



**City of Vermillion  
Planning Commission Agenda**

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

1. **Roll Call**
2. **Minutes**
  - a. February 25, 2019 Regular Meeting.
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
  - a. Request for Conditional Use Permit for the construction, and operation, of storage units at 911 N. Norbeck (said storage units would be located within the land described as Lot 10, Block 1, Brooks Industrial Park, City of Vermillion, Clay County, South Dakota).
7. **Old Business**
  - a. Discussion on Amendments to Zoning Ordinance – Section 155.035 CB Central Business District, 155.036 GB General Business District, and 155.037 NC Neighborhood Commercial District. (comments from Commission).
8. **New Business**
  - a. Discussion on Amendments to Zoning Ordinance – Sections 155.038 GI General Industrial District, and 155.039 HI Heavy Industrial 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 25, 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 25, 2019 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Kleeman, Manning, Muenster, Tuve, Wilson Iverson.

Absent: None.

Staff present: José Domínguez, City Engineer

2. Minutes

a. February 11, 2019 Regular Meeting.

Commissioner Muenster noted that in item 3. Declaration of Conflict of Interest that he and his family have investment properties within the community, but did not have knowledge of whether or not the other Commissioners have investment properties as written in the minutes.

José Domínguez, City Engineer, noted item 8a. New Business, sentence two should be revised to utilize the term "established boundary" rather than "set boundary" as written. In addition to minor grammatical/spelling errors, which included the misspelling of Clay County Commissioner Mockler's name, Mr. Domínguez stated that Mr. Chris Larson of Clay-Union Electric notified him Mr. Terry Munter is the Vice President of the Board of Directors, rather than the President.

Moved by Commissioner Muenster to adopt February 11, 2019 Regular Meeting with the noted changes, seconded by Commissioner Tuve. Motion carried 8-0.

3. Declaration of Conflict of Interest

a. Commissioner Muenster noted that he and his wife own investment property.

4. Adoption of the Agenda

Moved by Commissioner Forseth to adopt the agenda as printed, seconded by Commissioner Wilson. Motion carried 8-0.

5. Visitors to be Heard

None.

6. Public Hearing

None.

## 7. Old Business

### a. Update on Separation between Multi-Family Dwellings, Maximum Building Heights, Convenience Stores and Adult Day Services.

Mr. Domínguez explained that Staff have been keeping record of questions posed by the Commissioners throughout the Zoning Ordinance amendment process. Some of the questions required further research; a presentation of Staff research followed:

- SEPARATION BETWEEN MULTI-FAMILY DWELLINGS - This item is set by building and fire codes rather than zone ordinance. It should not be confused with side-yards or set-backs. The building and fire codes do not necessarily set a minimum separation between buildings; rather it sets construction requirements based on the distance between buildings - the smaller the separation between buildings the higher the fire rating a wall needs to be.
- MAXIMUM BUILDING HEIGHT - Presently the zoning ordinance sets a height maximum for construction and allows for increases when certain parameters are met. The building code sets limitations by story, but it should be noted that there is no height limit to the size of a story (two four-story buildings could vary significantly in height) which is why the height maximum exists within the zoning code. Should the maximum height be removed from zoning code, height maximums would be strictly enforced by the building and fire codes and consider the Fire Department's recommendation as they are responsible to provide protection. There should be language in place that provides guidance that applies the code evenly. When the Fire Department makes recommendations regarding building heights there are many considerations such as contents of the building and proximity to other buildings.

Answering a question from Commissioner Iverson, Mr. Domínguez noted that language could be added to applicable standards to dictate that if the height of a proposed building will exceed X amount of feet, then the side yard should increase to a set standard to accommodate the height of the building.

Responding to Commissioner Wilson, Mr. Domínguez noted height limitations vary by district noting R1 as 35' and the Central Business District, downtown, has no height limitation.

- CONVENIENCE STORES - At present there is no clear definition of convenience store. Staff propose amending the definition of RETAIL SERVICES AND TRADE to include CONVENIENCE STORES as well as GROCERY STORES. Language regarding sale of alcoholic beverages would be removed. Regulation already exists for the sale of alcoholic beverages through State and City oversight though licenses etc.. Additionally, the applicable standards change so that a Conditional Use Permit for a gasoline dispensing station would also include approval of a convenience store.

- ADULT DAY SERVICES - Staff propose adding a new definition as provided in the memo. Applicable standards would require the applicant to provide a copy of the appropriate and applicable State licenses.

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 (comments from Commission)

At the February 11 meeting Staff presented amendments to all four of the Residential Districts and requested comments from Commissioners be prepared for today's meeting noting Commissioner Fairholm submitted his comments to Staff electronically.

R-1 DISTRICT: Commissioner Fairholm suggests removing TOWNHOUSE DWELLINGS (single-family attached dwelling) from the district completely. It would not be a permitted use or a conditional use. Referring to an electronic copy submitted by Commissioner Fairholm (included with minutes for information), Mr. Domínguez outlined the additional items Mr. Fairholm suggested stating that ultimately the only Conditional Uses that would remain in the R-1 District with his proposed changes would be PUBLIC SERVICE FACILITY AND OFF-PREMISE PARKING. Discussion followed regarding townhouse dwellings (single-family attached dwelling) becoming non-conforming uses within the district with the proposed change. It was discussed to protect existing single-family attached dwellings with a moratorium. For example all single-family attached dwellings in existence prior to 2020 would be protected from proposed code change. Commissioner Fairholm noted that Conditional Use Permits should be a rare exception and feels that there is an obligation or opportunity to help existing home owners in the R-1 District know what kind of home can be built around them. He further noted that it is his belief having as few conditional uses as possible will help all involved.

R-2 DISTRICT: Commissioner Fairholm suggested moving items from Conditional Uses to Permitted Uses such as BOARDING LODGING HOUSE, BREAD AND BREAKFAST ESTABLISHMENT. An additional suggestion was to remove LICENSE MANUFACTURED HOME PARKS FROM THE R-2 District, not allowing them as a conditional use.

R-3 DISTRICT: Again pertaining to Conditional Uses, Commissioner Fairholm suggested moving the following to permitted uses: ASSISTED LIVING CENTER CONGREGATE CARE FACILITY, PUBLIC SERVICE FACILITY, BED AND BREAKFAST FACILITY. Remove LICENSED MANUFACTURED HOME PARKS FROM THE R-3 District, not allowing them as a conditional use. Remove maximum height requirements in the R-3 District.

R-4 DISTRICT: Commissioner Fairholm suggested moving all items presently considered conditional uses to permitted uses within the R-4 District.

Commissioner Fairholm noted that it is possible churches must be allowable uses in certain zones and asked staff to verify. Using

Wireless Facilities as an example, Mr. Domínguez noted that at times Federal or State statutes may dictate what must be approved, further explaining that local authority can still require conditions such as landscaping etc..

Staff was directed to research comparable communities to understand how single-attached dwellings are considered. They were additionally directed to research multiple family and side yards in regard to the height of the building.

#### 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

Noting the three aforementioned Business/Commercial Districts, Mr. Domínguez explained that the Central Business District is the Downtown District encompassing Main Street from Forest to Franklin and the side streets approximately one to two blocks in each direction. General Business District is approximately the Cherry Street corridor from the east side of town to the west side, along Dakota Street from Cherry Street north to Hwy 50, Princeton and Cottage from Cherry to Duke Street. Neighborhood Commercial District is dispersed throughout the community but mainly on Dakota Street from Main to Clark or Cherry and directly across the street from the High School on Main Street. NC is intended to serve as a buffer.

Staff is proposing several changes in these districts as noted in the memo as published. Staff asks the Planning Commission to prepare comments on the Business/Commercial Districts for the next meeting and submit them to Staff electronically as possible.

#### 9. Staff Report

Preparing for upcoming possible projects: Anderson Street from Clark to Main, completing the section of Elm Street near Alumni, working with developer that is constructing apartments on Roosevelt and Norbeck who is planning to complete Roosevelt. Additionally, we will be continuing with sidewalks and regrading of the baseball field. Answering a question from Commissioner Forseth, Mr. Domínguez noted that the new power substation has been in service for approximately a year.

#### 10. Adjourn

Moved by Commissioner Tuve to adjourn, seconded by Commissioner Kleeman. Motion carried 8-0. Commissioner Iverson declared the meeting adjourned at 6:38 p.m.

# *Planning & Zoning Commission Agenda Memo*

**From:** James Purdy, Assistant City Manager

**Meeting:** March 11, 2019

**Subject:** Request for Conditional Use Permit for the construction, and operation, of storage units at 911 N. Norbeck (said storage units would be located within the land described as Lot 10, Block 1, Brooks Industrial Park, City of Vermillion, Clay County, South Dakota)

**Presenter:** James Purdy

**Background:** The City received an application from Mr. Todd Heine for a Conditional Use permit (CUP) to construct and operate storage units at 911 N. Norbeck St. The proposed storage units would be located within the GI – General Industrial zoning district. Storage units are allowed within the district; however, a Conditional Use permit is required.

**Discussion:** This CUP is for the construction and operation of storage units.

The City’s current process for conditional uses follows the Code of Ordinances section 155.095. The City’s ordinance sets the Planning Commission as the body that grants CUPs. The City Council acts as the body of appeal if the applicant feels aggrieved by conditions set by the Planning Commission.

The Planning Commission may place conditions that “are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect health, safety, and general welfare...” Unless otherwise specified in the ordinance, the Planning Commission reviews each permit for the following items:

<b>CRITERIA</b>	<b>STAFF COMMENTS AND RECOMMENDATIONS</b>
Ingress and egress  (location of entrance, width of lane, access control, sidewalks,	The proposed plan will meet ordinance 1369. The lot where the storage units would be constructed is bounded by the Vermillion Veterinary Clinic to the immediate south, Midwest Ready Mix to the west, a parking lot to the east, and the old Sioux Tools/Navigant building to the north.

<p>number of access points, fire lanes)</p>	<p>Norbeck is a collector street. As such, the ordinance allows 1 access point per frontages less than 200-feet in length. The access point would need to be at least 60-feet from the right-of-way line of the crossing street. The maximum width of the access point is 50-feet.</p> <p>The building permit will require that all of the sidewalks along west side of the property be constructed prior to occupancy being granted.</p>
<p>Off-street parking and loading</p> <p>(number of off-street parking, location of off-street parking, location of loading zone in relation to intersection pedestrians and vehicles)</p>	<p>There are no off-street parking requirements for storage sheds. The area designated for ‘future shop’ will require off-street parking. This requirement will have to be met by the applicant once the building permit for that construction is requested.</p> <p>Additionally, parking is allowed in the GI – General Industrial within the required front yards.</p>
<p>Refuse and services areas</p> <p>(location of refuse area)</p>	<p>Not applicable</p>
<p>Utilities</p> <p>(location of fire hydrants)</p>	<p>The City will not have to extend any utilities to serve this property. However, the owner’s provided lighting will have to meet the City’s requirement found in the landscaping standards. These requirements are meant to reduce the amount of nuisance created by commercial style lighting.</p>
<p>Screening and buffering</p> <p>(screening/buffering area, general description screen/buffer)</p>	<p>No screening/buffering is required by code.</p>
<p>Signs</p>	<p>No signage has been requested at this time. If a sign application is submitted they will be required to follow the existing sign code.</p>
<p>Required yards and open spaces</p>	<p>All construction will happen within the required setbacks.</p>

<p>General compatibility  (construction to mimic residential structure, if within a residential district)</p>	<p>The proposed construction will be compatible with all neighbors.</p>
---	---

Additionally, the City reviewed the proposed plan with respect to the storm drainage criteria. This project is considered a new development since the construction will take place in an undeveloped lot. This allows for the impervious area on the new construction site not to exceed 50% of the lot area. The proposed development will cover approximately 21% of the lot area. Due to this, no storm drainage mitigation is required. Any future construction will have to stay below the 50% threshold for nothing to be required. However, if future construction does surpass this limit the storm water generated by the new construction will have to be directed to grassy areas before it reaches the public right-of-way.

**Compliance with Comprehensive Plan:** The newly adopted Comprehensive Plan has several sections that address development within the community. The following goals and objectives may apply in this instance:

- Provide commercial services that are convenient to residents of Vermillion (pg. 14)
- Provide a wide range of goods and services (pg. 14)
- Provide safe and convenient pedestrian movements to and within future commercial areas (pg. 14)
- Provide a safe and efficient multi-modal transportation system (pg. 26)
- Enact access management standards that meet or exceed SDDOT guidelines for urban arterial and collector roadways (pg. 26)
- Discourage driveway entrances onto highways and other major roads where locations may result in traffic hazards or impede traffic flows (pg. 26)
- Business retention and expansion (pg. 39)
- Focus new development within existing City limits areas (pg. 67)

**Conclusion/Recommendations:** The Planning Commission is asked to take public comment and grant or deny the Conditional Use Permit application. Staff recommends approval.





Vermillion

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** March 11, 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 (comments from Commission)

**Presenter:** Jose Dominguez

**Background:** At the February 25, 2019 meeting Staff presented amendments to the business/commercial districts of the Zoning Ordinance. The proposed changes were given to the Planning and Zoning Commission for review. Staff asked for any comments regarding the proposed changes to be ready for the meeting on March 11<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 business/commercial districts.



## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** February 25, 2019

**Subject:** Discussion on Amendments to Zoning Ordinance – Sections 155.038 GI General Industrial District, and 155.039 HI Heavy Industrial District.

**Presenter:** Jose Dominguez

**Background:** Over the years the City has had two zoning ordinances, with the first being adopted in 1966. This ordinance established different districts (agricultural, residential, commercial and industrial) with allowable uses. The ordinance also allowed for 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; while the items that are crossed and bolded are being amended.

ITEM	DESCRIPTION	DATE STAFF PRESENTED ITEM TO PC	DATE PC TURNED COMMENTS TO STAFF
1	Definitions	January 14, 2019	January 28, 2019
<del>2</del>	<del>NRC-Natural Resource Conservation District</del>	<del>January 28, 2019</del>	<del>February 11, 2019</del>
<del>3</del>	<del>R1 Residential District R2 Residential District</del>	<del>February 11, 2019</del>	<del>February 25, 2019</del>

	R3 Residential District		
	R4 Residential District		
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
6A	Draft of items 1 through 6	April 8, 2019	April 22, 2019
7	Public Meeting to gather comments on items 1 through 6	<del>April 22, 2019</del> May 13, 2019	
8	Off-Street Parking Requirements	<del>May 13, 2019</del> May 28, 2019	<del>May 28, 2019</del> June 10, 2019
9	Conditional-Use Permit Section	<del>May 28, 2019</del> June 10, 2019	<del>June 10, 2019</del> June 24, 2019
10	Miscellaneous amendments to ordinance	<del>June 10, 2019</del> July 8, 2019	<del>June 24, 2019</del> July 22, 2019
11	Public Meeting to gather comments on items 8 through 10	<del>July 8, 2019</del> August 12, 2019	
12	Draft of items 1 through 6, 8, 9 and 10	<del>July 22, 2019</del> August 26, 2019	<del>August 12, 2019</del> September 9, 2019
13	Public Hearing on Amendments	<del>August 26, 2019</del> September 23, 2019	
14	1 <sup>st</sup> Reading of Ordinance at Council	<del>September 3, 2019</del> October 7, 2019	
15	2 <sup>nd</sup> Reading of Ordinance at Council	<del>September 16, 2019</del> October 21, 2019	

**Discussion:** Based on the adopted schedule, the next item to be reviewed would be the industrial districts. These districts are intended to provide areas for manufacturing, wholesale, warehousing, and other uses found in industrial park-like settings.

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:

- Conditional Uses in GI:

- Changed ‘Ready-mix plant’ to ‘Heavy manufacturing’. Also, added to the applicable standards ‘Only use to be considered will be ready-mix concrete plant’.
- Moved ‘Wireless communication facility on existing support structure’, ‘Telecommunications tower’ and ‘Storage facility’ from the Conditional Use section to the Permitted Use section.
- Lot and yard regulations in GI:
  - Removed note number one which required a conditional use permit for any structure exceeding the maximum height. This is a variance, and not a conditional use issue.
- Permitted Uses in HI:
  - Changed ‘Mix-ready plant’ to ‘Heavy manufacturing’. Also, added to the applicable standards ‘Only use to be considered will be ready-mix concrete plant’.
- Conditional Uses in HI:
  - Changed ‘Manufacture of acid, alcohol, ammonia, asphalt, bleach, cement, chlorine, dyestuffs, explosives, fertilizers, glue, gypsum, lime, oils, paint, plaster of Paris, shellac, sizing, turpentine or yeast’ to ‘Heavy manufacturing’. Also, added to the applicable standards the following: ‘Location shall not be located within ½-mile of any residential uses’ and ‘ready-mix concrete plant will not be considered as a conditional use’.
  - Moved ‘Wireless communication facility on existing support structure’, ‘Telecommunications tower’, ‘Storage facility’ and ‘Broadcast tower’ from the Conditional Use section to the Permitted Use section.
- Lot and yard regulations in HI:
  - Removed note number one 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 industrial districts.

**§ 155.038 GI GENERAL INDUSTRIAL DISTRICT**

This district is intended to provide for a number of light manufacturing, wholesale, warehousing, and service uses in an attractive industrial park-like setting.

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Wholesale <del>merchandising,</del> <u>wholesale</u> trade	§§ 155.070, 155.072, 155.073, 155.077
Light manufacturing	§§ 155.070, 155.072, 155.073, 155.077
Contractor's shop <del>and</del> storage yard	Subject to screening of all outdoor storage from view. §§ 155.070, 155.072, 155.073, 155.077
Offices, <del>commercial, construction and industrial</del>	§§ 155.070, 155.072, 155.073, 155.077
Public utility facilities <del>y</del>	§§ 155.070, 155.072, 155.073, 155.077
Frozen food locker	§§ 155.070, 155.072, 155.073, 155.077
Printing <del>shop,</del> <u>printing plant</u>	§§ 155.070, 155.072, 155.073, 155.077
Motor vehicle service station	§§ 155.070, 155.072, 155.073, 155.077
Off-premise sign	§ 155.070
Electrical substation	§§ 155.070, 155.077
Bus <del>and/or</del> truck terminal	300 feet from residential neighborhood to minimize effects of diesel fumes and noise. §§ 155.070, 155.072, 155.073, 155.077
Warehouse, <del>mini-warehouse</del>	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ 155.070, 155.072, 155.073, 155.077
Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district. §§ 155.070, 155.072, 155.073, 155.077
Retail <del>trade or services</del> <u>services and trade</u>	§§ 155.070, 155.072, 155.073, 155.077
<del>Truck or bus</del> <u>Bus and/or truck</u> wash	All water from the truck or bus wash being contained on the site. §§ 155.070, 155.072, 155.073, 155.077
Truck repair, sales, and <del>or</del> service	§§ 155.070, 155.072, 155.073, 155.077 Subject to no unscreened outdoor storage of parts.
Recycling collection <del>facility or processing facility</del>	Screening of all recyclable material from view. §§ 155.070, 155.072, 155.073, 155.077
<u>Recycling processing facility</u>	<u>Screening of all recyclable material from view.</u>

Vermillion, SD Code of Ordinances

<i>Permitted Use</i>	<i>Applicable Standards</i>
	<u>§§ 155.070, 155.072, 155.073, 155.077</u>
Farm store, <del>or</del> feed store	Only accessory storage of fertilizer or farm chemicals on the site §§ 155.070, 155.072, 155.073, 155.077
Automobile storage yard	Screening of the storage yard with fence, berm, vegetation or placement on the lot. §§ 155.070, 155.072, 155.073, 155.077
<del>Farm implement sales, display, and service</del> <u>Farm implement dealer</u>	Screening of all outdoor storage of parts from view §§ 155.070, 155.072, 155.073, 155.077
Broadcast tower	Located at least 300 feet from a residential district. §§ 155.070, 155.072, 155.073, 155.077
Motor vehicle repair <del>shop</del>	An adequate number of parking spots to store the cars and screen parts and materials from view. §§ 155.070, 155.072, 155.073, 155.077
<u>Telecommunications tower</u>	<u>§§ 155.070, 155.075, 155.077</u>
<u>Storage facility</u>	<u>§§ 155.070, 155.075, 155.077</u>
<u>Wireless communication facility</u>	<u>§§ 155.070, 155.075, 155.077, not within an identified floodplain area</u>

(B) *Conditional uses.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
<del>Wireless communication facility on existing support structure</del>	<del>§§ 155.070, 155.075, 155.077, 155.095(A)</del>
<del>Telecommunications tower</del>	<del>§§ 155.070, 155.075, 155.077, 155.095(A)</del>
<del>Storage facility</del>	<del>§§ 155.070, 155.075, 155.077, 155.095(A)</del>
<del>Heavy manufacturing</del> <u>Ready-mix plant</u>	§§ 155.070, 155.072, 155.077, 155.095(A) <u>Only use to be considered will be ready-mix concrete plant.</u>
Wind energy conversion system	§§ 155.070, 155.072, 155.077, 155.081, 155.095(A)
Agribusiness	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)

(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>Maximum Height</i>
All uses	NA	75 feet	50 feet	25 feet see #4	10 feet see #2, #4	25 feet see #3	45 feet see #1

Exceptions:

~~#1~~ A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see § 155.095(A)).

#2 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.

Vermillion, SD Code of Ordinances

- #32 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
- #43 There shall be a required front yard on each street side of lots.
- #54 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; Am. Ord. 1353, passed 6-5-2017)

**§ 155.039 HI HEAVY INDUSTRIAL DISTRICT.**

This district is intended to provide for general industrial uses which may create some nuisance and which are not properly associated with, nor compatible with residential, office, or commercial establishment. All uses in this district shall comply with any state or local regulations regarding noise, emissions, dust, odor, glare, vibration or heat when applicable.

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Light manufacturing	§§ 155.070, 155.072, 155.073, 155.077
Wholesale <del>merchandising,</del> <del>wholesale</del> trade	§§ 155.070, 155.072, 155.073, 155.077
Farm store, <del>or</del> feed store	§§ 155.070, 155.072, 155.073, 155.077
Contractor's shop <del>and</del> storage yard	Subject to screening of all outdoor storage from view §§ 155.070, 155.072, 155.073, 155.077
Bus <del>and/or</del> truck terminal	§§ 155.070, 155.072, 155.073, 155.077
Public utility facilities <del>y</del>	§§ 155.070, 155.072, 155.073, 155.077
Frozen food locker	§§ 155.070, 155.072, 155.073, 155.077
Off-premise signs	§ 155.070
Electrical substation	§§ 155.070, 155.077
Retail <del>services and tradeing</del>	Being an accessory use when in conjunction with a primary use of wholesaling <del>ing</del> or manufacturing. <del>§§ 155.070, 155.072, 155.073, 155.077</del> <del>14.01, 14.03, 14.04, 14.10</del>
Warehouse <del>or mini-warehouse</del>	Subject to the materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ 155.070, 155.072, 155.073, 155.077
Bus <del>and/or</del> truck wash	All water from the truck or bus wash being contained on the site. §§ 155.070, 155.072, 155.073, 155.077
Truck repair, sales, <del>and/or</del> service	No unscreened outdoor storage of parts. §§ 155.070, 155.072, 155.073, 155.077
Recycling collection facility	Subject to any outdoor storage of recyclable materials must be within an opaque screened area at least 6 feet in



Vermillion, SD Code of Ordinances

<i>Permitted Use</i>	<i>Applicable Standards</i>
	height. §§ 155.070, 155.072, 155.073, 155.077
<del>Fruit and vegetable canning and processing</del>	<del>Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods.</del> <del>§§ 155.070, 155.072, 155.073, 155.077</del>
Automobile storage yard	Screening of the storage yard with fence, berm, vegetation or placement on the lot. §§ 155.070, 155.072, 155.073, 155.077
Motor vehicle repair <del>shop</del>	An adequate number of parking spots to store the cars and screen parts and materials from view. §§ 155.070, 155.072, 155.073, 155.077
Recycling processing facility	Any outdoor storage of recyclable materials must be within an opaque screened area at least 6 feet in height and all processing operations must be fully enclosed §§ 155.070, 155.072, 155.073, 155.077
<del>Heavy manufacturing</del> <del>Mix ready-plant</del>	§§ 155.070, 155.072, 155.073, 155.077 <u>Only use to be considered will be ready-mix concrete plant.</u>
<u>Wireless communication facility</u>	<u>§§ 155.070, 155.075, 155.077, not within an identified floodplain area</u>
<u>Telecommunications tower</u>	<u>§§ 155.070, 155.075, 155.077</u>
<u>Storage facility</u>	<u>§§ 155.070, 155.072, 155.077</u>
<u>Broadcast tower</u>	<u>Being located at least 300 feet from a residential district.</u> <u>§§ 155.070, 155.072, 155.073, 155.077</u>

(B) *Conditional uses.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
General manufacturing <del>other than those listed below</del>	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Wireless communication facility on existing support structure</del>	<del>§§ 155.070, 155.075, 155.077, 155.095(A)</del>
<del>Telecommunications tower</del>	<del>§§ 155.070, 155.075, 155.077, 155.095(A)</del>
<del>Heavy manufacturing</del> <u>Manufacture of acid, alcohol, ammonia, asphalt, bleach, cement, chlorine, dyestuffs, explosives, fertilizer, glue, gypsum, lime, oils, paint, plaster of Paris, shellac, sizing, turpentine or yeast</u>	Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods.  <u>Location shall not be located within ½-mile of any residential uses.</u>  <u>Ready-mix concrete plant will not be considered as a</u>

Vermillion, SD Code of Ordinances

<i>Conditional Use</i>	<i>Applicable Standards</i>
	<u>conditional use.</u> §§ 155.070, 155.073, 155.077, 155.095(A)
Stockyards/ <del>slaughtering of animals</del>	Subject to traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<u>Slaughterhouse</u>	<u>Subject to traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods.</u> <u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
Rendering	Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½-mile of a residential area. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Distillation of products	Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Refining	Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½-mile of a residential area. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Paper manufacturing, smelting, boiler-works</del>	<del>Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½-mile of a residential area.</del> <del>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</del>
Tank farm; <del>petroleum products terminal</del>	Compliance with the city's fire and health code and the processing of hides or furs subject to traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Grain terminal; <del>grain processing</del>	Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Salvage yard</del> <u>Junkyard</u>	Being sited off the main thoroughfares of the city, ½-mile from a residential district and be screened from view. The owner shall agree to control rodents as a condition of the permit. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Manufacture and storage of electric-transformers</del>	<del>Chemicals associated with the transformers will be contained in an acceptable manner.</del> <del>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</del>

Vermillion, SD Code of Ordinances

<i>Conditional Use</i>	<i>Applicable Standards</i>
Mining	Subject to the review and approval by the city's engineer. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Quarry	Subject to the site being located at least 1,000 feet from commercial or residential properties. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Broadcast tower</del>	<del>Being located at least 300 feet from a residential district. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</del>
Solid waste transfer facility	Screening of the storage area with fence, berm, vegetation or placement on the lot. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A) §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Municipally owned waste water treatment facility	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Storage facility</del>	<del>§§ 155.070, 155.072, 155.077, 155.095(A)</del>
Wind energy conversion system	§§ 155.070, 155.072, 155.077, 155.081, 155.095(A)
Agribusiness	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)

(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>Maximum Height</i>
All uses	NA	NA	NA	25 feet see #4	5 feet see #2, #4	5 feet see #3	55 feet see #1
Exceptions: <del>#1 A conditional use permit will be required for any structure having a maximum height exceeding 55 feet (see § 155.095(A)).</del> #21 A side yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district. #32 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district. #43 There shall be a required front yard on each street side of lots. #54 Wastewater treatment facilities are exempt from minimum yard or setback requirements. #65 See also adjustments to yard regulations (§ 155.082 for other specific exceptions).							

(Ord. 1189, passed 7-7-2008; Am. Ord. 1266, passed 12-5-2011; Am. Ord. 1281, passed 6-18-2012; Am. Ord. 1343, passed 7-5-2016; Am. Ord. 1353, passed 6-5-2017; Am. Ord. 1359, passed 9-18-2017)