



**City of Vermillion**  
**Planning Commission Agenda**  
5:30 p.m. Regular Meeting  
Monday, September 23, 2019  
Large Conference Room – 2<sup>nd</sup> Floor  
City Hall  
25 Center Street  
Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
  - a. August 26, 2019 Regular Meeting.
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
7. **Old Business**
8. **New Business**
  - a. Presentation to the Public of the Draft of the Proposed Amendments to the City's Zoning Ordinance.
  - b. Review City Council's Request to Expound on Proposed Changes to Sections 155.031 R-1 Residential Districts, 155.033 R-3 Residential Districts, and to 155.095 Conditional Use Permits.
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, August 26, 2019 Regular Planning and Zoning Commission Meeting

The regular meeting of the Vermillion Planning and Zoning Commission was called to order in the Large Conference Room at City Hall on August 26, 2019 at 5:30 p.m.

1. Roll Call

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

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

2. Minutes

- a. July 22, 2019 Regular Meeting.

Moved by Commissioner Fairholm to adopt July 22, 2019 regular meeting minutes as printed, seconded by Commissioner Tuve. Motion carried 7-0.

3. Declaration of Conflict of Interest

Commissioner Muenster noted that he owns investment property.  
Commissioner Forseth noted that he owns investment property.

4. Adoption of the Agenda

Moved by Commissioner Forseth to adopt the agenda as published, seconded by Commissioner Fairholm. Motion carried 7-0.

5. Visitors to be Heard

None.

6. Public Hearing

None.

7. Old Business

None.

8. New Business

- a. Presentation to the Public of Part Two of the Proposed Amendments to the City's Zoning Ordinance.

Dominguez, City Engineer, made a presentation regarding the second part of the proposed amendments to the City's Zoning Ordinance. Dominguez gave a brief history from the adoption of the first zoning ordinance to present. He explained that the purpose of periodically revisiting the ordinance is to keep it current as times change. Additionally, Dominguez discussed the major proposed changes to part two of the current ordinance to include off-street parking and the conditional use permit (CUP) process among various items.

OFF STREET PARKING: The adoption of Ordinance 1367 mistakenly undid the changes adopted with Ordinance 1354. Staff intend to update the Zoning Ordinance to reflect Ordinance 1354.

Shane O'Connor, 418 Cottage Avenue, asked if there would be any opportunity to reduce the number of parking spaces giving the example of the requirement for two parking stalls for a one-bedroom or studio apartment. Chairman Iverson explained that due to the lack of off-street parking, especially south of the University, there would likely be no changes to the requirements. Mr. Dominguez stated that based upon thorough discussions with the Planning Commission, Staff will not be recommending any changes to off-street parking to the City Council. Discussion followed.

CONDITIONAL USE PERMIT: Updating the portion the Planning & Zoning Commission utilizes for review process. Some of the nine criterion utilized are covered elsewhere within the code. Rather than Commissioners placing conditions on these criteria, they will ensure that the proposals comply with existing subdivision or zoning ordinances.

REQUIREMENTS REVIEWED BY STAFF: Removing deed restrictions or covenants from this requirement.

ANNEXATION: Require all annexations to enter the City as Natural Resource Conservation (NRC). The land can be reviewed for possible rezone following the annexation. The intent is to avoid non-conforming uses and/or multiple ordinances to follow.

PLANNED DEVELOPMENT DISTRICT (PDD): Require 3.5-acre minimum size when created to avoid spot zoning. Staff selected 3.5 acres based on minimum size for mobile home parks and the smallest PDD to date.

Addressing a question from Caitlin Collier of 917 Eastgate Drive, Mr. Dominguez explained that the language *protect the health, safety, and general welfare* was replaced with *the impact of the conditional use upon the neighboring land and the public for the particular location* in an effort to narrow the scope upon what the Commission could comment, and ensure that the focus is land use. The Commission maintains the ability to add conditions to proposed uses.

Ms. Collier noted that she was representing herself and other likeminded individuals that are concerned about the trend of limiting the content upon which commissions and committees can comment. The City, and by extension, its commissions and committees should act in the best interest of the citizens not in the best interest of the businesses of the city. Further stating that the "health, safety, and general welfare" are important. She requested that Staff and Commissioners think very carefully before removing those words that represent the responsibility of City government.

HOME OCCUPATIONS: Presently, code contradicts itself in two sections. For clarity, Staff propose to require all home occupations to occur within a residential dwelling. Additionally proposed is an update to the definition of Home Occupation.

Commissioner Muenster wishes to ensure that as the trend of working from home increases, that people who manage information, for example, for a living are included in the updated definition of Home Occupation.

Addressing a question from Ms. Collier, Mr. Dominguez explained that presently accessory structures are allowable for Home Occupations. If approved by the City Council, the proposed changes to the zoning ordinance would remove accessory structures as allowable for use as home occupation.

Addressing a question from Commissioner Fairholm, Mr. Dominguez clarified that a detached garage is considered an accessory building. Further clarifying, if the garage is within a certain distance (outlined in the code) from the house, it is considered attached.

MANUFACTURED HOMES: Removing the section from the zoning ordinance as the code contains an entire chapter regarding manufactured homes.

#### 9. Staff Reports

Anderson Street: contractor stated project is set to begin the week of Labor Day. Completion date is at the end of October.

Elm Street: Project has begun. Completion expected approximately within one month.

Miscellaneous Concrete Project is nearing completion.

#### 10. Adjourn

Moved by Commissioner Forseth to adjourn, seconded by Commissioner Muenster. Motion carried 7-0. Chairman Iverson declared the meeting adjourned at 6:10 p.m.

# *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** September 23, 2019

**Subject:** Presentation to the Public of the Draft of the Proposed Amendments to the City's Zoning Ordinance

**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, at the time these were called 'special uses'. In order for 'special uses' to be approved, the application would be reviewed by the 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 in order to determine if changes need to be made. The depth and scope of that review can be determined by the Planning Commission.

**Discussion:** Up to now the Commission has had twelve meetings (January 14, January 28, February 11, February 25, March 11, March 25, April 8, May 13, May 28, June 24, July 22, and August 26), all open to the public, to discuss the proposed changes to various sections of the zoning ordinance.

The proposed changes deal mainly with updates that Staff felt were needed to remove possible conflicts from the ordinance that may arise from differing interpretations. Additionally, some of the changes ensure that adjustments to the districts and definitions are also reflected in these sections.

Following is a list of major changes to the ordinance:

- Added an 'Adult Day Services' definition.
- Combined the definitions for 'Dwelling, Two-Family Attached (Duplex)' and 'Dwelling, Multiple-Family' with 'Dwelling, Multiple-Family (Apartments and Condominiums)'.
- Combined the definition of 'Dwelling, Townhouse' with 'Dwelling, Single-Family Attached (Townhouse)'.
- Added definition for 'Fraternities and Sororities'.
- Updated the definition of 'Manufactured Home'.
- Added definition for 'Off-Premise Parking'.
- Updated the definition of 'Use, Conditional'.
- In the R-1 district, moved single-family attached dwellings from conditional-uses to permitted uses. However, it would only be allowed to be constructed if the building permit was issued prior to December 31, 2019. This was done only to cover existing single-family attached dwellings within the R-1 district.
- In the R-2, R-3, NC, and PD districts, changed the way the maximum number of apartments is calculated from number of apartments to number of bedrooms. For example, currently in the R-2 district you could only build a 4-plex with up to four bedrooms per unit. This means that you could have up to 16-bedrooms in one building. The proposed change would allow for a building to have no more than 16-bedrooms in the R-2 district, meaning that a building could have more than four units but never more than 16-bedrooms.
- In the R-3 district, the rear yard setback was increased from 10-feet to 25-feet. While the maximum building height was increased from 45-feet to 75-feet. These changes were only for multiple-family dwellings.
- In the CB district 'Restaurant' was included as a permitted use. This use was omitted from the district.
- Clean-up needs to occur regarding the requirements for boarding houses, sororities and fraternities. This is due to Ordinance 1367 mistakenly conflicting with Ordinance 1354.
- Amended the criteria that the Commission reviews when approving a conditional use permit application. Rather than placing conditions on most of the items, the Commission will mainly review that the proposed application meets the requirements already set out in the subdivision or zoning ordinances.
- Remove deed restrictions, or covenants, from list of requirements that need to be reviewed by Staff.
- Require that all annexations enter the City as Natural Resource Conservation District.

- Require that all future planned development districts be at least 3.5-acres in size when created.
- Changed what items are considered major, minor and minimal amendments to a planned development districts.
- Required that all home occupations need to occur within the residential dwelling, and that accessory buildings are not available for home occupations.
- Further clarified what constitutes a home occupation.
- Removed the manufactured homes section from the zoning ordinance.

**Compliance with Comprehensive Plan:** The City's 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 take public comment after a brief presentation from Staff.

**§ 155.004 PROVISIONS AS MINIMUM REQUIREMENTS.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, ~~deed restrictions, or covenants,~~ the most restrictive or that imposing the higher standards, shall govern.  
(Ord. 1189, passed 7-7-2008)

**§ 155.008 DEFINITIONS.**

(A) *Purpose.* In the application of this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- (1) Words used in the present tense shall include the past and future.
- (2) Words used in the singular number shall include the plural number and the plural, the singular.
- (3) The word "shall" is mandatory and not discretionary.
- (4) The word "may" is permissive.
- (5) The words "used" or "occupied" shall include the words "intended," "designed," or "arranged to be used or occupied."
- (6) The word "lot" shall include the words "plot," "parcel," or "tract."
- (7) The word "person" shall include a "firm," "association," "organization," "partnership," "trust," "company," or "corporation" as well as an "individual."
- (8) The word "building" shall include the words "structure" and "premises."
- (9) Any word not herein defined shall be as defined in any recognized standard English dictionary.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABUTTING.** Adjacent or contiguous and shall include property separated by an alley. The term **ABUTTING** implies a closer proximity than the term "adjacent."

**ACCESSORY BUILDING OR USE.** An accessory building or use is one which:

- (1) Is customary and clearly incidental to the principal use;
- (2) Serves exclusively the principal use;
- (3) Is subordinate in area, extent or purpose to the principal use served;
- (4) Contributes to the comfort, convenience, or necessity of occupants of the principal use served; and
- (5) Is located on the same zoning lot as the principal use served.

**ACTIVITY.** Any application for a permit under this chapter or any development or use encompassed within the jurisdiction of this chapter.

**ADULT ARCADE.** Any place to which the public is permitted or invited and in which coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show

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images involving specific sexual activities or specific anatomical areas to persons in booths or viewing rooms.

**ADULT BOOKSTORE OR VIDEO STORE.** A commercial establishment that offers for sale or rent any of the following as one of its principal business purposes:

(1) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes or reproductions or slides, or other visual representations that depict or describe specific sexual activities or specific anatomical areas.

(2) Instruments, devices, or paraphernalia that: are designed for use in connection with specific sexual activities.

**ADULT CABARET.** Any nightclub, bar, restaurant, or other similar commercial establishment that regularly features:

(1) Persons who appear in a state of nudity or semi-nudity.

(2) Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

(3) Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas.

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

**ADULT MOTION PICTURE THEATER.** A commercial establishment in which, for any form of consideration, films, motion pictures, videocassettes, slides, or other similar photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are predominantly shown.

**ADULT ORIENTED BUSINESS.** Any adult arcade, adult bookstore or video store, cabaret, adult live entertainment establishment, adult motion picture theater, adult theater, massage establishment that offers adult service, or nude model studios.

**ADULT SERVICE.** Dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening, or other performances or activities conducted for any consideration in an adult oriented business by a person who is nude or seminude during all or part of the time that the person is providing the service.

**ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment that predominantly features persons who appear in a state of nudity or who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

AGRIBUSINESS. Farming business operation, consisting of 40-acres or more, and/or an agricultural related business embracing Farms engaged in the production, processing, and distribution of agriculture products; ~~and/or or entities engaged in~~ the manufacture of farm machinery, equipment, and supplies; ~~and/or~~ or entities engaged in the breeding, producing or marketing of fish or their products.

**AGRICULTURE.** The production, keeping, or maintenance, for sale, lease or personal use, of plants and land useful to man, including but not limited to: forages sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

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**ALLEY.** An alley is a public right-of-way, which affords only a secondary means of access to abutting property.

**ANTENNA.** Any device that radiates or captures electromagnetic wave signals, including digital voice and data signals, analog voice and data signals, video signals or microwave signals, and is mounted on a structure that allows freedom from obstruction for the radiation and capture of the electromagnetic signals.

**AQUIFER.** A geologic formation, group of formations, or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use.

**ARCADE.** A building or structure, open to the public, which contains coin-operated games and similar entertainment and amusement devices, as the primary use or with 5 or more games as an accessory use.

**ASSISTED-LIVING CENTER AND CONGREGATE CARE FACILITY.** A licensed health care facility to provide 24-hour supervision of the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may also provide services, such as recreational activities, financial services, and transportation.

**AUTOMOBILE STORAGE YARD.** The ~~temporary~~ storage of vehicles, which are impounded, ~~and licensed, and operable,~~ in an unroofed area. The vehicles may be stored for a total of three months out of the year.

**AWNING/CANOPY.** A roof-like cover that ~~is temporary in nature and~~ projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**BED AND BREAKFAST ESTABLISHMENT.** A private single-family residence, which is used to provide limited meals and temporary accommodations for a charge to the public.

**BOARD OF ADJUSTMENT.** Public and quasi-judicial agency charged with duty to hear and determine zoning appeals.

**BOARDING HOUSE, (or LODGING HOUSE, ROOMING HOUSE).**

~~BOARDINGHOUSE.~~ A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for 3 or more persons. See **BED AND BREAKFAST ESTABLISHMENT.**

**BROADCAST TOWER.** A structure, not including offices or studio, for the transmission of radio or television broadcast communications.

**BUILDABLE AREA.** The 3-dimensional space within which a building is permitted to be built on a lot and which is defined by maximum height regulations and yard setback regulations.

**BUILDING.** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is constructed or erected on the ground or attached to the ground with a fixed location on the ground.

**BUILDING, DETACHED.** A building surrounded by open space on the same lot.

**BUILDING, HEIGHT.** The vertical distance measured from the average ground elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE.** A line parallel to the curb line touching that part of a building or parking lot closest to the street. The line may be at the setback line or further.

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**BUILDING PERMIT.** A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, re-construction, restoration, alteration, conversion, or installation of a building, which acknowledges that such use, or building complies with the provisions of the municipal zoning ordinance or an authorized variance there from.

**BUILDING, RESIDENTIAL.** A building which is arranged, designed, used or intended to be used for residential occupancy by 1 or more families or lodgers, and which includes, but is not limited to, the following types:

- (1) Single-family detached dwellings;
- (2) Single-family attached dwellings;
- (3) Multiple-family dwellings (including apartment hotels);
- (4) Lodging houses; and
- (5) Fraternity and sorority houses.

**BUS PASSENGER TERMINAL.** A place where the transfer of people between modes of transportation takes place.

**BUS ~~AND/OR~~ TRUCK TERMINAL.** An area and building where buses, trucks, and cargo is stored; where loading and unloading is carried on regularly; and where minor maintenance of these types of vehicles is performed.

**BUS ~~AND/OR~~ TRUCK WASH.** Any building or portions thereof used for washing buses and/or trucks.

**CAMPGROUND, (~~or TRAVEL TRAILER PARKING AREA~~).** A plot of ground for public use upon which 2 or more campsites are located, established, maintained, advertised, or held out to the public, to be a place where camping units can be located and occupied as ~~temporary~~ living quarters for no more than three contiguous months out of a year.

**CAR WASH.** Any building or portions thereof used for washing automobiles.

**CERTIFICATE OF OCCUPANCY.** A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

**CEMETERY.** Land use for interment of human or animal remains or cremated remains, including a burial park, a mausoleum, a columbarium, necessary sale and maintenance facilities or a combination thereof. Crematories and mortuaries may also be included when operated within the cemetery boundary and complying with the standards of this ordinance.

**CHANGE OF USE.** Substitution of one thing for another specifically regarding use of land or use of a building.

**CHURCH.** A structure(s) where persons regularly assemble for worship, ceremonies, rituals, and education relating to a particular form of religious belief and which a reasonable person would conclude is a CHURCH by reason of design, signs, or architectural or other features. A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

**CITY COUNCIL.** The Board of City Councilmembers.

**CLINIC.** An establishment where patients are admitted for examination and treatment by 1 or more physicians, dentists, psychologists, optometrists, social workers, and the like, and where patients are not ~~usually~~ lodged overnight.

Commented [JD1]: For no more than three contiguous months out of the year between May 1<sup>st</sup> and October 31<sup>st</sup>.

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**CLUB.** Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

**COMMERCIAL PARKING LOT/FACILITY.** An approved open or enclosed off-street parking area or structure where licensed and operable motor vehicles are temporarily stored for a fee.

**COMMISSION.** The City Planning Commission.

**COMPREHENSIVE PLAN.** The adopted long-range plan intended to guide the growth and development of the community and region, including analysis, recommendations and proposals of the community's population, economy, housing, transportation, community facilities, and land use.

**CONTRACTOR'S SHOP AND STORAGE YARD.** Use of land or buildings for storage and preparation of materials used by that same individuals in conducting the business of construction and repair work, generally completed at some other on-site location.

**CONTAMINANT.** Any "regulated substance," as defined by SDCL § 34A-12-1(8), as in effect on the date of passage of this chapter and as amended from time to time, and all petroleum products, including gasoline, oil, waste oils, and other fuels as well as their hazardous constituents.

**CONVENT/~~AND~~ MONASTERY.** A place of residence for bona fide members of a religious order who carry on religious, medical, educational, or charitable work in adjacent institutions.

**CREMATORIUM.** A building or premise used for the cremation of corpses.

**CURB LINE.** The outside lines of the pavement or roadway.

**DAY CARE.** The providing of care and supervision of a child or children/adults as a supplement to regular parental/home care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.

**DAY CARE, CENTER.** A facility used only for providing day care, nursery, or pre-kindergarten services, for 21 or more children on a regular basis for part of a day as a supplement to regular parental care and is limited in number over 12 by the square footage of usable space available. The ratio is presently 35 square feet per child indoors and 50 square feet per person outdoors.

**DAY CARE, FAMILY.** The provision of regular care Care is done in a family home, and supervision the number of persons cared for is limited to a maximum of no more than 12 6 adults or 6 children, including the provider's under 14. Included in that count are the providers' own children who are under the age of six 6 years, for part of a 24-hour period as a supplement to regular parental care. and under. See HOME OCCUPATION.

**DAY CARE, GROUP.** A facility where regular supervision of 13 to 20 children is provided for part of a 24-hour period as a supplement to regular parental care Is normally in a family home. The number of persons cared for is 7 to 12 adults or children under the age of 14 including the provider's own children 6 years and under.

**DENSITY.** The number of families, individuals, dwelling units, or housing structures per unit of land.

**DEVELOPMENT.** The carrying out of any construction, reconstruction, alteration of surface, structure, change or land use or intensity of use, and including but not limited to the deposit of refuse, solid or liquid waste, any mining or drilling operation, or work relating to the creation of a road, street, or parking area.

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**DISPLAY.** The use of any building, land area, or premises, for the exhibit of goods, materials, merchandise, or vehicles for sale to the public.

**DISTILLATION OF PRODUCTS.** A building or premises used for the purification and concentration of a substance by volatilization or evaporation and subsequent condensation.

**DISTRICT.** A part, zone, or geographic area of the city within which certain zoning or development regulations apply.

**DRIVE-UP SERVICE WINDOW/DEVICE.** An establishment which accommodates the patron's motor vehicles, from which the occupants may obtain or receive a service or obtain a product through a service window or automated device.

~~**DRUG STORE, (or PHARMACY).** An establishment which prepares and dispenses medicines and sells customary health products.~~

**DWELLING.** A building, or portion, thereof, used exclusively for human habitation, including single-family, 2-family, and multiple-family dwellings, but not including hotels, motels, or lodging houses.

~~**DWELLING, ATTACHED.** A 1 family dwelling attached to 2 or more 1 family dwellings by common vertical walls.~~

~~**DWELLING, MULTIPLE-FAMILY, (or APARTMENTS, DUPLEX, 3-PLEX, 4-PLEX, MULTI-FAMILY, CONDOMINIUMS).** A building, or portion thereof, containing 23 or more dwelling units.~~

~~**DWELLING, MULTIPLE-FAMILY (APARTMENTS AND CONDOMINIUMS).** A building, or portion thereof, containing 3 or more dwelling units that may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.~~

~~**DWELLING, SINGLE-FAMILY ATTACHED, (or TOWNHOUSE, TOWNHOME, TWIN HOME).** A single family dwelling owned separately and attached to 2 or more single family dwellings by common vertical walls. Each dwelling shall be in its own lot.~~

**DWELLING, SINGLE-FAMILY DETACHED.** A dwelling which is designed for and occupied by not more than 1 family and is surrounded by yards and is not attached to any other dwelling by any means.

~~**DWELLING, SINGLE-FAMILY FARM.** Single family dwelling located on a farm which is used or intended for use by the farm's owner or relative of the owner or a person employed thereon.~~

~~**DWELLING, TOWNHOUSE.** One of a group or row of 2 or more single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. The townhouse need not face upon a street if otherwise specifically provided in this chapter. For the purpose of side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.~~

~~**DWELLING, TWO-FAMILY ATTACHED (DUPLEX).** A building designed or arranged to be occupied by 2 families living independently, with the structure having only 2 dwelling units. Each structure shall be in its own lot.~~

**DWELLING UNIT.** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household.

**ELECTRICAL SUBSTATION.** A premises that may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between

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systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.

~~**ENGINEERING, MANAGEMENT, PUBLIC ADMINISTRATION AND RELATED OFFICES.** Offices for any of the following uses: accountant, architect, attorney, chiropractor, optometrists, podiatrist, management, sales and service engineer, planner, surveyor, dentist, physician, psychiatrist, surgeon, and similar uses.~~

**EXISTING ANTENNA SUPPORT STRUCTURE.** Any existing structure that supports wireless communications facilities, such as, but not restricted to, telecommunications and broadcast towers, buildings, clock towers, steeples and light poles.

**FAMILY.** One or more individuals, related by blood or law, occupying a dwelling unit and living as a single household unit. A **FAMILY** shall not include more than 4 adults who are unrelated by blood or law. In addition to the persons actually related by blood or law, the following persons shall be considered related by blood or law for the purposes of this title:

- (1) A person residing with the family for the purpose of adoption;
- (2) Not more than 6 persons under 18 years of age, residing in a foster home licensed or approved by a governmental agency;
- (3) Not more than 4 persons 18 years of age or older residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency;
- (4) Any persons living with the family at the direction of a court; and
- (5) Twenty-four hour supervised living of up to 4 persons with physical or mental disabilities, but not including group homes for drug and alcohol rehabilitation or halfway houses for persons adjudicated by a court. The residential facilities shall be licensed by the state and proof of the licensing shall be required prior to zoning certificate approval.

**FARM.** A parcel of land used for agricultural purposes, with a minimum of 10 acres in size.

**FARM IMPLEMENT DEALER.** The use of any building or land area for the display and sale of new and used farm implements, including any warranty repair work and other repair service conducted as an accessory use.

**FARMSTEAD.** The area of a farm in which the out buildings sit and are normally protected by a grove(s) and not used for crops or grazing.

~~**FARM STORE, (or) FEED STORE.** A retail store selling primarily agricultural products, including the bulk storage of fertilizers and related agri-chemicals.~~

**FENCE.** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**FLOOR AREA.** The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement, or cellar when the space is used for storage or incidental uses.

~~**FRATERNITIES AND SORORITIES.** A building, other than a hotel, that is arranged, intended or designed to be occupied as a residence for a group of more than five members who reside therein and recognized as a chartered chapter by a national or international organization or society.~~

**FRONTAGE.** That side of a lot abutting on a street; the front lot line.

~~**FROZEN FOOD LOCKER, FRUIT/VEGETABLE CANNING AND PROCESSING.** A place where an animal is dressed and packaged, where no rendering or refining is done.~~

~~**FUEL DISPENSING STATION.** Any building or premises, which provides for the retail sale of fuel or oil, commercial establishment. No automobile repair work or sale of auto~~

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accessories, or testing may be done. Fuel pumps and islands shall be located more than 15 feet from the nearest property line.

~~**FUNERAL HOME, (or MORTUARY).** A place for the storage of human bodies prior to their burial or cremation, in which the dead are food is processed or otherwise prepared for burial, or cremation, and in which wakes and funerals may be held. Cremations do not occur within consumed on the premises.~~

**GARAGE, PRIVATE.** An accessory building designed or used for the storage of not more than 4 motor vehicles, excluding all commercial vehicles, owned and used by the occupants of the building to which it is accessory.

**GARDEN CENTER.** A building or premises used primarily for the retail sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants; including books, appliances, and tools, but not including power tools or tractors.

~~**GAS DISPENSING STATION.** Any building or premises, which provides for the retail sale of gasoline or oil. No automobile repair work or sale of auto accessories, or testing may be done. Gasoline pumps and islands shall be located more than 15 feet from the nearest property line.~~

**GENERAL MANUFACTURING.** Those manufacturing processes ~~including light manufacturing~~ which have the potential to be a nuisance due to dust, odor, noise, vibration, pollution, smoke, heat, glare, or the operation of the processes outside the building.

**GOLF COURSE.** A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

**GRADE.** The average elevation of the land around a building.

**GRAIN TERMINAL.** A facility for the storage of agricultural grains.

~~**GREENHOUSE, (or NURSERY).**~~ A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

~~**GROUP HOME.**~~ A supervised living or counseling arrangement in a ~~dwelling family home~~ context providing for the 24-hour care of children or adults.

**GROUNDWATER.** Subsurface water that occurs in soils and geologic formations that are fully saturated.

**HAZARDOUS MATERIAL.** Any contaminant as defined in this chapter, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC 11021 and 11022 as in effect on the date of publication of this chapter.

~~**HEAVY MANUFACTURING.** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors. These may include manufacture of acid, alcohol, ammonia, asphalt, bleach, cement, chlorine, dye stuff, explosives, fertilizer, glue, gypsum, lime, oils, plaster of Paris, shellac, sizing, turpentine, yeast, boiler, paper manufacturing, smelting, electric transformers, ready-mix concrete plant, or machinery.~~

**HOME OCCUPATION.** Any occupation carried on by a member of the immediate family residing on the premises, in accordance with § 155.078.

**HOSPITAL.** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other

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abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

~~**HOTEL, MOTEL, MOTOR COURT, MOTOR LODGE, OR TOURIST COURT.** Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.~~

**JUNKYARD.** Any lot, land, parcel or portion thereof, used for the storage, wrecking, dismantling, salvage, collection, processing, purchase, sale, or exchange of abandoned or discarded vehicles, goods, waste, and scrap materials, including but not limited to: 2 or more abandoned or inoperable motor vehicles, waste paper, rags, glass, tires, wood, lumber, appliances, machinery, or automotive and mechanical parts. A **JUNKYARD** does not include operations entirely enclosed within buildings.

**KENNEL.** Any premise, or portion thereof, where dogs, cats, and other household pets are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

**LANDSCAPED AREA/LIVING GROUND COVER.** An area that is permanently devoted and maintained in blue grass/creeping red fescue, herbaceous perennials, trees, shrubbery, and flowers.

~~**LIBRARIES.** A place in which literary, musical, artistic, or reference materials are kept for use. The building may also be used by the general public, private organizations and private clubs to conduct meetings.~~

~~**LIGHT MANUFACTURING.** Those manufacturing processes, which ~~do~~ not generate any more obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare than that found in a typical commercial area. These and industrial uses are characterized by generally having all aspects of the process carried on within the building itself.~~

~~**LIMITED PRODUCTION.** Assembly-**PROCESSING.** Light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar uses which are conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or on adjacent property. Limited production ~~processing generally~~ does not include industrial processing from raw materials.~~

**LOADING SPACE.** A space within the main building or on the same lot for the standing, loading, or unloading of trucks.

**LOT.** A parcel of land occupied or intended for occupancy by a use permitted in this chapter, which may include 1 main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

**LOT AREA.** The area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT, CORNER.** A lot or parcel of land abutting upon 2 or more streets at their intersection, or upon 2 parts of the same street forming an interior angle of less than 135 degrees.

**LOT, DOUBLE FRONTAGE.** A lot that abuts a street on 2 opposite sides (not a corner lot).

**LOT, FRONTAGE.** The length of the front lot line measured at the street right-of-way line.

**LOT, INTERIOR.** A lot other than a corner lot.

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**LOT LINE.** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

**LOT LINE, FRONT.** The lot line separating a lot from a street right-of-way.

**LOT LINE, REAR.** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In no case, shall any structure be closer than 3 feet to any lot line.

**LOT LINE, SIDE.** Any lot line other than a front or rear lot line.

**LOT OF RECORD.** A lot which is part of a subdivision or a certified survey map which has been recorded in the office of the County Register of Deeds; or a parcel of land, the deed to which was recorded in the office of the Register of Deeds prior to the effective date of this chapter.

**LUMBERYARD.** The use of land and/or buildings for the storage and retail sale of building materials.

~~MANUFACTURE OF ACID, ALCOHOL, AMMONIA, ASPHALT, BLEACH, CEMENT, CHLORINE, DYESTUFFS, EXPLOSIVES, FERTILIZER, GLUE, GYPSUM, LIME, OILS, PLASTER OF PARIS, SHELLAC, SIZING, TURPENTINE OR YEAST, AND THE LIKE.~~ Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

**MAP, OFFICIAL ZONING.** The map or maps, which are legally adopted as a part of the zoning ordinance, that delineate the boundaries of the zoning districts, show the location and size of public rights-of-way, public waterways, and the city limit lines.

**MANUFACTURED HOME, (or MOBILE HOMES, PARK TRAILERS, TRAVEL TRAILERS).** A structuredwelling unit that is transportablefabricated in one+ or more sections, built on at a permanent chassis, location other than the home site by assembly line type production techniques or by other construction methods unique to an off site manufacturing process. A **MANUFACTURED HOME** is designed for use to be towed on its own chassis or be site delivered by alternative means. Every section shall bear a label certifying that it is built in compliance with or without a permanent foundation when attached to the required utilities, and constructed to the Federal MobileManufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. A ~~For~~ manufactured home may only be located withinhomes built prior to June 15, 1976, a licensed manufactured home parklabel certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required.

**MANUFACTURED HOME PARK, LICENSED.** A contiguous parcel of land operated as a unit, under the same ownership where ~~2 or more~~ lots are rented for the temporary placement of manufactured homes, with all necessary facilities and services, and is licensed by the city.

**MASSAGE ESTABLISHMENT.** An establishment in which a person, firm, association, or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance. This subdivision does not apply to:

(1) Physicians who are licensed pursuant to SDCL Chapter 36-4 or a podiatrist licensed pursuant to SDCL Chapter 36-8.

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(2) Registered nurses or licensed practical nurses who are licensed pursuant to SDCL Chapter 36-9.

(3) Physician assistants who are licensed pursuant to SDCL Chapter 36-4A or certified nurse practitioners and certified nurse midwives who are licensed pursuant to SDCL Chapter 36-9A.

(4) Physical therapists licensed pursuant to SDCL Chapter 36-10.

(5) Athletic trainers licensed pursuant to SDCL Chapter 36-29.

(6) Massage therapists licensed pursuant to SDCL Chapter 36-35.

(7) Chiropractors licensed pursuant to SDCL Chapter 36-5.

**MINING.** The development or extraction of a mineral from its natural occurrence or affected land. The term includes, but is not limited to surface mining and surface operation, in-site mining, the reprocessing of tailing piles, the disposal of refuse from underground mining, and milling and processing located on land described in the application for a mining permit. \_\_\_\_\_

**MIXED-USE BUILDING.** A building with **NON-COMMERCIAL, NON-CONSTRUCTION AND NON-INDUSTRIAL OFFICES, or RETAIL SERVICES AND TRADE,** on the first floor and residential uses on the above floors.

~~\_\_\_\_\_ **MORTUARY.** A place for the storage of human bodies prior to their burial or cremation.~~

**MOTEL, (or HOTEL, MOTOR LODGE, MOTOR COURT, TOURIST COURT).** An establishment consisting of a group of ~~attached~~ living or sleeping accommodations with each sleeping unit having a bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. The establishment shall furnish~~A **MOTEL** furnishes~~ customary ~~hotel~~ services such as maid service and laundering of linen, ~~telephone, and secretarial or desk service,~~ and the use and upkeep of furniture. Less~~In a **MOTEL**, less~~ than 50% of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists. Parking spaces are located in the lot, and are designed, used or intended wholly or in part for the accommodation of guests~~See **HOTEL/MOTEL**.~~

**MOTOR VEHICLE.** Any vehicle which is designed to travel along the ground or in the water and shall include but not be limited to automobiles, vans, buses, motorbikes, trucks, trailers, go carts, golf carts, boats, snowmobiles, and campers.

**MOTOR VEHICLE REPAIR.** Any building or premises involving the repair and/or painting of motor vehicle bodies or parts thereof and the rebuilding and/or overhauling of engines or transmissions.

**MOTOR VEHICLE, COMMERCIAL.** Any vehicle which has more than 16 square feet of signage or which is adapted, designed, equipped, and used to perform a specific commercial function and which does not meet the definition of **MOTOR VEHICLE, PERSONAL/PASSENGER** as defined herein.

**MOTOR VEHICLE, INOPERABLE.** A motor vehicle which is not in operating condition due to damage, removal, or inoperability of 1 or more tires and/or wheels, engine, or other essential parts, or which is not in operating condition due to damage or removal of equipment as required by the state for its lawful operation, or which does not have lawfully affixed thereto a valid state license plate, or which constitutes an immediate health, safety, fire or traffic hazard.

**MOTOR VEHICLE, PERSONAL/PASSENGER.** Any car, pickup-truck, or van which has no more than 16 square feet of signage and which is designed and facilitates

personal/passenger travel and has not been externally altered with features not customary to personal usage.

**MOTOR VEHICLE, RECREATIONAL.** Any vehicle which is adapted, designed, and equipped to facilitate leisure time activities including but not limited to the following: ATVs, boats, snowmobiles, along with trailers to haul vehicles, RVs and travel trailers.

**MOTOR VEHICLE SALES, DISPLAY AND RENTAL.** The use of any building, land area, or premises, for the display, sale, or rental of new or used motor vehicles, and including any warranty repair work and other repair service conducted as an accessory use. The sale or display of inoperable motor vehicles is not allowable as part of this use category, see **JUNKYARD**.

**MOTOR VEHICLE SERVICE STATION.** Any building or premises which provides for the retail sale of gasoline, oil, tires, batteries and accessories for motor vehicles and/or for certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Motor vehicle repair work may be done at a motor vehicle service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is conducted. Gasoline pumps and gasoline pump islands shall be located more than 15 feet from the nearest property line.

**MUNICIPALLY OWNED AIRPORT.** A place owned and maintained by the city where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers, including heliports.

**MUNICIPALLY OWNED WASTE WATER TREATMENT FACILITY.** A facility for the treatment of public wastewater.

**NEIGHBORHOOD UTILITY FACILITY.** Telephone, electric, and cable television lines, poles, and equipment; water or gas pipes, mains and valves; sewer pipes and valves; lift stations; telephone exchanges and repeaters; and all other facilities and equipment (excluding buildings, facilities and above ground structures that exceed 120 square feet of area) necessary for conducting a service by a government or a public utility.

**NONCONFORMING USE.** A use of land, buildings, structures, or premises that lawfully existed prior to the adoption, revision, or amendment to this title, but which fails, by reason of adoption, revision, or amendment, to conform to the present use restrictions of the zoning district in which it is located.

**NUDE MODEL STUDIO.** A place in which a person who appears in a state of nudity or who displays specific anatomical areas is observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by other persons who pay money or other considerations. **NUDE MODEL STUDIO** does not include a proprietary school that is licensed by this state, a college, or a university that is supported entirely or in part by taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college or university that is supported entirely or in part by taxation or a structure to which the following apply:

(1) A sign is not visible from exterior of the structure and no other advertising appears indicating that a nude person is available for viewing.

(2) A student must enroll at least 3 days in advance of a class in order to participate.

(3) No more than 1 nude or semi-nude model is on the premises at any time.

**NUDE, NUDITY OR STATE OF NUDITY.**

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(1) The appearance of a human anus, genitals, or a female breast below a point immediately above the top of the areola.

(2) A state of dress that fails to opaquely cover a human anus, genitals, or a female breast below a point immediately above the top of the areola.

~~**NURSERY.** Land or greenhouses used to raise flowers, shrubs, and plants for sale. See **GREENHOUSE.**~~

**NURSING HOME.** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

~~**OFFICES, COMMERCIAL, CONSTRUCTION AND INDUSTRIAL.** A building designed for or used as the office of commercial, industrial or construction organizations.~~

~~**OFFICES, NON-COMMERCIAL, NON-CONSTRUCTION AND NON-INDUSTRIAL OFFICE BUILDING.** A building designed for or used as the office of professional, commercial, industrial, financial, religious, institutional, public, or semi-public persons or organizations. Broadcast stations, offices, and studios shall be considered to non-commercial, non-construction and non-industrial offices.~~

~~**OFF-PREMISE PARKING.** Parking provided for a specific use but located on a site be office buildings; broadcast towers as defined in this chapter shall not abutting, and/or not owned by the same owner on which the specific use is located. Vehicles must be moved monthly be so considered.~~

~~**OFF-PREMISE SIGN.** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.~~

**OFF-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT.** Any use which has been licensed to sell alcoholic beverages for consumption off the premises where sold.

**ON-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT.** Any use that has been licensed to sell alcoholic beverages for consumption upon the premises where sold, except for special 1-day liquor or special malt beverage licenses.

**OUTDOOR STORAGE.** The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. Goods, material, merchandise, or vehicles shall not include items listed, nor be of a nature as indicated in the definition of junkyard as defined herein.

**PARKING SPACE.** A hard-surfaced area, off the street right-of-way, and accessible from a street, road or alley, with minimum dimensions of 9 feet wide and 18 feet long, and permitted ingress and egress of an automobile. A required parking space and driveway shall be paved or surfaced with ~~Portland~~portland cement concrete or asphaltic concrete, and shall be a thickness of at least 5 inches. An access driveway between a curb and sidewalk line shall be paved with ~~Portland~~portland cement concrete. All spaces shall meet the minimum criteria as prescribed by this chapter and the City Engineer, and equivalent materials and methods other than those listed may only be used if approved by the City Engineer.

**PERMITTED USES.** Any permissive, permitted, special, or conditional use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSONAL SERVICES.** Establishments primarily engaged in providing services involving the care of a person or their apparel, including, but not limited to laundry or dry cleaning, receiving station; garment services; coin-operated laundries; photographic and art

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studios; beauty shops; barber shops; shoe repair; reducing salons and health clubs; clothing rental.

~~**PLACE OF WORSHIP.** A structure where persons regularly assemble for worship, ceremonies, rituals, and education relating to a particular form of religious belief and which a reasonable person would conclude is a **PLACE OF WORSHIP** by reason of design, signs, or architectural or other features.~~

**PLANNING COMMISSION.** The duly designated Planning Board responsible for reviewing and approving applications for development and preparation of master plans and ordinances.

**PRINCIPAL BUILDING.** A building in which is conducted the primary or predominant use of the lot on which it is located.

**PRINCIPAL USE.** The primary or predominant use or building of any lot.

**PRINT SHOP, (or PRINTING PLANT).** A commercial printing operation that makes reproductions involving the use of a printing press and the making of photographic plates.

**PRIVATE CLUB.** A group of people organized for a common purpose to pursue common goals, interests, or activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

**PROPERTY LINE.** See **LOT LINE**.

~~**PUBLIC PARK AREAS.** A tract of land owned by a government entity and available to the general public for recreational purposes.~~

~~**PUBLIC SERVICE FACILITY.** Government facilities and uses that provide an essential public purpose or service including, but not limited to, a police station, judicial court, fire station, ambulance service, transit or transportation transfer station, or office, but not including public utility or treatment stations, maintenance facilities, sanitary landfills or facilities for incarcerated persons.~~

~~**PUBLIC UTILITY FACILITIES.** See **NEIGHBORHOOD UTILITY FACILITIES**. The definition is the same as the neighborhood except that buildings, structures, and facilities that exceed 120 square feet in area are allowable.~~

~~**QUARRY.** A surface excavation used for the removal of rock, stone, sand, gravel, and fill dirt for sale or use off-site and includes sifting, crushing, and washing and bagging.~~

~~**RECREATION FACILITY, COMMERCIAL.** A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive and operated as a business and open to the public for a fee.~~

~~**RECYCLABLE MATERIALS.** Materials or products that may be readily separated from the solid waste stream and may be used or reused as a substitute for raw materials or other items, including but not limited to, aluminum, paper, glass, steel, and plastic.~~

~~**RECYCLING COLLECTION FACILITY.** An established facility where recyclable materials are collected for shipment off site, with no processing such as grinding or crushing of the materials. Fully enclosed automated self-service aluminum collection machines not more than 750 square feet are considered recycling collection facilities regardless of whether they contain a crusher or grinder. Facilities that handle recyclable hazardous materials, or waste petroleum products as a primary or substantial portion of their business are not included.~~

~~**RECYCLING PROCESSING FACILITY.** An established facility where recyclable materials are collected and/or processed for shipment off site, including processing operations such as grinding or crushing of the materials. No on-site sales of materials or salvage-type automobiles may be processed at these types of facilities. Facilities that handle recyclable~~

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hazardous materials, or waste petroleum products as a primary or substantial portion of their business are not included.

~~REFINING.~~ A process in which a substance is reduced to a pure state or perfected through the elimination of impurities.

~~RESIDENCE.~~ A permanent dwelling place.

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

~~RESTAURANT.~~ An establishment where food and drink is prepared, served, and consumed primarily within the principal use.

~~RIGHT-OF-WAY.~~ A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

~~ROADSIDE STANDS.~~ A structure that is not permanently affixed to the ground and is readily removable in its entirety, that is used solely for the display and sale of farm products. No roadside stand shall be more than 300 square feet in ground area and there shall be not more than one roadside stand on any one premise.

~~ROOMING HOUSE.~~ See **BOARDING HOUSE.**

~~SCHOOLS.—ROOMING/BOARDING HOUSE.—See BOARDING HOUSE.~~

~~SCHOOL, ELEMENTARY OR SECONDARY (HIGH SCHOOL).~~ Any building or part thereof, whether public or private, which is designed, constructed, or used for instruction in elementary or secondary (high school) education.

~~SEMI-NUDE.~~ A state of dress in which clothing covers no more than the genitals, pubic region, and female breast below a point immediately above the top of the areola, as well as portions of the body that are covered by supporting straps or devices.

~~SETBACK/SETBACK LINE.~~ That line that is the required minimum distance from any lot line that establishes the area within which the principal use must be erected or placed.

~~SHALLOW/SURFICIAL AQUIFER.~~ An aquifer in which the permeable media (sand and gravel) starts near the land surface immediately below the topsoil. The shallow aquifer is further defined as an aquifer within 50 feet or less below the land surface within 15 feet or less of continuous overlying, extremely low permeability material, such as clayey till or shale. Weathered till or highly fractured weathered shale is not an extremely low permeability material for purposes of this chapter; or, the aquifer is greater than 50 feet but less than 100 feet below the land surface with 30 feet or less of continuous overlying low to extremely low permeability geological material that may be a combination of weathered and un-weathered till, shale, or till and shale.

~~SIGN (OFF-PREMISE).~~ A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

~~SLAUGHTERHOUSE.~~ A facility for the slaughtering and processing of animals and the refining of their by products.

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**SNOW FENCE.** Temporary fencing constructed of wood and wire and/or plastic that does not enclose a portion of the yard.

**SOLID WASTE TRANSFER FACILITY.** A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This does not include an infectious waste incineration facility.

**SPECIFIED ANATOMICAL AREAS.** Any of the following:

(1) A human anus, genitals, the pubic region, or a female breast below a point immediately above the top of the areola that is less than completely and opaquely covered.

(2) Male genitals in a discernibly turgid state even if completely and opaquely covered.

**SPECIFIC SEXUAL ACTIVITIES.** Any of the following:

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation, or sodomy.

(3) Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast.

(4) Excretory functions as part of or in connection with any of the activities under subsection (1), (2), or (3) of this definition.

**STABLE.** Any premise or part thereon where horses or any equine animal are maintained, boarded, bred, trained or cared for in return for remuneration, or are kept for the purpose of sale.

~~**STOCKYARDS.** A facility for the temporary confinement and marketing of animals.~~

**STORAGE FACILITY.** A structure or structures containing separate storage spaces, which may be of varying sizes, leased or rented on an individual basis.

**STORY.** The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under floor space is more than 6 feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, the basement cellar or unused under-floor space shall be considered a story.

**STREET.** A public way that affords the principal means of access to abutting property.

**STREET, ARTERIAL.** A principal traffic artery, more or less continuous across the city, which acts as a principal connecting street with state and federal highways and includes each street designated as an arterial street on the major street plan.

**STREET, COLLECTOR.** A street which carries traffic from local streets to arterial streets or highways, including the principal entrance streets of a residential development and streets for circulation in development.

**STREET, LOCAL.** A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for various utilities but not intended to be used for through traffic.

**STRUCTURAL ALTERATION.** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or any complete rebuilding of the roof or the exterior walls.

**STRUCTURE.** Anything constructed or erected on the ground or attached to the ground with a fixed location on the ground or attached to something having a fixed location on the

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ground. Among other things, structures include buildings, walls, fences, signs, docks, dams, manufactured homes, and sheds.

**TANK FARM, (or PETROLEUM PRODUCTS TERMINAL).** An open-air facility containing a number of above-ground, large containers for the bulk storage in liquid form of petroleum products. The material may be delivered to the site by truck traffic or through a pipe line.

**TELECOMMUNICATIONS TOWER.** A self-supporting lattice, guyed-lattice, or monopole structure that supports wireless communications facilities. The term includes new and existing towers that are used for services such as microwave, common carrier, cellular telephone, personal communication services, 2-way radio paging, and other similar services.

**TELECOMMUNICATIONS TOWER** does not include amateur radio operators' equipment, as licensed by the Federal Communications Commission.

**TELECOMMUNICATIONS TOWER HEIGHT.** The vertical distance above grade to the highest point of the telecommunications tower, including the base pad and any antenna.

**TELECOMMUNICATIONS TOWER SITE.** The lot of record for which the telecommunications tower is located.

**THEATER.** An establishment that is used for the showing of motion pictures, plays or musical dramas.

~~TRAVEL TRAILER.~~

(1) **TRAVEL TRAILER.** A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel, recreational, and vacation uses, permanently identified **TRAVEL TRAILER** by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding 8 feet, and a body length not exceeding 30 feet.

(2) **PICKUP COACH.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

(3) **MOTOR HOME.** A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as any integral part of a self-propelled vehicle.

(4) **CAMPING TRAILER.** A canvas, folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

**TREE, REQUIRED.** A tree which is required by this chapter and meets or exceeds the minimum specifications according to tree type.

**TRUCK REPAIR, SALES, AND/OR SERVICE.** The use of any building, land area, or premises, for the display, sale, of new or used trucks, and including any warranty repair work and other repair service conducted as an accessory use. The sale or display of inoperable trucks is not allowable as part of this use category, see **JUNKYARD.**

~~-USE, ACCESSORY. See ACCESSORY BUILDING OR USE.~~

~~**USE, CONDITIONAL.** A use that, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for in this chapter, of the impact of the use upon neighboring land and of the public need for the particular use at a particular location, the conditional use may or may not be granted. A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, or general welfare.~~

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**USE, PERMITTED.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of the district in which the use is located.

**USE, PRINCIPAL.** The main use of land or buildings as distinguished from a subordinate or accessory use. **PRINCIPAL USE** includes off-premise advertising.

**VETERINARIAN, LARGE ANIMAL.** A person qualified and authorized to prevent, cure or alleviate disease and injury in horses, zoo animals, livestock, or other farm animals. Besides the medical care given to animals, a veterinarian may also board, or kennel, animals for a month at a time.

**VETERINARIAN, SMALL ANIMAL.** A person qualified and authorized to prevent, cure or alleviate disease and injury in companion animals that live inside or near people's homes. Besides the medical care given to animals, a veterinarian may also board, or kennel, animals for a month at a time.

**WAREHOUSE.** A building used primarily for the storage of goods and materials.

**WASTE.** Any garbage, refuse, sludge from a waste treatment plant, waste supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations, or from community activities, but does not include solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended to January 1, 1986, or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended to January 1, 1986.

**WHOLESALE MERCHANDISING, (or ~~WHOLESALE TRADE~~).** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**WIND ENERGY CONVERSION SYSTEM (or WECS).** An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnections, battery banks and the like in a configuration as necessary to convert the power of wind into mechanical or electrical energy. WECS are also known as wind chargers, windmills or wind turbines.

**WIRELESS COMMUNICATIONS FACILITIES.** Any cables, wires, lines, wave guides, antennas, antenna arrays, and any other equipment associated with the transmission or reception of telecommunications signals, which a person seeks to locate or have installed upon or near a telecommunications tower ~~or antenna support structure~~.

**YARD, FRONT.** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

**YARD LINE.** See **BUILDING LINE**.

**YARD, REAR.** A yard extending a full width of the lot between a principal building and the rear lot line.

**YARD, REQUIRED FRONT.** The required front yard shall extend across the front of a lot between the property lines. There shall be a required front yard on each street side of a corner lot. The required front yard with the smallest required front yard may be referred to as the side-street-side front yard.

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**YARD, REQUIRED REAR.** The required rear yard shall extend across the rear of a lot between the property lines. On corner lots, the required rear yard may be to the rear of either street. On interior lots, the required rear yard shall, in all cases, be at the opposite end of the lot from the front yard.

**YARD, REQUIRED SIDE.** Extends between the required front yard line and the required rear yard line. There shall only be 1 required side yard on a corner lot.

**YARD, REQUIRED.** The required open space between a property line and a building line. The open space shall be unoccupied and unobstructed from the ground upwards except as otherwise provided in this chapter.

**YARD, SIDE.** A yard between the main building and the side line of the lot and extending from the front yard line to the rear yard line.

**ZONE.** A specifically delineated area or district of the city within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings. (Ord. 1189, passed 7-7-2008; Am. Ord. 1233, passed 6-21-2010; Am. Ord. 1277, passed 5-21-2012; Am. Ord. 1275, passed 5-21-2012; Am. Ord. 1316, passed 6-2-2014; Am. Ord. 1341, passed 5-16-2016; Am. Ord. 1356, passed 6-5-2017; Am. Ord. 1359, passed 9-18-2017; Am. Ord. 1367, passed 2-20-2018)

**§ 155.029 ANNEXATIONS.**

~~(A) — In all territories, which may hereafter be annexed to the city, the zoning districts, as they exist in the extraterritorial area or the county, shall be discontinued until otherwise changed by ordinance and automatically be placed in the NRC zoning district. Refer to section 155.101 to rezone the newly annexed territory.~~

~~(B) — Territory zoned as A-1 in the extraterritorial area or the county shall automatically be placed in the NRC zoning district. (Ord. 1189, passed 7-7-2008)~~

**§ 155.030 NRC NATURAL RESOURCE CONSERVATION DISTRICT.**

The purpose of this district is to preserve lands best suited for natural drainage areas, public open space, and agricultural uses from encroachment by incompatible uses. The area will also provide protection from floods and erosion, to protect views, to preserve natural settings for wildlife habitats, and to add to the aesthetic and environmental quality of the community.

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Agriculture	§ 155.070
<del>Farm dwellings, single-family</del>	<del>§§ 155.070, 155.072, 155.076, 155.077 and not within identified floodplain area.</del>
Golf course	§§ 155.070, 155.072
Public park areas	§ 155.070
<del>Cemetery</del> Cemeteries	At least 2 acres in size and adequate road system within cemetery. § 155.070 and not within an identified floodplain area.

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Electrical substation                      An opaque screen, 6 feet in height located at all setback lines.

§§ 155.070, 155.077

Public utility ~~facilities~~ facility                      §§ 155.070, 155.072, 155.077

Wireless communications facilities ~~communication facility on existing support structure~~                      § 155.075, ~~and~~ not within an identified floodplain area, and if replacing facility on existing telecommunications tower the proposed facility cannot occupy a larger space than the existing facility.

<del>Fences</del>	<del>§ 155.074</del>
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<del>Home occupation</del>	<del>§ 155.070, 155.072, 155.076, 155.077, 155.078</del>
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Roadside stands                              Subject to the seasonal sale of farm products, which are produced upon the premises.

§ 155.070

<del>Railroad right of way</del>	<del>Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.</del>
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Municipally ~~owned~~ airport                      §§ 155.070, 155.072, 155.073, 155.077 (See Chapter 91 of this code)

(B) *Conditional uses.*

<i>Conditional Uses</i>	<i>Applicable Standards</i>
Accessory <del>building or use and structure (such as, garage, shed)</del>	§§ 155.071, 155.082(A), 155.095(A) and definition
Wireless <u>communications facilities</u> <del>communication facility (new support structure)</del>	§§ 155.075, 155.095(A), <del>and</del> not within an identified floodplain area, <u>and only if it is replacing existing facilities on an existing telecommunications tower but the proposed facility will occupy a larger space than the existing facility.</u>
Municipally <del>owned</del> waste water treatment facility	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Veterinarian, <u>large animal</u>	Located on a tract of land of not less than 10 acres and that no treatment rooms or pens for animals shall be maintained closer than 200 feet to any property line. * §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Veterinarian, <u>small animal</u>	<u>Located on a tract of land of not less than 10 acres and that no treatment rooms or pens for animals shall be maintained closer than 200 feet to any property line. *</u> §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Bed and breakfast <u>establishment</u>	§§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)
Wind energy conversion system	§§ 155.070, 155.072, 155.077, 155.081, 155.095(A)

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Telecommunications tower	§§ 155.070, 155.075, 155.077, 155.095(A), <u>approval of conditional use permit for the telecommunications tower shall also include the installation of all wireless communication facility on the new telecommunications tower.</u>
* Measured from the closest point of the structure to property line	

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(C) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area. Values listed are minimums, unless otherwise stated.

	<i>Lot Area</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
All uses	1 acre	75 feet	30 feet	8 feet	25 feet	35 feet
Exceptions:						
#1 A conditional use permit will be required for any structure having a maximum height exceeding 35 feet (§ 155.095(A))						
#2 See adjustments to yard regulations (§ 155.082) for specific exceptions						

(Ord. 1189, passed 7-7-2008; Am. Ord. 1359, passed 9-18-2017; Am. Ord. 1366, passed 2-5-2018)

**§ 155.031 R-1 RESIDENTIAL DISTRICT.**

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

(A) *Permitted use.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
<del>Dwelling, single-family detached dwellings</del>	§§ 155.070, 155.072, 155.076, 155.077
<u>Dwelling, single-family attached</u>	<u>§§ 155.070, 155.072, 155.076, 155.077, only permitted for structures meeting this definition whose building permit was issued prior to December 31, 2019.</u>
<del>Bed and breakfast establishment</del>	§§ 155.070, 155.072, 155.076, 155.077, 155.080, <del>155.095(A)</del> 078
<del>Home occupations</del>	All parking lots being 8 feet from all residential <u>uses, or zoned property</u> <del>properties.</del>
<del>Church</del> Churches	§§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential <u>uses, or zoned property</u> <del>properties.</del>
Schools	§§ 155.070, 155.072, 155.077 All parking lots being 8 feet from all residential <u>uses, or zoned property</u> <del>properties.</del>

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One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map.

§§ 155.070, 155.072, 155.077

Public park areas

§ 155.070

Golf course

§§ 155.070, 155.072

Neighborhood utility facility~~utilities~~

§ 155.070

Electrical substation

§§ 155.070, 155.077

Day care, family~~Fences~~

All applicable dwelling standards apply.~~§ 155.074~~

Day~~Group day care, group~~

A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.

Group home ~~(see definition)~~

Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All ~~single family detached~~ dwelling standards apply.

Adult day services

§§ 155.070, 155.072, 155.073, 155.077, applicant must provide copy of the appropriate, and applicable, licenses from the State of South Dakota.

Wireless communications facilities~~Railroad right-of way~~

§ 155.075, not within an identified floodplain area, and if replacing facility on existing telecommunications tower the proposed facility cannot occupy a larger space than the existing facility. Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.

Accessory building or use~~structure~~ (such ~~garage, shed~~)

§§ 155.071, ~~§~~155.082 (see definition)

~~(B) Conditional uses.~~

<u>Conditional Use</u>	<u>Applicable Standards</u>
<u>Single family attached (townhouse) dwellings</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
<u>Wireless communication facility on existing support structure</u>	<u>§§ 155.075, 155.095(A)</u>

(B) Conditional uses.

<u>Conditional Use</u>	<u>Applicable Standards</u>
<u>Wireless communications facilities</u>	<u>§§ 155.075, 155.095(A), not within an identified floodplain area, and if it is replacing existing facilities on an existing telecommunications tower but the proposed facility will occupy a larger space than the existing facility.</u>
Public service facility	§ 155.070

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Bed and breakfast	<del>§§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)</del>
Off-premise parking	§ 155.095(A)

(C) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area. Values listed are minimums, unless otherwise stated.

	<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>Dwelling, single-family detached</del>	6,500 square feet	50 feet	65 feet see #2	30 feet see #4 <del>5</del>	8 feet see #3	25 feet	35 feet
<del>Dwelling, single-family attached-(townhouse)- dwellings</del>	2,500 square feet	36 feet	36 feet	30 feet see #4 <del>5</del>	0 feet or 8 feet on non-party wall side	25 feet	35 feet
All other uses	7,500 square feet	50 feet	75 feet	30 feet see #4	30 feet see #1, #3	25 feet	35 feet

Exceptions:

- #1 The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
- #2 A residence may be constructed on a lot-of-record, ~~which has a lot-width of less than 75 feet.~~
- #3 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- #4 One required front yard may be reduced to 25 feet on corner lots.
- #5 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

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

**§ 155.032 R-2 RESIDENTIAL DISTRICT.**

(A) *Permitted uses.* The purpose of this district is to provide for certain low to medium density residential areas in the city ~~now developed primarily with single family, 2 family, and multiple family dwellings.~~

<i>Permitted Use</i>	<i>Applicable Standards</i>
<del>Dwelling, single-family detached-dwellings</del>	§§ 155.070, 155.072, 155.076, 155.077
<del>Dwelling, single-family attached-(townhouses)- dwellings</del>	§§ 155.070, 155.072, 155.076, 155.077. <u>up to 4 dwellings can be attached</u>
<del>Dwelling, multiple-family-(apartments and condominiums)-dwellings (up to 4 dwellings)</del>	§§ 155.070, 155.072, 155.076, 155.077. <u>maximum of 16 bedrooms per lot. Number of bedrooms per dwelling unit</u>

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<i>Permitted Use</i>	<i>Applicable Standards</i>
	<u>cannot exceed 4.</u>
<del>Two family attached (duplex) dwellings</del>	<del>§§ 155.070, 155.072, 155.076, 155.077</del>
<del>Boarding and lodging house</del>	<del>§§ 155.070, 155.072, 155.077</del>
<del>Fraternalities and sororities</del>	<del>§§ 155.070, 155.072, 155.076, 155.077</del>
<del>Church</del> Churches	All parking lots being 8 feet from all residential <u>uses, or zoned property properties.</u> §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential <u>uses, or zoned property properties.</u> §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential <u>uses, or zoned property properties.</u> One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Hospital <del>clinic</del>	§§ 155.070, 155.072, 155.073, 155.077
<del>Clinic</del>	<del>§§ 155.070, 155.072, 155.073, 155.077</del>
Private club <del>lodge</del>	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	§§ 155.070, 155.077
<del>Day care, family</del>	<u>All applicable dwelling standards apply.</u>
<del>Day</del> Group day care, <del>group</del>	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
<del>Adult day services</del> Neighborhood utilities	§§ 155.070, 155.072, 155.073, 155.077. <u>applicant must provide copy of the appropriate, and applicable, licenses from the State of South Dakota.</u> § 155.070
<del>Neighborhood utility facility</del>	<u>§ 155.070</u>
Group home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All applicable dwelling standards apply.
<del>Wireless communications</del>	<u>§ 155.075, not within an identified</u>

Vermillion, SD Code of Ordinances

<i>Permitted Use</i>	<i>Applicable Standards</i>
<del>facilities</del> <u>Railroad right of way</u>	<u>floodplain area, and if replacing facility on existing telecommunications tower the proposed facility cannot occupy a larger space than the existing facility. Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.</u>
<u>Boarding house</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
<del>Accessory structure (such as, garage, shed)</del> <u>Bed and breakfast establishment</u>	<u>§§ 155.070<del>071</del>, 155.072, 155.076, 155.077, 155.080, 155.095</u> <del>082(A) (see definition)</del>
<u>Accessory building or use</u>	<u>§§ 155.071, 155.082(A) (see definition)</u>

~~(B) Conditional uses.~~

<i>Conditional Use</i>	<i>Applicable Standards</i>
<u>Boarding and lodging house</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>

~~(B) Conditional uses.~~

<i>Conditional Use</i>	<i>Applicable Standards</i>
<u>Fraternalities and sororities</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
<u>Assisted-living center and congregate care facility</u>	<u>Applicant must provide copy of South Dakota Department of Health license. All multiple dwelling standards apply. §§ 155.070, 155.072, 155.077, 155.095(A)</u>
<u>Nursing home</u>	<u>Applicant must provide copy of South Dakota Department of Health license. §§ 155.070, 155.073, 155.077, 155.095(A)</u>
<del>Wireless communication facilities on existing support structure</del> <u>Wireless communications facilities</u>	<u>§§ 155.075, 155.095(A), not within an identified floodplain area, and if it is replacing existing facilities on an existing telecommunications tower but the proposed facility will occupy a larger space than the existing facility. §§ 155.075, 155.095(A)</u>
<u>Public service facility</u>	<u>§ 155.070</u>
<del>Bed and breakfast parking</del> <u>Off-premise parking</u>	<u>§§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)</u>
<u>Manufactured home parks</u>	<u>§§ 155.070, 155.077, 155.079, 155.095(A)</u>
<u>Off premise parking lots</u>	<u>§ 155.095(A)</u>

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(C) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area. Values listed are minimums, unless otherwise stated

	<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>Dwelling, single</del> Single-family detached dwellings- (see #2)	6,500 square feet	50 feet	65 feet see #2	25 feet see #3	8 feet	25 feet	35 feet
<del>Dwelling, single</del> Single-family attached (townhouse) dwellings up to 4- attached dwellings- (see #5)	2,500 square feet	25 feet	25 feet	25 feet see #3	0 feet or 8 feet on nonparty wall side	25 feet	35 feet
<del>Dwelling, multiple</del> Two-family attached (duplex)- dwelling	7,500 square feet	50 feet	<del>75</del> 65 feet	25 feet -see #3	8 feet <del>side</del>	25 feet	35 feet
<del>Boarding house</del> Multiple-family (apartments and condominiums)- dwellings (4 units) (1 lot)	7,500 square feet	50 feet	<del>65</del> 75 feet	25 feet see #3	8 feet <del>side</del>	25 feet	35 feet
<del>Fraternalities and lodging houses;</del> fraternities and sororities	7,500 square feet	50 feet	65 feet	25 feet see #3	8 feet	25 feet	35 feet
All other uses	6,000 square feet	50 feet	60 feet	25 feet see #3	15 feet	25 feet	35 feet
Exceptions: #1 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot. #2 A residence may be constructed on a lot-of-record, <del>which has a lot-width of less than 65 feet.</del> #3 One required front yard may be reduced to 20 feet on corner lots. #4 See also adjustments to yard regulations (§ 155.082) for other specific exceptions. #5 Every 2 units will be staggered.							

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

**§ 155.033 R-3 RESIDENTIAL DISTRICT.**

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

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
<del>Dwelling, single-family detached dwellings</del>	§§ 155.070, 155.072, 155.076, 155.077
<del>Dwelling, single-family attached (townhouses) dwellings</del>	§§ 155.070, 155.072, 155.076, 155.077, <u>up to 8 dwellings can be attached</u>
<del>Dwelling, multiple-family (apartments and condominiums) dwellings</del>	§§ 155.070, 155.072, 155.076, 155.077
<del>Two family attached (duplex) dwellings</del>	<del>§§ 155.070, 155.072, 155.076, 155.077</del>
Boarding <del>and lodging</del> house	§§ 155.070, 155.072, 155.076, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.076, 155.077
<del>Church</del> Churches	All parking lots being 8 feet from all residential <del>uses, or zoned property properties.</del> §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential <del>uses, or zoned property properties.</del> §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential <del>uses, or zoned property properties.</del> One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Hospital <del>clinic</del>	§§ 155.070, 155.072, 155.073, 155.077
<del>Clinic</del>	<del>§§ 155.070, 155.072, 155.073, 155.077</del>
Private club <del>lodge.</del>	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	§§ 155.070, 155.077
<del>Day care, family</del>	<u>All applicable dwelling standards apply.</u>
<del>Day</del> Group day care, <u>group</u>	A safe pickup and drop off area must be provided for the children §§ 155.070, 155.072, 155.076, 155.077
<del>Adult day services</del> Neighborhood <del>utilities</del>	<u>§§ 155.070, 155.072, 155.073, 155.077, applicant must provide copy of the appropriate, and applicable, licenses from the State of South</u>

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<i>Permitted Use</i>	<i>Applicable Standards</i>
	<del>Dakota, § 155.070</del>
<u>Neighborhood utility facility</u>	<u>§ 155.070</u>
Group home	Structure must be a single housekeeping unit. Applicant must provide a copy of state agency license. §§ 155.070, 155.072, 155.076, 155.077
<del>Railroad right of way</del>	<del>Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.</del>
<u>Fences</u>	<u>§ 155.074</u>
<u>Assisted living center and congregate care facility</u> <del>Convent/monastery</del>	§§ 155.070, 155.072, 155.077, <u>155.095(A)</u>
<u>Accessory structure (such as, garage, shed)</u>	§§ 155.071, 155.082(A) (see definition)

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~~—— (B) —— Conditional uses.~~

<i>Conditional Use</i>	<i>Applicable Standards</i>
<u>Assisted living facility</u>	§§ 155.070, 155.072, 155.077, 155.095(A) Applicant must provide copy of South Dakota Department of Health license. All multiple dwelling standards apply.
<u>Bed and breakfast establishment</u>	§§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)
<u>Convent/monastery</u>	§§ 155.070, 155.072, 155.077
<u>Wireless communications facilities</u>	<u>§ 155.075, not within an identified floodplain area, and if replacing facility on existing telecommunications tower the proposed facility cannot occupy a larger space than the existing facility.</u>
<u>Accessory building or use</u>	§§ 155.071, 155.082(A) (see definition)

~~—— (B) —— Conditional uses.~~

<i>Conditional Use</i>	<i>Applicable Standards</i>
Nursing home	§§ 155.070, 155.072, 155.077, 155.095(A) Applicant must provide copy of South Dakota Department of Health license.
<u>Wireless communications facilities</u> <del>communication facility on existing</del>	<u>§§ 155.075, 155.095(A), not within an identified floodplain area, and if it is replacing existing</u>

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<u>Conditional Use</u>	<u>Applicable Standards</u>
<del>support structure</del>	<del>facilities on an existing telecommunications tower but the proposed facility will occupy a larger space than the existing facility. §§ 155.075, 155.095(A)</del>
Public service facility	§ 155.070
<del>Off-premise parking Bed and breakfast</del>	<del>§§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)</del>
<del>Manufactured housing parks</del>	<del>§§ 155.070, 155.077, 155.079, 155.095(A)</del>
<del>Off premise parking lots</del>	<del>155.095(A)</del>

(C) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area. Values listed are minimums, unless otherwise stated

	<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>Dwelling, 3 to 8 multiple-family (maximum of 32 bedrooms per lot, number of bedrooms per apartments and condominiums) dwelling unit cannot exceed 4 units</del>	7,500 square feet	50 feet	60 feet	30 feet see #3, #54, #7	<del>1540</del> feet see #1	<del>2540</del> feet	<del>7045</del> feet
<del>Dwelling, 9 to 12 multiple-family (between 33 apartments and 48 bedrooms per lot, number of bedrooms per condominiums) dwelling unit cannot exceed 4 units</del>	20,000 square feet	50 feet	70 feet	30 feet see #3, #54, #7	<del>1540</del> feet	<del>2540</del> feet	<del>7045</del> feet
<del>Dwelling, over 12 multiple-family (over 48 bedrooms per lot, number of bedrooms per apartments and condominiums) dwelling unit cannot exceed 4 units</del>	30,000 square feet	50 feet	85 feet	30 feet see #3, #54, #7	<del>1540</del> feet	<del>2540</del> feet	<del>7045</del> feet
<del>Dwelling,</del>	7,500	50 feet	60 feet	30 feet	8 feet	25 feet	45 feet

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<del>single</del> Single-family detached	square feet			see # <del>3</del> 4			
<del>Dwelling, single</del> Single-family attached (townhouses)- dwellings (up to 8 attached units) (see # <del>6</del> 8)	2,500 square feet	25 feet	25 feet	30 feet see # <del>3</del> 4	0 feet or 10 feet on nonparty wall side	25 feet	45 feet
<del>Two-family-</del> (duplex) dwelling	<del>7,500-</del> square feet	<del>50-feet</del>	<del>60-feet</del>	<del>30-feet</del> see # <del>4</del> , # <del>7</del>	<del>10-feet-</del> see # <del>1</del>	<del>25-feet</del>	<del>45-feet</del>
All other uses	7,500 square feet	50 feet	75 feet	30 feet see # <del>3</del> 4	10 feet	25 feet	45 feet
<p>Exceptions:</p> <p><del>#1</del> The side yard will be required to be increased to 15 feet when the building is 3 stories in height or more.</p> <p>#<del>1</del>2 A residence may be constructed on a lot-of-record which has a lot width of less than 60 feet.</p> <p>#<del>2</del>3 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.</p> <p>#<del>3</del>4 One required front yard may be reduced to 20 feet on corner lots.</p> <p><del>#5</del> A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see §§ 155.095(A)).</p> <p>#<del>4</del>6 See also adjustments to yard regulations (§ 155.039) for other specific exceptions.</p> <p>#<del>5</del>7 More than one main building per lot may be constructed.</p> <p>#<del>6</del>8 Every 2 units will be staggered.</p>							

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

**§ 155.034 R-4 MANUFACTURED HOUSING DISTRICT**

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

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Manufactured <del>home park, homes in licensed-</del> manufactured home parks	§§ 155.070, 155.071, 155.072, 155.077, 155.079 Municipal code regulations regarding manufactured home parks.
Manufactured <del>home</del> homes	§§ 155.070, 155.071, 155.072, 155.077, 155.079 Municipal code regulations regarding manufactured home parks.
Electrical substation	§§ 155.070, 155.077
<del>Church</del> Neighborhood utilities	<u>One of the principle frontages shall abut upon an arterial or collector street.</u> § 155.070
<del>Accessory structure (such as, garage, shed)</del>	§§ 155.070, 155.072, 155.077, 155.095082(A)- (see definition)

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<u>Day care, family</u>	<u>All applicable dwelling standards apply.</u>
<u>Day care, group</u>	<u>A safe pickup and drop off area must be provided for the children.</u>

~~(B) Conditional uses:~~

***Conditional Use***

***Applicable Standards***

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<u>Churches</u>	<del>One of the principle frontages shall abut upon an arterial or collector street.</del> <del>§§ 155.070, 155.072, 155.077, 155.095(A)</del>
<u>Schools</u>	<del>One of the principle frontages shall abut upon an arterial or collector street.</del> <del>§§ 155.070, 155.072, 155.077, 155.095(A)</del>
<del>Care group day</del>	<del>A safe pickup and drop off area must be provided for the children.</del> § 155.095(A)
<u>Adult day services</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, applicant must provide copy of the appropriate, and applicable, licenses from the State of South Dakota.</u>
<u>Group home</u>	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. § 155.095(A)
<u>Schools</u>	<u>One of the principle frontages shall abut upon an arterial or collector street.</u> <u>§§ 155.070, 155.072, 155.077, 155.095(A)</u>
<u>Accessory building or use</u>	<u>§§ 155.070, 155.082(A) (see definition)</u>

(C) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area. Values listed are minimums, unless otherwise stated

	<i>Lot Area</i>	<i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
Residential uses	<del>6,0005,500</del> square feet	<del>6050</del> feet	50 feet	25 feet	8 feet	25 feet	35 feet
<u>Corner lots</u>	<u>6,000 square feet</u>	<u>60 feet</u>	<u>50 feet</u>	<u>25 feet</u>	<u>8 feet</u>	<u>25 feet</u>	<u>35 feet</u>
All other uses	6,000 square feet	60 feet	50 feet	25 feet	15 feet	25 feet	35 feet
Exceptions:							
(1) One required front yard may be reduced to 20 feet.							
(2) See also adjustments to yard regulations (§ 155.082 for other specific exceptions).							

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

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**§ 155.035 CB CENTRAL BUSINESS DISTRICT.**

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

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Retail <del>services and trade or service</del>	§§ 155.070, 155.072, 155.077
<del>Offices, commercial, construction and industrial</del> Office	§§ 155.070, 155.072, 155.077
<del>Offices, non-commercial, non-construction and non-industrial</del>	<del>§§ 155.070, 155.072, 155.077</del>
Personal <del>services</del> service	§§ 155.070, 155.072, 155.077
<del>Motel</del> Hotel/motel	§§ 155.070, 155.072, 155.077
Public utility <del>facilities</del> facility	§§ 155.070, 155.072, 155.073, 155.077
Public service facility	One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. § 155.070
<del>Funeral home</del> Mortuary	§§ 155.070, 155.072, 155.077
Private club	§§ 155.070, 155.072, 155.077
<del>Church</del> Churches	§§ 155.070, 155.072, 155.077
<del>Dwelling, multiple-family</del> <del>Dwellings-</del>	Being above or below the first floor. §§ 155.070, 155.072, 155.077
Print shop	§§ 155.070, 155.072, 155.077
Electrical substation	§§ 155.070, 155.077
Arcade	§§ 155.070, 155.072, 155.077
<del>Boarding</del> Rooming/boarding house	Subject to the residence being constructed above the first floor. §§ 155.070, 155.072, 155.077
Off-sale alcoholic beverage establishment	Located at least 500 feet from a school <u>(measured from the closest point of the outside walls of both structures)</u> . <sup>*</sup> §§ 155.070, 155.072, 155.077
Motor vehicle service station	§§ 155.070, 155.072, 155.073, 155.077
Day care, center	Adequate and safe playground area with a fence 4 feet high (see § 155.074). A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.077
Motor vehicle repair <del>shop</del>	Subject to an adequate number of parking spots to

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<i>Permitted Use</i>	<i>Applicable Standards</i>
	allow temporary storage of the cars only while being repaired. §§ 155.070, 155.072, 155.073, 155.077
<del>Off</del> /On-sale alcoholic beverage establishment	Located at least 500 feet from a school ( <u>measured from the closest point of the outside walls of both structures</u> ); <sup>2</sup> §§ 155.070, 155.072, 155.077
Theatre	§§ 155.070, 155.072, 155.077
Accessory <u>building or use</u> ( <del>such as, garage and shed</del> )	§§ 155.071, 155.082(A) (see also definition)
<u>Wireless communications facilities</u> <del>Fences</del>	<u>§ 155.075, not within an identified floodplain area, and if replacing facility on existing telecommunications tower the proposed facility cannot occupy a larger space than the existing facility.</u> <del>§ 155.074</del>
<del>Restaurant</del> <u>Commercial parking lots/parking ramps</u>	§§ 155.070, 155.072, 155.073, 155.077
<u>Commercial parking lot/facility</u> <sup>2</sup> Measured from the closest point of the outside walls of both structures.	<u>§§ 155.070, 155.072, 155.077</u>

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(B) *Conditional uses.*

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

(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

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

Exceptions:  
 #1 A 20-foot landscaped area shall be required between an abutting residential district boundary line and any structure, access drive, parking lot, or other accessory use when not separated by a street or alley.  
 #2 See also adjustments to yard regulations (§ 155.082) for other exceptions.

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

**§ 155.036 GB GENERAL BUSINESS DISTRICT.**

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

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Retail <del>services and trade or service</del>	§§ 155.070, 155.072, 155.073, 155.077
<del>Offices, commercial, construction and industrial</del> Office	§§ 155.070, 155.072, 155.073, 155.077
<del>Offices, non-commercial, non-construction and non-industrial</del> Personal service	§§ 155.070, 155.072, 155.073, 155.077
<del>Personal services</del> Hotel/motel	§§ 155.070, 155.072, 155.073, 155.077
<del>Motel</del> Printing plant	§§ 155.070, 155.072, 155.073, 155.077
<del>Print shop</del>	§§ 155.070, 155.072, 155.073, 155.077
Hospital/ <del>clinic</del>	§§ 155.070, 155.072, 155.073, 155.077
<del>Clinic</del>	§§ 155.070, 155.072, 155.073, 155.077
Public utility <del>facilities</del> facility	§§ 155.070, 155.072, 155.073, 155.077
Public service facility	One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.073
Funeral home/ <del>mortuary</del>	§§ 155.070, 155.072, 155.073, 155.077
Private club	§§ 155.070, 155.072, 155.073, 155.077
<del>Church</del> Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077

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<i>Permitted Use</i>	<i>Applicable Standards</i>
<del>Restaurant</del> <u>Restaurants</u>	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	§§ 155.070, 155.077
Arcade	§§ 155.070, 155.072, 155.073, 155.077
Off-sale alcoholic beverage establishment	Located at least 500 feet from a school, <u>(measured from the closest point of the outside walls of both structures)*</u> §§ 155.070, 155.072, 155.073, 155.077
Day care, center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
<u>Adult day services</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, applicant must provide copy of the appropriate, and applicable, licenses from the State of South Dakota.</u>
Motor vehicle repair shop	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired. §§ 155.070, 155.072, 155.073, 155.077
Off-premise sign	§ 155.070
<del>Greenhouse/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. §§ 155.070, 155.072, 155.073, 155.077
Bus passenger terminal	§§ 155.070, 155.072, 155.073, 155.077
Motor vehicle sales, display, and <u>rental</u> service	§§ 155.070, 155.072, 155.073, 155.077  Subject to screening of all outdoor storage of parts from view.
Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district. §§ 155.070, 155.072, 155.073, 155.077
Bus <u>and/or truck</u> terminal	Subject to 300 feet from residential neighborhood to minimize effects of diesel fumes and noise. <u>(measured from the closest point of the outside walls of both structures)*</u> §§ 155.070, 155.072, 155.073, 155.077
Farm store, <u>feed store</u>	Subject to only accessory storage of fertilizer or farm chemicals on the site. §§ 155.070, 155.072, 155.073, 155.077
Broadcast tower	Subject to being located at least 300 feet from a

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<i>Permitted Use</i>	<i>Applicable Standards</i>
	residential district. <u>(measured from the closest point of the outside walls of both structures)*</u> §§ 155.070, 155.077
On-sale alcoholic beverage establishment	Located at least 500 feet from a school. <u>(measured from the closest point of the outside walls of both structures)*</u> §§ 155.070, 155.072, 155.073, 155.077
<u>Recreation Facility</u> , Commercial-recreation facility	§§ 155.070, 155.072, 155.073, 155.077
<u>Wireless communications facilities</u> Accessory use (such as, garage, shed)	<u>§§ 155.071, 155.082(A) (see definition) § 155.075, not within an identified floodplain area, and if replacing facility on existing telecommunications tower the proposed facility cannot occupy a larger space than the existing facility.</u>

Accessory building or use \*  
Measured from the closest point of the outside walls of both structures

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(B) *Conditional use.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
<u>Motor vehicle service station</u>	<u>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</u>
<u>Fuel</u> Motor vehicle service-station/gas dispensing station	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A), <u>approval of conditional use permit for the fuel dispensing station shall also include the approval of a convenience store as defined under retail services and trade definition.</u>
<u>Assisted-living center and congregate care facility</u>	§§ 155.070, 155.072, 155.077, 155.095(A)  Applicant must provide copy of South Dakota Department of Health license. All multiple dwelling standards apply.
Nursing home	§§ 155.070, 155.072, 155.077, 155.095(A) Applicant must provide copy of South Dakota Department of Health license.
<u>Crematorium</u> Mortuary with-crematorium	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<u>Wireless communications facilities</u> communication facility on existing support structure	<u>§§ 155.075, 155.095(A), not within an identified floodplain area, and if it is replacing existing facilities on an existing telecommunications tower but the proposed facility will occupy a larger space than the existing facility.</u> §§ 155.075,-

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<i>Conditional Use</i>	<i>Applicable Standards</i>
	<del>155.095(A)</del>
Telecommunications tower	§§ 155.070, 155.072, 155.075, 155.077, 155.095(A)
<del>Theater</del> <u>Drive-in theater</u>	§§ 155.070, 155.072, 155.073, 155.077, <del>155.095(A)</del>
	<u>If the theater is a drive-in theater it shall be located</u> <del>located</del> in such a manner that the screen will not deprive adjacent properties of solar access. Lighting of the <u>drive-in</u> theaters shall not reflect into adjacent residential areas.
Veterinarian, <u>small animal</u>	<u>Located</u> <del>No outdoor kenneling of dogs within</del> 150 feet <del>from of a residential district area.</del> <u>(measured from the closest point of the outside walls of both structures)</u> §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Campground	Lot must contain at least 2,000 square feet <del>and supplied with city water and sanitary sewer services</del> ; access road on the campground site shall be 14 feet for 1-way and 20 feet for 2-way roads. <del>No campground may be occupied by the same person or persons for more than 30 days in any 1 calendar year.</del> §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Kennel</del>	<u>Located 150 feet from residential district area.</u> * <del>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</del>
Commercial parking <u>lot/facility</u> <del>lots/parking ramps</del>	§§ 155.070, 155.072, 155.077, 155.095(A)
Storage facility	§§ 155.070, 155.072, 155.077, 155.095(A)
Adult oriented business	§§ 155.070, 155.072, 155.077, 155.095(A) and SDCL § 11-12
Wind energy conversion system	§§ 155.070, 155.072, 155.077, 155.081, 155.095(A)
Limited production <del>and processing</del>	§§ 155.070, 155.072, 155.073, 155.074, 155.077, 155.095(A). Building size limited to a maximum area of 20,000 square feet. Only permitted for existing buildings as of July 3, 2014, on property formerly zoned I-0 Industrial according to the official zoning map on August 6, 2008.

Commented [JD2]: Studio 13 requested that the Commission remove this section since their customers can use the City's dump station at Lions Park. They also bring their own water in the RV.

Commented [JD3]: Already covered in the definitions.

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<i>Conditional Use</i>	<i>Applicable Standards</i>
<del>* Measured from the closest point of the outside walls of both structures -</del>	

(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

	<i>Lot Area</i>	<i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
All uses	NA	Up to 50 feet	50 feet	15 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet
All uses	NA	51 to 100 feet	50 feet	20 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet
All uses	NA	101 or more feet	50 feet	25 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet
Exceptions:							
#1	A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district						
#2	A rear yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district						
#3	There shall be a required front yard on each street side of lots						
<del>#4</del>	<del>A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (§ 155.095(A))</del>						
#45	See also adjustments to yard regulations (§ 155.082) for other specific exceptions						

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

**§ 155.037 NC NEIGHBORHOOD COMMERCIAL DISTRICT.**

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

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
<del>Offices, non-commercial, non-construction and non-industrial</del> <u>Engineering, management, public administration and related offices</u>	§§ 155.070, 155.072, 155.073, 155.077
Drug store, <u>pharmacy</u>	§§ 155.070, 155.072, 155.073, 155.077
Personal services: <del>beauty salons; barber shops; laundry services; photo studios</del>	§§ 155.070, 155.072, 155.073, 155.077
<del>Clinic</del> <u>Medical and dental clinics</u>	§§ 155.070, 155.072, 155.073, 155.077
<del>Mixed-use building</del> <u>Mixed use</u>	§§ 155.070, 155.072, 155.073, 155.077

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<i>Permitted Use</i>	<i>Applicable Standards</i>
<del>development (residential uses over-ground floor non-residential uses)</del>	
<del>Church</del> Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Day care center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
Adult day services	<u>§§ 155.070, 155.072, 155.073, 155.077, applicant must provide copy of the appropriate, and applicable, licenses from the State of South Dakota.</u>
Commercial parking lot/facility/lot/parking ramps	§§ 155.070, 155.072, 155.077
Accessory building or use (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(B) *Conditional Uses.*

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

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

	<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>Dwelling, single-Single-family</del>	6,000 square feet	50 feet	60 feet See #1	30 feet	8 feet	25 feet	35 feet <u>see #5</u>

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detached dwelling							
<del>Dwelling, single-family attached (townhouse) dwellings (up to 4 attached dwellings) (see note #57)</del>	2,500 square feet	25 feet	25 feet	30 feet	0 feet or 8 feet on nonparty wall side	25 feet	35 feet <del>see #5</del>
<del>Two-family attached (duplex) dwellings</del>	<del>6,000 square feet</del>	<del>30 feet</del>	<del>60 feet</del>	<del>30 feet</del>	<del>8 feet</del>	<del>25 feet</del>	<del>35 feet</del>
<del>Dwelling, multiple-family (apartments &amp; condominiums) dwellings (4 units) (1 lot)</del>	6,000 square feet/unit	50 feet	60 feet	30 feet	8 feet	25 feet	40 feet
All other uses	6,000 square feet see #4	50 feet	60 feet see #2, #3	30 feet see #2, #3	8 feet	25 feet	35 feet

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Exceptions:

#1 A single-family detached dwelling may be constructed on a lot-of-record ~~which has a lot width of less than 60 feet.~~

#2 No side yard or rear yard is required where a lot is adjacent to or abuts upon a commercial or industrial district.

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

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

~~#5 A conditional use permit will be required for any structure having a maximum height exceeding 35 feet (§ 155.095(A)).~~

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

~~#7~~ Every two units will be staggered.

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

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**§ 155.038 GI GENERAL INDUSTRIAL DISTRICT**

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

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Wholesale <del>merchandising</del> <del>trade</del>	§§ 155.070, 155.072, 155.073, 155.077
Light manufacturing	§§ 155.070, 155.072, 155.073, 155.077
Contractor's shop <u>and</u> <del>storage</del> yard	Subject to screening of all outdoor storage from view. §§ 155.070, 155.072, 155.073, 155.077
<del>Offices, commercial, construction and industrial</del> <del>Office</del>	§§ 155.070, 155.072, 155.073, 155.077
Public utility <del>facilities</del> <del>facility</del>	§§ 155.070, 155.072, 155.073, 155.077
Frozen food locker	§§ 155.070, 155.072, 155.073, 155.077
Printing <del>shop</del> <del>plant</del>	§§ 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 <del>-substation</del>	§§ 155.070, 155.077
Bus <u>and/or</u> <del>truck</del> terminal	300 feet from residential neighborhood to minimize effects of diesel fumes and noise. §§ 155.070, 155.072, 155.073, 155.077
Warehouse, <del>mini-warehouse</del>	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ 155.070, 155.072, 155.073, 155.077
Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district. §§ 155.070, 155.072, 155.073, 155.077
Retail <del>services and trade</del> <del>or service</del>	§§ 155.070, 155.072, 155.073, 155.077
<del>Bus and/Truck</del> <del>or truck</del> <del>bus</del> 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 <u>or</u> service	§§ 155.070, 155.072, 155.073, 155.077 Subject to no unscreened outdoor storage of parts.
Recycling collection <del>or processing</del> <del>facility</del> <del>_</del>	Screening of all recyclable material from view. §§ 155.070, 155.072, 155.073, 155.077
<u>Recycling processing facility</u>	<u>Screening of all recyclable material from view.</u> <u>§§ 155.070, 155.072, 155.073, 155.077</u>
Farm store <del>or feed store</del>	Only accessory storage of fertilizer or farm chemicals on the site

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

(B) *Conditional uses.*

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

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

	<i>Lot Area</i>	<i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
All uses	NA	75 feet	50 feet	25 feet see #4	10 feet see #2, #4	25 feet see #3	45 feet see #1
Exceptions:							
<del>#1</del>	<del>A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see § 155.095(A)).</del>						
#12	A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.						
#23	A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.						
#34	There shall be a required front yard on each street side of lots.						
#45	See also adjustments to yard regulations (§ 155.082) for other specific exceptions.						

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

**§ 155.039 HI HEAVY INDUSTRIAL DISTRICT.**

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

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Light manufacturing	§§ 155.070, 155.072, 155.073, 155.077
Wholesale <del>merchandising</del> trade	§§ 155.070, 155.072, 155.073, 155.077
Farm store <del>or feed store</del>	§§ 155.070, 155.072, 155.073, 155.077
<del>Contractor's</del> Contractors shop and storage yard	Subject to screening of all outdoor storage from view §§ 155.070, 155.072, 155.073, 155.077
Bus <del>and/or</del> truck terminal	§§ 155.070, 155.072, 155.073, 155.077
Public utility <del>facilities</del> facility	§§ 155.070, 155.072, 155.073, 155.077
Frozen food locker	§§ 155.070, 155.072, 155.073, 155.077
Off-premise signs	§ 155.070
Electrical substation	§§ 155.070, 155.077
<del>Retail services and trade</del> Retailing	Being an accessory use when in conjunction with a primary use of <del>wholesale</del> wholesaling or manufacturing. <del>§§ 155.070, 155.072, 155.073, 155.077</del> 14.01, 14.03, 14.04, 14.10
Warehouse <del>or mini warehouse</del>	Subject to the materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ 155.070, 155.072, 155.073, 155.077
Bus <del>and/or</del> truck wash	All water from the truck or bus wash being contained on the site. §§ 155.070, 155.072, 155.073, 155.077
Truck repair, sales, and <del>or</del> service	No unscreened outdoor storage of parts. §§ 155.070, 155.072, 155.073, 155.077
Recycling collection facility	Subject to any outdoor storage of recyclable materials must be within an opaque screened area at least 6 feet in height. §§ 155.070, 155.072, 155.073, 155.077
<del>Fruit and vegetable canning and processing</del>	<del>Traffic to and from the facility will not travel on residential streets and the odor will not impact residential</del>

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

(B) *Conditional uses.*

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

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<i>Conditional Use</i>	<i>Applicable Standards</i>
	§§ 155.070, <del>155.072, 155.073</del> , 155.077, 155.095(A)
<del>Rendering</del>	<del>Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</del>
Distillation of products	Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Refining	Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½-mile of a residential area. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Paper manufacturing, smelting, boiler-works</del>	<del>Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</del>
<del>Tank farm; petroleum products-terminal</del>	<del>Compliance with the city's fire and health code, and the processing of hides or furs subject to</del> traffic to and from the facility will not travel on residential streets, and the odor will not impact residential neighborhoods. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Grain terminal; grain processing</del>	<del>Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</del>
<del>Junkyard</del> Salvage yard	Being sited off the main thoroughfares of the city, ½-mile from a residential district and be screened from view. The owner shall agree to control rodents as a condition of the permit. <del>§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</del>
<del>Manufacture and storage of electric-transformers</del>	<del>Chemicals associated with the transformers will be contained in an acceptable manner. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</del>
Mining	Subject to the review and approval by the city's engineer. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Quarry	Subject to the site being located at least 1,000 feet from commercial or residential properties. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Broadcast tower</del>	<del>Being located at least 300 feet from a residential district. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</del>

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<i>Conditional Use</i>	<i>Applicable Standards</i>
Solid waste transfer facility	Screening of the storage area with fence, berm, vegetation or placement on the lot. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A) §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Municipally-owned waste water treatment facility	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
<del>Storage facility</del>	<del>§§ 155.070, 155.072, 155.077, 155.095(A)</del>
Wind energy conversion system	§§ 155.070, 155.072, 155.077, 155.081, 155.095(A)
Agribusiness	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)

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

	<i>Lot Area</i>	<i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
All uses	NA	NA	NA	25 feet see #4	5 feet see #2, #4	5 feet see #3	55 feet see #1
Exceptions: <del>#1 A conditional use permit will be required for any structure having a maximum height exceeding 55 feet (see § 155.095(A)).</del> <del>#12 A side yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district.</del> <del>#23 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.</del> <del>#34 There shall be a required front yard on each street side of lots.</del> <del>#45 Wastewater treatment facilities are exempt from minimum yard or setback requirements.</del> <del>#56 See also adjustments to yard regulations (§ 155.082 for other specific exceptions).</del>							

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

**§ 155.050 INTENT; COMPLIANCE WITH COMPREHENSIVE PLAN.**

(A) It is the intent of this district to provide flexibility from conventional zoning regulations with increased public review for planned development district projects in order to:

- (1) Encourage well-planned, efficient urban development.
- (2) Allow a planned and coordinated mix of land uses which are compatible and are harmonious, but previously discouraged by conventional zoning procedures.
- (3) Encourage more creative, higher quality and more ecologically sensitive urban design with special consideration given to projects which incorporate desirable design features, including but not limited to underground parking, orientation or design to take advantage of solar energy, environmental preservation, historic preservation, handicapped accessible structures, unique use of open spaces or other desirable design features.
- (4) Improve communication and cooperation among the city, land developers, and interested residents in the urbanization of new lands and the renewal of existing deteriorated areas.

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(B) The developments within the planned development district shall comply with the policies and design standards of the Vermillion Comprehensive Plan. The development shall be mutually compatible with adjacent projected developments.

(C) The planned development district that is being presented to the Planning and Zoning Commission, and to the City Council, shall be at least 3.5-acres in area. The size of the district may vary once the initial development plan is approved by the City Council.  
(Ord. 1189, passed 7-7-2008)

**§ 155.054 AMENDMENTS.**

(A) *Major amendments:* The following changes in an initial and/or final development plan are considered major amendments:

(1) Any change in the proposed land uses, change in the area covered by the planned development district, increase in density above that provided for in the approved development district, or any deviation contrary to the approved plan should follow a rezoning process (§ 155.101).

~~(2) — An increase in density above that provided for in division (B)(5) should follow a rezoning process (§ 155.101).~~

(B) *Minor amendments.* The following changes in an initial and/or final development plan are considered minor amendments:

(1) Any adjustment in the size or shape of the building envelope (increasing the height or reducing the building setback).

~~(2) — Any change in the number or location of curb cuts.~~

~~(3) — Any decrease in the size of required open areas.~~

(4) A ~~minor~~ change in the street pattern.

(5) Any increase in density of a subarea that does not exceed the allowable maximum set in the approved planned development district:

(a) Less than 25% for a subarea with less than 8 ~~dwelling residential~~ dwelling units.

(b) Less than 15% for a subarea with between 9 and 20 ~~dwelling residential dwelling~~ units.

(c) Less than 8% for a subarea with 21 ~~dwelling residential dwelling~~ units or more.

(6) Any ~~change~~ increase in the number of parking spaces. At no point shall the number of parking spaces be less than the required amount.

~~(7) — Any minor change to on-premise signage.~~

~~(8) — Any major change in the street pattern.~~

(C) *Minimal amendments.* The following changes in an initial and/or final development plan are considered minimal amendments:

(1) Any adjustment of a building within a previously established building envelope.

~~(2) — A reduction in density and scale.~~

~~(3) — Any minimal change in the street pattern.~~

~~(4) — Any minimal change in the parking and loading requirements.~~

~~(5) — Any minimal change to on-premise signage.~~

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(Ord. 1189, passed 7-7-2008)

**§ 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>Dwelling, single-family detached dwellings</del>	§§ 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 <del>park, licensed parks</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. Values listed are minimums, unless otherwise stated

	<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>Dwelling, single-family detached dwelling</del>	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>
<del>Dwelling, single-family detached dwellings</del>	§§ 155.070, 155.072, 155.076, 155.077
<del>Dwelling, single-family attached dwellings</del>	§§ 155.070, 155.072, 155.076, 155.077
<del>Dwelling, multiple-family attached dwellings</del>	§§ 155.070, 155.072, 155.076, 155.077, <u>maximum of two dwelling units per lot.</u>
<del>Dwelling, multiple-family dwellings</del>	§§ 155.070, 155.072, 155.076, 155.077

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<u>Retail services and trade Convenience-store</u>	§§ 155.070, 155.072, 155.076, 155.077
Drug store	§§ 155.070, 155.072, 155.076, 155.077
<u>Markets</u>	<del>§§ 155.070, 155.072, 155.076, 155.077</del>
<u>Retail stores</u>	<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 <u>park, licensed parks</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. Values listed are minimums, unless otherwise stated

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

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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>
<del>Dwelling, multiple-family (over 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4) Multiple-family over 12 units</del>	25,000 square feet	50 feet	85 feet	30 feet	10 feet	25 feet	35 feet
<del>Accessory building or use</del>				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>
<del>Multiple family dwellings</del>	<del>§§ 155.070, 155.072, 155.076, 155.077</del>
<del>Accessory recreational uses areas</del>	<del>No structures shall be permitted. (e), (g)</del>

~~(C) Conditional uses.~~

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

~~(D) 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>Multiple-family dwelling</del>	<del>6,000 square feet</del>	<del>50 feet</del>	<del>20 feet on Rose Street 30 feet on Dakota and</del>	<del>15 feet</del>	<del>20 feet</del>	<del>70 feet</del>

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			<del>Ratingen</del>			
<del>Off-premise parking lots</del>	<del>NA</del>	<del>NA</del>	<del>Not-permitted</del>	<del>2-feet</del>	<del>2-feet</del>	<del>NA</del>

~~(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>Offices, non-commercial, non-construction and non-industrial</del> Office	§§ 155.070, 155.072, 155.073, 155.077

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Personal service	§§ 155.070, 155.072, 155.073, 155.077
Mixed-use building-commercial/residential	<del>Residential being above the ground floor</del> §§ 155.070, 155.072, 155.073, 155.077
Accessory building or use structures	§§ 155.070, 155.095(A)
Church Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Drug store	§§ 155.070, 155.072, 155.073, 155.077
Clinic Medical and dental clinics	§§ 155.070, 155.072, 155.073, 155.077
Day care center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
Fences	<del>§ 155.074</del>
Neighborhood utility facility utilities	§ 155.070
Veterinarian, small animal veterinarian	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
On/off 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/motel	§§ 155.070, 155.072, 155.073, 155.077
Hospital/clinic	§§ 155.070, 155.072, 155.073, 155.077
Public utility facility	§§ 155.070, 155.072, 155.073, 155.077
Funeral home/mortuary	§§ 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
Restaurant Restaurants	§§ 155.070, 155.072, 155.073, 155.077
Arcade	§§ 155.070, 155.072, 155.073, 155.077
On/off-sale alcoholic beverage establishment	Located at least 500 feet from a school.* §§ 155.070, 155.072, 155.073, 155.077
Off-sale alcoholic beverage establishment	<u>Located at least 500 feet from a school.*</u> <u>§§ 155.070, 155.072, 155.073, 155.077</u>
Motor vehicle repair shop	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired. §§ 155.070, 155.072, 155.073, 155.077
Greenhouse/nursery	§§ 155.070, 155.072, 155.073, 155.077
Car wash	Five storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the site.

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	§§ 155.070, 155.072, 155.073, 155.077
Motor vehicle sales, display, and <del>rental</del> service	§§ 155.070, 155.072, 155.073, 155.077 Subject to screening of all outdoor storage of parts from view.
Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district. §§ 155.070, 155.072, 155.073, 155.077 §§ 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
* 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
<del>Dwelling, multiple-family</del> Multiple dwellings	§§ 155.070, 155.072, 155.073, 155.077
Accessory <del>building or use (such as, garage, shed)</del>	§§ 155.071, 155.082(A) (see definition)

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

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

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(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>building or use</del> structures	§§ 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 §§ 155.070, 155.072, 155.073, 155.077
Warehouse, <del>mini-warehouse</del>	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ 155.070, 155.072, 155.073, 155.077
Neighborhood <del>utility facility</del> utilities	§ 155.070

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<u>Motor vehicle storage</u>	
<u>Off</u> On/off premise parking <u>for adjacent tracts only and parking shall about the adjacent tract</u>	<u>§ 155.095(A), for adjacent tracts only and parking shall about the adjacent tract.</u> <del>§ 155.095(A)</del>

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

<i>Conditional Use</i>	<i>Applicable Standards</i>
Motor vehicle sales, display and <u>rental</u> service	§§ 155.070, 155.072, 155.073, 155.077 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>
<u>Dwelling, single</u> Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
<u>Dwelling, single</u> Single-family attached dwellings <u>(up to 2)</u>	§§ 155.070, 155.072, 155.076, 155.077, <u>up to 2 dwellings can be attached</u>
<u>Dwelling, multiple-family</u> Multiple dwellings	§§ 155.070, 155.072, 155.076, 155.077
Neighborhood <u>utility facility</u> utilities	§ 155.070
<u>Fences</u>	<u>§ 155.074</u>
Accessory <u>building or use</u> structure (such as, <u>garage, shed</u> )	§§ 155.071, 155.082(A) (see definition)

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

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

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(F) *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

	<i>Tract Area</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
<u>Business and all other uses</u>	<u>7,000 square feet</u>	<u>50 feet</u>	<u>15 feet</u>	<u>5 feet</u>	<u>10 feet</u>	<u>45 feet</u>
<u>Dwelling, single</u> Single-family detached	7,000 square feet	60 feet	30 feet	8 feet	25 feet	45 feet
	<i>Tract Area</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>

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<del>Dwelling, single-family attached dwellings (2 units + lot)</del>	5,000 square feet	20 feet	30 feet	0 or 10 feet on nonparty wall side	25 feet	45 feet
<del>Dwelling, 3 to 8 multiple-family dwelling units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)</del>	7,500 square feet	60 feet	30 feet	10 feet	10 feet	45 feet
<del>Dwelling, 9 to 12 multiple-family dwelling units (between 33 and 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)</del>	20,000 square feet	70 feet	30 feet	10 feet	10 feet	45 feet
<del>Dwelling, Over 12 multiple-family dwelling units (over 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)</del>	30,000 square feet	85 feet	30 feet	10 feet	10 feet	45 feet
Accessory building or use	NA	NA	Not permitted	5 feet	5 feet	12 feet
Off premise parking lot	<del>§ 155.072</del>	<del>NA</del>	<del>10 feet</del>	<del>10 feet</del>	<del>10 feet</del>	<del>NA</del>
All other uses <del>Parking Lots</del>	<del>§- 155.072 7,000 square feet</del>	<del>NA-50 feet</del>	<del>15-10 feet</del>	<del>5-10 feet</del>	10 feet	<del>NA-45 feet</del>

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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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~~155.095(A)~~

~~#45~~ The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.

~~#56~~ 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.

~~#67~~ 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 re-division.

(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

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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>
<i>Single-family detached dwellings</i>	<del>§§ 155.070, 155.072, 155.076, 155.077</del>
<del>Dwelling, single-family detached</del> <del>Home-occupations,</del>	§§ 155.070, 155.072, 155.076, 155.077, <del>155.078</del>

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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>
<del>Retail services and trade-or-service</del>	§§ 155.070, 155.072, 155.076, 155.077
<del>Offices, non-commercial, non-construction and non-industrial Office</del>	§§ 155.070, 155.072, 155.076, 155.077
Personal Service	§§ 155.070, 155.072, 155.076, 155.077
<del>Hospital/Clinic</del>	§§ 155.070, 155.072, 155.076, 155.077
Clinic	§§ 155.070, 155.072, 155.076, 155.077
Public Service Facility	§§ 155.070, 155.072, 155.076, 155.077
<del>Day care, center/Care Center</del>	§§ 155.070, 155.072, 155.076, 155.077
Accessory building or use/Use	§§ 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). **Values listed are minimums, unless otherwise stated**

	<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>Dwelling, single</del> Single-family detached	6,500 square feet	50 feet	65 feet	25 feet See (3)	8 feet See (2)	25 feet See (8)	35 feet
<del>Dwelling, single</del> Single-family attached (townhouse)- dwellings, See (4)	2,500 square feet	25 feet	25 feet	25 feet See (3)	0 or 8 feet on non-party wall side	25 feet	35 feet
<del>Two-family attached (duplex) dwellings</del>	<del>7,500 square feet</del>	<del>50</del>	<del>65</del>	<del>25 feet</del>	<del>8 feet</del>	<del>25 feet</del>	<del>35 feet</del>
<del>Dwelling, multiple</del> Multi-family (maximum of two dwelling apartments and condominiums)- dwellings (4 units per) (1 lot)	7,500 square feet	50	<del>65</del> 75	25 feet	8 feet	25 feet	35 feet
<del>Dwelling, 3 to 8</del> multiple-family dwelling units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	7,500 square feet	50 feet	60 feet	30 feet See (5)	10 feet See (1)	10 feet	35 feet
<del>Dwelling, 9 to 12</del> multiple-family dwelling units (between 33 and 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	20,000 square feet	50 feet	70 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet
<del>Dwelling, Over 12</del> multiple-family dwelling	30,000 square feet	50 feet	85 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet

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units (over 48 bedrooms per+ lot, number of bedrooms per dwelling unit cannot exceed 4)							
Area D uses	NA	Up to 50 feet	50 feet	15 feet See (2)	5 feet See (2), (6)	5 feet See (7)	45 feet
Area D uses	NA	51 to 100 feet	50 feet	20 feet See (2)	5 feet See (2), (6)	5 feet See (7)	45 feet
Area D uses	NA	101 or more feet	50 feet	25 feet See (2)	5 feet See (2), (6)	5 feet 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>clinic</del>	§§ 155.070, 155.072, 155.076, 155.077
Clinic	§§ 155.070, 155.072, 155.076, 155.077
Office	§§ 155.070, 155.072, 155.076, 155.077
Assisted-living center and congregate care facility	§§ 155.070, 155.072, 155.077 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 Applicant must provide a copy of South Dakota Department of Health license.
Accessory <u>building or use</u> <del>(such as, garage, shed)</del>	§§ 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. §§ 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. A safe pickup and drop off area must be provided for the children. §§ 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>Dwelling</del> <u>Dwellings</u>	Dwelling shall be limited to the basement of any permitted primary uses within the district. §§ 155.070, 155.072, 155.073, 155.077, 155.095
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(D) *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

	<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>Hospital</del> <u>clinic</u>	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
<del>Off-premise premises parking lots</del>	§ 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.							

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(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>
<del>Dwelling, multiple-family</del> <del>(apartments and condominiums)</del> dwellings	§§ 155.070, 155.072, 155.076, 155.077
Fences	<del>§ 155.074</del>
Accessory <del>building or use</del> <del>structure (such as garage,</del> <del>shed)</del>	§§ 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. Values listed are minimums, unless otherwise stated

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

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

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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>
(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>and</del> service	§§ 155.070, 155.072, 155.073, 155.077
<del>Offices, non-commercial, non-construction and non-industrial</del> Office	§§ 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. A safe pickup and drop off area must be provided for the children. §§ 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>
<del>Dwelling, multiple-family</del> Multiple family dwellings (apartments and condominiums)	§§ 155.070, 155.072, 155.073, 155.077
Auditoriums, theaters, and places of public assembly	§§ 155.070, 155.072, 155.073, 155.077
Accessory <del>building or use</del> structures	§ 155.070
Off-premise parking lot	§§ 155.070, 155.077

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(2) *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

	<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:

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.

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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)

**§ 155.072 OFF-STREET PARKING.**

(A) *General conditions.*

(1) No parking spaces are permitted in the required front yard in any district, except as follows:

(a) Single-family ~~detached~~ dwellings, ~~townhouse~~ ~~single-family attached~~ dwellings and ~~two-family (duplex)~~ ~~multiple-family~~ dwellings (maximum of two dwelling units) are permitted to provide off-street parking on driveways constructed according to city standards.

(b) Multiple-family dwellings (more than two dwelling units) located in the R-3 zoning district may provide no more than 25% of the required area for parking in the required front yard.

(c) Commercial uses located in the NRC, CB, GB, NC, GI and HI districts may provide required parking in the required front yard.

(2) Parking spaces may be permitted in any required rear yard.

(3) All parking spaces shall be connected to a public street or alley.

(4) Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a

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service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

(5) All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt or concrete.

(6) The parking requirements in this section shall not be applicable to property in the CB Central Business District.

(7) Off-street parking shall be located on the same zoning lot as the principal use served.

(B) *Required parking spaces.*

(1) In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see Table 1 below:

**Table 1: Minimum Off-Street Parking and Loading Requirements**

<i>Uses and Structures</i>	<i>Minimum Parking Requirements</i>
<del>Rooming and boarding houses, sororities and fraternities, fraternities and sororities</del>	<del>1 parking space for each 200 square feet of floor area. In calculating the required parking spaces, these uses may be permitted to include off-street parking available on a different lot, or zoning lot, than the use served, subject to approval of the use through the conditional use permit process. Parking spaces may not count towards more than one use. If a new parcel previously undeveloped, then 1 parking space for each 200 square feet of floor area.</del>  <del>If an existing parcel previously used as a boarding house, or fraternities and sororities, the applicant shall provide the City the current number of residents and the existing number of off-street parking provided. The existing number of off-street parking shall be subtracted from the current number of residents to determine the current on-street parking demand. The applicant shall also provide the City the proposed number of residents that will live in the new building. The current on-street parking demand shall be subtracted from the proposed number of residents that will live in the new building. This value will be the required off-street parking that will need to be provided for. In calculating the required parking spaces, these uses may be permitted to include off-street parking available on a different lot, or zoning lot, then the use served, subject to approval of the use through the Conditional Use Permit process. Parking spaces may not count towards more than one use.</del>
Bowling alleys	4 spaces per lane
Church <del>or temple</del>	1 space for each 4 seats in main seating area

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<i>Uses and Structures</i>	<i>Minimum Parking Requirements</i>
Private club or lodge	1 parking space for each 300 square feet of floor area
High school ( <u>grades 9<sup>th</sup> through 12<sup>th</sup></u> )	4 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Elementary <u>or Middle</u> school ( <u>grades up to, and including, 8<sup>th</sup> grade</u> )	2 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Eating and drinking places	1 space for each 300 square feet of gross floor area
Hospitals	1 space for each bed
Nursing, convalescent and rest homes	1 space for each 3 beds
Auditoriums, theaters and places of public assembly	1 space for each 4 seats of design capacity
Hotels and motels	1 space for each 2 rental rooms
Funeral homes	1 space for each 4 seats in the chapel
Retail sales establishments	1 space for each 300 square feet of floor area
Medical and dental clinics	1 space for each 2 staff members and full-time employees, plus 1 space for each 600 square feet of gross floor area
Manufactured home parks	2 spaces for each
Industrial uses	1 space for each 2 employees on the maximum working shift
Service establishments	1 space for each 300 square feet of floor area
Wholesale and distribution establishments	1 space for each 2 employees on the maximum working shift

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(2) For parking requirements for ~~residential uses~~ dwellings (excluding manufactured homes) see Table 2 below.

(a) Below are several options for a property owner to take when building off- street parking. The process starts with division 1. below. If the requirements cannot be met, then proceed to division 2. below, and so on. All other ordinances still apply to the construction. Options:

1. Off-street parking to be in the existing driveway (side-by-side or back-to-back); if not, then
2. Existing driveway may be widened to provide side-by-side parking along the front side of the property. The portion widened may not be in front of the residence; if not, then
3. Properties with alleyway access may construct the parking area along the rear of the property with access from the alleyway; if not, then
4. Off-street parking may be constructed in the rear yard; if not, then

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5. Existing driveway may be widened to provide side-by-side parking along the front side of property. A portion widened may be in front of the residence. The maximum distance for the portion in front of the residence to be widened will be 4-feet and shall be hard surface.

(3) Alternate parking requirements (see Table 2 below) shall allow for 1 parking stall within the garage to count towards the off-street parking requirements. In order for the alternate parking requirements to be utilized, the following criteria must be met:

(a) Alternate parking requirements shall not be considered for any multiple-family dwelling units to be constructed after March 22, 2018;

(b) Each dwelling unit shall have the garage located within 10 feet of the unit (measured from the closest point of the dwelling unit to the closest point of the garage unit);

(c) Each garage stall shall be a minimum of 10 feet wide by 20 feet long; and

(d) The property owner shall ensure that the garage space is open for resident parking, or for tenant parking as a condition of their rental registry. The garage space cannot be used for any other purpose.

**Table 2: Minimum Off-Street Parking and Loading Requirements for Residential Uses**

<i>Uses and Structures</i>	<i>Minimum Parking Requirements</i>	<i>Alternate Parking Requirements</i>
Single-family detached	2 parking spaces per each dwelling unit	2 parking spaces per each dwelling unit
<del>Single-family attached (townhouses)</del>	2 parking spaces per each dwelling unit	2 parking spaces per each dwelling unit
<del>Multiple-family (maximum of two dwelling units)</del> <del>Two-family attached (duplex)</del>	2 parking spaces per each dwelling unit	2 parking spaces per each dwelling unit
Multiple-family (apartments and condominiums) (more than two dwelling units)	2 parking spaces per each dwelling unit or 1 parking space per each bedroom, whichever is greater	Use either 2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater. This value shall be multiplied by the following factors. The number of garage stalls shall be subtracted from the product. If garage is 1 stall then the factor will be 1.2 If garage is 2 stalls, or larger, then factor will be 1.4

(4) All other uses not specified in the above tables shall have minimum off-street parking and off-street loading spaces as determined by the City Council. (Ord. 1189, passed 7-7-2008; Am. Ord. 1276, passed 5-21-2012; Am. Ord. 1340, passed 5-16-2016; Am. Ord. 1354, passed 6-5-2017; Am. Ord. 1367, passed 2-20-2018) Penalty, see § 155.999

**§ 155.078 HOME OCCUPATIONS.**

Home occupations are those secondary uses allowed on a premise in conjunction with the following:

- (A) The occupation must be conducted within a ~~dwelling residential dwelling unit or accessory structure.~~
  - (B) The occupation must be clearly incidental and secondary to the principal use of the ~~dwelling residential dwelling~~ for ~~dwelling residential dwelling~~ purposes.
  - (C) Only members of the immediate family residing on the premises may be employed by or participate in the home occupation.
  - (D) There can be no evidence other than the nameplate that will indicate from the exterior that the building is being utilized in part for any other purpose other than that of a ~~dwelling residential dwelling~~. ~~There is used no~~ No sign ~~which is~~ shall be attached to the building other than a nameplate. The sign shall not be illuminated or more than 1 square foot in area.
  - (E) Such occupations shall not require substantial internal or external alterations or involve construction features not customary in a ~~dwelling residential dwelling~~.
  - (F) ~~No more than 20% of merchandise, including samples, can be sold on the premises. Must be engaged in providing services to the general public such as professional services, financial services, repair shops, beauty shops, barber shops, shoe repair, photographic and art studios, family day care, etc... Sales of items related to the services being provided are allowed.~~
  - ~~(G) Materials that are combustible, toxic or consist of any animal or vegetable matter cannot be stored on the premises.~~
  - (H) Any process that will cause odor, dust, glare, noise, heat or vibration, which would have a negative effect on adjacent properties, would not be allowed.
- (Ord. 1189, passed 7-7-2008)

**§ 155.079 MANUFACTURED HOMES.**

- ~~(A) The site for a manufactured home park shall be at least 5 acres unless abutting an existing manufactured home park. A minimum of 15 manufactured home lots must be provided for occupancy under the initial construction of a manufactured home park.~~
- ~~(B) Each manufactured home installed on site shall meet or exceed the current federal manufactured home construction and safety standards.~~
- ~~(C) All manufactured homes placed in a licensed manufactured home park or on a privately owned site shall have a gable roof with a pitch of at least 3/12 feet and shall be constructed of roofing material of a type customarily used on site constructed residences.~~
- ~~(D) Each manufactured home lot shall be located on a well drained area, and the premises shall be properly graded to prevent the accumulation of storm or other waters.~~
- ~~(E) The manufactured home park shall be connected to a central water distribution system and a central wastewater collection and treatment system.~~
- ~~(F) If an individual manufactured home, which does not meet the standards of this section, but has been allowed to continue as a non-conforming use, is moved out of a manufactured home park, then any manufactured home installed in its place shall comply with all of the requirements of this section.~~

~~(G) Each manufactured home shall be properly secured to the ground with tie downs installed as recommended by the manufacturer, but in no event more than 12 feet apart along the perimeter of the structure. The tie downs shall extend down no less than 4 feet below grade.~~

~~(H) Each manufactured home shall be skirted with material approved by the Zoning Administrator. Skirting shall be installed as recommended by the manufacturer. Skirting shall be of a material that is compatible with the appearance and condition of neighboring dwelling units. Appropriate materials shall include commercially manufactured colored steel fiberglass, plastic or masonry materials. Tie downs and skirting shall be installed prior to occupancy.~~  
(Ord. 1189, passed 7-7-2008) Refer to Chapter 151: Mobile Home Parks.

### § 155.095 CONDITIONAL USE PERMITS.

Any conditional use approved by the Planning Commission shall conform to the standards set forth for such uses below. These standards shall be construed to be the minimum requirements for any of the specified conditional uses, and the Planning Commission may require additional reasonable stipulations at their discretion. In all cases, the impact of the proposed use on adjacent properties shall be a major consideration.

(A) *Procedure.* The Planning Commission may authorize by conditional use permit, those uses specifically designated as conditional uses in §§ 155.030 through 155.039, and §§ 155.055 through 155.061. The Planning Commission shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and ~~protect the health, safety, and general welfare~~ the impact of the conditional use upon neighboring land and the public for the particular location in the issuance of the conditional use permit.

(B) *Application.* To obtain a conditional use permit, the applicant shall file an application, therefore, in writing on a form furnished by the Zoning Administrator. Every application shall contain the following information:

- (1) Legal description of the land on which the conditional use is requested, together with a local street address;
- (2) Name and address of each owner of the property;
- (3) Name, address, phone number and signature of the applicant;
- (4) Zoning district classification under which the property is regulated at the time of such application;
- (5) Be accompanied with a site plan, unless waived by the Zoning Administrator; and
- (6) Any other information concerning the property as may be requested by the Zoning Administrator or the Planning Commission.

(C) *Fees.* Upon the filing of any application for a conditional use permit with the Zoning Administrator, the applicant shall pay to the city the appropriate fee as designated by resolution of the Vermillion City Council.

(D) *Information on site plan.*

(1) In addition to the following information, plans shall be drawn to scale upon substantial paper, or provided electronically, and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show, in detail, that it will conform to the provisions of this section and all relevant laws, ordinances, rules and regulations. The Zoning

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Administrator may waive the submission of plans, if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this section.

- (a) The address of the property and the legal description.
- (b) The name of the project and/or business.
- (c) The scale and north arrow.
- (d) All existing and proposed buildings or additions.
- (e) Dimensions of all buildings.
- (f) Distance from all building lines to the property lines at the closest

points.

- (g) Building height and number of stories.
- (h) Dimensions of all property lines.
- (i) Parking lots or spaces; designate each space, give dimensions of

the lot, stalls and aisles.

- (j) Screening; show height, location, and type of material to be used.
- (k) The landscaped setback and trees; indicate species of trees and material to be used for landscaping.

(l) Name and location of all adjacent streets, alleys, waterways and other public places.

(2) Approved plans shall not be changed, modified, or altered without authorization from the Planning Commission giving final approval, and all work shall be done in accordance with the approved plans.

(E) *Review and public hearing procedure.*

(1) Prior to the approval of a conditional use permit, the Zoning Administrator shall meet with the applicant to review the application. After review of the application, the Zoning Administrator shall make a recommendation to the Planning Commission to either approve or not approve the application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

(2) The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Planning Commission. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at City Hall and on the property affected by the proposed conditional use permit no less than 7 days prior to the scheduled public hearing. No less than 10 days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the city.

(3) The following procedure shall be followed by the Planning Commission in considering the recommendation of the Zoning Administrator:

(a) A public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.

(b) Before any conditional use permit shall be granted, the Planning Commission shall make written findings certifying that the conditional use being reviewed complies with the City's comprehensive plan and all current ordinances governing the individual compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

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1. Ensure that ingress and egress to the property is as required by § 154.14 (E), and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

2. Review and, if necessary, place conditions to ensure automotive and pedestrian safety, traffic flow and control, and access in case of fire or catastrophe within the development;

23. Ensure that off-street parking and loading areas are as required by §§ 155.072 and 155.073 where required;

34. Ensure that refuse and service areas are provided for within the development, with particular reference to 1. and 2. above;

45. Utilities, with reference to locations, availability, and compatibility  
Ensure that developments have appropriate fire protection (fire hydrants, fire suppression systems, etc...);

56. Ensure that screening and buffering with reference to type, dimensions and character complies with § 155.077 or any requirements within the zoning district where the development will occur;

67. Signs, if any, and  
Ensure that the proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district complies with § 155.077;

78. Ensure that all of the setbacks are being met for the development as set within the respective zoning district;  
Required yards and other open space;

89. Review and, if necessary, place conditions to ensure  
General compatibility with adjoining properties and other property in the zoning district in which such use is to be located; and

910. Review and, if necessary, place conditions to ensure that  
the conditional use meets the goals and objectives of the most recently adopted comprehensive plan.

(c) The Planning Commission shall decide whether to grant the conditional use with such conditions and safeguards as are appropriate or to deny a conditional use when not in harmony with the purpose and intent of these regulations. The decision of the Planning Commission shall be final unless an appeal is filed in accordance with § 155.095(F).

(F) *Appeal of Planning Commission decision.* The decision rendered by the Planning Commission on a conditional use permit may be appealed to the City Council. The applicant or any other person aggrieved by the decision of the Planning Commission shall file a written appeal with the Zoning Administrator within 5 working days of the Planning Commission's decision. When an appeal is filed, the Zoning Administrator shall present the Planning Commission's decision to the City Council for review. Notice of the meeting shall be given as required by § 155.095(E). The City Council shall vote to either uphold, overrule or amend the decision of the Planning Commission.

(G) (1) *Expiration.* A conditional use permit shall expire 1 year from the date upon which it becomes effective if no work has commenced. Upon written request to the Zoning Administrator and prior to the conditional use permit expiration date, a single 1-year time extension for the conditional use permit may be granted by the Zoning Administrator, subject to the following conditions:

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(a) The land uses for the surrounding properties have not significantly been altered since the original approval date for the conditional use permit;

(b) Due to other on-going permitting processes or necessary engineering/planning studies relating to the specific project for the conditional use permit that may impact the one-year schedule for project completion.

(2) A conditional use permit approved in accordance with § 155.095 shall expire one year after the use discontinues on the premises, or the use is changed to another permitted use in the underlying district.

(Ord. 1189, passed 7-7-2008; Am. Ord. 1254, passed 5-16-2011)

# *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** September 23, 2019

**Subject:** Review City Council's Request to Expound on Proposed Changes to Sections 155.031 R-1 Residential District, 155.033 R-3 Residential District, and to 155.095 Conditional Use Permits

**Presenter:** Jose Dominguez

**Background:** Staff presented the draft of the proposed changes to the zoning ordinance to the City Council at their noon meeting on September 16<sup>th</sup>. This was the first time that the City Council had seen the proposed changes. Although there are a lot of changes proposed, at this point the City Council only had questions on a few of the items.

In order to expedite the process, the City Council directed Staff to ask the Commission additional questions regarding the proposed changes to sections 155.031 R-1 Residential District, 155.033 R-3 Residential District, and to 155.095 Conditional Use Permits. The City Council is seeking to further understand why the changes are being proposed, and what the changes are trying to achieve.

**Discussion:** The City Council would like to have additional information on the following four items:

1. Moving single-family attached dwellings from conditional-uses to permitted uses in the R-1 Residential district with the intent of having no new construction after December 31, 2019.
2. Increasing the rear yard setbacks for multiple-family dwellings in the R-3 Residential District from 10-feet to 25-feet.
3. Increasing the maximum height of multiple-family dwellings in the R-3 Residential District from 45-feet to 70-feet.
4. Replacing the 'The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect health, safety, and general welfare in the issuance of the conditional use permit' with 'The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and

the impact of the conditional use upon neighboring land and the public for the particular location in the issuance of the conditional use permit.’

The items listed above were discussed by the Commission at various times during the amendment process. With some of the items, the Commission requested that Staff bring additional information (in particular item 1 and 3). In order to assist the Commission with the discussion, following is a summary of the information provided for each item.

Item #1: This was presented to the Commission at the February 11, 2019 meeting. At that meeting all of the proposed changes to the residential districts were discussed. This was one of those items. The document presented to the Commission did not include this change. This was an item that the Commission discussed at a couple of meetings (February 11 and March 25), and asked Staff to gather additional information on how other cities in the area handle single-family attached dwellings (included is the memo presented on March 25, 2019 with the researched information). Staff concluded that each City addresses the construction of this type of housing differently. Brookings and Ames, IA are very strict as far as the density allowed (or required). Madison only allows them in the districts with high density, such as multiple-family residential districts, and business districts.

Item #2: This was presented to the Commission at the February 11, 2019 meeting. This was one of the items discussed along with other proposed changes to the residential districts. This proposed change was brought up by Staff in order to address concerns with buildings not receiving sunlight due to the height of the neighboring building. Additionally, the larger setback would also provide more space for the owners to perform maintenance on their buildings, or for space during the initial construction. Prior to the 2008 ordinance, the setback on similar multiple-family dwellings was 25-feet.

Item #3: This item was brought up by the Commission at the February 11, 2019 meeting. It came up as part of the discussion regarding the proposed changes to the residential districts. Due to the questions raised, the Commission requested that Staff further study the possibility of removing the maximum height on buildings. Staff returned on February 25<sup>th</sup> (see included document) with findings and concluded that although the City’s building code does provide for requirements during construction of buildings regardless of height, the recommendations from the City’s Fire Department would be strictly enforced. This was due to the fact that the Fire Department would be providing fire protection. Another issue discussed is the fact that the building code does not set a height on a building

story, meaning that a four story building could be 100-feet tall. Regardless, the 70-foot height was arrived at since that is what can safely be reached with the City's current ladder truck.

Item #4: This item was brought to the Commission's attention by Staff at the June 24<sup>th</sup> meeting. Although this change was proposed at that meeting, the actual change was not discussed by the Commission. The change was brought up by Staff to try and narrow the discussion by the Commission and the public to the item at hand. In the past, Staff had to redirect the Commission to make conditions based on the criteria stated on the ordinance and not to be swayed by a neighborhood bias (i.e. discussion if the type of housing would lower property values, discussion on the proposed cost of construction of housing, discussion regarding if the structure was going to be owner occupied or not, discussion on where features should be placed, discussion of what type of person would be living in the property, who would be the builder, etc...). This has been a constant issue with conditional uses. In fact, Staff held an informational meeting with the Commission regarding the topic (see included document dated July 10, 2017) to try and explain what type of conditions they could/should place. The proposed changes still allow the Commission to place conditions, but it makes it easier for Staff to redirect the Commission's attention from a neighborhood bias to the item at hand. For example, if a developer wants to build single-family attached dwellings in the R-1 residential district he would have to go through the conditional use permit. Rather than having the public's bias direct the Commission to make a decision based on 'the general welfare' and not allow this type of housing, we are asking them to make a decision based on the fact if they are compatible with adjoining properties.

**Compliance with Comprehensive Plan:** The City's 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 by the City Council to provide additional information to the City Council regarding these four items. Staff will be discussing this with the Council at a noon meeting. The date for this meeting is still being established. Staff would also strongly encourage the Chairperson, or designee, to attend that meeting once a date is determined.

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** February 25, 2019

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

**Presenter:** Jose Dominguez

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## *Planning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** July 10, 2017

**Subject:** Informational Meeting – Conditional Use Permit Process for the City

**Presenter:** Jose Dominguez

**Background:** The City of Vermillion’s current zoning ordinance was adopted in 2008. The ordinance details regulations for various uses and divides the City into residential, commercial, industrial, natural resource conservation, and planned development districts. Each district contains a series of permitted uses and conditional uses. Permitted uses are allowed as long as the project can meet ordinance requirements for setbacks, parking, etc. Conditional uses, on the other hand, are allowed only after a public hearing.

Greater oversight and public input is required prior to granting a conditional use. Some uses may be harmful to neighborhoods or not in keeping with a community’s comprehensive plan. Restrictions, limitations or prohibitions may be imposed for certain uses.

**Discussion:** The City’s current process for conditional uses, as stated in the Code of Ordinances section 155.095 follows SDCL 11-4-4.1, 11-4-4.2 and 11-4-4.3. The City’s ordinance sets the Planning Commission as the body that grants conditional use permits. The City Council acts as the body of appeal if the applicant feels aggrieved by conditions set by the Planning Commission.

The City’s process starts when an applicant submits a conditional use permit application to the City. The application is reviewed by Staff. The Zoning Administrator sets a hearing date with the Planning Commission. A notice for the hearing is published on the local paper no less than 10-days prior to the hearing date. Additionally, Staff posts notices on the property no less than 7-days prior to the hearing. At the hearing the Planning Commission hears comments from the public related to the conditional use. The Planning Commission may place conditions that “are appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare...” Unless otherwise specified in the ordinance, the Planning Commission reviews each permit for the following items:

1. Ingress and egress to property (vehicle and pedestrian safety, traffic flow and control, access in case of emergencies, etc...)
2. Off-street parking and loading areas
3. Refuse and service areas
4. Utilities (fire hydrants, availability, etc...)
5. Screening and buffering (of dissimilar uses)
6. Signs

7. Required yards and other open spaces
8. General compatibility with adjoining properties
9. Goals and objectives of Comprehensive Plan

Although the ordinance allows for the Planning Commission to review and place conditions on these items (and others as the ordinance requires) the conditions need to, as its source, maintain the health, safety and general welfare of the community.

CRITERIA	SUGGESTIONS FOR CONDITIONS	NOTES
Ingress and egress	<ul style="list-style-type: none"> <li>• Location of entrance</li> <li>• Width of lane</li> <li>• Access control</li> <li>• Sidewalks</li> <li>• Number of access points</li> <li>• Fire lanes</li> </ul>	<ul style="list-style-type: none"> <li>• City already has ordinances addressing access control</li> </ul>
Off-street parking and loading	<ul style="list-style-type: none"> <li>• Number of off-street parking</li> <li>• Location of off-street parking</li> <li>• Location of loading zone (in relation to intersection, pedestrians and vehicles)</li> </ul>	<ul style="list-style-type: none"> <li>• City already has ordinance addressing number of off-street parking spots</li> </ul>
Refuse and services areas	<ul style="list-style-type: none"> <li>• Location of refuse area</li> </ul>	<ul style="list-style-type: none"> <li>• City already has ordinance requiring enclosed refuse area</li> </ul>
Utilities	<ul style="list-style-type: none"> <li>• Location of fire hydrants</li> </ul>	<ul style="list-style-type: none"> <li>• City ordinance requires buildings to be serviced by utilities</li> </ul>
Screening and buffering	<ul style="list-style-type: none"> <li>• Screening/buffering area</li> <li>• General description screen/buffer</li> </ul>	
Signs		<ul style="list-style-type: none"> <li>• City already has ordinance addressing signs</li> <li>• This criteria maybe removed at a later time</li> </ul>
Required yards and open spaces		<ul style="list-style-type: none"> <li>• City already has ordinance requiring yards.</li> <li>• Any open space dedicated to the public</li> </ul>

		needs Council approval. Planning Commission cannot create public open spaces.
General compatibility	<ul style="list-style-type: none"> <li>• Construction to mimic residential structure, if within a residential district</li> </ul>	<ul style="list-style-type: none"> <li>• City's ordinance does not dictate type of construction. Unless required by other institution the City has no requirements.</li> </ul>



## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** June 24, 2019

**Subject:** Discussion on Amendments to Zoning Ordinance – Section 155.095  
Conditional Use Permits

**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 R2 Residential District	February 11, 2019	February 25, 2019

	R3 Residential District		
	R4 Residential District		
4	CB Central Business District GB General Business District NC Neighborhood Commercial District	February 25, 2019	March 11, 2019
5	GI General Industrial District HI Heavy Industrial District	March 11, 2019	March 25, 2019
6	Planned Unit Development Districts (only to ensure that uses match the definition in ordinance)	March 25, 2019	April 8, 2019
6A	Draft of items 1 through 6	April 8, 2019	April 22, 2019
7	Public Meeting to gather comments on items 1 through 6	May 13, 2019	
8	Off Street Parking Requirements	May 28, 2019	June 10, 2019 June 24, 2019
9	Conditional-Use Permit Section	June 10, 2019 June 24, 2019	June 24, 2019 July 8, 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:** The concept of conditional uses was introduced into the City’ zoning ordinance with the 2008 ordinance. Prior to that the City had ‘special uses’ that functioned close to our conditional uses. An applicant had to go to the Commission who would make a recommendation to the City Council. The City Council would be the final say if the use would be permitted.

Currently every zoning district has permitted uses and conditional uses. The permitted uses are reviewed by Staff and allowed, or not, based on the requirements set for in the Zoning ordinance. On the other hand, conditional uses go directly to the Commission for

review and approval. The review is based on the criteria set forth in this section of the ordinance. If the applicant is not satisfied with the Commission’s decision, then they may submit an appeal to the City Council.

The proposed changes to this section are intended to facilitate the decision making process by removing areas that may be problematic for the Commission to review, or that may place the Commission in conflict with other ordinances in the Code. Although the changes do streamline the process, it still allows the Commission the ability to place conditions to ensure general compatibility with adjoining properties.

EXISTING	PROPOSED	REASON
Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe	Ensure that ingress and egress to the property is as required by section 154.14 (E)	There is already an ordinance in place dictating the access requirements from the right-of-way to the property.  Staff is proposing splitting the existing criteria. One criteria would have the Commission review to ensure that the ordinance is met, and the other criteria would allow the Commission to review the plans and place conditions on the internal flow of the development.
	Review and, if necessary, place conditions to ensure automotive and pedestrian safety, traffic flow and control, and access in case of fire or catastrophe with in the development	
Off-street parking and loading areas where required	Ensure that off-street parking and loading areas are as required by sections 155.072 and 155.073	There are sections within the Zoning ordinance that have requirements for the developer.

<p>Refuse and service areas with particular reference to 1 and 2</p>	<p>Ensure that refuse areas are provided for within the development</p>	<p>Commercial, industrial and multi-family development are required to provide a refuse area that is not located within the front yard setback.</p>
<p>Utilities, with reference to locations, availability, and compatibility</p>	<p>Ensure that developments have appropriate fire protection (fire hydrants, fire suppression systems, etc...)</p>	<p>Staff reviews utility availability with the developer prior to application is submitted to the Commission. The availability is discussed with applicant and they are made aware of any City requirements. Service size is determined by the applicant and the final request is approved by Staff. In the instance that there are no utilities available the applicant would be required to extend the mains for them to tap into.</p> <p>Staff also reviews the need for fire hydrants within developments and ensures that the proposed services are large enough to accommodate fire flows.</p>
<p>Screening and buffering with reference to type, dimensions and character</p>	<p>Ensure that screening and buffering with reference to type, dimensions and character complies with section 155.077 or any requirements within the zoning district where the development will occur</p>	<p>The section within the zoning ordinance already addresses the requirements that the applicant needs to abide by.</p>
<p>Signs, if any, and proposed exterior lighting with</p>	<p>Ensure that the proposed lighting complies with</p>	<p>The section within the zoning ordinance already</p>

reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district	section 155.077	addresses the requirements that the applicant needs to abide by.
Required yards and other open spaces	Ensure that all of the setbacks are being met for the development as set within the respective zoning districts	There are sections within the zoning ordinance already addressing the requirements that the applicant needs to abide by.
General compatibility with adjoining properties and other property in the zoning district in which such use is to be located	Review and, if necessary, place conditions to ensure general compatibility with adjoining properties and other property in the zoning district in which such use is to be located	
The goals and objectives of the most recently adopted comprehensive plan	Review and, if necessary, place conditions to ensure that the conditional use meets the goals and objectives of the most recently adopted comprehensive plan	

**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 conditional use permit review process.

## *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 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>

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>

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>
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- **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.