



**City of Vermillion
Planning Commission Agenda**

5:30 p.m. Regular Meeting
Monday, February 11, 2019
Large Conference Room – 2nd Floor
City Hall
25 Center Street
Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. January 28, 2019 Regular Meeting.
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
7. **Old Business**
 - a. Discussion on Amendments to Zoning Ordinance – Section 155.030 NRC Natural Resource Conservation District (comments from Commission).
8. **New Business**
 - a. Educational Session Regarding Housing Developments in the Joint Jurisdictional Zoning Area.
 - b. Discussion on Amendments to Zoning Ordinance – Sections 155.031 R-1 Residential District, 155.032 R-2 Residential District, 155.033 R-3 Residential District, and 155.034 R-4 Residential District.
9. **Staff Reports**
10. **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, January 28, 2019 Regular Planning Commission Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the Large Conference Room at City Hall on January 28, 2019 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Manning, Muenster, Tuve, Wilson (arrived at 5:32), Iverson.

Absent: Kleeman, Oehler.

Staff present: José Domínguez, City Engineer, James Purdy, Assistant City Manager.

2. Minutes

a. January 14, 2019 Regular Meeting.

It was noted by Commissioner Muenster that the meeting date was incorrect and should be amended to reflect January 14, 2019. He also noted that Mr. Hazen Bye was referred to as Mr. Hazen and the minutes should be amended to name him as Mr. Bye.

Moved by Commissioner Manning to adopt January 14, 2019 Regular Meeting minutes with the noted amendments, seconded by Commissioner Muenster. Motion carried 8-0.

3. Declaration of Conflict of Interests

None.

4. Adoption of the Agenda

Mr. Domínguez requested to add an item to the agenda stating it would be an item under Public Hearing. The item would be item a. Request for a Conditional Use Permit for a single-family dwelling for Mart Brothers for property described as Tract A of Ranchette #1 of East Ranch Estates, a subdivision of part of NE ¼ of S20-T92N-R51W, 5th P.M., Clay County, South Dakota (Joint item with Clay County Planning Commission).

Moved by Commissioner Forseth to adopt the agenda with the requested addition, seconded by Commissioner Muenster. Motion carried 7-0.

5. Visitors to be Heard

None.

6. Public Hearing

a. Request for a Conditional Use Permit for a single-family dwelling for Mart Brothers for property described as Tract A of Ranchette #1 of East Ranch Estates, a subdivision of part of NE ¼ of S20-T92N-R51W, 5th P.M., Clay County, South Dakota (Joint item with Clay County Planning Commission)

Cindy Aden, Clay County Planning & Zoning Administrator, explained that Mr. Curt Surrell is requesting a Conditional Use Permit to move a residential structure onto land zoned agriculture. She noted that ordinance requires governing body to consider the following:

- Ingress/egress: already in place
- Off-street parking: N/A
- Refuse and Service Areas: N/A
- Utilities: already in place
- Screening/Buffering: N/A
- Signs/Exterior Lighting: N/A
- Required Yard/Open Space: Structure will be placed on the lot in accordance with setbacks of the ordinance.
- General Compatibility with Adjoining Property: All of the other properties in the area are residential in nature.

Staff recommends approval.

County Planning and Zoning Commission approved CUP unanimously.

Motion to approve Conditional Use Permit for a single-family dwelling for Mart Brothers for property described as Tract A of Ranchette #1 of East Ranch Estates, a subdivision of part of NE ¼ of S20-T92N-R51W, 5th P.M., Clay County, South Dakota by Commissioner Muenster and seconded by Commissioner Wilson. Motion carried 7-0.

7. Old Business

a. Discussion on Amendments to Zoning Ordinance - Section 155.008 (comments from Commission)

José Domínguez, City Engineer, reiterated that at the January 14 meeting, Staff began the zoning ordinance amendment process by providing the Planning and Zoning Commission with proposed changes to the definitions portion of the of the ordinance for review and comment. He noted that the intent of the proposed changes to the definitions are to simplify the ordinance and ~~remove~~ prevent confusion for Staff and the Public.

Commissioner Muenster suggested that within the definition of ADULT BOOKSTORE OR VIDEO STORE the term *videocassette* is antiquated and should be amended to *electronic recording*. The definition for AQUIFER should be amended to include *industrial uses*. The definition for COMMISSION should be amended to read Planning *and* Zoning Commission.

Commissioner Fairholm suggested that with the increase of adult day care services, language could be added to include *adult* in the definitions for DAY CARE, CENTER and DAY CARE, GROUP. Discussion regarding state regulations of adult day care followed. Staff was directed to research the state regulations and consider the addition of a definition specifically for ADULT DAY CARE. Regarding the definition of DWELLING, Commissioner Fairholm explained that the verbiage *lodging house* is no longer used, and the definition and should be amended to *boarding house*.

Referring to a location that at one time was utilized as a convent, Commissioner Muenster noted that it was not adjacent to the institution the nuns served and suggested the definition of CONVENT AND MONASTERY be amended to remove the language *in adjacent institutions*. Commissioner Muenster suggested including *farm house* within the definition of FARMSTEAD. Commissioner Muenster questioned whether or not the word *slaughter* should be included within the definition of FROZEN FOOD LOCKER. Mr. Domínguez clarified that the definition for SLAUGHTERHOUSE covers the term *slaughter*; an animal transported to a FROZEN FOOD LOCKER would be slaughtered prior to transport. In regard to the definition GASOLINE DISPENSING STATION, Commissioner Muenster suggested a definition should be added for CONVENIENCE STORE. Discussion followed that ~~a~~ not all gasoline dispensing stations are convenience stores and not all convenience stores dispense gasoline. Mr. Domínguez commented that it may be beneficial to have two definitions: CONVENIENCE STORE and CONVENIENCE STORE, GASOLINE DISPENSING STATION. Commissioner Muenster asked for clarification on the term *immediate family* within the definition of HOME OCCUPATION. Discussion followed and it was suggested that the definition be amended to remove the word *immediate*.

Mr. Domínguez noted other significant changes that had not been previously mentioned. A new definition for HEAVY MANUFACTURING is included in the list. LIGHT MANUFACTURING has been amended to remove verbiage *are not obnoxious due to dust, odor, noise . . .* and replace it with *does not generate any more dust, odor, noise . . .* LIMITED PRODCUTION has been amended to remove the words *and processing*. MANUFACTURED HOME has been amended with the assistance of the Building Official to ensure it is consistent with building code. Mr. Domínguez explained that Staff will make the changes discussed at the meeting and schedule another review session.

James Purdy, Assistant City Manager, noted that while there are adult day care centers in South Dakota, however, at first glance, it doesn't appear as though the state currently has any regulations geared directly toward them. It seems as though the state formerly had some regulations, but the regulations were repealed in 2014 following a Federal review. More research is needed, but adult day care services may currently fall under the Family Care umbrella of daycare regulations.

8. New Business

a. Schedule for Proposed Amendments to Zoning Ordinance

Mr. Domínguez began by providing and explaining the schedule outlining the review process, and the time-line for each item to be presented, reviewed, and commented upon. He noted that presently item 7 on the schedule is a Public Meeting which is planned for April 22, 2019. At that meeting, the Planning and Zoning Commission would present items 1-6 on the schedule to the Public. Another Public Meeting (item 11) to present items 8-10 to the Public is scheduled for July 8, 2019. Following the two meetings for Public comment, Staff will draft a document incorporating input from both the Planning and Zoning

Commission and Public, for an additional Public Hearing to be held by the Planning and Zoning Commission to discuss the proposed amendments. The first reading of the ordinance with the City Council is scheduled for September 3, 2019. The time-line is not set in stone, as some items may require more or less time.

b. Discussion on Amendments to Zoning Ordinance - Section 155.030 NRC Natural Resource Conservation District.

Mr. Domínguez noted that the NRC is the easiest district to work with as it is the City's most restrictive zoning district. When land is annexed into the City, it is entered as an NRC district. The NRC allows very few uses whether permitted or conditionally. Within permitted uses Staff proposes the following:

- Remove 'Single-Family Farm Dwelling'
- Change 'Cemeteries' to 'Cemetery' (to match definition)
- Remove 'on existing support structure' from wireless communication facility (to match definition) and also added verbiage under applicable standards to explain that this permitted use was only for replacement of existing facilities on an existing telecommunications tower that did not require additional space
- Remove 'Fences' (section 155.074 covers this item)
- Remove 'Home Occupation' (section 155.078 covers this item)
- Remove 'Railroad right-of-way'

Discussion followed.

Staff reminded the Commission to have comments regarding the NRC District ready by the next meeting for discussion.

9. Staff Report

None.

10. Adjourn

Moved by Commissioner Forseth to adjourn, seconded by Commissioner Fairholm. Motion carried 7-0. Commissioner Iverson declared the meeting adjourned at 6:23 p.m.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: February 11, 2019

Subject: Discussion on Amendments to Zoning Ordinance – Section 155.030 NRC Natural Resource Conservation District. (comments from Commission)

Presenter: Jose Dominguez

Background: At the January 28, 2019 meeting Staff presented amendments to the NRC Natural Resource Conservation District section of the Zoning Ordinance. The proposed changes, were given to the Planning and Zoning Commission. Staff asked for any comments regarding the proposed changes to be ready for the meeting on February 11th.

Discussion: The proposed changes are intended to simplify the ordinance and ensure that the proposed uses are included in the definitions, and vice-versa.

Compliance with Comprehensive Plan: The Comprehensive Plan encourages the City to perform periodic reviews of the zoning ordinance. Those review are intended to update, strengthen and streamline the zoning ordinance.

Conclusion/Recommendations: Staff asks for comments on section 155.030 NRC Natural Resource Conservation District.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: February 11, 2019

Subject: Educational Session Regarding Housing Developments in the Joint Jurisdictional Zoning Area

Presenter: Jose Dominguez

Background: Since 2012 the County and the City have been enforcing the Joint Zoning Regulations for Clay County and the City of Vermillion, known as the Joint Jurisdictional Zoning Area (JJZA). The JJZA sets a boundary of varying size around the City where both Clay County and the City have jointly approved the zoning jurisdictions. Zoning districts in the JJZA allow for a wide range of uses; with most of them being agricultural uses.

Recently there has been a couple of conversations between the City and the County regarding residential developments in the JJZA. Due to the possible financial investments related to such a development, Staff have been asked to explore how receptive the Planning and Zoning Commission would be to such a development.

Discussion: In this instance there are two documents that should guide the City's decision when considering residential developments in the JJZA. The first, and in this instance not as relevant, would be the Joint Zoning Regulations. Although this is an important document, the document does not help the Commission make a decision whether the development should occur. This document will set the uses within the district; which will help in future decisions.

The second document that will become instrumental in making the decision is the City's 2035 Comprehensive Plan (Plan). This document guides the City on decisions that will affect its future; from amenities offered to its citizens to how the City will grow and expand. The Plan has several sections that discuss, directly and indirectly, growth in the JJZA. The first section that discusses growth in this area is the Land Use Plan (pages 12 – 19). The Land Use Plan sets the preferred growth patterns in the JJZA. The uses again vary from residential to urban reserve. It is important to note that the majority of uses are directly adjacent to the City with areas further from the City being designated urban reserve. The urban reserve is intended to preserve the

City's ability to expand in the future. Until that time the uses in the urban reserve should 'reflect agricultural uses rather than scattered subdivisions.' (pg. 16). This section has several goals that hope to maintain the rural aspects of this area until more urban development is proposed and able to be annexed.

In addition, to the Land Use Plan the City also has a few goals that direct the City's decision making. Following are the goals, objectives and policies that guide the City:

- Growth Management Strategy
 - Goal 1: Focus new development within existing City limits area.
 - § Encourage compact and contiguous urban growth within corporate limits (objective)
 - § The City will maintain the growth area boundary as the division between urban and rural densities and services... (policy)
 - Goal 2: Direct new growth into designated future growth areas.
 - Goal 5: Preserve the function and character of the surrounding rural areas.
 - § Encourage agriculture to remain dominant land use activity (objective)
 - § Discourage scattered residential, commercial or industrial development (objective)
 - § City will encourage the preservation and protection of land used for agriculture...(policy)
 - § City will work with Clay County to ensure all proposed development within growth area are annexed and serviced with municipal utilities as feasible (policy)

Conclusion/Recommendations: The Commission is asked if development that cannot be annexed within the JJZA should be encouraged. Any proposed development occurring within the JJZA will require a change of zoning. This will start the process for the City to start the philosophical discussion if scattered development should be allowed, and encouraged. This discussion will start with the Commission. Staff's strict interpretation of the Plan is that development in the JJZA that cannot be annexed should not be allowed to occur. By having scattered development the City not only loses the ability to control development in its growth areas, it also loses the possibility of easily servicing these new developments with municipal utilities, services, and to ultimately integrate the developments into the community.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: February 11, 2019

Subject: Discussion on Amendments to Zoning Ordinance – Sections 155.031 R-1 Residential District, 155.032 R-2 Residential District, 155.033 R-3 Residential District, and 155.034 R-4 Residential District

Presenter: Jose Dominguez

Background: Over the years the City has had two zoning ordinances. The first ordinance was adopted in 1966. This ordinance established different districts (agricultural, residential, commercial and industrial) with allowable uses. The ordinance also allowed conditional-uses; however, these were called ‘special uses’ at that time. In order for ‘special uses’ to be approved, they would need to be reviewed by the Planning Commission, and then action would be taken by the City Council. In 2008 the City adopted a new zoning ordinance that completely rewrote zoning requirements within the City. This new ordinance still divided the City into districts; however, each of the districts had permitted uses and conditional uses. This, along with different uses being permitted within each zoning district, were the largest changes between the two ordinances.

Due to the existing zoning ordinance being 11 years old, Staff is proposing that the Planning Commission perform a review of the ordinance, to determine if changes need to be made. The depth and scope of that review can be determined by the Planning Commission.

At the January 28th meeting the Planning and Zoning Commission approved the following schedule. The items that are crossed out have already been presented to the Commission.

ITEM	DESCRIPTION	DATE STAFF PRESENTED ITEM TO PC	DATE PC TURNED COMMENTS TO STAFF
1	Definitions	January 14, 2019	January 28, 2019
2	NRC-Natural Resource Conservation District	January 28, 2019	February 11, 2019
3	R1-Residential District R2-Residential District R3-Residential District R4-Residential District	February 11, 2019	February 25, 2019
4	CB-Central Business District GB-General Business District NC-Neighborhood Commercial District	February 25, 2019	March 11, 2019
5	GI-General Industrial District HI-Heavy Industrial District	March 11, 2019	March 25, 2019
6	Planned Unit Development Districts (only to ensure that uses match the definition in ordinance)	March 25, 2019	April 8, 2019
7	Public Meeting to gather comments on items 1 through 6	April 22, 2019	
8	Off-Street Parking Requirements	May 13, 2019	May 28, 2019
9	Conditional-Use Permit Section	May 28, 2019	June 10, 2019
10	Miscellaneous amendments to ordinance	June 10, 2019	June 24, 2019
11	Public Meeting to gather comments on items 8 through 10	July 8, 2019	
12	Draft of items 1 through 6, 8, 9 and 10	July 22, 2019	August 12, 2019
13	Public Hearing on Amendments	August 26, 2019	
14	1 st Reading of Ordinance at Council	September 3, 2019	
15	2 nd Reading of Ordinance at Council	September 16, 2019	

Discussion: Following the NRC – Natural Resource Conservation District, the residential districts are the most restrictive zones. As the name implies, these districts are intended to serve as the primary location for residences in the City. Additionally,

the numerical designation further separates the residential districts based on density with R-1 being the least dense and R-4 being the densest. Staff is proposing several changes in these sections. The majority of the changes are due to the update to the definition sections. There are a few other changes intended to provide additional opportunities to multi-family developers in the community. Following are some of the proposed changes:

- Permitted Uses in R-1:
 - Added ‘Wireless communication facility’ to allow the replacement of facilities that will occupy the same space within an existing telecommunications tower.
- Conditional Uses in R-1
 - Remove ‘(on existing support structure)’ from wireless communication facility (to match definition) and also added verbiage under applicable standards to explain that this conditional use was only for replacement of existing facilities on an existing telecommunications tower that requires additional space
- Lot and yard regulations in R-1
 - Removed ‘...which has a lot width of less than 75-feet.’ from note number 2.
- Permitted Uses in R-2:
 - Changed the way that the maximum number of multiple-family dwellings is set from number of dwellings to number of bedrooms. A four-plex, which is the largest apartment building allowed in the R-2, would go from having a maximum of 4 dwelling units with a maximum of 16 bedrooms per lot, to having no more than 16 bedrooms per lot and that at no point may the number of bedrooms exceed 4 in a dwelling unit.
 - Added ‘Wireless communication facility’ to allow the replacement of facilities that will occupy the same space within an existing telecommunications tower.
- Conditional Uses in R-2
 - Remove ‘(on existing support structure)’ from wireless communication facility (to match definition) and also added verbiage under applicable standards to explain that this conditional use was only for replacement of existing facilities on an existing telecommunications tower that requires additional space
- Lot and yard regulations in R-2
 - Removed ‘...which has a lot width of less than 65-feet.’ from note number 2.
- Permitted Uses in R-3
 - Proposed a maximum of single-family attached dwellings that could be attached. This maximum would be 8 units.

- Added ‘Wireless communication facility’ to allow the replacement of facilities that will occupy the same space within an existing telecommunications tower.
- Conditional Uses in R-3
 - Remove ‘(on existing support structure)’ from wireless communication facility (to match definition) and also added verbiage under applicable standards to explain that this conditional use was only for replacement of existing facilities on an existing telecommunications tower that requires additional space
- Lot and yard regulations in R-3
 - Changed the way that the maximum number of multiple-family dwellings is set from number of dwellings to number of bedrooms. A 8-plex, would go from having a maximum of 8 dwelling units with a maximum of 32 bedrooms per lot, to having no more than 32 bedrooms per lot and that at no point may the number of bedrooms exceed 4 in a dwelling unit.
 - Changed the rear yard setback from 10-feet to 25-feet for all of the multiple-family dwellings.
 - Removed note number five which required a conditional use permit for any structure exceeding the maximum height. This is a variance, and not a conditional use issue.
- Lot and yard regulations in R-4
 - Removed ‘corner lots’ from use.

Compliance with Comprehensive Plan: The Comprehensive Plan encourages the City to perform periodic reviews of the zoning ordinance. Those review are intended to update, strengthen and streamline the zoning ordinance.

Conclusion/Recommendations: Staff asks the Planning Commission to offer comments on the proposed changes to the residential districts.

§ 155.031 R-1 RESIDENTIAL DISTRICT.

The purpose of this district is to provide for certain low density residential areas the city-
~~now developed primarily with single family detached dwellings.~~

(A) *Permitted use.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Home occupations	§§ 155.070, 155.072, 155.076, 155.077, 155.078
Churches	All parking lots being 8 feet from all residential <u>uses, or zoned property properties.</u> §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential <u>uses, or zoned property properties.</u> §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential <u>uses, or zoned property properties.</u> 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 <u>utility facility</u>	§ 155.070
Electrical substation	§§ 155.070, 155.077
Fences	§ 155.074
<u>Family day care</u>	<u>All applicable dwelling standards apply.</u>
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.
<u>Wireless communication facility</u>	<u>§ 155.075, not within an identified floodplain area, and if replacing facility on existing telecommunications tower the proposed facility cannot occupy a larger space than the existing facility.</u>

Vermillion, SD Code of Ordinances

<i>Permitted Use</i>	<i>Applicable Standards</i>
Accessory structure (such as garage, shed) <u>building or use</u>	§§ 155.071, § 155.082 (see definition)

(B) *Conditional uses.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
Single-family attached (townhouse) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Wireless communication facility on existing support structure	§§ 155.075, 155.095(A), <u>not within an identified floodplain area, and if it is replacing existing facilities on an existing telecommunications tower the proposed facility will not occupy a larger space than the existing facility.</u>
Public service facility	§ 155.070
Bed and breakfast <u>establishment</u>	§§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)
Off-premise parking	§ 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	6,500 square feet	50 feet	65 feet see #2	30 feet see #54	8 feet see #3	25 feet	35 feet
Single-family attached (townhouse) dwellings	2,500 square feet	36 feet	36 feet	30 feet see #54	0 feet or 8 feet on non-party wall side	25 feet	35 feet
All other uses	7,500 square feet	50 feet	75 feet	30 feet see #4	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 One required front yard may be reduced to 25 feet on corner lots.
- #5 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

(Ord. 1189, passed 7-7-2008; Am. Ord. 1279, passed 6-18-2012; Am. Ord. 1343, passed 7-5-2016)

§ 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, <u>up to 4 dwellings can be attached</u>
Multiple-family (apartments and condominiums) dwellings (<u>up to 4 dwellings</u>)	§§ 155.070, 155.072, 155.076, 155.077, <u>maximum of 16 bedrooms per lot. Number of bedrooms per dwelling unit cannot exceed 4.</u>
Two-family attached (duplex) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Boarding and lodging house	§§ 155.070, 155.072, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.076, 155.077
Churches	All parking lots being 8 feet from all residential <u>uses, or zoned property properties.</u> §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential <u>uses, or zoned property properties.</u> §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential <u>uses, or zoned property properties.</u> 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
<u>Clinic</u>	<u>§§ 155.070, 155.072, 155.073, 155.077</u>
Private club lodge	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	§§ 155.070, 155.077
<u>Family day care</u>	<u>All applicable dwelling standards apply.</u>
Group day care	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.

Vermillion, SD Code of Ordinances

<i>Permitted Use</i>	<i>Applicable Standards</i>
Neighborhood utility yes <u>facility</u>	§ 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, powerhouses, interlocking towers, and fueling, sanding and watering stations.
<u>Wireless communication facility</u>	<u>§ 155.075, not within an identified floodplain area, and if replacing facility on existing telecommunications tower the proposed facility cannot occupy a larger space than the existing facility.</u>
Accessory structure (such as, garage, shed) <u>building or use</u>	§§ 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 <u>center and congregate care</u> 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) <u>, not within an identified floodplain area, and if it is replacing existing facilities on an existing telecommunications tower the proposed facility will not occupy a larger space than the existing facility.</u>
Public service facility	§ 155.070
Bed and breakfast <u>establishment</u>	§§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)
<u>Licensed M</u> manufactured home parks	§§ 155.070, 155.077, 155.079, 155.095(A)

Vermillion, SD Code of Ordinances

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 houses and lodging houses; fraternities and sororities	7,500 square feet	50 feet	65 feet	25 feet see #3	8 feet	25 feet	35 feet
<u>Fraternities and sororities</u>	<u>7,500 square feet</u>	<u>50 feet</u>	<u>65 feet</u>	<u>25 feet see #3</u>	<u>8 feet</u>	<u>25 feet</u>	<u>35 feet</u>
All other uses	6,000 square feet	50 feet	60 feet	25 feet see #3	15 feet	25 feet	35 feet

Exceptions:

- #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.
- #2 A residence may be constructed on a lot-of-record, ~~which has a lot width of less than 65 feet.~~
- #3 One required front yard may be reduced to 20 feet on corner lots.
- #4 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
- #5 Every 2 units will be staggered.

(Ord. 1189, passed 7-7-2008; Am. Ord. 1275, passed 5-21-2012; Am. Ord. 1339, passed 5-16-2016; Am. Ord. 1343, passed 7-5-2016)

§ 155.033 R-3 RESIDENTIAL DISTRICT.

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The purpose of this district is to provide for certain high density residential areas in the city ~~now developed primarily with single family, 2 family, and multiple family dwellings.~~

(A) *Permitted uses.*

<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, <u>up to 8 dwellings can be attached</u>
Multiple-family (apartments and condominiums) 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 uses, or zoned property properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential uses, or zoned property properties. §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential uses, or zoned property 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
<u>Clinic</u>	<u>§§ 155.070, 155.072, 155.073, 155.077</u>
Private club/ Aodge.	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	§§ 155.070, 155.077
<u>Family day care</u>	<u>All applicable dwelling standards apply.</u>
Group day care	A safe pickup and drop off area must be provided for the children §§ 155.070, 155.072, 155.076, 155.077
Neighborhood utilities <u>utility facility</u>	§ 155.070
Group home	Structure must be a single housekeeping unit. Applicant must provide a copy of state agency license. §§ 155.070, 155.072, 155.076, 155.077
Railroad right-of-way	Including a strip of land with tracks and auxiliary

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<i>Permitted Use</i>	<i>Applicable Standards</i>
	facilities for track operation, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Fences	§ 155.074
Convent/monastery	§§ 155.070, 155.072, 155.077
<u>Wireless communication facility</u>	<u>§ 155.075, not within an identified floodplain area, and if replacing facility on existing telecommunications tower the proposed facility cannot occupy a larger space than the existing facility.</u>
Accessory structure (such as, garage, shed)building or use	§§ 155.071, 155.082(A) (see definition)

(B) *Conditional uses.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
Assisted living <u>center and congregate care</u> 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.
Wireless communication facility on existing support structure	§§ 155.075, 155.095(A) <u>, not within an identified floodplain area, and if it is replacing existing facilities on an existing telecommunications tower the proposed facility will not occupy a larger space than the existing facility.</u>
Public service facility	§ 155.070
Bed and breakfast <u>establishment</u>	§§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)
<u>Licensed M</u> anufactured housing-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>

Vermillion, SD Code of Ordinances

3 to 8- Multiple-family (apartments and condominiums) dwelling units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	7,500 square feet	50 feet	60 feet	30 feet see #4, #7	10 feet see #1	10 25 feet	45 feet
9 to 12- Multiple-family (apartments and condominiums) dwelling units (between 33 and 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	20,000 square feet	50 feet	70 feet	30 feet see #4, #7	10 feet	10 25 feet	45 feet
over 12- Multiple-family (apartments and condominiums) dwelling units (over 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	30,000 square feet	50 feet	85 feet	30 feet see #4, #7	10 feet	10 25 feet	45 feet
Single-family detached	7,500 square feet	50 feet	60 feet	30 feet see #4	8 feet	25 feet	45 feet
Single-family attached (townhouses) dwellings (up to 8 attached units) (see #8)	2,500 square feet	25 feet	25 feet	30 feet see #4	0 feet or 10 feet on nonparty wall side	25 feet	45 feet
Two family (duplex) dwelling	7,500- square feet	50 feet	60 feet	30 feet see #4, #7	10 feet- see #1	25 feet	45 feet
All other uses	7,500 square feet	50 feet	75 feet	30 feet see #4	10 feet	25 feet	45 feet

Exceptions:

- #1 The side yard will be required to be increased to 15 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 60 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 One required front yard may be reduced to 20 feet on corner lots.
- ~~#5 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see §§ 155.095(A)).~~
- #6 See also adjustments to yard regulations (§ 155.039) for other specific exceptions.

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- #76 More than one main building per lot may be constructed.
- #8 Every 2 units will be staggered.

(Ord. 1189, passed 7-7-2008; Am. Ord. 1275, passed 5-21-2012; Am. Ord. 1343, passed 7-5-2016)

§ 155.034 R-4 MANUFACTURED HOUSING DISTRICT

The purpose of this district is to provide for high density residential manufactured housing areas in the city ~~that are or may be developed for manufactured housing.~~

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Licensed M <u>Manufactured homes in licensed manufactured home parks</u>	§§ 155.070, 155.071, 155.072, 155.077, 155.079 Municipal code regulations regarding manufactured home parks.
Manufactured homes	§§ 155.070, 155.071, 155.072, 155.077, 155.079 Municipal code regulations regarding manufactured home parks.
Electrical substation	§§ 155.070, 155.077
Neighborhood utilities <u>utility facility</u>	§ 155.070
Accessory structure (such as, garage, shed) <u>building or use</u>	§§ 155.070, 155.082(A) (see definition)

(B) *Conditional uses.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
Churches	One of the principle frontages shall abut upon an arterial or collector street. §§ 155.070, 155.072, 155.077, 155.095(A)
Schools	One of the principle frontages shall abut upon an arterial or collector street. §§ 155.070, 155.072, 155.077, 155.095(A)
<u>Family day care</u>	<u>All applicable dwelling standards apply.</u>
Care group day <u>Group day care</u>	A safe pickup and drop off area must be provided for the children. § 155.095(A)
Group home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. § 155.095(A)

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(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>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 6,000 square feet	50-60 feet	50 feet	25 feet	8 feet	25 feet	35 feet
Corner lots	6,000 square feet	60 feet	50 feet	25 feet	8 feet	25 feet	35 feet
All other uses	6,000 square feet	60 feet	50 feet	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).							

(Ord. 1189, passed 7-7-2008; Am. Ord. 1281, passed 6-18-2012; Am. Ord. 1343, passed 7-5-2016)