



**City of Vermillion
Planning Commission Agenda**

5:30 p.m. Regular Meeting
Tuesday, March 29, 2016
Large Conference Room – 2nd Floor
City Hall
25 Center Street
Vermillion, SD 57069

1. Roll Call

2. Minutes

- a. March 14, 2016 Regular Meeting.

3. Adoption of the Agenda

4. Visitors To Be Heard

5. Public Hearings

- a. Joint Jurisdiction Zoning Ordinance Amendment – Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, Chapter 2, Section 2.03(A) Zoning Map, by including certain real property in the Aquifer Protection Overlay Zone A – Aquifer Critical Impact Zones.
- b. Zoning Ordinance Amendment – Amending Section 155.032, R-2 Residential District to provide for Fraternities, Sororities and boarding and lodging houses as conditional uses and providing for lot and yard regulations for such uses.
- c. Zoning Ordinance Amendment Section 155.072 Off Street Parking to modify language pertaining to fraternities and sororities, remove the exemptions to parking in the front and side yards and modifying language pertaining to parking allowances in all districts;
- d. Zoning Ordinance Amendment Section 155.008 Definitions, amending the definition of an Accessory Building or Use.
- e. Zoning Ordinance Amendment Section 155.077, Landscaping Standards, providing additional requirements for living ground cover in all residential, commercial and industrial districts.

6. Old Business

7. New Business

8. 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
Monday, March 14, 2016 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order by Chairman Iverson in the Large Conference Room at City Hall on March 14, 2016 at 5:30 p.m.

1. Roll Call

Present: Forseth, Oehler, Fairholm, Manning, Tuve and Iverson.
Absent: Muenster, Jones and Gruhn.

Staff present: Farrel Christensen, Building Official.

2. Minutes

a. January 25, 2016 Regular Meeting.

Moved by Manning to approve the January 25, 2016 Regular Meeting Minutes, seconded by Oehler. Motion carried 6-0.

3. Adoption of the Agenda

Moved by Tuve to adopt the agenda, seconded by Forseth. Motion carried 6-0.

4. Visitors to be Heard

5. Public Hearing

(a) Request for a Conditional Use Permit to construct a single-family home at 2909 Pettersen Road, legally described as Lot 13A, Rolling Hills Estates Second Addition, SW1/4, Section 6, T92N, R51W, 5th PM, Vermillion Township, Clay County, South Dakota. (Joint item with Clay County Planning Commission)

Cindy Aden Open the public hearing for the County and Chairman Iverson opened the public hearing for the City.

Cindy Aden reported to the Joint group that an application was received from Mart Brothers Construction for a conditional use permit to build a single family home in the A-1 district of the joint jurisdictional zoning district.

James Orr of Rolling Hills inquired about the house size and alignment. Cindy described the project as an 1800 sq ft home most likely facing west but alignment was unsure at this time.

Discussion followed.

Moved by Manning to grant the Conditional Use Permit, seconded by Oehler. Motion carried 6-0.

6. Old Business

7. New Business

8. Adjourn

Moved by Forseth to adjourn, seconded by Oehler. Motion carried 6-0. Iverson declared the meeting adjourned at 5:38 p.m.

Planning Commission Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: March 29, 2016

Subject: Joint Jurisdiction Zoning Ordinance Amendment – Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, Chapter 2, Section 2.03(A) Zoning Map, by including certain real property in the Aquifer Protection Overlay Zone A – Aquifer Critical Impact Zones.

Presenter: Cynthia Aden, Clay County Zoning Administrator

Background: Clay County received a request from the Lewis and Clark Regional Water System to rezone parcels of land to an Aquifer Protection Overlay (APO) Zone. The purpose of the zone is to protect the quality of water sources from environmental contamination. A portion of the area is located within the joint jurisdictional zoning area.

Discussion: The base zone of the area will remain Agricultural; however, the overlay provides for additional restrictions on the allowed uses. For example, concentrated animal feeding operations, junk yards, contaminated soil dumps and cemeteries are examples of prohibited uses.

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. The proposed amendment will not impact growth areas and seems to make sense to preserve water quality for the Lewis and Clark system.

Conclusion/Recommendations: The City and County Planning Commissions are asked to take public comment and make a recommendation on the amendment. Staff would recommend approval of the amendment.

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A, 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 2, SECTION 2.03(A) ZONING MAP, BY INCLUDING CERTAIN REAL PROPERTY IN THE AQUIFER PROTECTION OVERLAY ZONE A, AQUIFER CRITICAL IMPACT ZONES.

BE IT ORDAINED, BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA:

That Section 2.03(A) is hereby amended as follows:

That Sections 1 and 2 (South), 25, 26, 34, 35, and 36 of Vermillion Township, Clay County, South Dakota is included in the Aquifer Protection Overlay Zone A, Aquifer Critical Impact Zones, and the official zoning map referred to in Section 2.03(A) of the 2012 Joint Zoning Regulations for Clay County and the City Of Vermillion, is amended to include such land in such zone.

Dated at Vermillion, South Dakota this _____ day of _____, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading:
Second Reading:
Publication:
Effective Date:

Zone A Exhibit

Clay County and City of Vermillion
Joint Jurisdictional Area

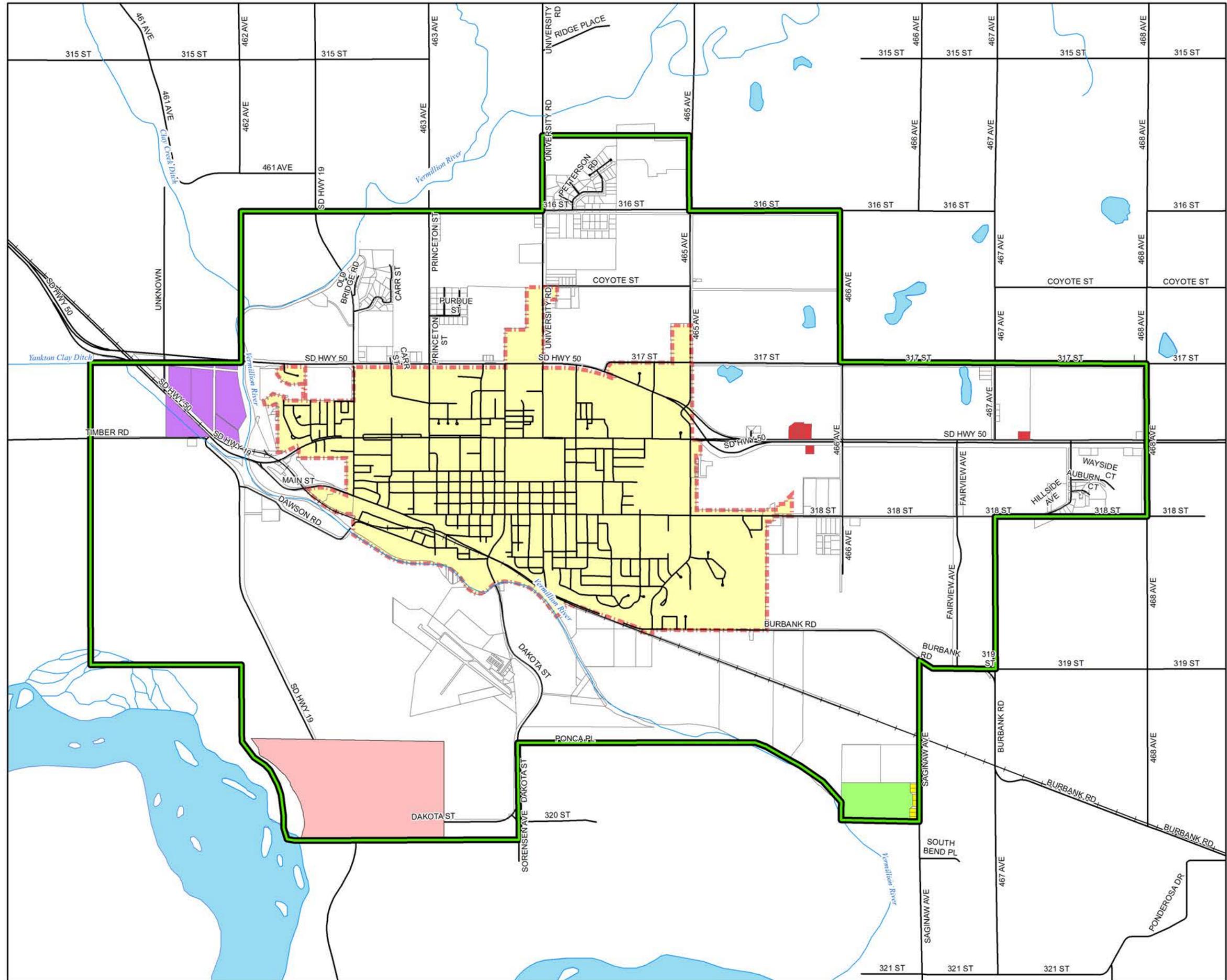
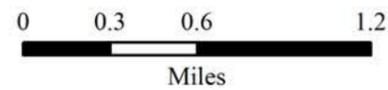
Legend

Zoning Districts

-  A-1 Agricultural
-  RR Rural Residential
-  C Commercial
-  LI Light Industrial
-  HI Heavy Industrial
-  NRC Natural Resource Conservation
-  Zone A

Other Features

-  Joint Jurisdictional Area
-  (Excluding Incorporated Area of the City of Vermillion)
-  City Limits (2011)
-  Roads
-  Railroad
-  Creeks, Rivers & Lakes



Planning Commission Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: March 29, 2016

Subject: Zoning Ordinance Amendment – Amending Section 155.032, R-2 Residential District to provide for Fraternities, Sororities and boarding and lodging houses as conditional uses and providing for lot and yard regulations for such uses.

Presenter: Andy Colvin

Background: In 2015, City staff was contacted regarding a proposal to construct a new sorority house in place of the existing structure. In looking at the issue, staff identified a number of issues related to new Greek houses and compliance with current zoning codes. A meeting was arranged between staff, USD Greek life, an architect, and the sorority proposing the new structure.

For background, nearly all of the Greek houses are currently non-standard, meaning that they are permitted uses in their zoning district, but do not meet area, yard and parking requirements. This also means that most couldn't be rebuilt without purchasing additional land. Since we have not had a new fraternity/sorority house built for many years, the City has never had to implement a new code. Since the initial meeting last summer, staff has not had further communication from the Greek houses. In order to address the issue, staff proposed some changes to the code to balance out the needs of the Greek houses with the needs of the City and neighborhoods as a whole.

Discussion: Currently, Greek houses, as well as boarding/lodging houses, are permitted uses within the R-2 district. This means they can be built according to current code without a special permit from the City Planning Commission. The proposed ordinance would move these uses to the conditional use category. The reason for this change is to permit a more open approval process for new construction that coincides with relaxing other requirements, such as setbacks, height and parking. Off-street parking seems to be the biggest issue with new construction. The houses tend to be very large, which would then require a very large lot to accommodate parking. Without purchasing additional

property and re-platting, it would be difficult to construct a new Greek house in the current R-2 neighborhoods. It would make sense to keep these houses in residential neighborhoods, closer to campus rather than moving them to the R-3 districts. In addition, most Greek houses are built to fit in with single family construction as opposed to multi-family apartments. The proposed ordinance only addresses the R-2 District changes and provides for lot and area regulations. The parking issue will be handled in a separate amendment.

Compliance with Comprehensive Plan: The Comprehensive Plan specifies that neighborhood redevelopment should be encouraged. The proposed amendment will provide some flexibility for Greek houses pursuing new construction.

Conclusion/Recommendations: The Planning Commission is asked to take public comment and make a recommendation on the amendment. Staff would recommend approval of the amendment.

PROPOSED ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO INCLUDE BOARDING/LODGING HOUSES AND FRATERNITIES AND SORORITIES AS A CONDITIONAL USE IN THE R-2 RESIDENTIAL ZONING DISTRICT AND MODIFYING LOT AND YARD REGULATIONS FOR SUCH USES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

§ 155.032 R-2 RESIDENTIAL DISTRICT.

(A) *Permitted uses.* The purpose of this district is to provide for certain low to medium density residential areas in the city now developed primarily with single-family, 2-family, and multiple-family dwellings.

<i>Permitted Use</i>	<i>Applicable Standards</i>
Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached (townhouses) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Multiple-family (apartments and condominiums) dwellings (up to 4 dwellings)	§§ 155.070, 155.072, 155.076, 155.077
Two-family attached (duplex) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Boarding and lodging house	§§ 155.070, 155.072, 155.076, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.076, 155.077
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
Hospital clinic	§§ 155.070, 155.072, 155.073, 155.077
Private club/lodge	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	An opaque screen, 6 feet in height, located at all setback lines. §§ 155.070, 155.077
Group day care	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
Neighborhood utilities	§ 155.070
Group home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All applicable 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 as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(B) *Conditional uses.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
Boarding and lodging house	§§ 155.070, 155.072, 155.076, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.076, 155.077
Assisted living facility	Applicant must provide copy of South Dakota Department of Health license. All multiple dwelling standards apply. §§ 155.070, 155.072, 155.077, 155.095(A)
Nursing home	Applicant must provide copy of South Dakota Department of Health license. §§ 155.070, 155.073, 155.077, 155.095(A)
Wireless communication facility on existing support structure	§§ 155.075, 155.095(A)
Public service facility	§ 155.070
Bed and breakfast	§§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)
Manufactured home parks	§§ 155.070, 155.077, 155.079, 155.095(A)
Off-premise parking lots	§ 155.095(A)

(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>Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
Single-family detached dwellings (see #2)	6,500 square feet	50 feet	65 feet see #2	25 feet see #3	8 feet	25 feet	35 feet
Single-family attached (townhouse) dwellings up to 4 attached dwellings (see #5)	2,500 square feet	25 feet	25 feet	25 feet see #3	0 feet or 8 feet on nonparty wall side	25 feet	35 feet
Two-family attached (duplex) dwelling	7,500 square feet	50 feet	65 feet	25 feet see #3	8 feet	25 feet	35 feet
Multiple-family (apartments and condominiums) dwellings (4 units) (1 lot)	7,500 square feet	50 feet	75 feet	25 feet see #3	8 feet side	25 feet	35 feet
Boarding and Lodging Houses; Fraternities and Sororities	7,500 Square feet	50 feet	65 feet	25 feet see #3	8 feet	25 feet	35 feet
All other uses	6,000 square feet	50 feet	60 feet	25 feet see #3	15 feet	25 feet	35 feet
<p>Exceptions:</p> <p>#1 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.</p> <p>#2 A residence may be constructed on a lot-of-record, which has a lot width of less than 65 feet.</p> <p>#3 One required front yard may be reduced to 20 feet on corner lots.</p> <p>#4 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.</p> <p>#5 Every 2 units will be staggered.</p>							

Dated at Vermillion, South Dakota this _____ day of _____, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

First Reading:
Second Reading:
Publish:
Effective Date:

Planning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: March 29, 2016

Subject: Zoning Ordinance Amendment – Amending Section 155.072, to Modify Language Pertaining to Off-street Parking for Fraternities and Sororities, Remove the Exemptions to Parking in the Front and Side Yards and Modifying Language Pertaining to Parking Allowance in all Districts.

Presenter: Jose Dominguez

Background: In 2015, City staff was contacted regarding a proposal to construct a new sorority house in place of the existing structure. In looking at the issue, staff identified a number of issues related to new Greek houses and compliance with current zoning codes. A meeting was arranged between staff, USD Greek life, an architect, and the sorority proposing the new structure.

For background, nearly all of the Greek houses are currently non-standard, meaning that they are permitted uses in their zoning district, but do not meet area, yard and parking requirements. This also means that most couldn't be rebuilt without purchasing additional land. Since we have not had a new fraternity/sorority house built for many years, the City has not had to implement the new code. Since the initial meeting last summer, staff has not had further communication from the Greek houses. In order to address the issue, staff proposed some changes to the code to balance out the needs of the Greek houses with the needs of the City and neighborhoods as a whole.

Another issue that arose in the past years was the location of off-street parking for multi-family structures. Historically, the City has allowed off-street parking for multi-family structures to be constructed within the front yard setbacks. This has caused some of the construction within the R-2 District to not have a landscaped front yard or side yard.

Discussion: Currently, Greek houses, as well as boarding/lodging houses, are permitted uses within the R-2 district. This means they can be built according to current code without a special permit from the City Planning Commission. The proposed ordinance

would move these uses to the conditional use category. The reason for this change is to permit a more open approval process for new construction that coincides with relaxing other requirements, such as setbacks, height and parking. Off-street parking seems to be the biggest issue with new construction. The houses tend to be very large, which would then require a very large lot to accommodate parking. Without purchasing additional property and re-platting, it would be difficult to construct a new Greek house in the current R-2 neighborhoods. The proposed changes to the ordinance would allow Greek houses to have a portion of the required off-street parking on a different lot. The location, and number of parking stalls, would be determined by the Planning Commission during the Conditional Use Permit process.

The other proposed changes to the ordinance will try and rectify the current issues with off-street parking being allowed in the front yard within the R-2 District, or any district, for multi-family structures. The amendment would not allow any parking within the front yard for multi-family structures within the R-2 District. Additionally, the amendment would limit the amount of front yard parking for multi-family structures to 25-percent of the required parking area in the R-3 District.

Compliance with Comprehensive Plan: The Comprehensive Plan specifies that neighborhood redevelopment should be encouraged. The proposed amendment will provide some flexibility for Greek houses pursuing new construction.

Conclusion/Recommendations: The Planning Commission is asked to take public comment and make a recommendation on the amendment. The proposed amendments will ease the redevelopment process for Greek housing while still providing a level of oversight from the Planning Commission by requiring the parking to be approved during the Conditional Use Permit process. The other amendments to the ordinance would protect transitional neighborhoods from being overdeveloped by requiring that the front yard be landscaped. This will improve the aesthetic of the neighborhoods and make some of the developments more similar to single-family construction. Staff would recommend approval of the amendment.

PROPOSED ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO MODIFY LANGUAGE PERTAINING TO OFF-STREET PARKING FOR FRATERNITIES AND SORORITIES, REMOVE THE EXEMPTIONS TO PARKING IN THE FRONT AND SIDE YARDS AND MODIFYING LANGUAGE PERTAINING TO PARKING ALLOWANCES IN ALL DISTRICTS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

§ 155.072 OFF-STREET PARKING.

(A) *General conditions.*

(1) No parking spaces are permitted in the required front ~~or side~~ yard in any ~~residential~~ district, except for multiple family dwellings and portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this chapter as follows:

a. Single Family Dwellings, Townhouse dwellings and two-family (duplex) dwellings are permitted to provide off-street parking on driveways constructed according to City standards.

b. Multiple Family dwellings located in the R-3 zoning district may provide no more than 25% of the required area for parking in the front yard.

(+)c. Commercial uses located in the NRC, CB, GB, NC, GI and HI districts may provide required parking in the required front yard.

(2) Parking spaces may be permitted in any required rear yard.

(3) All parking spaces shall be connected to a public street or alley.

(4) Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

(5) All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt, ~~or concrete, or other acceptable paving systems (as determined by City Engineer).~~

(6) The parking requirements in this section shall not be applicable to property in the CB Central Business District.

(+)7) Off-street parking shall be located on the same zoning lot as the principal use served.

(B) *Required parking spaces.*

(1) In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see Table 1 below:

Table 1: Minimum Off-Street Parking and Loading Requirements

Uses and Structures	Minimum Parking Requirements
Rooming and boarding houses, sororities and fraternities	1 parking space for each 200 square feet of floor area. <u>In calculating the required parking spaces, these uses may be permitted to include off street parking available</u>

	<u>on a different lot, or zoning lot, than the use served, subject to approval of the use through the Conditional Use Permit process. Parking spaces may not count towards more than one use.</u>
Bowling alleys	4 spaces per lane
Church or temple	1 space for each 4 seats in main seating area
Private club or lodge	1 parking space for each 300 square feet of floor area
High school	4 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Elementary school	2 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Eating and drinking places	1 space for each 300 square feet of gross floor area
Hospitals	1 space for each bed
Nursing, convalescent and rest homes	1 space for each 3 beds
Auditoriums, theaters and places of public assembly	1 space for each 4 seats of design capacity
Hotels and motels	1 space for each 2 rental rooms
Funeral homes	1 space for each 4 seats in the chapel
Retail sales establishments	1 space for each 300 square feet of floor area
Medical and dental clinics	1 space for each 2 staff members and full-time employees, plus 1 space for each 600 square feet of gross floor area
Manufactured home parks	2 spaces for each
Industrial uses	1 space for each 2 employees on the maximum working shift
Service establishments	1 space for each 300 square feet of floor area
Wholesale and distribution establishments	1 space for each 2 employees on the maximum working shift

- (2) For parking requirements for residential uses (excluding manufactured homes) see Table 2 below. In order for the alternate parking requirements to be used the following criteria must be met:
- (a) Each unit must have access to their garage through a walk-thru door leading to the garage without going through the outside;
 - (b) Each garage stall shall be a minimum of 10 feet wide by 20 feet long; and
 - (c) The property owner will ensure that the garage space is open for tenant parking as a condition of their rental registry. The garage space cannot be used for any other purpose.

Table 2: Minimum Off-Street Parking and Loading Requirements for Residential Uses

Uses and Structures	Minimum Parking Requirements	Alternate Parking Requirements**
Single-family detached	2 spaces for each dwelling unit	2 spaces for each dwelling unit
Single-family attached (townhouses)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater
Two-family attached	2 parking spaces per each dwelling unit or 1 per	2 parking spaces per each dwelling unit or 1

(duplex)	bedroom, whichever is greater	per bedroom whichever is greater
Multiple-family (apartments and condominiums)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	Use either 2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater. This value shall be multiplied by the following factors. The number of garage stalls shall be subtracted from the product. If garage is 1 stall then the factor will be 1.2 If garage is 2 stalls, or larger, then factor will be 1.4

** The parking stall (10 feet wide by 20 feet long) within the garage and the area directly in front of the garage (9 feet wide by 18 feet long) will count towards the off-street parking requirements.

- (3) All other uses not specified in the above tables shall have minimum off-street parking and off-street loading spaces as determined by the City Council.

Dated at Vermillion, South Dakota this _____ day of _____, 2016.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

First Reading:
Second Reading:
Publish:
Effective Date:

Planning Commission Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: March 29, 2016

Subject: Zoning Ordinance Amendment Section 155.008 Definitions,
Amending the Definition of an Accessory Building or Use.

Presenter: Andy Colvin

Background: In reviewing the parking and landscaping regulations in the City zoning ordinance, the definition of an accessory building or use was in need of clarification. Currently, parking facilities can be located on a different zoning lot than the principle use served. This can create issues if a business, for instance, is located adjacent to a residential district. The lot could be zoned both commercial and residential, where the building could be on the half zoned commercial and the parking lot located on the half zoned residential.

Discussion: The proposed amendment would require accessory uses, including parking, to be included on the same zoning lot as the primary use served. For the above mentioned situation, the zoning would need to be consistent for the entire lot.

Compliance with Comprehensive Plan: Consistent zoning is important for the planning and development of any community. The proposed amendment will ensure uses and their accessory uses will have the same zoning designation.

Conclusion/Recommendations: The Planning Commission is asked to take public comment and make a recommendation on the amendment. Staff would recommend approval of the amendment.

PROPOSED ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO MODIFY THE DEFINITION OF AN ACCESSORY BUILDING OR USE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

§ 155.008 DEFINITIONS.

ACCESSORY BUILDING OR USE . An accessory building or use is one which:

- (1) Is customary and clearly incidental to the principal use;
- (2) Serves exclusively the principal use;
- (3) Is subordinate in area, extent or purpose to the principal use served;
- (4) Contributes to the comfort, convenience, or necessity of occupants of the principal use served; and
- (5) Is located on the same zoning lot as the principal use served, ~~with the single exception of accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.~~

Dated at Vermillion, South Dakota this _____ day of _____, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____

John E. (Jack) Powell, Mayor

ATTEST:

By _____

Michael D. Carlson, Finance Officer

First Reading:

Second Reading:

Publish:

Effective Date:

Planning Commission Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: March 29, 2016

Subject: Zoning Ordinance Amendment Section 155.077, Landscaping Standards, providing additional requirements for living ground cover in all residential, commercial and industrial districts.

Presenter: Andy Colvin

Background: Based on feedback from the Planning Commission as well as community members, staff proposed some changes to the landscaping standards in the zoning regulations. In addition, as most already know, drainage is an issue in many areas of Vermillion. Strengthening the landscaping requirements in the community will help address these issues, in addition to beautifying the community.

Discussion: The proposed amendment addresses the following requirements and changes:

- The parkway, or boulevard, which is the area between the curb and the sidewalk, will be included in the 90% requirement for front yards. Additionally, 50% of the rear yard will now be required except for portions required for driveways and parking.
- The R-1, R-2 and R-3 residential districts will be required to plant one tree per 50 feet of frontage, with a limit on the number permitted in the parkway. The typical residential lot will have at least one tree. Previously, only commercial and industrial zones were required to plant trees.

Compliance with Comprehensive Plan: The Comprehensive Plan specifies that neighborhood redevelopment and beautification should be encouraged. The proposed amendment will require additional minimum requirements for green space.

Conclusion/Recommendations: The Planning Commission is asked to take public comment and make a recommendation on the amendment. Staff would recommend approval of the amendment.

PROPOSED ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO MODIFY LANGUAGE PERTAINING TO LANDSCAPING STANDARDS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

§ 155.077 LANDSCAPING STANDARDS.

It is the desire of the city to encourage development, which is environmentally sensitive and aesthetically pleasing. To assist in these objectives, a minimum standard for landscaping is prescribed.

(A) Within any zoning district, at least 90% of the required front yard setback, including the parkway and 50% of the rear yard, shall be landscaped and maintained with living ground cover except for the portion of the front or rear yard necessary for hard surfaced driveways and parking (§ 155.072).

(B) Within the R-1, R-2, R-3, GB, CB, NC, GI, and HI districts, 1 tree per 50 feet of ~~lot width~~frontage is required. No more than 50% of the required trees may be planted in the ~~street right-of-way~~parkway. No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees. Exception: If parking facilities or buildings utilize zero setbacks as permitted by ordinance, 1 tree per 50 feet of frontage shall be required within the parkway, subject to approval by the Zoning Administrator.

(C) Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.

(D) Only, permitted, deciduous shade trees may be planted in the street right-of-way.

(E) 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.

(F) 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-of-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.

(G) A setback of at least 5 feet shall be provided between a commercial parking lot and residentially zoned property. If proper screening is provided, the setback may be 2 feet.

(H) When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:

(1) The maximum light level shall be no greater than 3 foot candles field measured at the property line (ground level).

(2) The maximum height of light luminaries shall be 25 feet above the ground.

(3) 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.

(4) The maximum number of canopy luminaries shall be determined by the following industry standard:

$$\frac{\text{Canopy length (in feet)} \times \text{canopy width (in feet)} \times 3}{\text{Maximum}}$$

No. of

Luminaries lamp wattage

(5) 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.

(6) The following structures or uses are exempt from these lighting standards: public recreation facilities, parks, pedestrian walkways, illuminated flags or statues, airport runways, telecommunication towers, broadcast towers, and historic period lighting.

Dated at Vermillion, South Dakota this ____ day of _____, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

First Reading:

Second Reading:

Publish:

Effective Date: