



**City of Vermillion  
Planning Commission Agenda**

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

**1. Roll Call**

**2. Minutes**

- a. March 11, 2019 Regular Meeting.

**3. Declaration of Conflict of Interests**

**4. Adoption of the Agenda**

**5. Visitors to Be Heard**

**6. Public Hearings**

- a. Continuation of 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 – Sections 155.038 GI General Industrial District, and 155.039 HI Heavy Industrial District. (comments from Commission).
- b. Update on Single-Family Attached Dwellings and Renewable Energy in Residential Areas (spec. Solar Farms and Wind Turbines)

**8. New Business**

- a. Replat of Lots 4A, Block 5, and Lot 1A, Block 7, Partridge Subdivision in the W ½ of the NE ¼ of Section 13, Township 92 North, Range 52 West of the 5<sup>th</sup> P.M., City of Vermillion, Clay County, South Dakota.
- b. Discussion on Amendments to Zoning Ordinance – Sections 155.055 Country Side Planned Unit Development, 155.056 Coyote Village Planned Development District, 155.057 Cottage Place Planned Development District, 155.058 Bliss Pointe Planned Development District, 155.059 Community Oriented Healthcare Planned Development District, 155.060 Spady Planned Development District, and 155.061 Dakota Commons Planned Development 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, March 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 March 11, 2019 at 5:30 p.m.

1. Roll Call

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

Absent: Fairholm, Manning.

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

Others present: Rich Holland, Alderman.

2. Minutes

a. February 25, 2019 Regular Meeting.

Commissioner Muenster noted on page 3 near a typing error "Bread and Breakfast" should read Bed and Breakfast.

Moved by Commissioner Tuve to adopt February 25, 2019 Regular Meeting with the noted changes, seconded by Commissioner Muenster. Motion carried 5-0.

3. Declaration of Conflict of Interest

Commissioner Muenster noted that he owns investment property. Commissioner Forseth stated he owns industrial property below the bluff.

4. Adoption of the Agenda

Moved by Commissioner Forseth to adopt the agenda as printed, seconded by Commissioner Kleeman. Motion carried 5-0.

5. Visitors to be Heard

José Domínguez, City Engineer, shared that, at the time of the meeting, Staff have received one expression of interest for the vacant seat and the appointment is anticipated at the next City Council meeting.

6. Public Hearing

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).

Mr. Purdy, Assistant City Manager, explained that the storage units proposed by Mr. Todd Heine meets the following criteria that is reviewed by the Planning and Zoning Commission with all Conditional Use Permits (CUP):

- Ingress/Egress: The proposed plan complies with Ordinance 1369. Norbeck is a collector street. As such, the ordinance allows 1 access point per frontages less than 200-feet in length.

Additionally, the Building Permit will require construction of sidewalk along the west side prior to occupancy.

- Off-street parking and loading: There is no off-street parking required for storage sheds. However, the proposed shop will require off-street parking which can occur in the required front yard in the in the General Industrial District.
- Refuse and services areas: N/A
- Utilities: No utilities will need to be extended.
- Screening and buffering: None required by code.
- Signs: Any future signage would be required to follow existing signage code. No signage has been requested at this time.
- Required yards and open spaces: All construction will take place within required setbacks.
- General compatibility: The proposed construction is generally compatible with the neighborhood.

Mr. Purdy explained that 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. He continued by noting the proposed construction is compatible with the City's Comprehensive Plan. Staff recommends approval.

Commissioner Forseth noted that there are no other sidewalks in the area. Commissioner Muenster commented that requiring sidewalks would be a first step in a long-term goal of including sidewalks City-wide.

Mr. Domínguez explained that presently, Mr. Heine is interested in constructing ten units leaving the possibility of more in the future. Discussion followed.

Answering questions from Commissioner Iverson and Mr. Holland, Mr. Domínguez explained that there is lighting planned, but mainly for clients accessing their storage units at night. Lighting and fencing requirements are conditions the Commission can consider; they are not requirements.

Commissioner Muenster questioned why a facility such as a storage unit requires a CUP in the General Industrial District. Mr. Domínguez noted that in a later item on the agenda, Staff recommend amending the language in the zoning ordinance to move it to a permitted use along with some other items.

Moved by Commissioner Muenster to continue the item to a later date when the applicant or his representative can appear allowing the Commissioners opportunity to ask the applicant questions. Seconded by Commissioner Kleeman. Motion passed 5-0.

#### 7. Old 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 (comments from Commission)

At the February 25 meeting Staff presented amendments to the business/commercial districts and requested comments from Commissioners be prepared for today's meeting noting Commissioners Fairholm and Muenster submitted their comments to Staff electronically, many of which were the same as those provided in the February 25 packet.

#### **CENTRAL BUSINESS DISTRICT**

**ADULT ORIENTED BUSINESSES:** Commissioner Fairholm suggested removing this item completely and leaving it to the County jurisdiction. Mr. Domínguez noted that the City Manager would prefer the definition remain in the code to avoid the argument that "it's just a dance studio." By the definition remaining in the code, it is defined and a procedure is maintained.

**MAXIMUM HEIGHTS:** In the Central Business District Commissioner Fairholm noted that the max. heights are listed as N/A. Mr. Domínguez clarified that all heights are dictated by building codes.

**GASOLINE:** Commissioner Muenster suggests utilizing terms such as FUEL and FUELING STATION rather than GASOLINE as FUEL would encompass diesel as well as electric vehicles.

**MOTEL/ MOTOR LODGE/ MOTOR COURT/ TOURIST COURT:** Commissioner Muenster questioned the difference among the terms and suggested that perhaps some of the terms are antiquated and could be removed.

**FUNERAL HOME/MORTURARY:** Commissioner Muenster asked for clarification on the difference. Mr. Domínguez explained that typically a mortuary offers less services than a funeral home. Staff's proposal was to make FUNERAL HOME and MORTURARY the same and added CREMATORIUM as a conditional use.

**PRINT SHOP/PRINTING PLANT:** Commissioner Muenster asked for clarification on the difference. Staff where unable to find a difference, but agreed with Muenster that perhaps it was a matter of scale. The City's code defines them as the same. Mr. Domínguez explained the reason they are both listed is similar to the issue of Single Family Attached Dwellings (Twinhome/Townhome/Townhouse etc...) To avoid confusion Staff have attempted to encompass all possible terms and define them.

**BORDING HOUSE/ LODGING HOUSE/ ROOMING HOUSE:** Mr. Domínguez provided the same explanation as PRINT SHOP/PRINTING PLANT. He further clarified at Commissioner Muenster's request that Bed and Breakfast has its own definition and would not be included with these uses.

DAYCARE CENTER: It was clarified that this would only include children. A facility for adults will be defined as ADULT DAY SERVICES.

THEATRE: It was clarified that the definition includes both film and live presentations.

**GENERAL BUSINESS DISTRICT**

ASSISTED LIVING CENTER AND CONGREGATE CARE FACILITY/NURSING HOME: Commissioner Fairholm suggests moving these items to permitted uses rather than listing them as Conditional Uses. Mr. Domínguez and the City Manager agree that in the Residential districts it makes sense to list them as permitted uses, however in this case, a residential use would become an allowable use in a commercial district, thus Staff believe it should remain a conditional use to allow for conditions to be placed on development to protect the residence from the surrounding area.

Commissioner Muenster suggested research on the use of the term NURSING HOME as it may be antiquated.

VETERINARIAN, SMALL ANIMAL: Commissioner Fairholm suggests listing this as a permitted use. Staff believe that would be okay as No outdoor kennel would be permitted within 150 feet of a residential use.

COMMERCIAL PARKING LOT: Commissioner Fairholm suggests listing as permitted use.

ADULT ORIENTED BUSINESS: Commissioner had the same comment as noted in the Central Business District.

LIMITED PRODUCTION: List as a permitted use. Staff believe it should remain a conditional use as these types of businesses may not create a lot of noise, but they can create a lot of traffic etc. . . .

MAXIMUM HEIGHT: Commissioner Fairholm would like the commission to consider removing the height restriction.

DAYCARE: It was clarified that this would only include children. A facility for adults will be defined as ADULT DAY SERVICES.

LUMBERYARD: Stores such as Menards and Home Depot would not be classified as lumberyards. The Building Official explained that they fit the description of a large box store, like Walmart etc...

**NEIGHBORHOOD COMMERCIAL**

DWELLING, SINGLE FAMILY DETACHED: Commissioner Fairholm suggested listing this as a permitted use. Staff recommend leaving it as a conditional use as the Neighborhood Commercial District is meant to be a buffer between commercial development and residential development.

RESTAURANTS: Staff are not clear on Commissioner Fairholm's suggestion, but recommend leaving it at the very least a conditional use noting Burger King was allowed as a Conditional Use. Fencing was a condition

to eliminate some of the traffic light from interfering with nearby residential uses.

#### 8. New Business

a. Discussion on Amendments to Zoning Ordinance - Sections 155.038 GI General Industrial District, and 155.039 HI Heavy Industrial District.

Prior to discussion, Mr. Domínguez noted that due to comments from Commissioners, the original schedule of the review process was altered as the process has become more complex than simply updating the document based upon definitions. The process now includes moving conditional uses to permitted uses, removing uses etc... The schedule is included in the memo.

Staff is proposing several changes in these districts as noted in the memo as published. Commissioner Muenster suggested allowing for Solar Farms within zoning code. Staff asks the Planning Commission to prepare comments on the General/Heavy Industrial Districts for the next meeting and submit them to Staff electronically as possible.

#### 9. Staff Report

PRENTIS PARK: improvements to the baseball field, sidewalk from Prentis to Plum. Commissioner Muenster recommended Code Enforcement take a look at Sammelson property by Prentis Park.

CHIP SEAL: Among others, Plum Street from Lewis to Cherry; Clark Street; Prentis from Lincoln to Main

JOINT JURISDICTIONAL AREA (JJZA): Staff have been directed to work on an agreement with Clay County regarding development in the JJZA. Part of the process will potentially include a comprehensive plan with the County for the JJZA.

#### 10. Adjourn

Moved by Commissioner Forseth to adjourn, seconded by Commissioner Kleeman. Motion carried 8-0. Commissioner Iverson declared the meeting adjourned at 6:32 p.m.

# *Planning & Zoning Commission Agenda Memo*

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

**Meeting:** March 25, 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<br><br>(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. |

|  |   |
|--|---|
| number of access points, fire lanes)   | <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.</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>  | Not applicable  |
| <p>Utilities</p> <p>(location of fire hydrants)</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>Screening and buffering</p> <p>(screening/buffering area, general description screen/buffer)</p>  | No screening/buffering is required by code.   |
| Signs  | No signage has been requested at this time. If a sign application is submitted they will be required to follow the existing sign code.  |
| Required yards and open spaces   | All construction will happen within the required setbacks.  |

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|---|---|
| <p>General compatibility<br/><br/>(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:

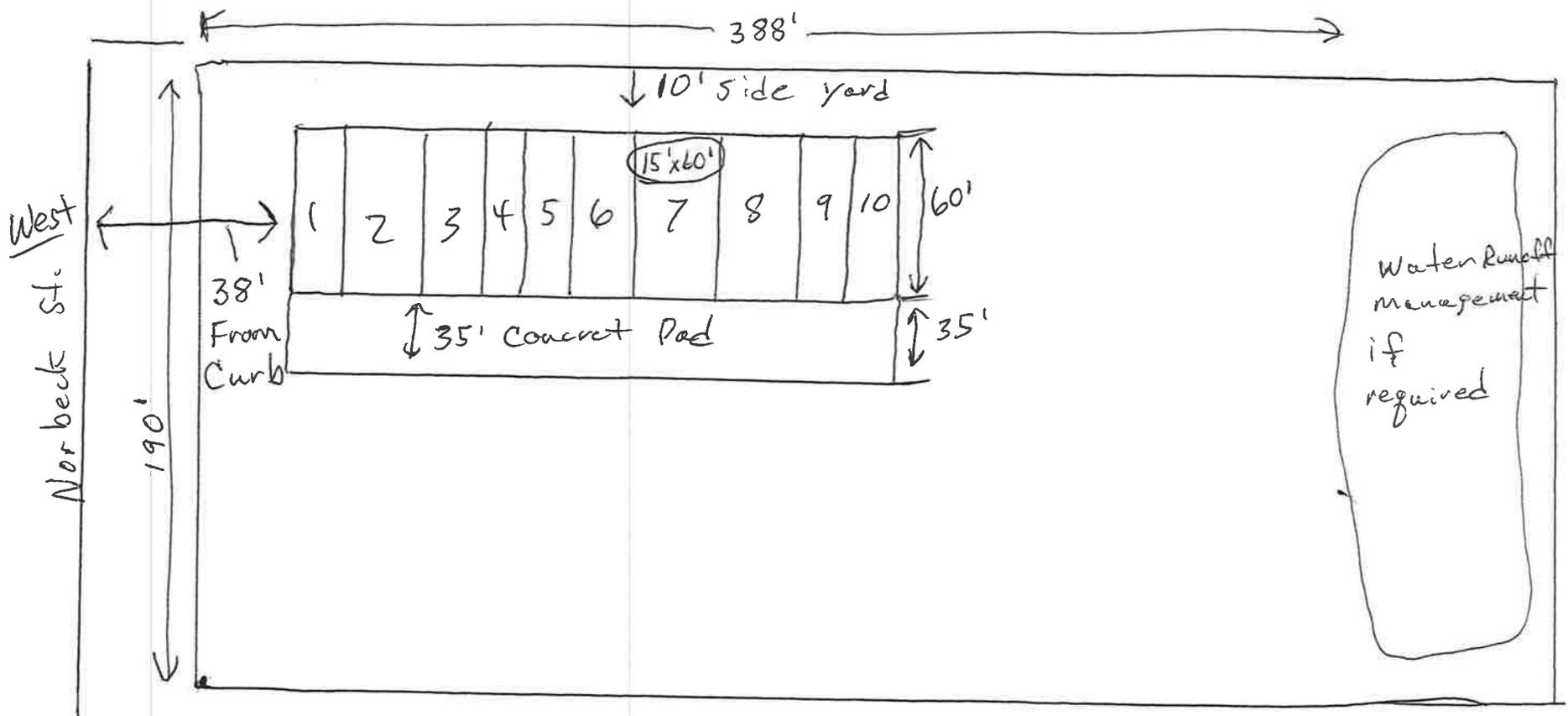
- Provide commercial services that are convenient to residents of Vermillion (pg. 14)
- Provide a wide range of goods and services (pg. 14)
- Provide safe and convenient pedestrian movements to and within future commercial areas (pg. 14)
- Provide a safe and efficient multi-modal transportation system (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.

TODD HEIWE  
Storage Building

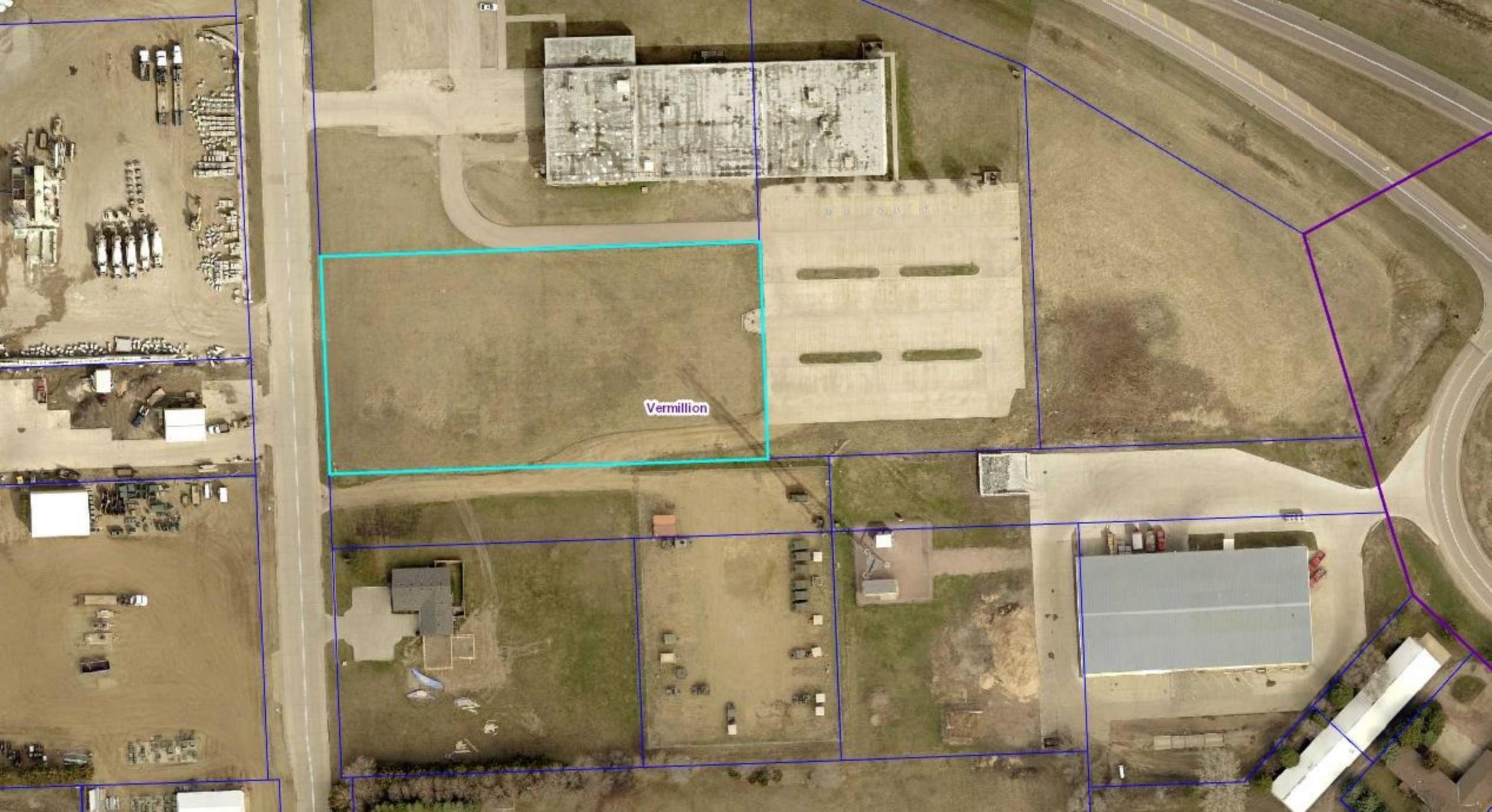
911 Norbeck St.

Worth



South

East



Vermillion

**From:** noreply@civicplus.com  
**Sent:** Friday, February 22, 2019 11:24 AM  
**To:** Marty Washington; Jose Dominguez; James Purdy  
**Subject:** Online Form Submittal: Petition for Conditional Use Permit

## Petition for Conditional Use Permit

THE PLANNING COMMISSION REQUEST THE FOLLOWING:

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(1) APPLICANT MUST COMPLETE THE ENTIRE APPLICATION, OTHERWISE APPLICATION WILL NOT BE PRESENTED TO THE PLANNING COMMISSION FOR CONSIDERATION.

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(2) APPLICANT MUST EITHER CHECK A BOX OR ANSWER EACH QUESTION. IF THE ANSWER TO THE QUESTION IS NOT KNOWN, WRITE 'DO NOT KNOW' AS THE ANSWER TO THE QUESTION.

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### 1. Petitioner Information

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|               |                            |
|---------------|----------------------------|
| Name          | Todd Heine                 |
| Email Address | heseedcorn@qwestoffice.net |
| Address       | 1020 E 320th st.           |
| City          | Vermillion                 |
| State         | SD                         |
| Zip Code      | 57069                      |
| Phone Number  | 605-677-8566               |
| Fax Number    | 605624-3414                |

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(Section Break)

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### 2. Information on Property Applying for Conditional-Use Permit

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|   |  |
|---|--|
| Address of Property                       | 911 North Norbeck  |
| Legal Description                         | Lot 10, Block 1 , Brooks Industrial Park, City of Vermillion , Clay Co. South Dakota |
| Current Zoning District                   | GI - General Industrial District   |
| If you selected PDD - Planned Development | N/A  |

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District, enter the name of the district. Otherwise enter 'N/A.'

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(Section Break)

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### 3. Information on Adjoining Properties

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|   |   |
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| Describe the neighborhood where the Conditional-Use Permit is being sought. | Directly to the north is a warehouse for manufacturing. To the East is a parking lot for the manufacturing warehouse. To the west if Norbeck street , across the street to the west is Midwest ready mix plant. To the south is a vacant lot, directly south of this vacant lot is the Veterinary Clinic. |
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Adjacent uses to proposed conditional-use (check all that apply):

|       |            |
|-------|------------|
| NORTH | Industrial |
|-------|------------|

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|      |            |
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| EAST | Commercial |
|------|------------|

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| SOUTH | Vacant |
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|      |            |
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| WEST | Industrial |
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(Section Break)

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### 4. Standards for Conditional Use Permit

*Please address the following criteria. These standards will be addressed at the public hearing.*

|  |  |
|--|--|
| A. How will the property and structures be accessed from the street? | We will be responsible for shaving the concrete Curb down so vehicles can enter the property from the street of norbeck. |
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| B. Where will the access points from the street be located? | Center of the access road will be 95' south from the north west corner of the property. |
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| C. How wide will the access points be? | 30' |
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| D. How will the traffic (both vehicles and pedestrians) flow within the property? | Only one access point to the property will be from Norbeck st. |
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| E. Where will the off-street parking and loading areas be located? | N/A |
|--|-----|

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|  |  |
|--|--|
| F. How many off-street parking stalls and loading areas are being proposed?  | N/A  |
| G. Where will refuse and service areas be located on the property?   | N/A  |
| H. What is the availability of utilities in the area? Will they need to be installed or modified to service the property?                          | We will need one electrical service for lighting of the outside of the storage building. This service should be available on the norbeck st. West end of the property.   |
| I. Is screening and/or buffering being proposed? If so, what will it be, and where will it be constructed?   | This building will be a storage facility for mainly large RV's and recreational vehicles. The building will have ten individual units. Each unit is 15'x60'. For a total dimension of 60'x150' . This building will be located on the North west corner of the property. 60' North to South, 150' East to west. Garage doors to each unit will open on the south ends of the building. 35' of concrete pad will be poured on the south side of the building to allow significant turn around for vehicles. |
| J. Are any signs proposed for the property? If so, describe the signs being proposed (size and lighting).  | One sign will be located on the building facing Norbeck street.  |
| K. Will the signs be compatible with neighboring properties?   | Yes  |
| L. How will the signs affect the surrounding areas?  | OK   |
| M. Are there any required yards and other open spaces?   | N/A  |
| N. What is the general compatibility with the adjoining properties and other properties in the zoning district in which such use is to be located? | This facility should be compatible with other businesses on this street.   |
| Upload any plans or diagrams   | <i>Field not completed.</i>  |

(Section Break)

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|                         |                |
|-------------------------|----------------|
| Acknowledgement of Fees | I acknowledge. |
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|                                |          |
|--------------------------------|----------|
| Electronic Signature Agreement | I agree. |
|--------------------------------|----------|

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|                      |              |
|----------------------|--------------|
| Electronic Signature | Todd F Heine |
|----------------------|--------------|

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Once submitted, Staff will verify that everything has been filled out correctly. Afterwards, you will be contacted to inform you of when your Petition for Conditional Use Permit will come before the Planning Commission. It is highly recommended that you attend this meeting.

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Email not displaying correctly? [View it in your browser.](#)

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** March 25, 2019

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

**Presenter:** Jose Dominguez

**Background:** At the March 11, 2019 meeting Staff presented amendments to the industrial 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 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 industrial districts.

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** March 25, 2019

**Subject:** Update on Single-family attached dwellings, Renewable Energy in Residential Areas (spec. Solar Farms and Wind Turbines)

**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.

On February 25<sup>th</sup> Staff updated Commissioners regarding separation between multi-family dwellings, maximum building height, convenience store and adult day services.

**Discussion:** The Commissioners have asked questions regarding single-family attached dwellings and renewable energy in residential areas. Following are Staff's findings:

- **Single-family attached dwellings (townhomes):** Staff researched how several cities in the area accommodate this type of housing. Following is a table with a summary of the findings.

| CITY           | DISTRICTS<br>ALLOWED                           | NOTES  |
|----------------|--|--|
| Vermillion, SD | They are allowed in all residential districts. | <ul style="list-style-type: none"> <li>· Clearly defined as one dwelling unit per lot</li> <li>· Have maximum of units that can be attached</li> <li>· Some districts require units to be staggered</li> </ul> |

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| Sioux Falls, SD | They have their own district, but can be found in some commercial and higher density residential districts. They are not allowed in lower density residential neighborhoods.   | <ul style="list-style-type: none"> <li>· Does not clearly define if it's one dwelling unit per lot</li> <li>· Require an additional buffer yard depending on the number of townhomes being built and on the adjacent uses</li> </ul>   |
| Brookings, SD   | They have four low density districts, with townhomes being allowed in the highest density low density district. They are also allowed in the medium and high density residential districts, and in the neighborhood business district. | <ul style="list-style-type: none"> <li>· Two definitions (one is if its rented/owned, and the other if it will be strictly owner occupied)</li> <li>· Does not clearly define if it's a dwelling per lot</li> <li>· They tie the zoning with rentals (if the unit will be owned then it will be a zero-foot side yard structure, if rented, or owned, then a townhome)</li> <li>· Have a minimum lot area, but they also require a set lot area based on the number of units</li> <li>· They also have a maximum number of units per acre</li> </ul> |
| Madison, SD     | They are only allowed in the multiple unit residential district.   | <ul style="list-style-type: none"> <li>· Definition does not appear in uses, instead they consider townhomes as multi-family dwellings</li> <li>· Does not clearly define if it's a dwelling per lot</li> <li>· Set the lot area based on number of units</li> </ul>   |
| Yankton, SD     | They are allowed in the two family and multiple family residential districts. They are also allowed in the local business, highway business and central business districts.  | <ul style="list-style-type: none"> <li>· Two definitions used (two-family and multiple family dwellings)</li> <li>· Does not clearly define if it's a dwelling per lot</li> <li>· Sets a height limit based on height and stories</li> </ul>   |

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| Ames, IA | Only allowed in the medium and high density residential districts | <ul style="list-style-type: none"> <li>· Definition clearly defines one dwelling per lot</li> <li>· Lot area is set by number of units and location of units in structure</li> <li>· Side yards vary depending on the number of stories</li> <li>· Height of dwellings is the lesser of height or number of stories</li> </ul> |
|----------|---|--|

- **Renewable energy in residential areas (spec. solar farms and wind turbines):**  
The current ordinance only controls the construction of large windfarms. However, there is a possibility that a person might want to construct a renewable energy source within their residential lot. Currently the ordinance does not cover this directly. A wind turbine would be allowed in a residential lot, but it would be limited to the height set for the district. Additionally, Staff would consider the amount of noise that would be generated by the wind turbine to allow the construction. Solar panels would be allowed with a consideration to the additional loads to the roof of the structure.

The City has adopted a process that controls the amount of renewable energy generated within the City. This process was required by one of the City’s power suppliers (Missouri River Energy Services or MRES) to ensure that if power was being generated by a private entity it does not backfeed into the system in an unsafe manner. MRES also set the requirement limiting the amount of renewable energy generated within the City.

**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 Commission Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** March 25, 2019

**Subject** Replat of Lot 4A, Block 5, and Lot 1A, Block 7, Partridge Subdivision in the W ½ of the NE ¼ of Section 13, Township 92 North, Range 52 West of the 5<sup>th</sup> P.M., City of Vermillion, Clay County, South Dakota

**Presenter:** Jose Dominguez

**Background:** Sayre Associates has submitted a final plat on behalf of the owner. The area to be replatted currently consist of four lots roughly containing 8.4-acres. The area is located on the north end of Cottage Avenue along SD Highway 50, and is bisected by Cottage Avenue. The owner is replatting the property to meet requirements forbidding buildings being built on property lines (lot 1A) and also to ensure that the all of the buildings on the east side of Cottage Avenue are within one lot (lot 4A)

**Discussion:** Staff reviewed the final plat and find that it complies with all code provisions. The applicant will also be dedicating all of the required utility easements around the lot.

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

- Provide a variety of housing types that allow people to live in Vermillion at any stage of their life and income (pg. 13)
- Facilitate the location, character, and phasing of residential growth and development (pg. 13)
- Create and maintain neighborhoods that are safe, healthy, livable, and compatible with adjacent land uses (pg. 13) (pg. 48)
- Address the density, affordability, and type requirements for housing (pg. 13)
- Allow for a supply of housing styles, sizes and prices that encourage people of all ages to live in Vermillion (pg. 48)
- Maintain the appearance of Vermillion's neighborhoods, streets, and commercial districts (pg. 48)
- Focus new development within existing City limits areas (pg. 67)

- Encourage development within existing sanitary sewer and drainage basins (pg. 67)
- Encourage compact and contiguous urban growth within corporate limits (pg. 67)

**Conclusion/Recommendations:** Staff finds that the final plat meets all of the ordinance requirements and recommends approval the final plat. The plat will be considered by the City Council at a future meeting. The applicant is in the process of acquiring all of the required signatures.

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** March 25, 2019

**Subject:** Discussion on Amendments to Zoning Ordinance – Sections 155.055 Country Side Planned Unit Development, 155.056 Coyote Village Planned Development District, 155.057 Cottage Place Planned Development District, 155.058 Bliss Pointe Planned Development District, 155.059 Community Oriented Healthcare Planned Development District, 155.060 Spady Planned Development District, and 155.061 Dakota Commons Planned Development 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.

| 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<br>R2 Residential District<br>R3 Residential District<br>R4 Residential District | February 11, 2019               | February 25, 2019                |
| 4    | CB Central Business District<br>GB General Business District<br>NC Neighborhood Commercial District      | February 25, 2019               | March 11, 2019                   |
| 5    | GI General Industrial District<br>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   | May 13, 2019                    |                                  |
| 8    | Off-Street Parking Requirements  | May 28, 2019                    | June 10, 2019                    |
| 9    | Conditional-Use Permit Section   | June 10, 2019                   | June 24, 2019                    |
| 10   | Miscellaneous amendments to ordinance  | July 8, 2019                    | July 22, 2019                    |
| 11   | Public Meeting to gather comments on items 8 through 10  | August 12, 2019                 |                                  |
| 12   | Draft of items 1 through 6, 8, 9 and 10  | August 26, 2019                 | September 9, 2019                |
| 13   | Public Hearing on Amendments   | September 23, 2019              |                                  |
| 14   | 1 <sup>st</sup> Reading of Ordinance at Council  | October 7, 2019                 |                                  |
| 15   | 2 <sup>nd</sup> Reading of Ordinance at Council  | October 21, 2019                |                                  |

**Discussion:** Planned development districts (PDD) are meant to provide flexibility to developers that are intending on constructing something that may not fit entirely within

the allowable uses in any of the City's zoning districts. The PDD process increases the number of public meetings so that there are ample opportunities for the public to review and comment on a project. At this point, we are not asking to amend the process. Staff wants to ensure that the proposed uses in each of the districts are defined.

Due to the fact that each of these districts was envisioned to be a certain way by the original developer, Staff is only updating the uses to match the proposed definitions. The proposed changes are not intended to modify the districts in any other way. If the Commission does not agree with the proposed changes; Staff recommends inserting a separate definition section to each of the districts to ensure that the uses are defined.

**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:** Staff asks the Planning Commission to offer comments on the proposed changes to the PDD districts.

**§ 155.055 COUNTRY SIDE PLANNED UNIT DEVELOPMENT.**

(A) *Area A.* The purpose of this district is to provide for low-density manufactured homes and residential areas within planned unit developments. All city ordinances apply to the planned unit development except for those modified below.

(1) *Permitted uses.*

| <i>Permitted Uses</i>   | <i>Applicable Standards</i>             |
|---|---|
| <del>Single-family dwellings</del> <u>Single-family detached dwelling</u> | §§ 155.070, 155.072, 155.076, 155.077   |
| Accessory <del>building or use structures</del>                           | §§ 155.070, 155.095(A) (see definition) |

(2) *Conditional uses.*

| <i>Conditional Use</i>                       | <i>Applicable Standards</i>              |
|--|--|
| Manufactured home park, <del>licenseds</del> | §§ 155.070, 155.077, 155.079, 155.095(J) |

(3) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line at the closest point.

|  | <i>Lot Area</i>   | <i>Lot Width</i> | <i>Front Yard</i>                | <i>Side Yard</i> | <i>Rear Yard</i> | <i>Maximum Height</i> |
|--|-------------------|------------------|----------------------------------|------------------|------------------|-----------------------|
| <del>Single-family dwelling</del> <u>Single-family detached dwelling</u> | 6,000 square feet | 50 feet          | 25 feet (30 feet on Burbank Rd.) | 8 feet           | 25 feet          | 35 feet               |
| Accessory building <del>or use</del>                                     | NA                | NA               | Not permitted                    | 6 feet           | 6 feet           | 12 feet               |

(4) *Property re-division.* All future property re-division shall require a re-platting of the affected parcels.

(B) *Area B.* The purpose of this district is to provide for low impact business, medium-density manufactured homes and residential areas within planned unit developments. All city ordinances apply to the planned unit development except for those modified below.

(1) *Permitted uses.*

| <i>Permitted Uses</i>  | <i>Applicable Standards</i>  |
|--|--|
| Single-family detached dwellings   | §§ 155.070, 155.072, 155.076, 155.077  |
| Single-family attached dwellings   | §§ 155.070, 155.072, 155.076, 155.077  |
| <del>Two family attached dwellings</del> <u>Multiple-family dwelling</u> | §§ 155.070, 155.072, 155.076, 155.077, <u>maximum of two dwelling units per lot.</u> |
| Multiple family dwellings  | §§ 155.070, 155.072, 155.076, 155.077  |
| <del>Convenience store</del> <u>Retail services and trade</u>            | §§ 155.070, 155.072, 155.076, 155.077  |
| Drug store   | §§ 155.070, 155.072, 155.076, 155.077  |

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|   |  |
|---|--|
| <del>Markets</del>                          | <del>§§ 155.070, 155.072, 155.076, 155.077</del> |
| <del>Retail stores</del>                    | <del>§§ 155.070, 155.072, 155.076, 155.077</del> |
| Accessory <u>building or use structures</u> | §§ 155.071, 155.082(A) (see definition)          |

(2) *Conditional uses.*

| <i>Conditional Use</i>                   | <i>Applicable Standards</i>              |
|--|--|
| Manufactured home park, <u>licenseds</u> | §§ 155.070, 155.077, 155.079, 155.095(A) |

(3) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line at the closest point.

|   | <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> |
|---|---------------------------|-----------------|----------------------|-------------------|--------------------------|------------------|-----------------------|
| <del>Business uses</del> <u>Retail services and trade</u>   | 10,000 square feet        | 50 feet         | 65 feet              | 25 feet           | 8 feet                   | 25 feet          | 35 feet               |
| <u>Drug store</u>   | <u>10,000 square feet</u> | <u>50 feet</u>  | <u>65 feet</u>       | <u>25 feet</u>    | <u>8 feet</u>            | <u>25 feet</u>   | <u>35 feet</u>        |
| Single family detached dwellings  | 6,000 square feet         | 50 feet         | 65 feet              | 25 feet           | 8 feet                   | 25 feet          | 35 feet               |
| Single family attached dwellings  | 2,500 square feet         | 25 feet         | 25 feet              | 25 feet           | 8 feet (0 on party wall) | 25 feet          | 35 feet               |
| <del>Two family attached dwellings</del> <u>Multiple-family dwelling (maximum of two dwelling units per lot)</u>  | 7,500 square feet         | 50 feet         | 75 feet              | 25 feet           | 8 feet                   | 25 feet          | 35 feet               |
| <del>Multiple family 3 to 8 units</del> <u>Multiple-family dwelling (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)</u>      | 7,500 square feet         | 50 feet         | 60 feet              | 30 feet           | 10 feet                  | 25 feet          | 35 feet               |
| <del>Multiple family 9 to 12 units</del> <u>Multiple-family dwelling (between 33 and 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)</u> | 17,000 square feet        | 50 feet         | 85 feet              | 30 feet           | 10 feet                  | 25 feet          | 35 feet               |
| <del>Multiple family over 12 units</del> <u>Multiple-family dwelling (over 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)</u>           | 25,000 square feet        | 50 feet         | 85 feet              | 30 feet           | 10 feet                  | 25 feet          | 35 feet               |
| Accessory building <u>or use</u>  |                           |                 |                      | Not permitted     | 4 feet                   | 4 feet           | 12 feet               |

(4) *Property re-division.* All future property re-division shall require a re-platting of the affected parcels.  
(Ord. 1189, passed 7-7-2008; Am. Ord. 1298, passed 4-1-2013)

~~§ 155.056 COYOTE VILLAGE PLANNED DEVELOPMENT DISTRICT.~~

~~(A) Purpose.~~ The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Coyote Village Planned Development District. The purpose of this district is to provide for high density multiple family homes and residential areas within the Planned Development District. All city ordinances apply to the Planned Development District.

~~(B) Permitted uses.~~

| <i>Permitted Uses</i>             | <i>Applicable Standards</i>                |
|-----------------------------------|--|
| Multiple family dwellings         | §§ 155.070, 155.072, 155.076, 155.077      |
| Accessory recreational uses areas | No structures shall be permitted. (e), (g) |

~~(C) Conditional uses.~~

| <i>Conditional Use</i>   | <i>Applicable Standards</i>   |
|--------------------------|---|
| Off premise parking lots | §§ 155.072; parking spaces may be reduced to 8.5x20 provided the driveway serving these spaces is a minimum of 24 feet wide |

~~(D) Lot and yard regulations.~~ All measurements shall be taken from the lot line to the building line at the closest point.

|                          | Lot Area          | Lot Width | Front Yard   | Side Yard | Rear Yard | Maximum Height |
|--------------------------|-------------------|-----------|--|-----------|-----------|----------------|
| Multiple family dwelling | 6,000 square feet | 50 feet   | 20 feet on Rose Street<br>30 feet on Dakota and Ratingen | 15 feet   | 20 feet   | 70 feet        |
| Off premise parking lots | NA                | NA        | Not permitted  | 2 feet    | 2 feet    | NA             |

~~(E) Property re-division.~~ All future property re-division shall require a re-platting of the affected parcels.

~~(F) Other regulations.~~ Other regulations for the Coyote Village District shall be:

~~(1) Sidewalks.~~ Sidewalks shall be required along all streets. The minimum width shall be 6 feet on Dakota Street and 5 feet on Rose Street and Ratingen Strasse with a minimum 5 foot boulevard for all sidewalks.

~~(2) Site design. The site design (earth berms, vegetation and the like) shall be utilized to minimize visual impact of parking facilities.~~

~~(3) Harmonious design. The building and site design shall be harmonious and sensitive to adjacent structures and environment.~~

~~(4) Parking regulations. Parking shall comply with § 155.072. Required parking shall be dedicated to the occupants and located as close to the building served as possible.~~

~~(5) Lighting. Lighting for parking lots and recreational areas shall be constructed so as to prevent light pollution to surrounding properties.~~

~~(6) Sign regulations. Signs shall be regulated by Chapter 152. Regulations shall be those used in the R-3 District.~~

~~(7) Fence regulations. Fences shall comply with § 155.074(A), (B) and (C), except for fences used to enclose recreational areas that may comply with § 155.074(G).~~

~~(8) Landscaping. Landscaping shall be completed as shown on the final plat. Street side areas without landscaping such as the multi-purpose field shall be required to be landscaped in a like manner when developed for any use or if left undeveloped for more than 10 years.~~

~~(Ord. 1208, passed 3-2-2009)~~

**§ 155.057 COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT.**

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Cottage Place Planned Development District. The purpose of this district is to provide for mixed use commercial and residential areas within the Planned Development District. All city ordinances apply to the Planned Development District.

(B) *Area A* (mixed use commercial and residential areas). All city ordinances apply to the planned development district identified as Area A except for those modified below.

(1) *Permitted uses (Area A).*

| <i>Permitted Uses</i>   | Applicable Standards   |
|---|--|
| Retail trade or service   | §§ 155.070, 155.072, 155.073, 155.077  |
| <del>Office</del> <u>Offices, non-commercial, non-construction and non-industrial</u> | §§ 155.070, 155.072, 155.073, 155.077  |
| Personal service  | §§ 155.070, 155.072, 155.073, 155.077  |
| <del>Mixed commercial/residential</del> <u>Mixed-use building</u>                     | <del>§§ 155.070, 155.072, 155.073, 155.077</del> <u>Residential being above the ground floor</u> |
| Accessory <del>structures</del> <u>building or use</u>                                | §§ 155.070, 155.095(A)   |
| Churches  | All parking lots being 8 feet from all residential properties.<br>§§ 155.070, 155.072, 155.077   |
| Drug store  | §§ 155.070, 155.072, 155.073, 155.077  |
| <del>Medical and dental</del> <u>eClinics</u>   | §§ 155.070, 155.072, 155.073, 155.077  |
| Day care, center  | Adequate and safe playground area with fence 4 feet high.  |

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|  |   |
|--|---|
|  | A safe pickup and drop off area must be provided for the children.<br>§§ 155.070, 155.072, 155.073, 155.077 |
| <del>Fences</del>  | <del>§ 155.074</del>  |
| Neighborhood utility <del>ies</del> <u>facility</u>                    | § 155.070   |
| <del>Small animal veterinarian</del> <u>Veterinarian, small animal</u> | §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)   |
| <del>On/off</del> <u>Off</u> premise parking                           | § 155.095(A)  |

(2) *Conditional uses (Area A).*

| <i>Conditional Use</i>   | <i>Applicable Standards</i>   |
|--|---|
| <del>Convenience store</del>                                       | <del>§§ 155.070, 155.072, 155.077</del>   |
| Hotel/ <del>motel</del>  | §§ 155.070, 155.072, 155.073, 155.077   |
| Hospital/ <del>clinic</del>  | §§ 155.070, 155.072, 155.073, 155.077   |
| Public utility facility  | §§ 155.070, 155.072, 155.073, 155.077   |
| Funeral home/ <del>mortuary</del>                                  | §§ 155.070, 155.072, 155.073, 155.077   |
| <i>Conditional Use</i>   | <i>Applicable Standards</i>   |
| Private club   | §§ 155.070, 155.072, 155.073, 155.077   |
| Restaurants <del>s</del>   | §§ 155.070, 155.072, 155.073, 155.077   |
| Arcade   | §§ 155.070, 155.072, 155.073, 155.077   |
| <del>On/off</del> -sale alcoholic beverage establishment           | Located at least 500 feet from a school.*<br>§§ 155.070, 155.072, 155.073, 155.077  |
| <u>Off-sale alcoholic beverage establishment</u>                   | <u>Located at least 500 feet from a school.*</u><br><u>§§ 155.070, 155.072, 155.073, 155.077</u>  |
| 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.<br>§§ 155.070, 155.072, 155.073, 155.077                     |
| Greenhouse/ <del>nursery</del>                                     | §§ 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.<br>§§ 155.070, 155.072, 155.073, 155.077       |
| Motor vehicle sales, display, and <del>service</del> <u>rental</u> | §§ 155.070, 155.072, 155.073, 155.077<br>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.<br>§§ 155.070, 155.072, 155.073, 155.077<br>§§ 155.070, 155.072, 155.073, 155.077 |
| Public service facility  | § 155.070   |
| Theatre  | §§ 155.070, 155.072, 155.077  |
| Wholesale trade  | §§ 155.070, 155.072, 155.073, 155.077   |

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

(C) *Area B* (commercial, multi-dwelling, mixed use). Area B is identified to allow multi-dwelling equivalent to R-3 off of Cherry Street frontage. Area B will utilize the same permitted uses as Area A with the addition of the following. Area B will utilize the same conditional uses as Area A without any additions.

(1) *Permitted uses (Area B).*

| <i>Permitted Uses</i>  | <i>Applicable Standards</i>             |
|--|---|
| Area A permitted uses  | See Area A permitted uses               |
| Multiple- <del>family</del> dwellings                        | §§ 155.070, 155.072, 155.073, 155.077   |
| Accessory <del>building or</del> use (such as, garage, shed) | §§ 155.071, 155.082(A) (see definition) |

(2) *Conditional uses (Area B).*

| <i>Conditional Use</i>  | <i>Applicable Standards</i> |
|-------------------------|-----------------------------|
| Area A conditional uses | See Area A conditional uses |

(D) *Area C* (storage). All city ordinances apply to the planned development district identified as Area C except for those modified below.

(1) *Permitted uses (Area C).*

| <i>Permitted Uses</i>   | <i>Applicable Standards</i>  |
|---|--|
| Storage facility  | §§ 155.070, 155.072, 155.077, 155.095(A)   |
| Accessory <del>structures</del> <del>building or</del> use  | §§ 155.070, 155.095(A) (see definition)  |
| <del>Accessory use (such as, garage, shed)</del>  | <del>§§ 155.071, 155.082(A) (see definition)</del>   |
| <del>Fences</del>   | <del>§ 155.074</del>   |
| Contractor's shop/ <del>and</del> storage yard  | Subject to screening of all outdoor storage from view. No repairs or sales<br>§§ 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.<br>§§ 155.070, 155.072, 155.073, 155.077 |
| Neighborhood <del>utilities</del> utility facility  | § 155.070  |
| <del>Motor vehicle storage</del>  |  |
| <del>On/off</del> premise parking <del>for adjacent tracts only and parking shall abut the adjacent tract</del> | § 155.095(A), <del>for adjacent tracts only and parking shall abut the adjacent tract.</del>   |

(2) *Conditional uses (Area C).*

| <i>Conditional Use</i>                                    | <i>Applicable Standards</i>  |
|---|--|
| Motor vehicle sales, display and <del>servie</del> rental | §§ 155.070, 155.072, 155.073, 155.077<br>Subject to screening of all outdoor storage of parts from view. |

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

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(E) *Area D* (high density residential). This area shall provide for certain high density residential areas now developed primarily with single-family. All city ordinances apply to the planned development district identified as Area D except for those modified below.

(1) *Permitted uses (Area D).*

| <i>Permitted Use</i>   | <i>Applicable Standards</i>   |
|--|---|
| Single-family detached dwellings                                       | §§ 155.070, 155.072, 155.076, 155.077   |
| Single-family attached dwellings ( <del>up to 2</del> )                | §§ 155.070, 155.072, 155.076, 155.077, <u>up to 2 dwellings can be attached</u> |
| <del>Multiple-family</del> dwellings                                   | §§ 155.070, 155.072, 155.076, 155.077   |
| Neighborhood <del>utilities</del> utility facility                     | § 155.070   |
| <del>Fences</del>  | <del>§ 155.074</del>  |
| Accessory <del>structure</del> building or use (such as, garage, shed) | §§ 155.071, 155.082(A) (see definition)   |

(2) *Conditional uses (Area D).*

| <i>Conditional Use</i>  | <i>Applicable Standards</i> |
|-------------------------|-----------------------------|
| Public service facility | § 155.070                   |

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

|  | <i>Tract Area</i>            | <i>Lot Width</i>     | <i>Front Yard</i>     | <i>Side Yard</i>                   | <i>Rear Yard</i>     | <i>Maximum Height</i>     |
|--|------------------------------|----------------------|-----------------------|------------------------------------|----------------------|---------------------------|
| <del>Business and all other uses</del>   | <del>7,000-square feet</del> | <del>50 feet</del>   | <del>15 feet</del>    | <del>5 feet</del>                  | <del>10 feet</del>   | <del>45 feet</del>        |
| Single-family detached   | 7,000 square feet            | 60 feet              | 30 feet               | 8 feet                             | 25 feet              | 45 feet                   |
|  | <del>Tract Area</del>        | <del>Lot Width</del> | <del>Front Yard</del> | <del>Side Yard</del>               | <del>Rear Yard</del> | <del>Maximum Height</del> |
| Single-family attached dwellings ( <del>2 units 1 lot</del> )  | 5,000 square feet            | 20 feet              | 30 feet               | 0 or 10 feet on nonparty wall side | 25 feet              | 45 feet                   |
| <del>3 to 8 Multiple-family (apartments and condominiums) dwelling units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit</del> | 7,500 square feet            | 60 feet              | 30 feet               | 10 feet                            | 10 feet              | 45 feet                   |

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|  |                              |                |                  |               |                |                |
|--|------------------------------|----------------|------------------|---------------|----------------|----------------|
| <del>cannot exceed<br/>4)3 to 8 multiple<br/>dwelling units (1<br/>lot)</del>  |                              |                |                  |               |                |                |
| <del>9 to 12-<br/>Multiple-family<br/>(apartments and<br/>condominiums)-<br/>dwelling units<br/>(between 33 and<br/>48 bedrooms per<br/>lot, number of<br/>bedrooms per<br/>dwelling unit<br/>cannot exceed<br/>4)9 to 12-<br/>multiple dwelling<br/>units (1 lot)</del> | 20,000<br>square feet        | 70 feet        | 30 feet          | 10 feet       | 10 feet        | 45 feet        |
| <del>over 12-<br/>Multiple-family<br/>(apartments and<br/>condominiums)-<br/>dwelling units<br/>(over 48<br/>bedrooms per lot,<br/>number of<br/>bedrooms per<br/>dwelling unit<br/>cannot exceed<br/>4)Over 12-<br/>multiple dwelling<br/>units (1 lot)</del>           | 30,000<br>square feet        | 85 feet        | 30 feet          | 10 feet       | 10 feet        | 45 feet        |
| Accessory<br>building or use   | NA                           | NA             | Not<br>permitted | 5 feet        | 5 feet         | 12 feet        |
| Off premise<br>Parking Lots  | § 155.072                    | NA             | 10 feet          | 10 feet       | 10 feet        | NA             |
| All other uses   | <u>7,000<br/>square feet</u> | <u>50 feet</u> | <u>15 feet</u>   | <u>5 feet</u> | <u>10 feet</u> | <u>45 feet</u> |

Exceptions:

#1 Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.

#2 There shall be a required front yard on each thru street side of lots.

#3 See adjustments to yard regulations (§ 155.082) for other specific exceptions.

~~#4 A conditional use permit will be required for any structure exceeding heights identified above (§-~~

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|--|
| <del>155.095(A)</del>  |
| #54 The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.  |
| #65 There shall not be a required front yard on Cottage Place for a double frontage lot. There shall be a required front yard on Cottage Street of a corner lot. |
| #76 A side or rear yard of 15 feet shall be required when a use other than residential is adjacent to or abuts a residential district.                           |

(G) *Property re-division.* All future property re-division shall require a re-platting of the affected parcels. Planned Development District may be required to be amended depending on property redivision.

(1) *Ingress/Egress Easements* - Future transfer of ownership which creates a landlocked parcel shall require a dedicated ingress/egress easement for the issuance of a building permit.

(H) *Parking regulations.* Parking shall comply with § 155.072. Required parking shall be dedicated to the occupants and located as close to the building served as possible.

(I) *Visibility at intersections and driveways.* Safety zones shall comply with § 155.070.

(J) *Accessory use and structures* shall conform to the following standards:

(1) Roofing and siding materials shall be of a type customarily used on site-constructed residence.

(2) Any accessory building that covers more than 120 square feet shall be secured to the ground to prevent the structure from being moved or damaged by high winds.

(3) Accessory buildings may not be used for dwelling purposes.

(4) Accessory buildings in excess of 750 square feet in area should be approved only if there is a legitimate purpose for accessory buildings.

(K) *Off-street loading requirements* shall comply with § 155.073.

(L) *Site-built dwelling standards* shall comply with § 155.076.

(M) *Landscaping standards.*

(1) Within any zoning district, at least 75% of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways and parking (§ 155.072).

(2) One tree per 50 feet of tract width is required. No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees.

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

(4) Where feasible, landscape areas must be capable of providing a substantially full expanse of foliage within 3 years after planting. All deciduous trees shall be 1 3/4-inch caliper and all deciduous ornamental shall be 1 1/4-inch caliper. Berms or other landscaping techniques may be used for all or part of the 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.

(5) A fence, wall, or shrubbery 6 feet in height and of a character necessary for adequate screening shall be installed or planted when a commercial use is located adjacent to

residentially used property or across the right-of-way from residentially used property (unless the right-of-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.

(6) If proper screening is provided, parking lot setbacks may be reduced at City Engineer's discretion.

(N) *Adjustments to yard regulations* shall comply with § 155.082.

(O) *Non-conforming uses and structures* shall comply with § 155.083.

(P) *Lighting.*

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

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

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

(c) Canopy luminaries and other on-site lighting with luminaries greater than 2,000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.

(d) The maximum number of canopy luminaries shall be determined by the following industry standard: Canopy length (in feet) x canopy width (in feet) x 3 = Maximum No. of Luminaries lamp wattage

(2) All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.

(3) The following structures or uses are exempt from these lighting standards: parks, pedestrian walkways, and illuminated flags or statues.

(4) Lighting for parking lots shall be constructed so as to prevent light pollution to surrounding properties.

(Q) *Sign regulations.* Signs shall be regulated by Chapter 152. Regulations shall be those used in the R-3 District.

(R) *Fence regulations.* Fences shall comply with § 155.074(A), (B) and (C), except for fences used to enclose recreational areas that may comply with § 155.074(G).

(Ord. 1250, passed 4-4-2011; Am. Ord. 1274, passed 4-2-2012)

**§ 155.058 BLISS POINTE PLANNED DEVELOPMENT DISTRICT.**

(A) *Area A (low-density, single-family detached residential uses).* All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

| <i>Permitted Uses</i>            | <i>Applicable Standards</i>                               |
|----------------------------------|---|
| Single-family detached dwellings | §§ 155.070, 155.072, 155.076, 155.077                     |
| <del>Home occupations</del>      | <del>§§ 155.070, 155.072, 155.076, 155.077, 155.078</del> |

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| <i>Permitted Uses</i>  | <i>Applicable Standards</i>   |
|--|---|
| Group day care   | A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply. |
| Neighborhood <del>utilities</del> <u>utility facility</u>              | § 155.070   |
| Public park areas  | § 155.070   |
| <del>Fences</del>  | <del>§ 155.074</del>  |
| Accessory <del>structure-building or use</del> (such as, garage, shed) | §§ 155.071, 155.082(A) (see definition)   |

(B) *Area B (low to medium-density, single-family residential uses).* All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

| <i>Permitted Uses</i>   | <i>Applicable Standards</i>           |
|---|---------------------------------------|
| Area A permitted uses   | See Area A permitted uses             |
|   |                                       |
| <i>Conditional Uses</i>   | <i>Applicable Standards</i>           |
| Single-family attached ( <del>townhouse</del> ) dwellings   | §§ 155.070, 155.072, 155.076, 155.077 |
| <u>Multiple-family dwelling (maximum of two dwelling units per lot)</u> <del>Two-family attached (duplex) dwellings</del> | §§ 155.070, 155.072, 155.076, 155.077 |

(C) *Area C (medium to high-density residential uses).* All city ordinances apply to the Planned Development District identified as Area C except for those modified below.

| <i>Permitted Uses</i>   | <i>Applicable Standards</i>  |
|---|--|
| Single-family attached ( <del>townhouse</del> ) dwellings   | §§ 155.070, 155.072, 155.076, 155.077  |
| <u>Multiple-family dwelling (maximum of two dwelling units per lot)</u> <del>Two-family attached (duplex) dwellings</del> | §§ 155.070, 155.072, 155.076, 155.077  |
| <del>Home Occupations</del>   | <del>§§ 155.070, 155.072, 155.076, 155.077, 155.078</del>                          |
| Day care center   | Adequate and safe playground area with fence 4 feet high.                          |
| Neighborhood <u>utility facility</u> <del>utilities</del>   | § 155.070  |
| Public park areas   | § 155.070  |
| <del>Fences</del>   | <del>§ 155.074</del>   |
| Accessory <del>structure-building or use</del> (such as, garage, shed)  | §§ 155.071, 155.082(A) (see definition)  |
|   |  |
| <i>Conditional Uses</i>   | <i>Applicable Standards</i>  |
| Multiple-family ( <del>apartments and condominiums</del> ) dwellings ( <del>more than 2</del> )                           | §§ 155.070, 155.072, 155.076, 155.077, <u>three or more dwelling units per lot</u> |

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(D) *Area D (light commercial uses).* All city ordinances apply to the Planned Development District identified as Area D except for those modified below.

| <i>Permitted Uses</i>   | <i>Applicable Standards</i>                  |
|---|--|
| Retail <del>trade or services</del> <u>services and trade</u>                         | §§ 155.070, 155.072, 155.076, 155.077        |
| <u>Offices, non-commercial, non-construction and non-industrial</u> <del>Office</del> | §§ 155.070, 155.072, 155.076, 155.077        |
| Personal Service  | §§ 155.070, 155.072, 155.076, 155.077        |
| Hospital/ <del>Clinic</del>   | §§ 155.070, 155.072, 155.076, 155.077        |
| <u>Clinic</u>   | <u>§§ 155.070, 155.072, 155.076, 155.077</u> |
| Public Service Facility   | §§ 155.070, 155.072, 155.076, 155.077        |
| Day Care Center   | §§ 155.070, 155.072, 155.076, 155.077        |
| Accessory <u>building or</u> <del>Use</del>   | §§ 155.070, 155.072, 155.076, 155.077        |

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

|   | <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              | 25 feet<br>See (3) | 8 feet<br>See (2)                  | 25 feet<br>See (8) | 35 feet               |
| Single-family attached-<br><del>(townhouse)</del> dwellings,<br>See (4)   | 2,500 square feet            | 25 feet         | 25 feet              | 25 feet<br>See (3) | 0 or 8 feet on non-party wall side | 25 feet            | 35 feet               |
| <del>Two family attached-<br/>(duplex)-<br/>dwellings</del> <u>Multiple-family dwelling (maximum of two dwelling units per lot)</u>   | 7,500 square feet            | 50              | 65                   | 25 feet            | 8 feet                             | 25 feet            | 35 feet               |
| <del>Multi family (apartments and condominiums)-<br/>dwellings (4 units) (1 lot)</del>  | <del>7,500 square feet</del> | <del>50</del>   | <del>75</del>        | <del>25 feet</del> | <del>8 feet</del>                  | <del>25 feet</del> | <del>35 feet</del>    |
| <u>Multiple-family dwelling units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)</u> <del>3 to 8 multiple dwelling units (1 lot)</del>      | 7,500 square feet            | 50 feet         | 60 feet              | 30 feet<br>See (5) | 10 feet<br>See (1)                 | 10 feet            | 35 feet               |
| <u>Multiple-family dwelling units (between 33 and 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)</u> <del>9 to 12 multiple dwelling units (1 lot)</del> | 20,000 square feet           | 50 feet         | 70 feet              | 30 feet<br>See (5) | 10 feet<br>See (1)                 | 10 feet            | 45 feet               |
| <u>Multiple-family dwelling units (over 48 bedrooms per lot, number of bedrooms per dwelling</u>  | 30,000 square feet           | 50 feet         | 85 feet              | 30 feet<br>See (5) | 10 feet<br>See (1)                 | 10 feet            | 45 feet               |

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|   |                   |                  |         |                    |                        |                   |         |
|---|-------------------|------------------|---------|--------------------|------------------------|-------------------|---------|
| <u>unit cannot exceed 4)Over 12 multiple-dwelling units (1 lot)</u> |                   |                  |         |                    |                        |                   |         |
| Area D uses   | NA                | Up to 50-feet    | 50 feet | 15-feet<br>See (2) | 5-feet<br>See (2), (6) | 5-feet<br>See (7) | 45 feet |
| Area D uses   | NA                | 51 to 100-feet   | 50 feet | 20-feet<br>See (2) | 5-feet<br>See (2), (6) | 5-feet<br>See (7) | 45 feet |
| Area D uses   | NA                | 101 or more feet | 50 feet | 25 feet<br>See (2) | 5 feet<br>See (2), (6) | 5 feet<br>See (7) | 45 feet |
| All other uses  | 7,500 square feet | 50 feet          | 75 feet | 30 feet            | 10 feet                | 25 feet           | 45 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) 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.
  - (3) See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
  - (4) Every two units shall be staggered.
  - (5) More than one building per lot may be constructed.
  - (6) A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.
  - (7) A rear yard of 20 feet shall be required where a lot is adjacent or abuts a residential district.
  - (8) The rear yard may be reduced to 20 feet for lots 9,000 square feet or less.

(F) *Property re-division.* All future property re-division shall require a re-platting of the affected parcels. The Planned Development District may require an amendment on property re-division.

(Ord. 1302, passed 8-5-2013)

**§ 155.059 COMMUNITY ORIENTED HEALTHCARE PLANNED DEVELOPMENT DISTRICT.**

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Community Oriented Healthcare Planned Development District. The purpose of this district is to provide for well planned mixed use community oriented healthcare areas within the Planned Development District. All city ordinances apply to the Planned Development District except for those modified below.

(B) *Permitted uses.*

| <i>Permitted Uses</i>  | <i>Applicable Standards</i>   |
|--|---|
| Hospital/ <del>elinie</del>  | §§ 155.070, 155.072, 155.076, 155.077   |
| <u>Clinic</u>  | <u>§§ 155.070, 155.072, 155.076, 155.077</u>  |
| Office   | §§ 155.070, 155.072, 155.076, 155.077   |
| Assisted- <del>living</del> <u>center and congregate care</u> facility | §§ 155.070, 155.072, 155.077<br>Applicant must provide copy of South Dakota Department of Health license. |

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|  |  |
|--|--|
|  | All multiple dwelling standards apply.   |
| Nursing Home   | §§ 155.070, 155.072, 155.077<br>Applicant must provide a copy of South Dakota Department of Health license.  |
| Accessory <u>building or</u> use (such as, garage, shed) | §§ 155.071, 155.082(A) (see definition)  |
| Group Home   | Structure must be a single housekeeping unit. Applicant must provide a copy of state agency license.<br>§§ 155.070, 155.072, 155.076, 155.077                            |
| Drug store   | §§ 155.070, 155.072, 155.076, 155.077  |
| <del>Medical and dental clinics</del>                    | <del>§§ 155.070, 155.072, 155.076, 155.077</del>   |
| Day care center  | Adequate and safe playground area with fence 4 feet high.<br>A safe pickup and drop off area must be provided for the children.<br>§§ 155.070, 155.072, 155.076, 155.077 |
| <del>Fences</del>  | <del>§ 155.074</del>   |
| Off-premise parking <del>lots</del>                      | §§ 155.070, 155.072, 155.077   |

(C) *Conditional uses.*

|                      |  |
|----------------------|--|
| <del>Dwellings</del> | Dwelling shall be limited to the basement of any permitted primary uses within the district.<br>§§ 155.070, 155.072, 155.073, 155.077, 155.095 |
|----------------------|--|

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

|                                | <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> |
|--------------------------------|--------------------------|-----------------|----------------------|-------------------|------------------|------------------|-----------------------|
| Hospital/<br><del>clinic</del> | 6,000 square feet        | 50 feet         | 50 feet              | 25 feet           | 8 feet           | 25 feet          | 60 feet               |
| <u>Clinic</u>                  | <u>6,000 square feet</u> | <u>50 feet</u>  | <u>50 feet</u>       | <u>25 feet</u>    | <u>8 feet</u>    | <u>25 feet</u>   | <u>60 feet</u>        |

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|  | <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> |
|--|-------------------|-----------------|----------------------|-------------------|------------------|------------------|-----------------------|
| All other uses   | 6,000 square feet | 50 feet         | 50 feet              | 25 feet           | 8 feet           | 25 feet          | 35 feet               |
| Off-premises parking lots  | § 155.072         | NA              | NA                   | 10 feet           | 2 feet           | 10 feet          | NA                    |
| Exceptions:  |                   |                 |                      |                   |                  |                  |                       |
| (1) Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.  |                   |                 |                      |                   |                  |                  |                       |
| (2) 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 lots. |                   |                 |                      |                   |                  |                  |                       |
| (3) Parking lot setbacks will only be required when abutting or across from a residential zone.  |                   |                 |                      |                   |                  |                  |                       |
| (4) See adjustments to yard regulations (§ 155.082) for other specific exceptions.   |                   |                 |                      |                   |                  |                  |                       |

(E) *Property re-division.* All future property re-division shall require a re-platting of the affected parcels. Planned Development District may be required to be amended depending on property re-division.

(F) *Visibility at intersections and driveways.* Safety zones shall comply with § 155.070.

(G) Off-street loading requirements shall comply with § 155.073.

(H) *Landscaping standards.*

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

(2) *One tree per 50 feet of tract width is required.* No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees.

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

(4) Where feasible, landscape areas must be capable of providing a substantially full expanse of foliage within 3 years after planting. All deciduous trees shall be 1-3/4 inch caliper and all deciduous ornamental trees shall be 1-1/4-inch caliper.

(I) Adjustments to yard regulations shall comply with § 155.082.

(J) Non-conforming uses and structures shall comply with § 155.083.

(K) *Lighting.*

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

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- (a) The maximum light level shall be no greater than 3 foot candles field measured at the property line (ground level).
- (b) The maximum height of light luminaries shall be 20 feet above the ground.
- (c) Canopy luminaries and other on-site lighting with luminaries greater than 2,000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.

(d) The maximum number of canopy luminaries shall be determined by the following industry standard: canopy length (in feet) x canopy width (in feet) x 3= maximum no. of luminaries lamp wattage.

(2) All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.

(3) The following structures or uses are exempt from these lighting standards: parks, pedestrian walkways, and illuminated flags or statues.

(4) Lighting for parking lots shall be constructed so as to prevent light pollution to surrounding properties.

(L) *Sign regulations.* Signs shall be regulated by Chapter 152. Regulations shall be those used in the NC District.

(M) *Fence regulations.* Fences shall comply with § 155.074(A), (B) and (C), except for fences used to enclose recreational areas that may comply with § 155.074(G).

(N) *Accessory uses.* Accessory uses and structures may be placed within this district without the need of a primary structure being located within the same lot. The use of the accessory building shall still be related to the allowed use within the Planned Development District.

(Ord. 1320, passed 9-15-2014; Am. Ord. 1328, passed 5-4-2015)

**§ 155.060 SPADY PLANNED DEVELOPMENT DISTRICT.**

The purpose of this regulation is to provide for certain high density residential areas within the Planned Development District.

(A) *Permitted uses.*

| <i>Permitted Use</i>  | <i>Applicable Standards</i>             |
|---|---|
| Multiple-family <del>(apartments and condominiums)</del> dwellings    | §§ 155.070, 155.072, 155.076, 155.077   |
| <del>Fences</del>   | <del>§ 155.074</del>                    |
| Accessory <del>structure building or use</del> (such as garage, shed) | §§ 155.071, 155.082(A) (see definition) |

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(B) *Lots 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> |
|--|--------------------|-----------------|----------------------|-------------------|------------------|------------------|-----------------------|
| <del>Multiple-family dwelling units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)3 to 8- multiple family (apartments and condominiums)- dwelling units</del>      | 7,500 square feet  | 50 feet (#5)    | 60 feet              | 30 feet           | 10 feet          | 15 feet          | 45 feet               |
| <del>Multiple-family dwelling units (between 33 and 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)9 to 12- multiple family (apartments and condominiums)- dwelling units</del> | 20,000 square feet | 50 feet (#5)    | 70 feet              | 30 feet           | 10 feet          | 15 feet          | 45 feet               |
| <del>Multiple-family dwelling units (over 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)Over 12- multiple family (apartments and condominiums)- dwelling units</del>           | 30,000 square feet | 50 feet (#5)    | 85 feet              | 30 feet           | 10 feet          | 15 feet          | 45 feet               |
| Exceptions:  |                    |                 |                      |                   |                  |                  |                       |

|  | <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> |
|--|-----------------|-----------------|----------------------|-------------------|------------------|------------------|-----------------------|
| (1) The side yard will be required to be increased to 15 feet when the building is 3 stories in height or more.                      |                 |                 |                      |                   |                  |                  |                       |
| (2) See also adjustments to yard regulations (§ 155.082) for other specific exceptions.  |                 |                 |                      |                   |                  |                  |                       |
| (3) More than 1 main building per lot may be constructed.  |                 |                 |                      |                   |                  |                  |                       |
| (4) In the event that a townhouse style building is constructed every 2 units will be staggered.                                     |                 |                 |                      |                   |                  |                  |                       |
| (5) The frontage for Lot 2 shall be North Norbeck Street. The required width may be split evenly between 2 ingress/egress easements. |                 |                 |                      |                   |                  |                  |                       |

(Ord. 1349, passed 11-7-2016)

**§ 155.061 DAKOTA COMMONS PLANNED DEVELOPMENT DISTRICT.**

(A) The purpose of this district is to provide for mixed use (commercial and high density residential) development in single use and/or mixed use structures. District commercial establishments and high density multi-family residential apartments are intended to be integrated to provide convenient apartment living, along with shopping and dining, located adjacent to the major streets that serve the area, while also serving the general shopping and dining needs of the trade area. Site and architectural design shall be compatible with and sensitive to adjacent residential development, striving to preserve and protect residential property values.

(B) All city ordinances apply to the Dakota Commons Planned Development District except for those modified below.

(1) *Permitted uses.* A building or lot shall be permitted to be used for the following purposes (multiple uses may be allowed in 1 building or lot):

| <i>Permitted Uses</i>   | <i>Applicable Standards</i>  |
|---|--|
| Retail trade <del>or</del> <u>and</u> service   | §§ 155.070, 155.072, 155.073, 155.077  |
| <del>Offices, non-commercial, non-construction and non-industrial</del> <u>Office</u> | §§ 155.070, 155.072, 155.073, 155.077  |
| Personal service  | §§ 155.070, 155.072, 155.073, 155.077  |
| Restaurants   | §§ 155.070, 155.072, 155.073, 155.077  |
| Drug store  | §§ 155.070, 155.072, 155.073, 155.077  |
| Arcade  | §§ 155.070, 155.072, 155.073, 155.077  |
| Day care center   | Adequate and safe playground area with fence 4 feet high.<br>A safe pickup and drop off area must be provided for the children.<br>§§ 155.070, 155.072, 155.073, 155.077 |
| Commercial recreation facility  | §§ 155.070, 155.072, 155.073, 155.077  |
| <del>Engineering, management, public-administration and related offices</del>         | <del>§§ 155.070, 155.072, 155.073, 155.077</del>   |
| Multiple-family dwellings ( <del>apartments and condominiums</del> )                  | §§ 155.070, 155.072, 155.073, 155.077  |

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|  |                                       |
|--|---------------------------------------|
| Auditoriums, theaters, and places of public assembly   | §§ 155.070, 155.072, 155.073, 155.077 |
| Accessory <del>structures</del> <u>building or use</u> | § 155.070                             |
| Off-premise parking lot                                | §§ 155.070, 155.077                   |

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

|   | <i>Lot Area</i>    | <i>Lot Width</i> | <i>Front yard</i> | <i>Side Yard</i> | <i>Rear Yard</i> | <i>Maximum Height</i> |
|---|--------------------|------------------|-------------------|------------------|------------------|-----------------------|
| Residential structures or portions of structures used for residential         | 30,000 square feet | 50 feet          | 25 feet           | 10 feet          | 10 feet          | 60 feet               |
| Non-residential structures or portions of structures used for non-residential | 7,000 square feet  | 50 feet          | 15 feet           | 5 feet           | 10 feet          | 60 feet               |
| Accessory building <u>or use</u>  | NA                 | NA               | Not permitted     | 5 feet           | 5 feet           | 12 feet               |
| Parking lots  | § 155.072          | NA               | 10 feet           | 0 feet           | 0 feet           | NA                    |

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) No side yard or rear yard is required where a lot is adjacent to or abuts upon a commercial, industrial, or mixed use district.

(3) One required front yard may be reduced to 20 feet on corner lots.

(4) One required parking lot front yard may be reduced to 8 feet on corner or double frontage lots.

(5) Two required front yards may be reduced to 20 feet on lots with more than 2 frontages.

(6) More than 1 main building per lot may be constructed.

(3) *Property re-division.* All future property re-division shall require a re-platting of the affected parcels. The Planned Development District may be required to be amended depending on property re-division.

(4) *Ingress/egress easements.* Future transfer of ownership which creates a landlocked parcel shall require a dedicated ingress/egress easement for the issuance of a building permit.

(5) *Parking regulations.* Parking shall comply with § 155.072, except as noted below.

(a) Shared parking is encouraged. The total parking required may be provided anywhere within the district, regardless of property lines.

(b) The number of required automobile parking spaces may be reduced up to 7% according to the following procedure:

Vermillion, SD Code of Ordinances

1. Two bicycle parking spaces may be provided in lieu of each required automobile parking space; and

2. Each bicycle parking space shall include a metal anchor which will secure the frame and both wheels in conjunction with a user-supplied lock.

3. Bicycle parking spaces shall be as close to the main building entrance as the most convenient non-handicapped auto space, without interfering with pedestrian movement.

4. Bicycle spaces shall be located and designed to prevent damage to bicycles from motor vehicles.

(c) Required parking shall be dedicated to the occupants and located as close to the building served as possible.

(d) A fence, wall, berm, or shrubbery 4 feet in height and of a character necessary for adequate screening of a parking lot from adjacent residentially used property shall be provided.

(6) *Visibility at intersections and driveways.* Safety zones shall comply with § 155.070.

(7) *Accessory use and structures.* Shall comply with § 155.071.

(8) *Off-street loading requirements.* Shall comply with § 155.073.

(9) *Fences.* Fences shall comply with § 155.074 (A), (B) and (C), except for fences used to enclose recreational areas that may comply with § 155.074 (G).

(10) *Site-built dwelling standards.* Shall comply with § 155.076.

(11) *Landscaping standards.* Shall comply with § 155.077. Lighting for parking lots shall be constructed so as to prevent light pollution to surrounding properties.

(12) *Non-conforming uses and structures.* Shall comply with § 155.083.

(13) *Sign regulations.* Signs shall be regulated by Chapter 152 of this code.

Regulations shall be those used in the NC and R-3 Districts.

(Ord. 1368, passed 2-5-2018)