public comment, can require a greater distance or other requirements such as a wall to block noise, odor control measures, etc. The Planning Commission also has the latitude to deny a conditional use permit for a given location if deemed inappropriate.

Compliance with Comprehensive Plan: The amendment will permit kennels and veterinary clinics to locate in more areas of the City, which may encourage development and redevelopment.

Conclusion/Recommendations: The Planning Commission is asked to take public comment and make a recommendation to the City Council on whether the amendment should be adopted. Staff recommend approval of the amendment.

ORDINANCE NO. 1280

AN ORDINANCE AMENDING TITLE 15 CHAPTER 155 SECTIONS 155.036, GB GENERAL BUSINESS DISTRICT, (B) CONDITIONAL USES, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA TO MODIFY THE DISTANCE REQUIREMENTS FOR VETERINARY CLINICS AND KENNELS.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SD:
 That Sections 155.039 (A), of the Zoning Ordinance of Vermillion, SD, are hereby amended to read as follows:

§ 155.036 GB GENERAL BUSINESS DISTRICT.

(B) *Conditional use.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
Motor vehicle service station/gas dispensing station	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Assisted living facility	§§ 155.070, 155.072, 155.077, 155.095(A) Applicant must provide copy of South Dakota Department of Health license. All multiple dwelling standards apply.
Nursing home	§§ 155.070, 155.072, 155.077, 155.095(A) Applicant must provide copy of South Dakota Department of Health license.
Mortuary with crematorium	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Wireless communication facility on existing support structure	§§ 155.075, 155.095(A)
Telecommunications tower	§§ 155.070, 155.072, 155.075, 155.077, 155.095(A)
Drive-in theater	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A) Located in such a manner that the screen will not deprive adjacent properties of solar access. Lighting of the theaters shall not reflect into adjacent residential areas.
Veterinarian	No outdoor kenneling of dogs within 1,000 <u>150</u> feet of a residential area. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Campground	Lot must contain at least 2,000 square feet and supplied with city water and sanitary sewer services; access road on the campground site shall be 14 feet for 1-way and 20 feet for 2-way roads. No campground may be occupied by the same person or persons for more than 30 days in any 1 calendar year. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Kennel	Located 1,000 <u>150</u> feet from residential district area. * §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Commercial parking lots/parking ramps	§§ 155.070, 155.072, 155.077, 155.095(A)
Storage facility	§§ 155.070, 155.072, 155.077, 155.095(A)
Adult oriented business	§§ 155.070, 155.072, 155.077, 155.095(A) and SDCL § 11-12
Wind energy conversion system	§§ 155.070, 155.072, 155.077, 155.081, 155.095(A)

* Measured from the closest point of the outside walls of both structures

Dated at Vermillion, South Dakota this 18th day of June, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: June 4, 2012
Second Reading: June 18, 2012
Publication: June 29, 2012
Effective Date: July 19, 2012



Planning Commission Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: May 29, 2012

Subject Proposed Ordinance 1281 Zoning Amendment - Amending R-4 Manufactured Housing, CB Central Business District, GB General Business District, GI General Industrial District, and HI Heavy Industrial District to add regulations for Building Lines and Frontage.

Presenter: Andy Colvin

Background: On April 23rd, the Planning Commission considered an ordinance to amend the R-2 and R-3 Districts that would provide for building lines and frontage requirements. This allows greater flexibility and clarity for odd-shaped lots and lots located on cul-de-sacs. The impact is not as great for normal square or rectangular lots where frontage and lot width are the same. The building line may be further than the setback line, but never any closer to the property line than the setback line. The width of the lot at the property line will be controlled by the required frontage.

Discussion: The proposed amendment will change the remaining districts and provide for frontage and building line requirements. Some districts, such as the CB Central Business District and HI Heavy Industrial District, will not be applicable, but a column was created for consistency. The amendment is essentially a housekeeping item to make all district tables arranged in the same way.

Conclusion/Recommendations: Staff is asking the Planning Commission to review and make a recommendation on the amendments to the City Council. Staff recommend approval of the amendment.

ORDINANCE NO. 1281

AN ORDINANCE AMENDING TITLE 15 CHAPTER 155 SECTIONS 155.034 (C), R-4 MANUFACTURED HOUSING DISTRICT LOT AND YARD REGULATIONS, 155.035 (C), CB CENTRAL BUSINESS DISTRICT LOT AND YARD REGULATIONS, 155.036 (C), GB GENERAL BUSINESS DISTRICT LOT AND YARD REGULATIONS 155.038 (C), GI GENERAL INDUSTRIAL DISTRICT LOT AND YARD REGULATIONS AND 155.039 (C), HI HEAVY INDUSTRIAL DISTRICT LOT AND YARD REGULATIONS, TO ADD REGULATIONS FOR BUILDING LINES AND FRONTAGE.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SD:

That Sections 155.034 (C), 155.035 (C), 155.036 (C), 155.038 (C) and 155.039 (C) of the Zoning Ordinance of Vermillion, SD, are hereby amended to read as follows:

§ 155.034 R-4 MANUFACTURED HOUSING DISTRICT.

(C) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area.

	<i>Lot Area</i>	<i>Lot Width</i> <i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
Residential uses	5,500 square feet	50 feet	<u>50 feet</u>	25 feet	8 feet	25 feet	35 feet
Corner lots	6,000 square feet	60 feet	<u>50 feet</u>	25 feet	8 feet	25 feet	35 feet
All other uses	6,000 square feet	60 feet	<u>50 feet</u>	25 feet	15 feet	25 feet	35 feet

Exceptions:

- #1 One required front yard may be reduced to 20 feet.
- #2 See also adjustments to yard regulations (§155.082 for other specific exceptions).

§ 155.035 CB CENTRAL BUSINESS DISTRICT.

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

	<i>Lot Area</i>	<i>Lot Width</i> <i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
All uses	NA	NA	<u>NA</u>	See #1, #2	See #1, #2	See #1, #2	NA
All uses	NA	NA	<u>NA</u>	See #1, #2	See #1, #2	See #1, #2	NA
All uses	NA	NA	<u>NA</u>	See #1, #2	See #1, #2	See #1, #2	NA

Exceptions:

- #1 a 20-foot landscaped area shall be required between an abutting residential district boundary line and any structure, access drive, parking lot or other accessory use when not separated by a street or alley.
- #2 See also adjustments to yard regulations (§155.082) for other exceptions.

§ 155.036 GB GENERAL BUSINESS DISTRICT.

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

	<i>Lot Area</i>	<i>Lot Width</i> <i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
All uses	NA	Up to 50 feet	<u>50 feet</u>	15 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet
All uses	NA	51 to 100 feet	<u>50 feet</u>	20 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet
All uses	NA	101 or more feet	<u>50 feet</u>	25 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet

Exceptions:

- #1 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district
- #2 A rear yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district
- #3 There shall be a required front yard on each street side of lots
- #4 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (§ 155.095(A))
- #5 See also adjustments to yard regulations (§ 155.082) for other specific exceptions

§ 155.038 GI GENERAL INDUSTRIAL DISTRICT

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

	<i>Lot Area</i>	<i>Lot Width</i> <i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
All uses	NA	75 feet	<u>50 feet</u>	25 feet see #4	10 feet see #2, #4	25 feet see #3	45 feet see #1

Exceptions:

- #1 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see § 155.095(A)).
- #2 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.
- #3 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
- #4 There shall be a required front yard on each street side of lots.
- #5 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

§ 155.039 HI HEAVY INDUSTRIAL DISTRICT

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

	<i>Lot Area</i>	<i>Lot Width</i> <i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
All uses	NA	NA	NA	25 feet see #4	5 feet see #2, #4	5 feet see #3	55 feet see #1

Exceptions:

- #1 A conditional use permit will be required for any structure having a maximum height exceeding 5 feet (see § 155.095(A)).
- #2 A side yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district.
- #3 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
- #4 There shall be a required front yard on each street side of lots.
- #5 Wastewater treatment facilities are exempt from minimum yard or setback requirements
- #6 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

Dated at Vermillion, South Dakota this 18th day of June, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: June 4, 2012
 Second Reading: June 18, 2012
 Publication: June 29, 2012
 Effective Date: July 19, 2012



Planning Commission Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: May 29, 2012
Subject Preliminary Plat of Lot 3, Block 1, Park Avenue Addition
Presenter: Jose Dominguez

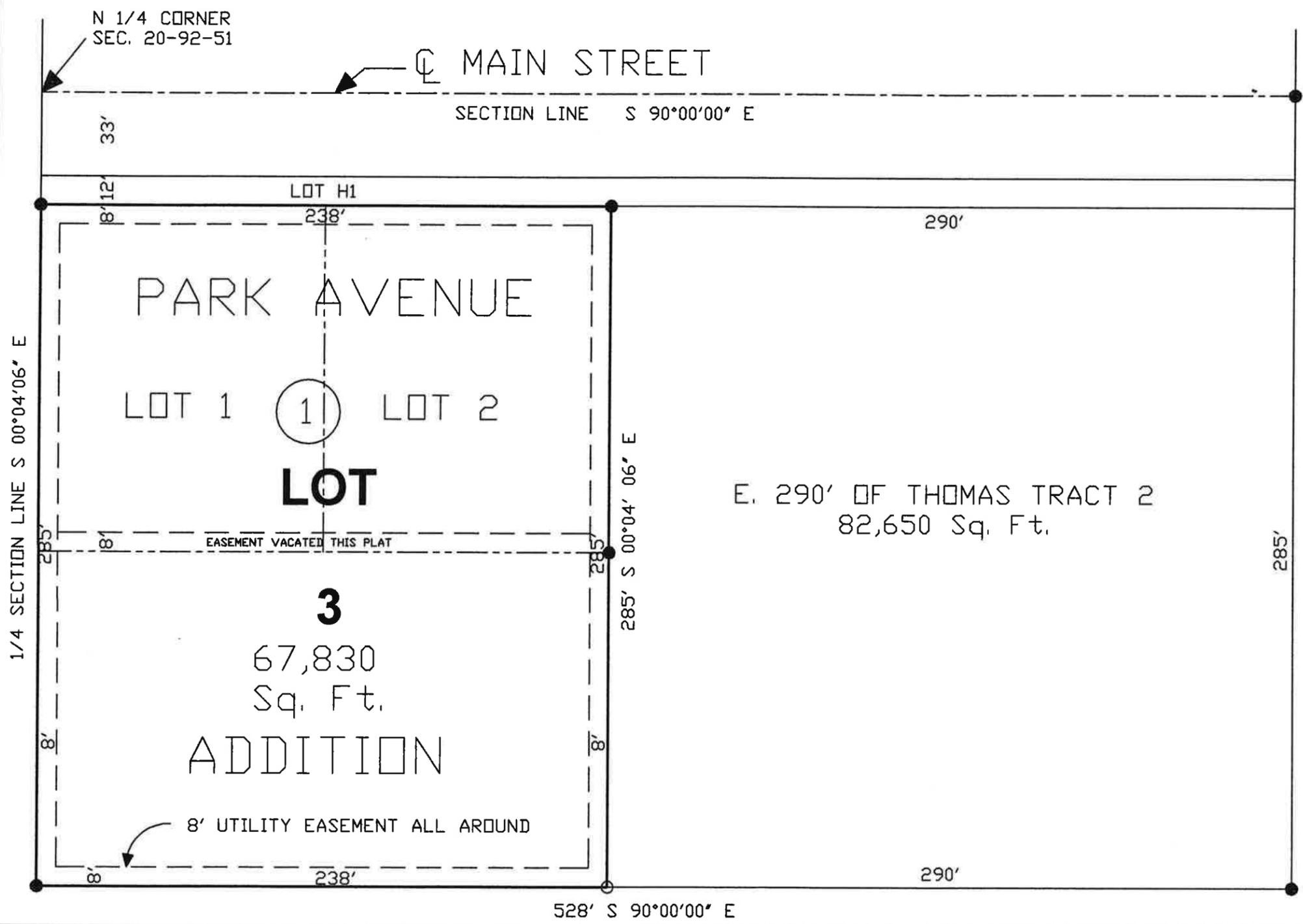
Background: Gillen Land Surveying has submitted a preliminary plat on behalf of the owner of Park Avenue Addition, which is located within the Joint Jurisdictional Area. The area to be platted is in the northeast quarter of section 20-92-51. Once platted, the lot will be roughly 1.6-acres in area and will be bordered East Main Street to the north. The proposed plat will subdivide the area into 1-lot.

Discussion: With the exception of the 2-acre minimum lot size, staff finds that the preliminary plat complies with all code provisions. The owner is intending on annexing the final platted lot into the City. Due to this the minimum lot size requirement has been waived. The applicant will also be dedicating all of the required 8-foot utility easements around the lot.

The applicant has already submitted a Petition to Annex and also a Developer's Agreement for the future construction of East Main Street.

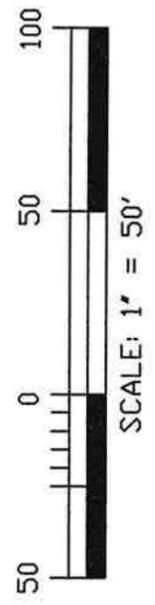
Conclusion/Recommendations: Staff finds that the preliminary plat meets all of the ordinance requirements and recommends approval.

PRELIMINARY PLAT OF LOT 3, BLOCK 1, PARK AVENUE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA .



LEGEND

- DENOTES IRON CORNER FOUND
- DENOTES 5/8" REBAR SET W/ L. S. CAP STAMPED GILLEN LS 1342



PREPARED BY:
JOSEPH W. GILLEN, PE & LS
615 STERLING STREET
VERMILLION, SD 57069
(605) 624 2067

SURVEYORS CERTIFICATE

I, JOSEPH W. GILLEN, REGISTERED LAND SURVEYOR NO. 1342 IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE DIRECTION OF THE OWNER, HAVE SURVEYED AND REPLATTED LOTS 1 AND 2, BLOCK 1, PARK AVENUE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA AND THE WEST PART OF THOMAS TRACT 2 IN THE NW 1/4, NE 1/4, SEC. 20, T92N, R51W.

THIS AREA SHALL HEREAFTER BE KNOWN AS: **LOT 3, BLOCK 1, PARK AVENUE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.**

I CERTIFY THAT THE LOCATIONS AND DIMENSIONS AS SHOWN ON THE ABOVE PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF AND THAT IRON STAKES WERE SET OR FOUND AT THE CORNERS SO INDICATED.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS 15 DAY OF May, 2012



Prepared by: The City of Vermillion
25 Center Street
Vermillion, SD 57069
605-677-7050

AGREEMENT

The City of Vermillion, South Dakota, and Rodney D. and Susan M. Oberley, owners, witnesseth:

In consideration of the mutual covenants herein contained and the benefits to be derived therefrom, the parties agree as follows:

The property owners, their successors or assigns, intend to develop several lots presently described as:

Lots 1 and 2, Block 1, Park Avenue Addition to the City of Vermillion and the West 238-feet of Tract 2, NW ¼ NE ¼ 20-92-51, Clay County, South Dakota.

GENERAL:

1. City Subdivision Ordinance requires the property to be platted. A final plat meeting City requirements shall be completed as soon as possible. No building permit, or payments for improvements, will be issued without the completion and approval of final plat.
2. City Ordinance requires the property owners to construct sidewalks, grading, curb and gutter, street surfacing, streetlights, water and sewer improvements, in accordance with City of Vermillion standard specifications along all streets or alleys abutting the property to be developed. All plans and specifications shall be approved by the City prior to construction.
3. The property owners, their successors or assigns, desire to begin construction before all the improvements listed above, are in place.
4. The property owners, their successors or assigns, shall provide to the City of Vermillion a **PERFORMANCE BOND** for the improvements described in this agreement.
5. This **AGREEMENT** and **PERFORMANCE BOND** shall be binding on the parties, their successors and assigns and will be recorded in the office of the Register of Deeds of Clay County, South Dakota.

SIDEWALKS, GRADING, CURB AND GUTTER, STORM SEWER AND STREET SURFACING:

1. Sidewalks will be constructed as a condition to the building permits.
If the City Council requires that the construction of these improvements take place prior to the owners request a Resolution of Necessity will be required before these improvements can be made. The costs will be assessed to the property owners after improvements are installed. **The property owners of Lots 1 and 2, Block 1, Park Avenue Addition to the City of Vermillion and the West 238-feet of Tract 2, NW ¼ NE ¼ 20-92-51, Clay County, South Dakota, acknowledge that this agreement will run with the land as a restrictive covenant thereon and is binding on the current and future owners, their successors and assigns that they will not remonstrate against the proposed improvements on Lots 1 and 2, Block 1, Park Avenue Addition to the City of Vermillion and the West 238-feet of Tract 2, NW ¼ NE ¼ 20-92-51, Clay County, South Dakota.**

Dated this 23rd day of May, 2012.

OWNERS

FOR THE CITY OF VERMILLION

By: [Signature]
Rodney D. Oberley

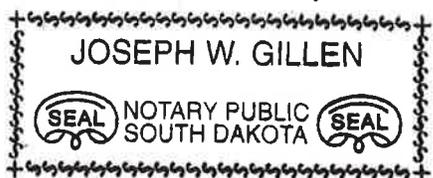
By: _____
John E. (Jack) Powell, Mayor

By: [Signature]
Susan M. Oberley

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF Clay)

On this 23rd day of May, 2012 before the undersigned officer, personally appeared Rodney D. and Susan M. Oberley, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



[Signature]
Notary Public

My Commission Expires: 9-14-12

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF _____)

On the _____ day of _____, before me, the undersigned Officer, personally appeared John E. (Jack) Powell, who acknowledged himself as Mayor of the City of Vermillion, and that he as Mayor being authorized so to do executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Mayor.

In witness whereof I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____



Planning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: May 29, 2012

Subject Final Plat of Lot 3, Block 4 of Brooks Industrial Park Addition.

Presenter: Jose Dominguez

Background: Banner and Associates has submitted a final plat on behalf of the owner of Brooks Industrial Park Addition. This plat will create a lot on the south side of S.D. Hwy 50 close to Compton Court. In addition, the plat will also dedicate the required street right-of-way to access the developed lot.

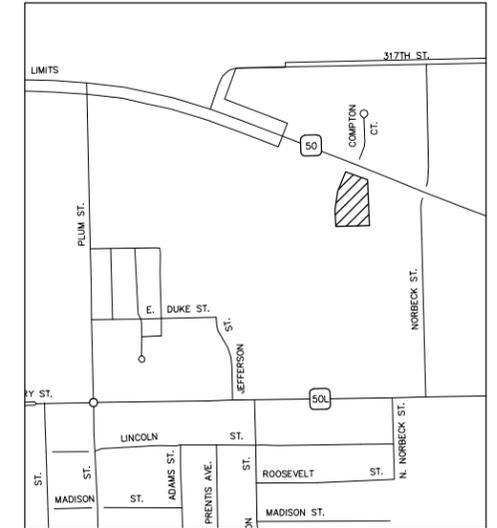
Discussion: The preliminary plat was approved by the Planning Commission at the May 14th meeting. The preliminary plat consisted of the lot in question and three other lots west of the proposed road extending north-south. The remaining lots will be platted as demand for industrial lots increases.

In addition, access to S.D. Hwy 50 has been discussed with the DOT. The DOT has informally agreed with the access point. The application for access will have to be formally made to the DOT prior to the plat being finally approved.

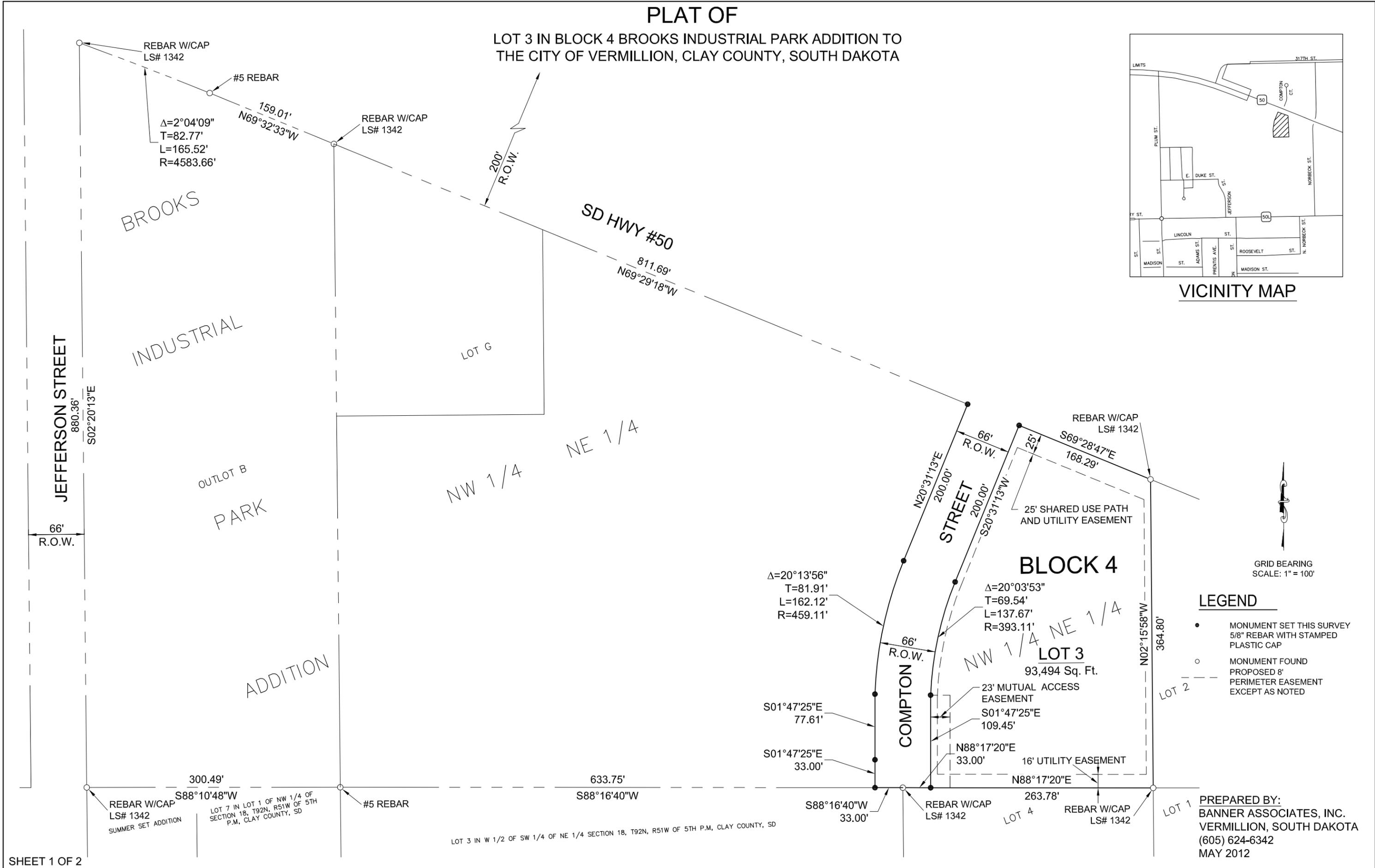
Conclusion/Recommendations: Staff finds that the final plat meets all of the ordinance requirements and recommends that the Planning Commission recommend approval to the City Council.

PLAT OF

LOT 3 IN BLOCK 4 BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA



VICINITY MAP



LEGEND

- MONUMENT SET THIS SURVEY
5/8" REBAR WITH STAMPED
PLASTIC CAP
- MONUMENT FOUND
PROPOSED 8'
PERIMETER EASEMENT
EXCEPT AS NOTED

PREPARED BY:
BANNER ASSOCIATES, INC.
 VERMILLION, SOUTH DAKOTA
 (605) 624-6342
 MAY 2012

PLAT OF LOT 3 IN BLOCK 4 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Nathan W. Nielson, Registered Land Surveyor, do hereby certify that at the direction of VERMILLION CHAMBER & DEVELOPMENT COMPANY, have surveyed and platted a tract of land in: NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

This tract of land shall hereafter be known as LOT 3 IN BLOCK 4 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

I certify that the locations and dimensions as shown on the plat are true and correct to the best of my knowledge, information and belief and that monuments were set at the corners so indicated. Said survey was surveyed and platted by me or under my direct personal supervision, following generally accepted professional standards for surveying and platting in the state of South Dakota.

IN WITNESS WHEREOF, I have set my hand and seal the _____ DAY OF _____, 20 _____.

Nathan W. Nielson Banner Associates, Inc.
Registered Land Surveyor 14 W. Main St., Suite A
Registration No. 9924 Vermillion, South Dakota 57069
Telephone (605) 624-6342

CERTIFICATE OF OWNER

I, VERMILLION CHAMBER & DEVELOPMENT COMPANY, Paul Preister, President, do hereby certify that I am the absolute and unqualified owner of the real estate hereafter described as LOT 3 IN BLOCK 4 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

I certify that said plat was made at my request and direction for the purpose of locating, marking, and platting the same, and that said property is free of all encumbrances. I also certify that development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations. I hereby dedicate Compton Street as shown to the public for public use forever. I also hereby grant easements as shown, for utilities and shared use path, their construction and maintenance forever.

I VERMILLION CHAMBER & DEVELOPMENT COMPANY, do hereby certify that this plat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, law including but not limited to zoning, building, subdivision, and flood prevention.

STATE OF _____
COUNTY OF _____ { SS

PAUL PREISTER, PRESIDENT, VERMILLION CHAMBER & DEVELOPMENT COMPANY

On the _____ day of _____, 20____, before the undersigned officer, personally appeared PAUL PREISTER, PRESIDENT, VERMILLION CHAMBER & DEVELOPMENT COMPANY, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this _____ day of _____, 20 _____.

Notary Public My Commission Expires

VERMILLION CITY COUNCIL RESOLUTION

WHEREAS, it appears that the owner(s) thereof has/have caused a plat to be made of the following described real property: Plat of LOT 3 IN BLOCK 4 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

BE IT RESOLVED, that the attached and foregoing plat has been submitted to and a report and recommendation hereon, made by the Vermillion Planning Commission to the Vermillion City Council and has recommended approval.

BE IT FURTHER RESOLVED, that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion, which has examined the same; that it appears the system of streets and alleys set forth therein conforms to the system of streets and alleys of Vermillion; that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid; that such plat and survey thereof have been executed according to law; the same is hereby accordingly approved. Dated this _____ day of _____, 20____.

Mayor, City of Vermillion, South Dakota

I, the undersigned Finance Officer of the City of Vermillion, South Dakota, do hereby certify that the within and foregoing is a true copy of the resolution passed by the City Council of the City of Vermillion, South Dakota on this _____ day of _____, 20____.

Finance Officer, City of Vermillion, South Dakota

CERTIFICATE OF COUNTY TREASURER

The undersigned, County Treasurer of Clay County, South Dakota, hereby certifies that all taxes that are liens upon the land included in the above plat, as shown by the records of this office, have been fully paid. Dated this _____ day of _____, 20____.

Treasurer, Clay County, South Dakota

CERTIFICATE OF DIRECTOR OF EQUALIZATION

The undersigned, Director or Equalization of Clay County, South Dakota, hereby certifies that I have received a copy of the foregoing plat. Dated this _____ day of _____, 20____.

Director of Equalization, Clay County, South Dakota

STATE OF SOUTH DAKOTA
COUNTY OF CLAY { SS

REGISTER OF DEEDS

Filed for record this _____ day of _____, 20____, _____ o'clock ____ M, and recorded in Book _____ of Plats, on page _____.

Register of Deeds, Clay County, SD

SHEET 2 OF 2

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA