



**City of Vermillion  
Planning Commission Agenda**

5:30 p.m. Regular Meeting  
Monday, February 25, 2019  
Council Chambers – 2<sup>nd</sup> Floor  
City Hall  
25 Center Street  
Vermillion, SD 57069

1. **Roll Call**

2. **Minutes**

- a. February 11, 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. Update on Separation between Multi-Family Dwellings, Maximum Building Heights, Convenience Store, and Adult Day Services.
- b. Discussion on Amendments to Zoning Ordinance – Section 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. (comments from Commission).

8. **New Business**

- a. Discussion on Amendments to Zoning Ordinance – Sections 155.035 CB Central Business District, 155.036 GB General Business District, and 155.037 NC Neighborhood Commercial 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, February 11, 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 February 11, 2019 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Manning, Muenster, Tuve (arrived at 5:35), Wilson, Iverson.

Absent: Kleeman, Oehler.

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

2. Minutes

a. January 28, 2019 Regular Meeting.

Moved by Commissioner Manning to adopt January 14, 2019 Regular Meeting minutes as printed, seconded by Commissioner Muenster. Motion carried 6-0.

3. Declaration of Conflict of Interests

Commissioner Muenster noted that he and other members of the commission have rental property in the city, but did not see any direct conflict with the items on the agenda.

4. Adoption of the Agenda

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

5. Visitors to be Heard

Mr. Domínguez, City Engineer, shared that Mr. Bob Oehler submitted his resignation. Staff will advertise the vacant position. Chairman Iverson noted that on behalf of the Commission, he had thanked Commissioner Oehler for his service via e-mail. The Planning and Zoning Commission echoed the sentiment.

Commissioner Forseth requested clarification on whether or not it was true that members of a housing development are suing the City. Upon clarification of "a housing development," Mr. Domínguez explained that a writ of certiorari had been served regarding the Conditional Use Permit in Bliss Pointe that was appealed to the Council and the Council upheld the Planning and Zoning Commission's decision.

6. Public Hearing

None.

7. Old Business

a. Discussion on Amendments to Zoning Ordinance - Section 155.030 NRC Natural Resource Conservation District (comments from Commission)

José Domínguez, City Engineer, reiterated that at the January 28, 2019 meeting, commissioners were asked to review the NRC District section and provide comments. Discussion of the timeline of the Zoning Ordinance review followed. Chairman Iverson opened the floor for comments from Commissioners. There were none.

## 8. New Business

a. Educational Session regarding Housing Developments in the Joint Jurisdictional Zoning Area (JJZA).

Mr. Domínguez explained that Clay County and the City of Vermillion have shared zoning responsibility in the set boundary around the City since 2012 noting that the JJZA allows for a wide range of uses, with most of them being agricultural uses. He stated that recently City and County staff have had conversations regarding residential developments in the JJZA and have been asked to explore how receptive the City Planning and Zoning Commission would be to such developments. Mr. Domínguez explained that the 2035 Comprehensive Plan should be utilized through the process as it serves as the City's guide on decisions that will affect its future from amenities offered to citizens to growth and expansion. He further explained that within the document are several sections that discuss growth within the JJZA and outlined the following goals, objectives and policies that guide the City:

- Growth Management Strategy
  - o 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)
  - o Goal 2: Direct new growth into designated future growth areas.
  - o 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)

Mr. Domínguez explained that Staff is asking the Commission if a development that cannot be annexed within the JJZA should be encouraged. He noted that Staff's strict interpretation of the Plan is that development within the JJZA that cannot be annexed should not be allowed to occur; further noting that by having scattered development the City not only loses the ability to control development in its growth areas, but it also loses the possibility of easily

servicing these new developments with municipal utilities, services, and to ultimately integrate the developments into the community.

Commissioner Forseth noted that there are developments already in existence that would be difficult to service with City utilities. Discussion on the annex process (voluntary and involuntary) followed.

Commissioner Fairholm stated that this has been a topic of conversation for the Planning Commission for a long time noting concern regarding developments close to the City utilizing services but not having utilities extended to those areas which were catalysts for current policy. He went on to say that with the absence specific projects it appears less than desirable to have scattered developments without extending utilities. Mr. Domínguez explained some concern of staff is that these developments (existing or future development) have the potential to block the City from growth.

Chairman Iverson opened the floor to Public comment.

Mr. Greg Merrigan, Manager of Clay Rural Water System, stated this approach could actually shut down growth in a really large area as approximately 125 homes exist in the housing developments in the JJZA. He noted that some people don't want to live within City limits and these developments provide that alternative. The developments provide property tax base, provide density for rural utilities, some developments meet the need for affordable housing etc . . .

Mr. Chris Larson, General Manager of Clay-Union Electric, reiterated Mr. Merrigan's comments. Commenting on Commissioner Fairholm's comment regarding "the absence of specific projects" noted that there is a person present that is interested in developing in that area. He stated that if the community truly believes in economic development than it shouldn't matter who serves the development and the County and City should work together to encourage growth. If the development is only allowed to be near the City for approval, the property value will "go through the roof" hindering development and growth. Too much restriction will push the development outside of the JJZA and the goal is to keep things close. Regarding the issue of annexation and the need to be served by City utilities, Mr. Larson stated that Clay-Union wants to be a partner in the development of the community and does not want to hinder annexation.

Mr. Terry Munter, President of the Board of Directors of Clay-Union Electric and resident of 4717 E. Main Street, explained that he lives on E Main Street where the road turns north toward HWY 50, which was recently rezoned, and also serves on the Board of Directors for Clay-Union Electric. He asked if the JJZA is a cooperation between the County and City, why we would shut down a development that could bring in 10-15 new homes into the County when there are rural water and electricity that is willing to service the developments beyond City limits. Mr. Munter stated he did not think the County should be totally dominated by what the City of Vermillion wants.

Chairman Iverson, reminded those in attendance that this is strictly an educational item and there is no decision before the Commission. We are here to hear the views of the Public.

Chris Larson mentioned that he had visited with County Commissioners, one of which was Mr. Travis Mocker, and they had concerns about the way this item was presented in the packet. He noted that the City would likely be hearing from them in the future.

Commissioner Iverson asked Mr. Steve Donnelly and Mr. Jeff Donnelly, who were in attendance, if they had any comments. They explained they were only there to listen and educate themselves.

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

Mr. Domínguez began by noting that after the Natural Resource Conservation District, residential districts are the strictest with R-1 being the least dense and R-4 the densest. Staff have several proposed changes, many of which are a direct result of the updates to the definition sections of the zoning ordinance. A few proposed changes are to provide opportunities to multi-family developers in the community. Some of the proposed changes are as follows:

- . Permitted Uses in R-1:
  - o 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
  - o 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
  - o Removed '...which has a lot width of less than 75-feet.' from note number 2.
- . Permitted Uses in R-2:
  - o 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.

Answering Commissioner Forseth, Mr. Domínguez explained that zoning ordinance does not require a set distance between buildings, but it may be accounted for in the building or fire codes. Commissioner Fairholm noted that the zoning ordinance requires an 8 foot side yard in R-2 and asked if that would be applied to the distance between buildings. Mr. Domínguez referring to an image explained the difference between a side yard and distance between buildings.

Upon request, Mr. Domínguez explained that parking is not affected by the proposed change in density unless there are garages. Discussion regarding bedroom to lot-size ratio and building height limitations followed. Staff was directed to research height limitations.

- o 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
  - o 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
  - o Removed '...which has a lot width of less than 65-feet.' from note number 2.
- . Permitted Uses in R-3
  - o Proposed a maximum of single-family attached dwellings that could be attached. This maximum would be 8 units.
  - o 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
  - o 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
  - o 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.
  - o Changed the rear yard setback from 10-feet to 25-feet for all of the multiple-family dwellings.

Mr. Domínguez explained the reason for the change is to increase the distance between tall buildings. Referring to a map, he provided an existing example of a building receives little to no sunlight due to the height of a neighboring building. Additional rationale for the change is ease for the maintenance of buildings and overall health and safety of residents. Mr. Muenster asked if it would be possible to add language that states a portion of the setback must remain clear of structures such as fencing or playground equipment to allow for service vehicles. Mr. Domínguez noted that it could be possible, but it would need to be researched by the City Attorney. Commissioner Manning questioned if the larger setback could be a problem for developers who want to build duplexes for example. Mr. Domínguez stated it would be a requirement the developer would need to comply with, further explaining that prior to the overhaul of the zoning

ordinance in 2008, 25 feet was the required setback, and there have always been apartments and duplexes.

- o 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
  - o Removed 'corner lots' from use.

Discussion about the differences between the definitions of MANUFACTURED HOME, MODULAR HOME and MOBILE HOME followed.

Staff reminded the Commission to have comments regarding the Residential Districts completed by the following meeting. Commissioner Fairholm requested that Commissioners also prepare suggestions for changes to permitted and conditional uses. Comments will be discussed at that meeting.

9. Staff Report

None.

10. Adjourn

Moved by Commissioner Tuve to adjourn, seconded by Commissioner Manning. Motion carried 7-0. Commissioner Iverson declared the meeting adjourned at 6:53 p.m.

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** February 25, 2019

**Subject:** Update on Separation between Multi-Family Dwellings, Maximum Building Heights, Convenience Stores, and Adult Day Services.

**Presenter:** Jose Dominguez

**Background:** At the January 14, 2019 meeting Staff presented amendments to the Definition section of the Zoning Ordinance. This meeting started the process of performing amendments to the Zoning Ordinance. Since that meeting the Planning and Zoning Commission members have brought up questions regarding the items discussed at the meetings. Some of these items have been answered at the meetings; however, some of the questions required additional research from Staff.

**Discussion:** At this point the Commissioners have asked questions regarding the separation between multi-family dwellings, maximum building height, and adult day care centers. Following are Staff's findings:

- **Separation between multi-family dwellings:** The building and fire codes do not necessarily set a minimum separation between buildings. It sets a way that buildings need to be constructed based on the distance between buildings. In essence, the separation is based on how much the developer is willing to investment in the building to achieve a certain amount of separation. In other words, the smaller the separation the higher the fire rating a wall needs to be, which would then increase the cost of the building.
- **Maximum building height:** Similar to the separation issue, the building height is set by the building and fire codes, and also by the recommendations from the City's Fire Department. Although the codes set a height maximum for a type of construction, the codes also allow for the height of the building to be increased as long as certain parameters are met. However, if assuming that the maximum building height is removed from the ordinance since the codes would provide some construction criteria, the Fire Departments recommendation would then be strictly enforced since they would need to provide protection. For example, the building codes would allow for construction of four story (which can vary greatly since there is no height limit to the size of a story)

wood construction buildings, but the City's Fire Department ladder truck can safely reach a building with a maximum height of 70-feet. However, there are other factors that affect fire protection such as: sprinklers, construction, contents, proximity to other buildings, and adverse conditions.

- **Convenience Stores:** Currently there is no clear definition for this type of use. Staff is proposing to modify the definition of 'Retail Services and Trade' to read as follows:

- **RETAIL SERVICES AND TRADE.** Establishments engaged in selling products, goods, or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including eating establishments, hotels, motels, repair shops, indoor amusement, copying services, health, professional, educational, and social services, *convenience stores, grocery stores,* and other miscellaneous services. ~~but does not include on-sale or off-sale alcoholic beverage establishments.~~

Additionally, a change will be made to the applicable standards for any time the use of 'Gasoline dispensing station' is mentioned. The change would be as follows:

- Applicable standards: Sections 155.070, 155.072, 155.073, 155.077, 155.095(A)

Approval of conditional use permit for the gasoline dispensing station shall also include the approval of a convenience store as defined under retail services and trade definition.

- **Adult day services:** The Department of Health and/or Department of Human Services provide oversight to adult day services. In order for them to exist within the City they would have to be licensed by the State. At this point Staff proposes to include the following definition and applicable standards for the use.

- **Adult day services:** A facility that provides structured activities, care and supervision outside of the home for part of a day. Such services can be co-located within a senior center, nursing facility, assisted living, hospital, church, day care center, or by a stand-alone program.

§ Applicable standards: Sections 155.070, 155.072, 155.077, 155.095(A)

Applicant must provide copy of the appropriate, and applicable, licenses from the State of South Dakota.

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

**Conclusion/Recommendations:** No action is required.

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** February 25, 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 (comments from Commission)

**Presenter:** Jose Dominguez

**Background:** At the February 11, 2019 meeting Staff presented amendments to the R-1, R-2, R-3 and the R-4 Residential District sections 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 25<sup>th</sup>.

**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 the residential districts.



## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** February 25, 2019

**Subject:** Discussion on Amendments to Zoning Ordinance – Sections 155.035 CB Central Business District, 155.036 GB General Business District, and 155.037 NC Neighborhood Commercial 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 28<sup>th</sup> 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 <sup>st</sup> Reading of Ordinance at Council	September 3, 2019	
15	2 <sup>nd</sup> Reading of Ordinance at Council	September 16, 2019	

**Discussion:** Based on the adopted schedule the following item to be reviewed would be the commercial/business districts. These districts are intended to serve most of the

commercial, and service, needs within the City; while still allowing a few residential uses.

Staff is proposing several changes in these districts. The majority of the changes are due to the update to the definition sections. Following are some of the proposed changes:

- Permitted Uses in CB:
  - Changed ‘Dwellings’ to only ‘Dwelling, multiple-family’
  - Added ‘Restaurants’.
- Permitted Uses in GB:
  - There are several changes proposed, but nothing major.
- Conditional Uses in GB:
  - Add ‘Gasoline dispensing station’ and also added verbiage under applicable standards to explain that approving the conditional use will also approve a convenience store in the location.
- Lot and yard regulations in GB:
  - Removed note number four which required a conditional use permit for any structure exceeding the maximum height. This is a variance, and not a conditional use issue.
- Conditional Uses in NC:
  - Changed the way that the maximum number of multiple-family dwellings is set from number of dwellings to number of bedrooms. A 4-plex, 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.
- Lot and yard regulations in R-3
  - Removed two-family attached 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.

**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 commercial/business districts.

**§ 155.035 CB CENTRAL BUSINESS DISTRICT.**

The purpose of this district is to provide a commercial area for those establishments serving the general shopping needs of the trade area, with specific attention to preserving the city's Main Street Commercial Core. The grouping of uses is intended to preserve and improve the character and economic vitality of Main Street.

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
<del>Retail trade or service</del> <u>Retail services and trade</u>	§§ 155.070, 155.072, 155.077
<del>Office</del> <u>Offices, commercial, construction and industrial</u>	§§ 155.070, 155.072, 155.077
<u>Offices, non-commercial, non-construction and non-industrial</u>	<del>§§ 155.070, 155.072, 155.077</del>
Personal service	§§ 155.070, 155.072, 155.077
<del>Hotel/motel</del> <u>Motel, hotel, motor lodge, motor court, tourist court</u>	§§ 155.070, 155.072, 155.077
Public utility facility	§§ 155.070, 155.072, 155.073, 155.077
Public service facility	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
<del>Funeral home, M</del> <u>mortuary</u>	§§ 155.070, 155.072, 155.077
Private club	§§ 155.070, 155.072, 155.077
Churches	§§ 155.070, 155.072, 155.077
<del>Dwellings</del> <u>Dwelling, multiple-family</u>	Being above or below the first floor. §§ 155.070, 155.072, 155.077
Print shop, <u>printing plant</u>	§§ 155.070, 155.072, 155.077
Electrical substation	§§ 155.070, 155.077
Arcade	§§ 155.070, 155.072, 155.077
<del>Rooming/boarding house</del> <u>Boarding house, lodging house, rooming house</u>	Subject to the residence being constructed above the first floor. §§ 155.070, 155.072, 155.077
Off-sale alcoholic beverage establishment	Located at least 500 feet from a school. *
	§§ 155.070, 155.072, 155.077
Motor vehicle service station	§§ 155.070, 155.072, 155.073, 155.077

Vermillion, SD Code of Ordinances

<i>Permitted Use</i>	<i>Applicable Standards</i>
Day care center	Adequate and safe playground area with a fence 4 feet high (see § 155.074). A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.077
Motor vehicle repair <del>shop</del>	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired. §§ 155.070, 155.072, 155.073, 155.077
<del>Off</del> /On-sale alcoholic beverage establishment	Located at least 500 feet from a school. * §§ 155.070, 155.072, 155.077
Theatre	§§ 155.070, 155.072, 155.077
Accessory <u>building or use</u> ( <del>such as, garage and shed</del> )	§§ 155.071, 155.082(A) (see also definition)
<u>Fences</u>	<u>§ 155.074</u>
<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>
<u>Restaurant</u>	<u>§§ 155.070, 155.072, 155.073, 155.077</u>
Commercial parking <del>lots/parking-ramp</del> <u>slot/facility</u>	§§ 155.070, 155.072, 155.077
* Measured from the closest point of the outside walls of both structures.	

(B) *Conditional uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Gasoline dispensing station	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A), <u>approval of conditional use permit for the gasoline dispensing station shall also include the approval of a convenience store as defined under retail services and trade definition.</u>
<u>Wireless communication facility on existing support structure</u> <del>Wireless communication facility on existing support structure</del>	<u>§§ 155.075, 155.095(A), not within an identified floodplain area, and if it is replacing existing facilities on an existing telecommunications tower but the proposed facility will occupy a larger space than the existing facility.</u> <del>§§ 155.075, 155.095(A)</del>
Telecommunications tower	§§ 155.070, 155.072, 155.075, 155.077, 155.095(A)
Adult oriented business	§§ 155.070, 155.072, 155.077, 155.095(A) and SDCL § 11-12

Vermillion, SD Code of Ordinances

(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>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Max. Height</i>
All uses	NA	NA	NA	see #1, #2	see #1, #2	see #1, #2	NA
All uses	NA	NA	NA	see #1, #2	see #1, #2	see #1, #2	NA
All uses	NA	NA	NA	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.

(Ord. 1189, passed 7-7-2008; Am. Ord. 1226, passed 2-1-2010; Am. Ord. 1281, passed 6-18-2012; Am. Ord. 1343, passed 7-5-2016)

**§ 155.036 GB GENERAL BUSINESS DISTRICT.**

The purpose of this district is to provide a commercial area for those establishments serving the general shopping needs of the trade area, with specific attention to the carrying capacity of roads and streets, and to encourage provision of adequate off-street parking and loading space. ~~It is not the intent of this district to encourage the extension or enlargement of strip commercial areas.~~

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
<del>Retail trade or service</del> <u>Retail services and trade</u>	§§ 155.070, 155.072, 155.073, 155.077
<del>Offices, commercial, construction and industrial</del> <u>Office</u>	§§ 155.070, 155.072, 155.073, 155.077
<del>Offices, non-commercial, non-construction and non-industrial</del>	<del>§§ 155.070, 155.072, 155.077</del>
Personal service	§§ 155.070, 155.072, 155.073, 155.077
<del>Motel, hotel, motor lodge, motor court, tourist court</del> <u>Hotel/motel</u>	§§ 155.070, 155.072, 155.073, 155.077
<del>Print shop, P</del> <u>rinting plant</u>	§§ 155.070, 155.072, 155.073, 155.077
Hospital/ <del>clinic</del>	§§ 155.070, 155.072, 155.073, 155.077
<u>Clinic</u>	<del>§§ 155.070, 155.072, 155.073, 155.077</del>
Public utility facility	§§ 155.070, 155.072, 155.073, 155.077
Public service facility	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, 155.073

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<i>Permitted Use</i>	<i>Applicable Standards</i>
Funeral home, <del>u</del> mortuary	§§ 155.070, 155.072, 155.073, 155.077
Private club	§§ 155.070, 155.072, 155.073, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Restaurants	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	§§ 155.070, 155.077
Arcade Off-sale alcoholic beverage establishment	§§ 155.070, 155.072, 155.073, 155.077 Located at least 500 feet from a school.* §§ 155.070, 155.072, 155.073, 155.077
Day care, center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
Motor vehicle repair shop	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired. §§ 155.070, 155.072, 155.073, 155.077
Off-premise sign	§ 155.070
Greenhouse, nursery	§§ 155.070, 155.072, 155.073, 155.077
Car wash	Five storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the site. §§ 155.070, 155.072, 155.073, 155.077
Bus passenger terminal	§§ 155.070, 155.072, 155.073, 155.077
Motor vehicle sales, display, and <del>service</del> rental	§§ 155.070, 155.072, 155.073, 155.077 Subject to screening of all outdoor storage of parts from view.
Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district. §§ 155.070, 155.072, 155.073, 155.077
Bus <u>and/or truck</u> terminal	Subject to 300 feet from residential neighborhood to minimize effects of diesel fumes and noise. * §§ 155.070, 155.072, 155.073, 155.077
Farm store, feed store	Subject to only accessory storage of fertilizer or farm chemicals on the site. §§ 155.070, 155.072, 155.073, 155.077
Broadcast tower	Subject to being located at least 300 feet from a residential district. *

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<i>Permitted Use</i>	<i>Applicable Standards</i>
	§§ 155.070, 155.077
On-sale alcoholic beverage establishment	Located at least 500 feet from a school. * §§ 155.070, 155.072, 155.073, 155.077
<del>Commercial recreation facility</del> <u>Recreation Facility, Commercial</u>	§§ 155.070, 155.072, 155.073, 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 <u>building or use (such as, garage, shed)</u>	§§ 155.071, 155.082(A) (see definition)
* Measured from the closest point of the outside walls of both structures	

(B) *Conditional use.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
Motor vehicle service station/ <del>gas-dispensing station</del>	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<u>Gasoline dispensing station</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A), approval of conditional use permit for the gasoline dispensing station shall also include the approval of a convenience store as defined under retail services and trade definition.</u>
<del>Assisted-</del> 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.
<del>Mortuary with e</del> Crematorium	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<u>Wireless communication facility on existing support structure</u> <del>Wireless communication facility on existing support structure</del>	<u>§§ 155.075, 155.095(A), not within an identified floodplain area, and if it is replacing existing facilities on an existing telecommunications tower but the proposed facility will occupy a larger space than the existing facility.</u> §§ <del>155.075, 155.095(A)</del>
Telecommunications tower	§§ 155.070, 155.072, 155.075, 155.077,

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<i>Conditional Use</i>	<i>Applicable Standards</i>
	155.095(A)
<del>Drive-in</del> Theater	§§ 155.070, 155.072, 155.073, 155.077, <del>155.095(A)</del>
	<del>If the theater is a drive-in theater it shall be</del> Located in such a manner that the screen will not deprive adjacent properties of solar access. Lighting of the <del>drive-in</del> theaters shall not reflect into adjacent residential areas.
Veterinarian, <u>small animal</u>	No outdoor kenneling of dogs within 150 feet of a residential area. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Campground, <u>travel trailer parking area</u>	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 150 feet from residential district area. * §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Commercial parking lots/ <del>parking ramps</del> facility	§§ 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)
Limited production <del>and processing</del>	§§ 155.070, 155.072, 155.073, 155.074, 155.077, 155.095(A). Building size limited to a maximum area of 20,000 square feet. Only permitted for existing buildings as of July 3, 2014, on property formerly zoned I-0 Industrial according to the official zoning map on August 6, 2008.
* Measured from the closest point of the outside walls of both structures	

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

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	<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>
All uses	NA	Up to 50 feet	50 feet	15 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet
All uses	NA	51 to 100 feet	50 feet	20 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet
All uses	NA	101 or more feet	50 feet	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 <del>#4 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (§ 155.095(A))</del> #54 See also adjustments to yard regulations (§ 155.082) for other specific exceptions							

(Ord. 1189, passed 7-7-2008; Am. Ord. 1280, passed 6-18-2012; Am. Ord. 1281, passed 6-18-2012; Am. Ord. 1316, passed 6-2-2014; Am. Ord. 1343, passed 7-5-2016)

**§ 155.037 NC NEIGHBORHOOD COMMERCIAL DISTRICT.**

This district is intended to provide for developing and redeveloping areas located at the edge of residential developments, adjacent to the major streets that serve the area. It is the intent of this district to provide for a well-integrated service area, providing convenience goods and personal services to primarily serve residents within 1 mile of the development. Due to the nature of commercial uses, site and architectural design shall be compatible with and sensitive to adjacent residential development, striving to preserve and protect residential property values.

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
<del>Engineering, management, public administration and related offices</del> <u>Offices, non-commercial, non-construction and non-industrial</u>	§§ 155.070, 155.072, 155.073, 155.077
<del>Drug store,</del> <u>pharmacy</u>	§§ 155.070, 155.072, 155.073, 155.077
<del>Personal services: beauty salons; barber shops; laundry services; photo studios</del>	§§ 155.070, 155.072, 155.073, 155.077
<del>Medical and dental clinics</del> <u>Clinic</u>	§§ 155.070, 155.072, 155.073, 155.077
<del>Mixed-use development (residential uses over ground floor non-residential uses)</del> <u>building</u>	§§ 155.070, 155.072, 155.073, 155.077
<u>Churches</u>	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077

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<i>Permitted Use</i>	<i>Applicable Standards</i>
Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Day care center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
Commercial parking lots/ <del>parking ramps</del> facility	§§ 155.070, 155.072, 155.077
Accessory <u>building or</u> use ( <del>such as, garage, shed</del> )	§§ 155.071, 155.082(A) (see definition)

(B) *Conditional Uses.*

<i>Conditional Uses</i>	<i>Applicable Standards</i>
<del>Single family detached dwellings</del> Dwelling, <u>single-family detached</u>	§§ 155.070, 155.072, 155.073, 155.077, 155.095
<del>Single family attached (townhouse) dwellings</del> Dwelling, <u>single-family attached</u>	§§ 155.070, 155.072, 155.073, 155.077, 155.095, <u>up to 4 dwellings can be attached.</u>
<del>Multiple family (apartments and condominiums) dwellings (up to 4 dwelling units)</del> <u>Dwellings, multiple-family</u>	§§ 155.070, 155.072, 155.073, 155.077, 155.095, <u>maximum of 16 bedrooms per lot. Number of bedrooms per dwelling unit cannot exceed 4.</u>
Restaurants	§§ 155.070, 155.072, 155.073, 155.077, 155.095

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

	<i>Lot Area</i>	Frontage	Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
Single-family detached dwelling	6,000 square feet	50 feet	60 feet See #1	30 feet	8 feet	25 feet	35 feet <del>see #5</del>
Single-family attached ( <del>townhouse</del> ) dwellings ( <del>up to 4 attached dwellings</del> ) (see note # <del>57</del> )	2,500 square feet	25 feet	25 feet	30 feet	0 feet or 8 feet on nonparty wall side	25 feet	35 feet <del>see #5</del>
<del>Two-family attached (duplex) dwellings</del>	<del>6,000-square</del>	<del>30 feet</del>	<del>60 feet</del>	<del>30 feet</del>	<del>8 feet</del>	<del>25 feet</del>	<del>35 feet</del>

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	feet						
Multiple-family <del>(apartments &amp; condominiums)</del> dwellings <del>(4 units) (1-lot)</del>	6,000 square feet/unit	50 feet	60 feet	30 feet	8 feet	25 feet	40 feet
All other uses	6,000 square feet see #4	50 feet	60 feet see #2, #3	30 feet see #2, #3	8 feet	25 feet	35 feet

Exceptions:

- #1 A single-family detached dwelling may be constructed on a lot-of-record ~~which has a lot-width of less than 60 feet.~~
- #2 No side yard or rear yard is required where a lot is adjacent to or abuts upon a commercial or industrial district.
- #3 Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.
- #4 There shall be a required front yard on each street side of lots.
- ~~#5 A conditional use permit will be required for any structure having a maximum height exceeding 35 feet (§ 155.095(A)).~~
- #6 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
- ~~#7~~ Every two units will be staggered.

(Ord. 1189, passed 7-7-2008; Am. Ord. 1277, passed 5-21-2012)