



City of Vermillion Planning & Zoning Commission Agenda

5:30 p.m. Regular Meeting

Monday, April 11, 2022

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. Roll Call

2. Minutes

- a. March 28, 2022

3. Declaration of Conflict of Interests

4. Adoption of the Agenda

5. Visitors to Be Heard

6. Public Hearings

- a. Request for a Conditional Use Permit to Operate a Medical Cannabis Cultivation Facility at 828 North Crawford Street, Legally Known as the North 94-feet of Lot 2G Directly Adjacent to Lot 2F, Block 1, Brooks Industrial Park, City of Vermillion, Clay County, South Dakota.
- b. Ordinance 1463 – Amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Adding Section 155.041 Entitled LI – Light Industrial Zoning District to the City of Vermillion Code of Ordinances.
- c. Ordinance 1464 – Amending Title XV, Chapter 155; Section 155.026 to Rezone Parts of Land Adjacent to the Railroad in Lower Vermillion Adjacent to West Street, Chestnut Street, Broadway Street, Amber Street, 12th Street, Luxemburg Street, Austin Street, and Bloomingdale Street from the GI – General Industrial District to the LI – Light Industrial District.

7. Old Business

8. New Business

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 and Zoning 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 and Zoning Commission
Monday, March 28, 2022 Regular Planning and Zoning Commission Meeting

The regular meeting of the Vermillion Planning and Zoning Commission was called to order in the Powell Conference Room at City Hall on March 28, 2022 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm, Fitzgerald, Forseth, Gestring, Heggestad, Steele, Tuve.

City Planning and Zoning Commissioners Absent: Merrigan, Wilson

City Staff present: José Domínguez, City Engineer; Kalin Knief, Building Official; Stone Conley, Asst. to the City Manager

2. Minutes

a. March 14, 2022 Regular Planning and Zoning Commission Meeting.

Moved by Commissioner Tuve to adopt the March 14, 2022 meeting minutes as published, seconded by Heggestad. Motion carried 7-0.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in Vermillion.

4. Adoption of the Agenda

Moved by Gestring to adopt the agenda as published, seconded by Tuve. Motion carried 7-0.

5. Visitors to be Heard

None.

6. Public Hearings

None

7. Old Business

None.

8. New Business

a. Preliminary Plat of Lots 1, 2, and 3; Block 1; Spady Addition; City of Vermillion; Clay County; South Dakota.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet regarding a preliminary plat for Spady Addition. The plat was submitted by McLaury Engineering on behalf of the owner. This preliminary plat will replace the one on file from 2016 for the same addition. Staff reviewed the preliminary plat and found that it complies with all code provision. Staff recommended that the preliminary plat be approved.

Forseth opened the floor to public comment. Discussion followed.

Moved by Heggestad to approve the preliminary plat of Lots 1, 2 & 3; Block 1; Spady Addition; City of Vermillion; Clay County; South Dakota, seconded by Steele. Motion carried 7-0.

b. Final Plat of Lots 1, 2, and 3; Block 1; Spady Addition; City of Vermillion; Clay County; South Dakota.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet regarding a final plat for Spady Addition. The document will be final platting all the lots within the addition. The final plat was submitted by McLaurry Engineering on behalf of the owner. Each of the lots being platted will have ingress/egress to a street. The existing 20-foot sanitary sewer easement will not be vacated. Staff expects that a future zoning amendment will have to be considered if the use of the land is something different than multi-family dwellings. Staff reviewed the final plat and found that it complies with all code provision. Staff recommended that the Commission recommend approval of the final plat to the City Council.

Forseth opened the floor to public comment. Discussion followed.

Moved by Fitzgerald to recommend the City Council approve the final plat of Lots 1, 2 & 3; Block 1; Spady Addition; City of Vermillion; Clay County; South Dakota, seconded by Tuve. Motion carried 7-0.

9. Staff Report

Staff is working on the following projects: chip seal project, sidewalk on east side of Prentis Park, outfield at baseball field on Prentis Park, and Miscellaneous Concrete Project.

Forseth asked if the City could discuss with the railroad the possibility of improving/maintaining the crossing at West Street.

Discussion followed.

10. Adjourn

Moved by Gestring to adjourn, seconded by Fitzgerald. Motion carried 7-0, Forseth declared the meeting adjourned at 5:46 p.m.

Planning and Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: April 11, 2022

Subject: Request for a Conditional Use Permit to Operate a Medical Cannabis Cultivation Facility on 828 North Crawford Street, Legally Known as the North 94-feet of Lot 2G Directly Adjacent to Lot 2F, Block 1, Brooks Industrial Park, City of Vermillion, Clay County, South Dakota.

Presenter: Jose Dominguez

Background: Mr. Eldon Nygaard applied for a Conditional Use Permit to operate a medical cannabis cultivation facility at 828 North Crawford Street. The area is zoned GI General Industrial which allows for medical cannabis cultivation as a conditional use.

The properties to the north, east, and southwest are zoned GI – General Industrial, while the properties to the south and southeast are zoned R2 – Residential District.

Discussion: Staff did not require a site plan from the applicant since no new construction, besides an off-street parking area would be constructed. However, the applicant submitted a rough drawing that shows the portion of the existing building that will be used along with the proposed parking area.

The applicant will be requesting a license to operate a cannabis cultivation facility from the City Council at a future meeting.

Based on City ordinance, a cannabis cultivation facility is allowed as a conditional use permit in the GI-General Industrial district.

The City's current process for conditional uses follows the Code of Ordinances section 155.095. The City's ordinance sets the 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 Commission. The Commission reviews each permit for the following items:

CRITERIA	STAFF COMMENTS AND RECOMMENDATIONS
Ensure ingress and egress to the property	<p>The legal driveway for this portion of the property is from Lot 2G. However, Lots 2F and 2G share a “U” shaped driveway.</p> <p>The existing driveway entrances will be used and no new driveways will be constructed.</p>
Review and, if necessary, place conditions to ensure vehicular and pedestrian safety	No conditions are necessary.
Ensure Off-street parking and loading	<p>The proposed use is considered a type of retail or service establishment. The ordinance requires that these uses provide at least 1 off-street parking spot per 300-square feet of floor area. Based on the information provided in the application, the area to be leased will be 1,000-square feet. This means that they are only required to provide 4-parking spots.</p> <p>The off-street parking should be constructed in the same zoning parcel. This means that the parking must occur in the same parcel and in the same zoning district. Staff discussed this with the applicant, and they will be constructing the parking directly south of the building.</p>
Ensure that a refuse area is provided. (location of refuse area)	The use will not generate an amount of refuse large enough for a garbage company to collect the refuse. The applicant will remove their own refuse.
Ensure that development has appropriate fire protection	The applicant and the City’s Code Enforcement Department are working together to ensure that the new use meets all required fire protection.
Ensure screening and buffering	The property is adjacent to residential uses to the south and west. These uses (industrial and residential uses) have coexisted since at least 1987.

	<p>The ordinance requires that a buffer be installed between commercial and residential uses. However, staff has been enforcing this only in instances where new construction, or additions are done and not when the use changes.</p> <p>Since the uses have coexisted for at least 35-years, and no changes will occur to the building, Staff believes that a buffer is not required.</p>
Ensure that the proposed exterior lighting complies with City requirements	No changes to existing lighting will be done.
Ensure that all setbacks are being met	Except for the off-street parking, there is no proposed construction. The new use will take place entirely within the existing building.
Review and, if necessary, place conditions to ensure general compatibility	The proposed use will be compatible with the use to the north. The residential uses to the south have coexisted with the industrial/commercial uses that have taken place in this building for the last 35-years.
Review and, if necessary, place conditions to ensure use meets the goals and objectives of the comprehensive plan	No additional conditions are necessary as the proposed use meets with several goals and objectives.

Compliance with Comprehensive Plan: The City’s Comprehensive Plan has several sections that address development within the community.

Conclusion/Recommendations: The Planning and Zoning Commission is asked to take public comment and grant, grant with conditions, or deny the Conditional-Use Permit application. Staff recommends granting the conditional use without any conditions.

From: noreply@civicplus.com
Sent: Tuesday, March 22, 2022 11:11 AM
To: Vermillion; Jose Dominguez; Stone Conley
Subject: Online Form Submittal: Petition for Conditional Use Permit

Petition for Conditional Use Permit

THE PLANNING COMMISSION REQUEST THE FOLLOWING:

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

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

1. Petitioner Information

Name	Eldon Eugene Nygaard
Email Address	senator@Eldonnygaard.com
Address	PO Box 174
City	Viborg
State	South Dakota
Zip Code	57070-0174
Phone Number	605-670-0695
Fax Number	none

(B) (5) - DOR/BMEX

2. What is the proposed use? Medical Cannabis Cultivation Facility

3. Information on Property Applying for Conditional-Use Permit

Address of Property	828 N. Crawford Road, Vermillion, South Dakota 57069
Legal Description	A portion of Lots 2F and 2G, Replat of Lots 2C and 2E, Block 1, Brooks Industrial Park Subdivision in the City of Vermillion, Clay County, South Dakota

Current Zoning District GI - General Industrial District

If you selected PDD -
Planned Development
District, enter the name of
the district. Otherwise
enter 'N/A.'

N/A

(Section 3.2.2.1)

4. Information on Adjoining Properties

Describe the neighborhood Adjacent to General Industrial District to the North and
where the Conditional-Use Residential to the South of the property, East side is Crawford
Permit is being sought. Rd. and highway 50, West side is

Adjacent uses to proposed conditional-use (check all that apply):

NORTH	Industrial
EAST	Vacant
SOUTH	Single-Family Detached
WEST	Single-Family Detached

(Section 3.2.2.2)

5. 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? | A U-shaped driveway from N. Crawford Road and back onto Crawford Road |
| B. Where will the access points from the street be located? | No additional access points required. |
| C. How wide will the access points be? | N/A |
| D. How will the traffic (both vehicles and pedestrians) flow within the property? | Enter from the East to the West on the driveway into the property and the driveway makes a U-turn and goes back East from the property to Crawford Rd. |
| E. Where will the off-street parking and loading areas be located? | See attached map for five parking spots and loading areas. |

F. How many off-street parking stalls and loading areas are being proposed?	five parking spots and two loading areas existing now
G. Where will refuse and service areas be located on the property?	Refuse will be removed by the Tenant; very little refuse created in the process.
H. What is the availability of utilities in the area? Will they need to be installed or modified to service the property?	The property has hot and cold water in the building and city sewer.
I. Is screening and/or buffering being proposed? If so, what will it be, and where will it be constructed?	No buffering proposed as there is buffering located on the North side in the form of trees and bushes and screening on the South side by overhead porch currently.
J. Are any signs proposed for the property? If so, describe the signs being proposed (size and lighting).	None
K. Will the signs be compatible with neighboring properties?	N/A
L. How will the signs affect the surrounding areas?	N/A
M. Are there any required yards and other open spaces?	There is no construction proposed therefore there is no yard or open space requirements..
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?	Vermillion City Recycle facility is located adjacent to the North side. The residential properties to the South and west are owned by the Landlord and her Daughter and Son-in-Law.
O. Will you be requesting a variance from the City Council?	No
Upload any plans or diagrams	<i>Field not completed.</i>

Acknowledgement of Fees I acknowledge.

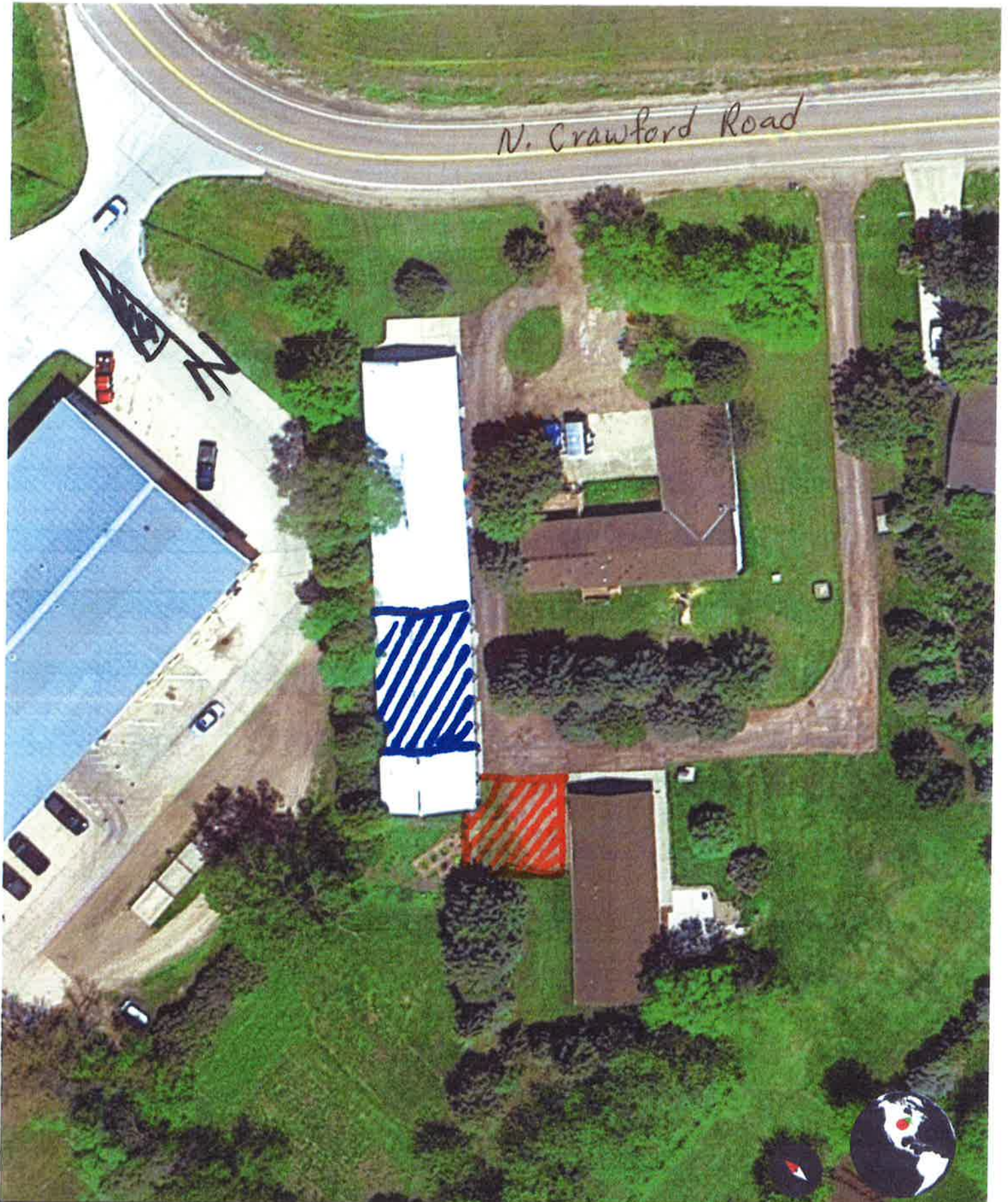
Electronic Signature Agreement I agree.

Electronic Signature Eldon E. Nygaard

Date: 3/22/2022


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.

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



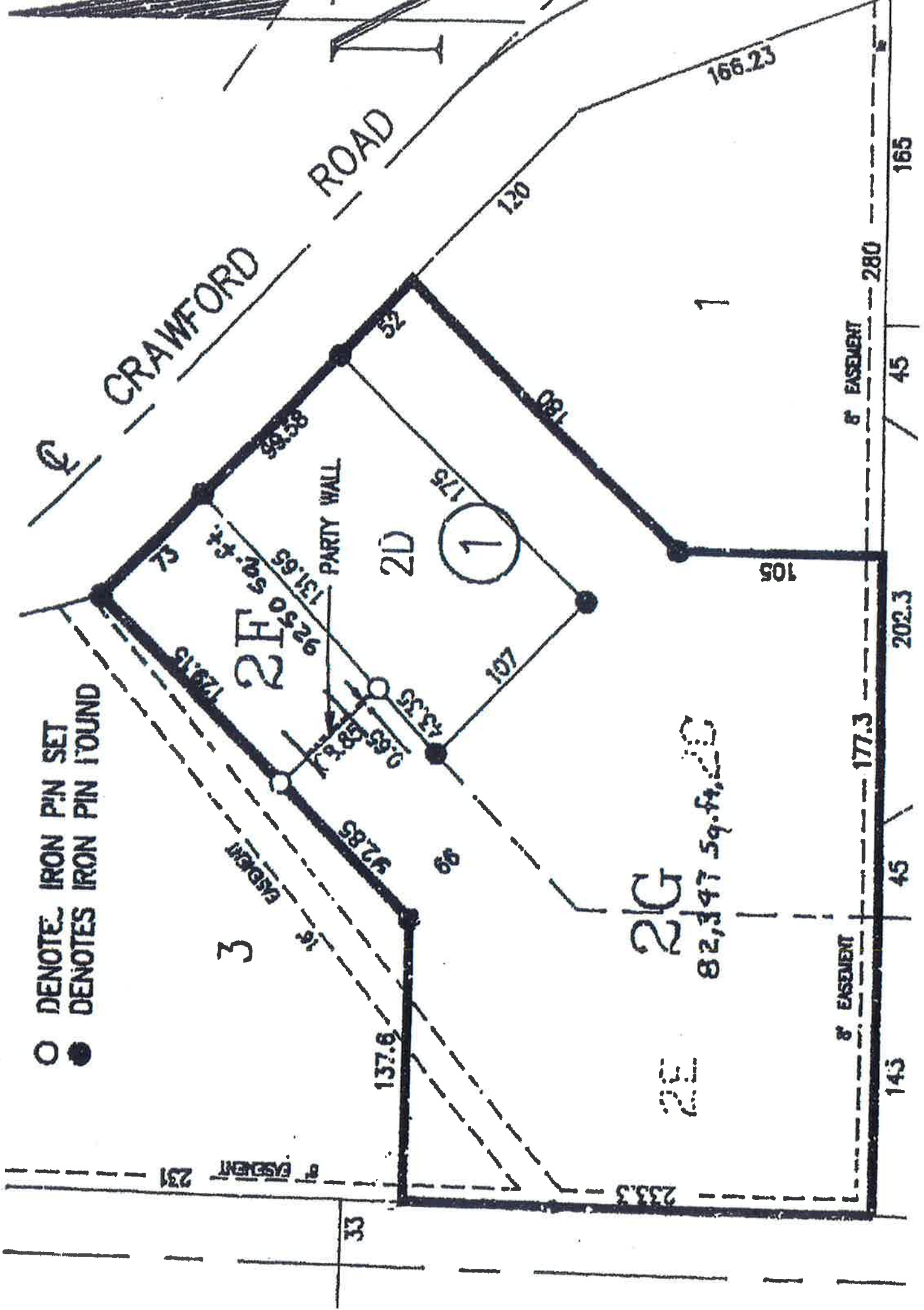
N. Crawford Road

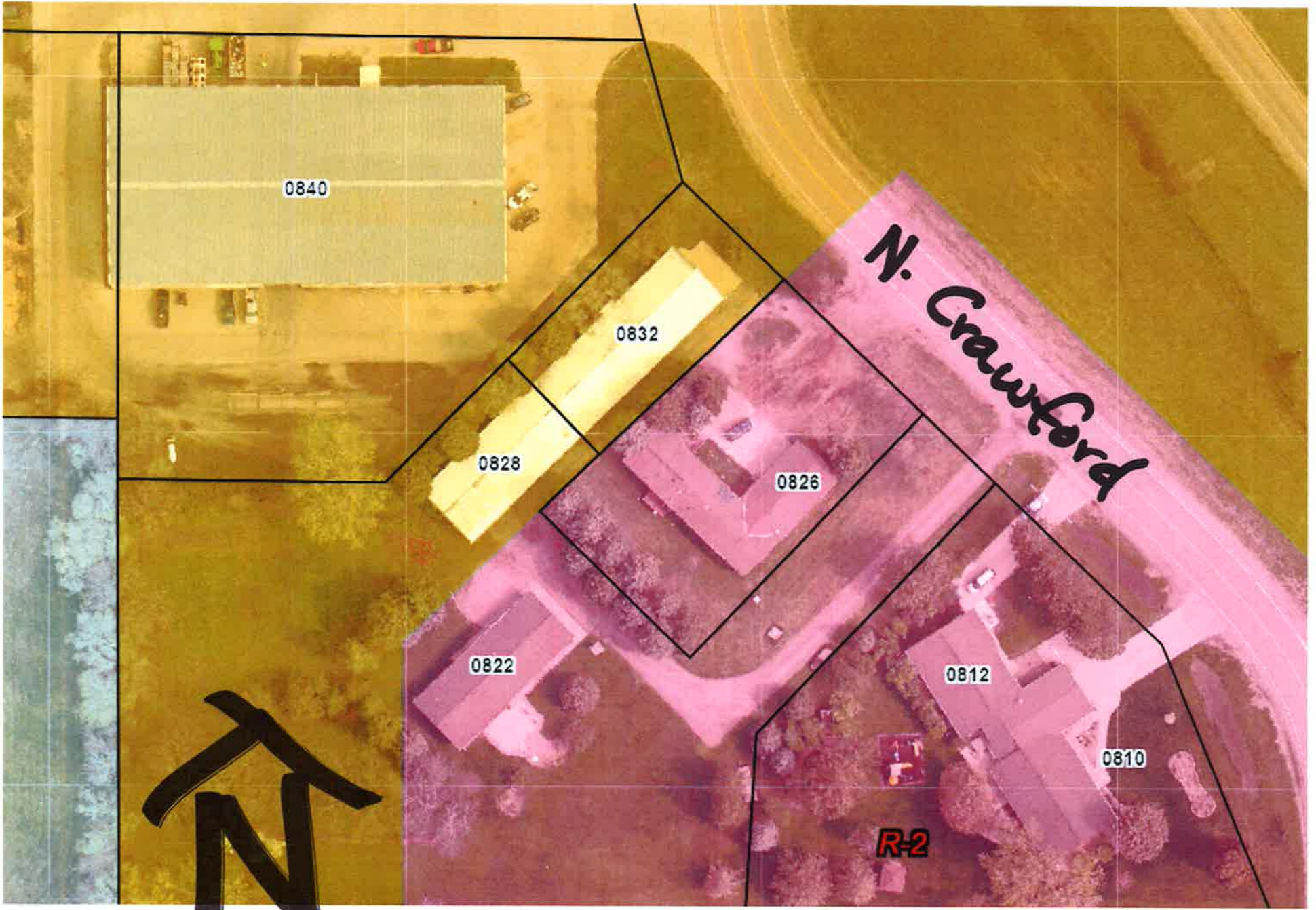
Google Earth Imagery date: 5/12/... 30 m Camera: 621 m 42° 47' 17" N 96° 54' ...

 - Parking

 - Leased Facility
1 000 sq ft

- DENOTES IRON PIN SET
- DENOTES IRON PIN FOUND





0840

0832

0828

0826

0822

0812

0810

N. Crawford

R-2

N

Planning and Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: April 11, 2022

Subject: Ordinance 1463 – Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Adding Section 155.041 Entitled LI – Light Industrial Zoning District to the City of Vermillion Code of Ordinances.

Presenter: Jose Dominguez

Background: In April 2021, Staff brought a discussion item to the Commission regarding rezoning industrial properties along the railroad. At that time, Staff was looking for direction on what the Commission might consider. Staff was directed to create a zoning “lighter industrial” district that would also eliminate the rear-yard setback requirements when adjacent to the railroad right-of-way.

In October 2021, the City Council approved a variance for 308 and 318 West Chestnut eliminating the rear-yard setback along the railroad right-of-way. At that time, the City Council requested that the Commission consider amending the zoning in the area to eliminate the future need of considering variances due to the setback issues for properties adjacent to the railroad’s right-of-way.

Discussion: Staff’s proposed ordinance would rearrange most of the existing GI-General Industrial uses from permitted uses to conditional uses. Additionally, it would allow for the rear yard setback to be reduced from 25-feet to 0-feet for properties adjacent to the railroad’s right-of-way. The proposed changes would allow for most of the uses in the existing GI-General Industrial district to be considered after holding a public hearing and diminishes the setback requirement allowing construction on some of the small lots.

This zoning district would also serve as a buffer between more industrial districts and commercial or residential districts. Additionally, it would fit well with annexations of land zoned light industrial within the Joint Jurisdiction Zoning Area (JJZA) as the City’s zoning district would allow most of the uses included in the JJZA zoning district.

Staff also discussed the proposed changes with the Vermillion Chamber and Development Company to ensure that the proposed changes would not eliminate the possibility of attracting development to 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: The Commission is asked to consider the zoning ordinance amendment and make a recommendation to the City Council. Staff recommends adoption of the amendment creating the new LI-Light Industrial district.

PROPOSED ORDINANCE 1463

AN ORDINANCE AMENDING TITLE XV; LAND USAGE, CHAPTER 155; ZONING REGULATIONS, ADDING SECTION 155.041 ENTITLED LI – LIGHT INDUSTRIAL ZONING DISTRICT TO THE CITY OF VERMILLION CODE OF ORDINANCES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be added. All other portions of Chapter 155 will remain as they are. Following is the amendment:

§155.041 LI LIGHT INDUSTRIAL DISTRICT

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

(A) Permitted uses.

Permitted Use	Applicable Standards
Wholesale merchandising	§§ 155.070, 155.072, 155.073, 155.077
Contractor's shop/storage yard	Subject to screening of all outdoor storage from view. §§ 155.070, 155.072, 155.073, 155.077
Offices, commercial, construction and industrial	§§ 155.070, 155.072, 155.073, 155.077
Public utility facility	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	§§ 155.070, 155.077
Warehouse	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ 155.070, 155.072, 155.073, 155.077
Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district. §§ 155.070, 155.072, 155.073, 155.077
Retail services and trade	§§ 155.070, 155.072, 155.073, 155.077
Farm store	Only accessory storage of fertilizer or farm chemicals on the site §§ 155.070, 155.072, 155.073, 155.077
Farm implement dealer	Screening of all outdoor storage of parts from view §§ 155.070, 155.072, 155.073, 155.077

Broadcast tower	Located at least 300 feet from a residential district. §§ 155.070, 155.072, 155.073, 155.077
Telecommunications tower	§§ 155.070, 155.075, 155.077
Storage facility	§§ 155.070, 155.075, 155.077
Wireless communications facilities	§§ 155.070, 155.075, 155.077, not within an identified floodplain area.
Motor vehicle repair	An adequate number of parking spots to store the cars and screen parts and materials from view. §§ 155.070, 155.072, 155.073, 155.077

(B) Conditional uses.

Conditional Use	Applicable Standards
Light manufacturing	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Kennel	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A) Located 150-feet from residential district area (measured from the closest point of the outside wall of both structures)
Wind energy conversion system	§§ 155.070, 155.072, 155.077, 155.081, 155.095(A)
Agribusiness	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Grain Terminal	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Frozen Food Locker	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Printing Shop	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Motor Vehicle Service Station	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Bus/Truck Terminal	300-feet from residential neighborhood to minimize effects of diesel fumes and noise. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Bus and/or Truck Wash	All water from the truck or bus wash being contained on the site.

	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Truck Repair, Sales, and/or Service	Subject to no unscreened material from view. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Recycling Collection Facility	Subject to any outdoor storage of recyclable materials must be within an opaque screened area at least 6 feet in height. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Recycling Processing Facility	Screening of all recyclable materials from view. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Automobile Storage Yard	Screening of the storage yard with fence, berm, vegetation, or placement on the lot. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)

(C) Lot and yard regulations. All measurements shall be taken from the lot line to the building line (see definitions). Values listed are minimums, unless otherwise stated.

	Lot Area	Building Line	Frontage	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	NA	75 feet	50 feet	25 feet, see #3	10 feet, see #1, #3	25 feet, see #2, #5	45 feet
<p>Exceptions:</p> <p>#1 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.</p> <p>#2 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.#3 There shall be a required front yard on each street side of lots.</p> <p>#4 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.</p>							

#5 Rear yard may be reduced to 0 feet when rear yard abuts railroad rights-of-way.

Dated at Vermillion, South Dakota this 2nd day of May, 2022

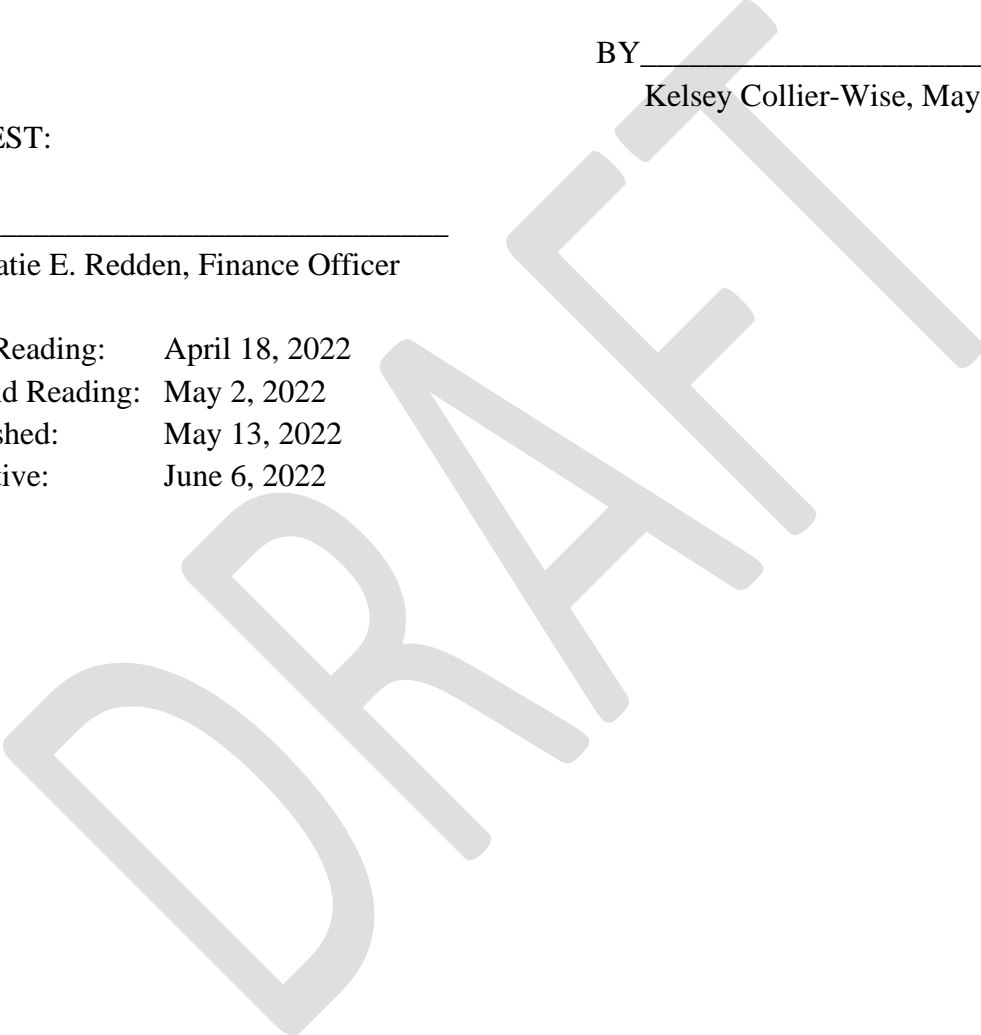
THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: April 18, 2022
Second Reading: May 2, 2022
Published: May 13, 2022
Effective: June 6, 2022



TITLE XV: LAND USAGE / CHAPTER 155: ZONING REGULATIONS / DISTRICTS AND BOUNDARIES; ZONING MAP / § 155.039-041 GLI GENERAL LIGHT INDUSTRIAL DISTRICT

§ 155.039-041 GLI GENERAL LIGHT INDUSTRIAL DISTRICT

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

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Wholesale merchandising	§§ 155.070, 155.072, 155.073, 155.077
Light manufacturing	§§ 155.070, 155.072, 155.073, 155.077
Contractor's shop/storage yard	Subject to screening of all outdoor storage from view. §§ 155.070, 155.072, 155.073, 155.077
Offices, commercial, construction and industrial	§§ 155.070, 155.072, 155.073, 155.077
Public utility facility	§§ 155.070, 155.072, 155.073, 155.077
Frozen food locker	§§ 155.070, 155.072, 155.073, 155.077
Printing shop	§§ 155.070, 155.072, 155.073, 155.077
Motor vehicle service station	§§ 155.070, 155.072, 155.073, 155.077
Off-premise sign	§ 155.070
Electrical substation	§§ 155.070, 155.077
Bus/truck terminal	300 feet from residential neighborhood to minimize effects of diesel fumes and noise. §§ 155.070, 155.072, 155.073, 155.077

Vermillion, SD Code of Ordinances

<i>Permitted Use</i>	<i>Applicable Standards</i>
Warehouse	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ 155.070, 155.072, 155.073, 155.077
Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district. §§ 155.070, 155.072, 155.073, 155.077
Retail services and trade	§§ 155.070, 155.072, 155.073, 155.077
Bus and/or Truck wash	All water from the truck or bus wash being contained on the site. §§ 155.070, 155.072, 155.073, 155.077
Truck repair, sales, and/or service	§§ 155.070, 155.072, 155.073, 155.077 Subject to no unscreened outdoor storage of parts.
Recycling processing facility	Screening of all recyclable material from view. §§ 155.070, 155.072, 155.073, 155.077
Farm store	Only accessory storage of fertilizer or farm chemicals on the site §§ 155.070, 155.072, 155.073, 155.077
Automobile storage yard	Screening of the storage yard with fence, berm, vegetation or placement on the lot. §§ 155.070, 155.072, 155.073, 155.077
Farm implement dealer	Screening of all outdoor storage of parts from view

Vermillion, SD Code of Ordinances

Permitted Use	Applicable Standards
	§§ 155.070, 155.072, 155.073, 155.077
Broadcast tower	Located at least 300 feet from a residential district. §§ 155.070, 155.072, 155.073, 155.077
Telecommunications tower	§§ 155.070, 155.075, 155.077
Storage facility	§§ 155.070, 155.075, 155.077
Wireless communications facilities	§§ 155.070, 155.075, 155.077, not within an identified floodplain area.
Motor vehicle repair	An adequate number of parking spots to store the cars and screen parts and materials from view. §§ 155.070, 155.072, 155.073, 155.077

(B) *Conditional uses.*

Conditional Use	Applicable Standards
<u>Light manufacturing</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
<u>Kenel</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u> <u>Located 150-feet from residential district area (measured from the closest point of the outside wall of both structures)</u>
<u>Heavy manufacturing</u>	<u>§§ 155.070, 155.072, 155.077, 155.095(A)</u> <u>Only use to be considered will be ready-mix concrete plant.</u>

Vermillion, SD Code of Ordinances

Wind energy conversion system	§§ 155.070, 155.072, 155.077, 155.081, 155.095(A)
Agribusiness	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<u>Grain Terminal</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
<u>Frozen Food Locker</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
<u>Printing Shop</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
<u>Motor Vehicle Service Station</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
<u>Bus/Truck Terminal</u>	<u>300-feet from residential neighborhood to minimize effects of diesel fumes and noise.</u> <u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
<u>Bus and/or Truck Wash</u>	<u>All water from the truck or bush wash being contained on the site.</u> <u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
<u>Truck Repair, Sales, and/or Service</u>	<u>Subject to no unscreened material from view.</u> <u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
<u>Recycling Collection Facility</u>	<u>Subject to any outdoor storage of recyclable materials must be within an opaque screened area at least 6 feet in height.</u> <u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>

Vermillion, SD Code of Ordinances

<u>Recycling Processing Facility</u>	<u>Screening of all recyclable materials from view.</u> <u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
<u>Automobile Storage Yard</u>	<u>Screening of the storage yard with fence, berm, vegetation, or placement on the lot.</u> <u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>

(C) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions). Values listed are minimums, unless otherwise stated.

Vermillion, SD Code of Ordinances

	Lot Area	Building Line	Frontage	Front Yard	Side Yard	Rear Yard	Maximum Height
All uses	NA	75 feet	50 feet	25 feet see # <u>43</u>	10 feet see # <u>21</u> , # <u>43</u>	25 feet see # <u>32</u> , <u>#5</u>	45 feet <u>see #1</u>

Exceptions:

- #1 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.
- #2 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
- #3 There shall be a required front yard on each street side of lots.
- #4 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
- #5 Rear yard may be reduced to 0 feet when rear yard abuts railroad right-of-ways.

(Ord. 1189, passed 7-7-2008; Am. Ord. 1281, passed 6-18-2012; Am. Ord. 1343, passed 7-5-2016; Am. Ord. 1353, passed 6-5-2017; Am. Ord. 1409, passed 12-2-2019)

Planning and Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: April 11, 2022

Subject: Ordinance 1464 – Amending Title XV, Chapter 155; Section 155.026 to Rezone Parts of Land Adjacent to the Railroad in Lower Vermillion Adjacent to West Street, Chestnut Street, Broadway Street, Amber Street, 12th Street, Luxemburg Street, Austin Street, and Bloomingdale Street from the GI – General Industrial District to the LI – Light Industrial District.

Presenter: Jose Dominguez

Background: The previous agenda item created the new LI-Light Industrial zoning district. This district is intended to be a “lighter industrial” district that would also eliminate the rear yard setback requirements when adjacent to the railroad right-of-way.

Discussion: At the April 2021 Commission meeting, the Commission directed Staff to bring up for future consideration a new industrial district. During that meeting, the area being considered for the new zoning district was the industrially zoned land below the bluff. This land is currently all zoned General Industrial with the majority being adjacent to the railroad right-of-way. This industrial area is also sandwiched between two residential districts. Rezoning this area to the new LI-Light Industrial district would allow the residential property owners an opportunity to possibly voice their concerns at a public meeting for some of the uses. The rezoning would also allow for the rear yard setback to be reduced from 25-feet to 0-feet along properties adjacent to the railroad right-of-way.

Staff also discussed the proposed changes with the Vermillion Chamber and Development Company to ensure that the proposed changes would not eliminate the possibility of attracting development to 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: Staff recommends adoption of the rezone of the land adjacent to the railroad in lower Vermillion adjacent to West Street, Chestnut Street, Broadway Street, Amber Street, 12th Street, Luxemburg Street, Austin Street, and Bloomingdale Street from the GI – General Industrial district to the LI – Light Industrial district.

If the ordinance creating the LI-Light Industrial district is adopted by the Council, Staff will recommend that the Council make the rezoning of this area effective on June 6th. This will allow enough time for the ordinance creating the new district to become effective.

PROPOSED ORDINANCE 1464

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE; CHAPTER 155, ZONING REGULATIONS; SECTION 155.026 ENTITLED ADOPTION OF OFFICIAL ZONING MAP, REZONING LOTS 3A, 3B, 4A, 5, 6, 7 AND VACATED ALLEY ADJACENT TO LOTS 5, 6, AND 7, BLOCK 11; BLOCKS 5, 6, 9, 10, 19, 20, 21, 30, 31, AND 32, VAN METER'S ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA; AND FERTILIZER TRACT 1 IN THE PART OF LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 21, LYING SOUTH OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, AND LOTS 1, 2 AND 3, BLOCK 5, VAN METER'S ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA; AND, LOTS 3 THROUGH 14, AND EAST HALF OF VACATED LUXEMBURG ADJACENT TO LOTS 3, 4, 5 & 6, BLOCK 20; LOTS 1A, 1B, 2A AND 2B, BLOCK 18; LOTS 1, 2 & 14, AND NORTH 9 FEET OF LOT 3, BLOCK 17; ALL OF BLOCK 16, INCLUDING LOT 3A, BLOCK 16; LOT 1 AND THE NORTH 24 FEET OF LOT 2, AND NORTH 66 FEET OF LOTS 11, 12, AND 13, BLOCK 8; AND BLOCKS 15 AND 19, ORIGINAL TOWN, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FROM THE GI GENERAL INDUSTRIAL DISTRICT TO THE LI LIGHT INDUSTRIAL DISTRICT.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the Code of Ordinances Section 155.026, Adoption of Official Zoning Map, be amended as follows:

Lots 3A, 3B, 4A, 5, 6, 7 and Vacated Alley Adjacent to Lots 5, 6, And 7, Block 11; Blocks 5, 6, 9, 10, 19, 20, 21, 30, 31, and 32, Van Meter's Addition, City of Vermillion, Clay County, South Dakota; and Fertilizer Tract 1 in the Part of Lots 1, 2, 3, 4, 5, 6, and 7, Block 21, Lying South of the Right of Way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, and Lots 1, 2 and 3, Block 5, Van Meter's Addition, City of Vermillion, Clay County, South Dakota; and Lots 3 Through 14, and East Half of Vacated Luxemburg Adjacent to Lots 3, 4, 5 & 6, Block 20; Lots 1A, 1B, 2A, and 2B, Block 18; Lots 1, 2 & 14, and North 9 Feet of Lot 3, Block 17; All of Block 16, Including Lot 3A, Block 16; Lot 1 and the North 24 Feet of Lot 2, and North 66 Feet of Lots 11, 12, and 13, Block 8, and Blocks 15 and 19, Original Town, City of Vermillion, Clay County, South Dakota be hereby excluded from the GI General Industrial District and included into the LI Light Industrial District.

Dated at Vermillion, South Dakota this 2nd day of May 2022

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

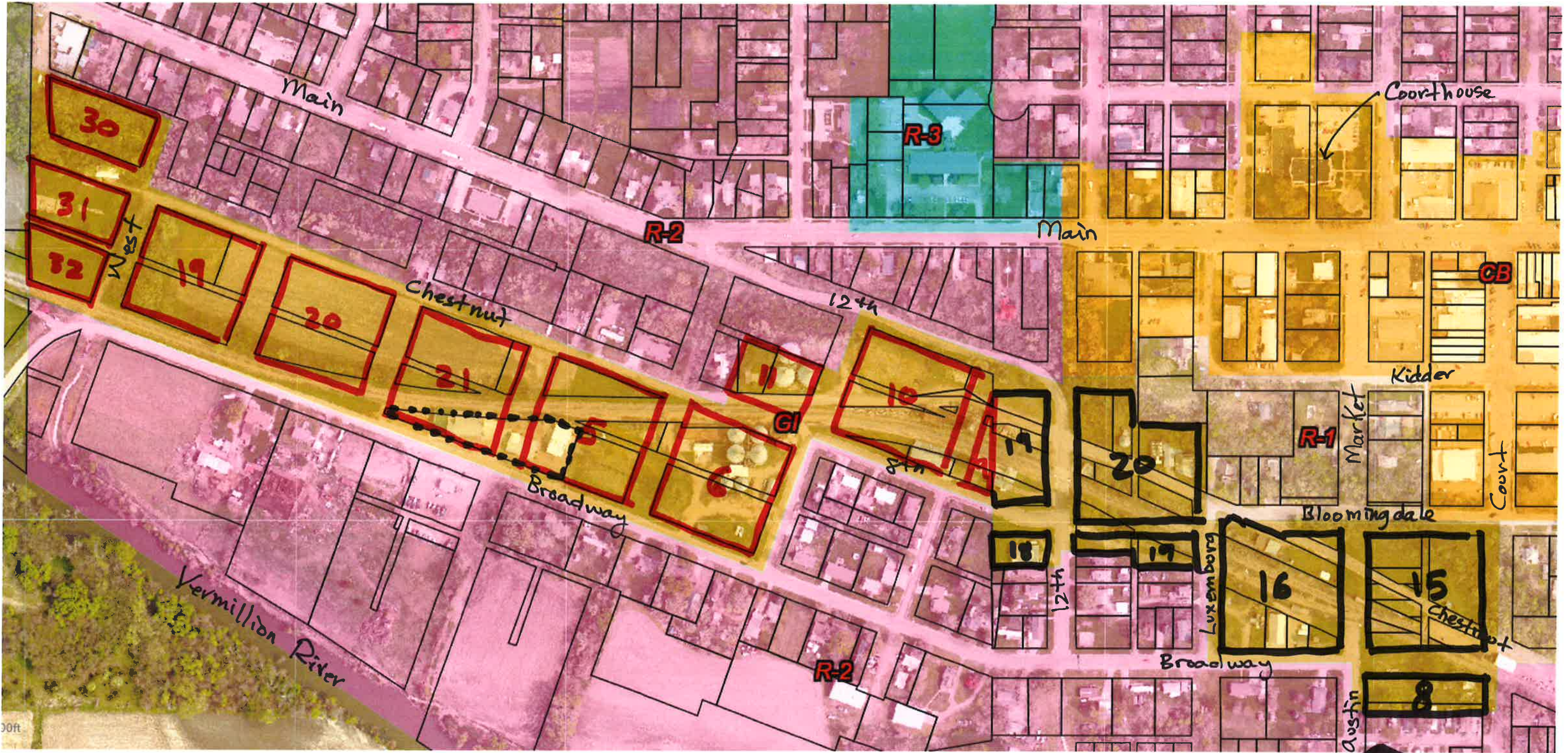
BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: April 18, 2022
Second Reading: May 2, 2022
Published: May 13, 2022
Effective: June 6, 2022

DRAFT



— Van Meter's
— Original Town
..... Fertilizer Tract 1

