

**CITY OF CUSTER PLANNING AND ZONING COMMISSION
AGENDA**

Tuesday March 27, 2018 at 5:00 P.M.

Custer City Hall, 622 Crook Street, Custer, SD 57730

Call to Order - Roll Call:

Approve Agenda: March 27, 2018

Approve Minutes: March 13, 2018

Declaration of Conflict of Interest:

New Business:

Final Plat – Stone Hill Subdivision

Old Business:

Proposed Residential District Zoning Ordinance

~~Discussion Items:~~

Planning Administrator Updates:

Communications from The Public:

Adjournment:

DRAFT
**MINUTES OF THE March 13th, 2018 MEETING OF THE OF THE CITY OF CUSTER
PLANNING COMMISSION**

Roll Call: 5:00 pm

Members Present: Jerad Tennyson-Chairman; Joe Uhrich-Vice Chairman; John Dvorak; Jerry Stites; Rick Hudson – 3 Mile Representative.

Members Absent: Tim Behlings - Alternate;

Other Parties Present: Tim Hartmann–Planning Administrator; Larry Maciejewski–Council Representative

Agenda: Commissioner Dvorak moved, with a second by Commissioner Uhrich, to approve the March 13th, 2018 agenda, Motion unanimously Carried.

Minutes: Commissioner Stites moved, with a second by Commissioner Dvorak, to approve the February 27th, 2018. Motion unanimously carried.

Declaration of Conflict of Interest: None

New Business:

Final Plat – Busskohl - Jenniges Subdivision Phase I

Commissioner Uhrich moved to recommend approval by the City Council of the Final Plat for the Busskohl-Jenniges Subdivision Phase I. Seconded by Commissioner Dvorak the motion unanimously carried.

Block 125 – Washington Street Right of Way Vacation Request

Planning Administrator Hartmann explained the location of the proposed vacation, the planned use of the area, and the location of public utilities in the area. Planning Commission main discussion included parking in the area and a concern with possible continuity due to the proposed vacation stopping one (1) foot before the neighboring property to the east. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Stites to recommend denial of the vacation as presented (9’x164’) by the City Council with further recommendation that the applicant petition to vacate the entire length contiguous to Lots 1-3 and the west half of the vacated N/S alley (9’x165’). Motion unanimously carried.

Old Business:

Proposed Residential District Zoning Ordinance – Planning Administrator Hartmann reviewed the changes completed in conjunction with the February 27th Planning Commission meeting. Planning Commission members discussed the proposed ordinance and some additional changes requested and noted by the Planning Administrator. After the discussion, Commissioner Dvorak moved, with a second by Commissioner Uhrich to recommend approval of the proposed residential district zoning ordinance by Council, contingent upon all changes discussed in this evenings meeting be addressed. Motion unanimously carried.

**Proposed Municipal Code Chapter 17.44 – Zoning, Rezoning, and Zoning Ordinance
Amendments**

Proposed Municipal Code Chapter 17.48 – Variances

Proposed Municipal Code Chapter 17.52 – Conditional Use Permits(CUP)

Proposed Municipal Code Chapter 17.56 – Board of Adjustment

Planning Administrator and Planning Commission reviewed the draft document containing proposed chapters 17.44, 17.48, 17.52 and 17.56 of the Custer Municipal Code. Planning Commission members discussed the proposed ordinances and some additional changes requested and noted by the Planning Administrator. After the discussion, Commissioner Dvorak moved, with a second by Commissioner Uhrich to recommend approval of the proposed Chapters 17.44, 17.48, 17.52 and 17.56 of the Custer Municipal Code by the City Council, contingent upon all changes discussed in this evenings meeting be addressed. Motion unanimously carried.

Discussion Items:

Planning Administrator Updates

Planning Administrator and commission members gave various updates.

Communications from The Public

No publics comments were heard.

Adjournment:

Being no further business before the Commission, Commissioner Stites moved, with a second by Commissioner Dvorak to adjourn. Motion unanimously carried. The meeting adjourned at 7:54 pm.

Approved:

Jerad Tennyson, Chairman

Attest:

Tim Hartmann, Planning Administrator



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Preliminary Plat, Stone Hill Subdivision
Applicant: SHS Development, LLC
Location: Intersection of Bluebell Lane and Park Avenue, Custer SD
Legal Desc.: Balance of Tract Denver in Sec. 25, T3S, R4E
Date Prepared: March 22, 2018
Planning Commission Meeting: March 27, 2018
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a subdivision that is within the corporate limits of the City of Custer. City utilities are in and serve the 2 parcels. The area is currently part of the Stone Hill Subdivision, Balance of Tract Denver. This plat is being submitted to create two lots for a two-unit townhome, the center lot line is located on the common wall of the townhome.

Construction on the townhome has in near completion, and the survey has been conducted to assure the center lot line location.

COMPREHENSIVE PLAN

The comprehensive plan identifies this area as suburban residential.

ROUTING SHEET RESPONSES

SDDOT – No concerns
CC ROD – No concerns

ACCESS

The townhome will have frontage toward Bluebell Lane. Access to the structure is directly from Bluebell Lane.

REVISIONS TO PRELIMINARY PLAT

~~Custer Municipal Code Chapter 17.12.040(P)(4) requires townhouses shall have a six-foot exterior maintenance easement on either side of a common lot line to provide adequate room for maintenance, repair and alterations. This requirement applies and shall be added to the plat.~~ Complete

Exterior lot line easements may also be investigated further with the Planning Department and applicant to assure the most appropriate easement on each exterior lot line.

LOT SIZE REQUIREMENTS

Custer municipal code section 17.12.060(A)(1) addresses lot size requirements and density. The proposed plat appears to meet all requirements.

PREVIOUS ACTION BY PLANNING COMMISSION & CITY COUNCIL

Planning Commission members reviewed the preliminary plat at the November 14, 2017 meeting. After some discussion Commission member Stites moved, with a second by Commission member Dvorak to recommend Council approve the preliminary plat contingent upon addition of a 6' exterior maintenance easement being added along the common lot line and all other easements clarified. These items have been addressed. Motion unanimously carried.

City Council reviewed the preliminary plat at the March 19, 2018 meeting. A motion was made to approve the preliminary plat. Motion unanimously carried.

STAFF RECOMMENDATIONS

Recommend that the Planning Commission recommends to the Council approval of the final plat. No subdivision concerns exist, and all special townhome requirements appear to be met.

STONE HILL SUBDIVISION

A PLAT OF LOTS 1A AND 1B OF BLOCK 1, LOCATED IN A PORTION OF TRACT DENVER, NE 1/4 SECTION 25, T3S, R4E, BHM, CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA

SEE BOOK 12 OF PLATS ON PAGE 222 FOR PLAT OF TRACT DENVER.

A 6' WIDE UTILITY & DRAINAGE EASEMENT IS RESERVED ALONG THE INSIDE OF LOT LINES WITH THE EXCEPTION OF THE LOT LINE COMMON TO LOTS 1A AND 1B.

A 6' WIDE EXTERIOR MAINTENANCE AGREEMENT IS RESERVED ALONG THE LOT LINE COMMON TO LOTS 1A AND 1B.

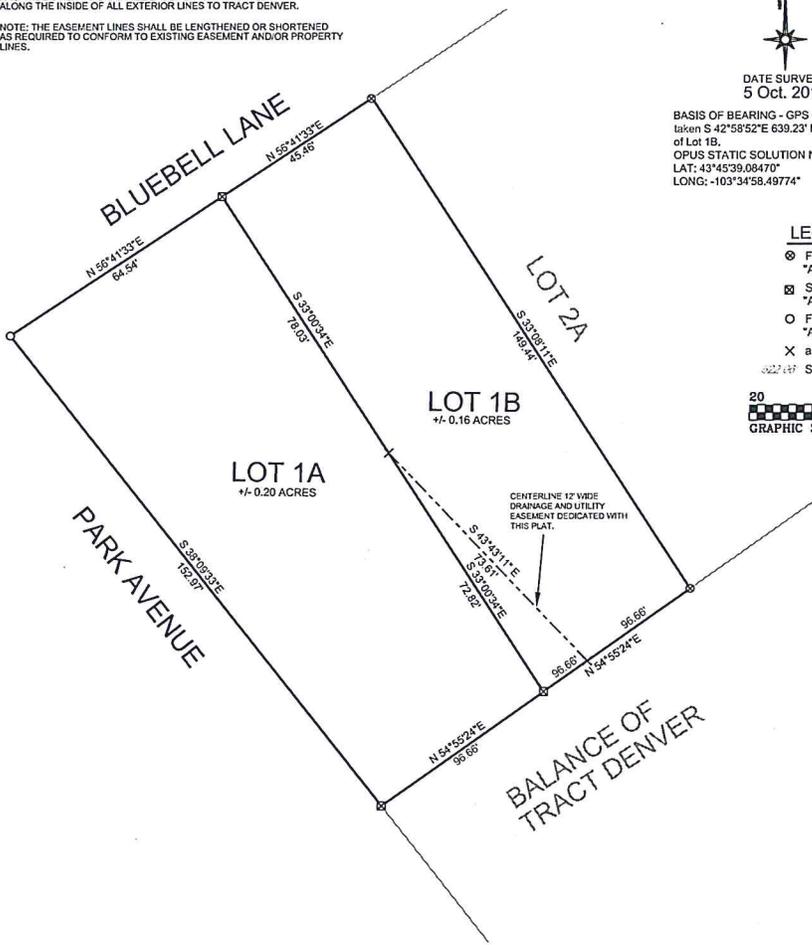
A 18' WIDE UTILITY & DRAINAGE EASEMENT IS RESERVED ALONG THE INSIDE OF ALL EXTERIOR LINES TO TRACT DENVER.

NOTE: THE EASEMENT LINES SHALL BE LENGTHENED OR SHORTENED AS REQUIRED TO CONFORM TO EXISTING EASEMENT AND/OR PROPERTY LINES.



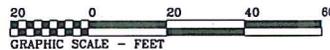
DATE SURVEYED
5 Oct. 2017

BASIS OF BEARING - GPS OBSERVATION taken S 42°58'52"E 639.23' from the SE corner of Lot 1B.
OPUS STATIC SOLUTION NAD83(2011)
LAT: 43°45'39.08470"
LONG: -103°34'58.49774"



LEGEND

- ⊗ Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
- ⊗ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- Found rebar w/aluminum cap marked "ADVANCED ENG."
- × angle point not monumented
- slanting letter denotes record calls



CERTIFICATE OF SURVEYOR

I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.
Dated this ___ day of ___, 2017.

John D. McBride SDRLS No. 5906

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Date: _____

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
Dated this ___ day of ___, 2017.

Director of Equalization of Custer County

STATE OF SOUTH DAKOTA, COUNTY OF CUSTER

SHS Development, LLC, does hereby certify that it is the owner of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
Dated this ___ day of ___, 2017.

Mike Tennyson (member)

RESOLUTION OF THE CITY COUNCIL

Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore,
BE IT RESOLVED, that said plat is hereby approved in all respects.
Dated at Custer, South Dakota this ___ day of ___, 2017.

Mayor

CERTIFICATE OF CITY FINANCE OFFICER

I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing Instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ___ day of ___, 2017.

Custer City Finance Officer

CERTIFICATE OF COUNTY TREASURER

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
Dated this ___ day of ___, 2017.

Custer County Treasurer

OFFICE OF THE REGISTER OF DEEDS

Filed for record this ___ day of ___, 2017, at ___ o'clock ___ M., and recorded in Book ___ of Plats on page ____.

Custer County Register of Deeds

		Prepared by ANDERSEN ENGINEERS <i>Land Surveyors, Professional Engineering & Environmental Consultants</i>	
		Drawn by DR	Date 10/16/2017
Approved by McB	Date 10/18/2017	File Name: L1_STONE_HILL_PLAT	
Scale 1"=20'	Sheet 1 of 1		

ORDINANCE NO. 802

An Ordinance entitled an Ordinance Amending Chapter 17.12 Residential District, of the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.12 Residential District be amended as follows:

Chapter 17.12
RESIDENTIAL DISTRICT (R)

Sections:

- 17.12.010 Intent
- 17.12.020 Definitions
- 17.12.030 Permitted principal uses and structures
- 17.12.040 Permitted accessory uses and structures
- 17.12.050 Permitted conditional uses
- 17.12.060 Prohibited uses and structures
- 17.12.070 Home Occupations
- 17.12.080 Restrictions and requirements

17.12.010 Intent.

The intent of the residential district (R) is to provide for residential uses of varying types and other compatible land uses in a pleasant and stable environment. (Ord. 432 (part), 1995)

17.12.020 Definitions.

“Boardinghouse” means any structure in which one or more rooms are rented by one or more people with a shared common area, lodging and meals may be provided for paying or nonpaying guests.

“Home Occupation” means the conducting of a business in a residential structure. The home occupation is an accessory practice and customarily non-residential use conducted within or administered from a portion of the primary home or its accessory structures.

“Long Term Rental” means the rental of any structure, or any portion of any structure, located within the residential zoning district on long term monthly or yearly basis, for lodging or sleeping purposes for more than thirty (30) consecutive calendar days. For the purpose of this definition, structures shall include all housing types including detached single-family residences, lofts, apartments, guest cottages and cabins, condominiums, duplexes, triplexes, townhomes, and multifamily dwellings.

“Multiple Family Dwelling” means two (2) or more separate housing units that exist on a single lot or tract. The housing units are contained within one or more structures. Multiple Family Dwellings include but are not limited to apartments, duplexes, triplexes, quadplexes, condominiums, guest cottages and cabins, and multiple single-family dwellings.

“Short-term rental” means the rental of any structure, or any portion of any structure to any one party, entity or individual, on a nightly or day-to-day basis for lodging or sleeping purposes for less than thirty (30) consecutive calendar days. Such rental to any party, entity or individual for less than thirty (30) consecutive days shall be considered transient in nature. For the purpose of this definition, structures shall include all housing types including detached single-family residences, lofts, apartments, guest cottages and cabins, condominiums, duplexes, triplexes, townhomes, and multifamily dwellings.

“Single family dwelling” means a structure in which one (1) housing unit is contained within the structure. The structure exists on one common lot. The unit shall provide complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Townhouse” means a structure constructed with a continuous roof and foundation containing two (2) or more attached dwelling units in which each unit extends from the foundation to roof with open space on at least two sides. Each separate unit exists on individually platted townhouse lots separated by a common lot line and a common separation wall between each unit.

17.12.0230 Permitted principal uses and structures.

The following principal uses and structures shall be permitted in residential districts (R):

- A. Single family dwellings
- B. Townhouse
- C. Manufactured homes in accordance with section 17.40 of this code
- D. Long Term Rentals
- E. Home Occupations in compliance with section 17.12.070 of this code. (Ord. 432 (part), 1995)

17.12.040 Permitted accessory uses and structures.

The following accessory uses and structures shall be permitted in residential districts (R):

- A. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within space limits of this district. No accessory structure shall be built, erected, or constructed prior to the establishment of the principal structure. (Ord. 432 (part), 1995)

17.12.050 Permitted conditional uses.

After the provisions of this title relating to permitted conditional uses have been fulfilled, the city council may permit as permitted conditional uses in residential districts (R):

- A. Boardinghouses, and short-term rentals;
- B. Multiple-family dwelling;
- C. Churches, synagogues and temples;
- D. Colleges and universities;
- E. Convalescent, nursing and rest homes;
- F. Home occupations not complying with the guidelines as defined in section 17.12.070 of this code.;
- G. Governmental services;
- H. Commercial Horticultural uses and the raising of crops that exceed 192 square feet;
- I. Medical and other health facilities;
- J. Mobilehomes under conditions prescribed in Section 1208 of the Custer City comprehensive plan of this title;
- J. Mobile home court in accordance with Section 17.36 of this code.
- K. Childcare. Nursery, primary, intermediate and secondary schools;
- L. Public recreational and park facilities;
- M. Utility substations. (Ord. 434 (part), 1995: Ord. 432 (part), 1995)

17.12.060 Prohibited uses and structures.

All other uses and structures which are not specifically permitted or not permissible as permitted conditional uses shall be prohibited from the residential district.

Home occupations in which the home occupation utilizes more than twenty-five (25) percent of the total area of the lot, tract, or parcel in which the home occupation is located shall be prohibited.

17.12.070 Home Occupations

Home occupations shall be permitted in the residential zone, provided the home occupation complies clearly and obviously with the following requirements;

- A. Such use must be incidental and subordinate to the main use or dwelling unit for residential purposes.
- B. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to a person's normal senses while upon the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation nor shall any storage of materials or equipment be permissible outside the dwelling or structure(s).
- D. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate

to its use for residential purposes by its occupants and shall utilize not more than twenty-five (25) percent of the total structure area of the property.

E. All parking is limited to off street parking only.

17.12.0680 Restrictions and requirements.

All structures, land and uses in the residential district (R) shall be in compliance with the following restrictions and requirements:

A. Minimum Lot Requirements. The minimum lot area per single-family dwelling unit shall be seven thousand five hundred (7,500) square feet. The minimum lot width shall be fifty (50) feet. Exception: Dwellings on small lots. Where there is an existing recorded lot which does not meet the minimum lot area requirement, and said lot is not contiguous with other lots under the same ownership, a single-family dwelling may be maintained, continued, constructed or reconstructed provided that one (1) side yard shall not be less than four feet (4) and the sum of the side yards shall not be less than ten feet (10), and provided that all other requirements, except lot size are met.

B. Minimum Yard (Setback) Requirements. There shall be a front yard of not less than a depth of ~~twenty-five (25)~~ thirty (30) feet. There shall be a rear yard of not less than a depth of twenty-five (25) feet. Each side yard shall not be less than a depth of six (6) feet. Unattached buildings of accessory use may be permitted to allow a rear yard depth of not less than twelve (12) feet. Accessory structures shall comply with the standard front and side yard setback requirements. All setbacks shall be measured from the platted property line.

C. Minimum Dwelling Size. The minimum single-family dwelling size shall not be less than six hundred (600) square feet.

Exception: New dwellings on small lots. Where there is an existing recorded lot which does not meet the lot area requirements (seven thousand five hundred (7500) square feet) and said lot is not contiguous with other lots under the same ownership, a single-family dwelling may be permitted to be constructed with a minimum dwelling size not less than four hundred (400) square feet.

D. Maximum Height. The height of all buildings and structures shall not exceed thirty-five (35) feet.

E. Townhouse Requirements

1. Proposed individual townhouse lot line(s) for a townhouse shall be submitted on a site plan and approved prior to issuance of a building permit. Following the start of construction, the final location of individual townhouse lots shall be determined and platted.

2. In order to permit openings in exterior walls, each townhouse structure and its appendage and projections shall have a minimum six-foot setback from individual lot lines which are not common to other individual lots, unless approved otherwise in a planned development or in a use on review permit.

3. Townhouses shall have a six-foot exterior maintenance easement on either side of a common lot line to provide adequate room for maintenance, repair and alterations.

4. Lot Size. The minimum lot area per townhouse unit shall be five thousand (5,000) square feet if the unit shares one (1) common wall. The minimum lot area per townhouse unit shall be two thousand five hundred (2500) square feet if the unit contains two (2) common walls. There shall be no minimum lot size of a townhouse development lot or an individual townhouse lot. However, all applicable setback, density and open space requirements of this chapter must be met.

5. Minimum Yard (Setback) Requirements. There shall be a front yard of not less than a depth of twenty-five (25) feet. There shall be a rear yard of not less than a depth of twenty-five (25) feet. Each side yard not containing a common townhouse lot line shall not be less than six (6) feet. Unattached buildings of accessory use may be permitted to allow a rear yard depth of not less than twelve (12) feet. Accessory structures shall comply with the standard front and side yard setback requirements. All setbacks shall be measured from the platted property line.

6. Minimum Unit Size. The minimum unit size shall not be less than six hundred (600) square feet.

7. Maximum Height. The height of all townhouse units shall not exceed thirty-five (35) feet.

8. Open Space Requirements. Individual townhouse lots shall have land area in addition to the area upon which the structure is built. Each individual townhouse lots shall have a minimum of four hundred (400) square feet of open space. Open space does not include driveways, parking or service areas

- F. Sanitation. All occupied structures shall be connected to municipal sewer and water facilities.
 - G. Off-Street Parking. Off street parking shall be provided per the following.
 - 1. Single Family Dwelling – One (1) parking space
 - 2. Townhouse – One (1) parking space per unit.
 - 3. Short Term Rental – On Street parking shall be prohibited.
- (Ord. 434 (part), 1995: Ord. 432 (part), 1995)

Dated this 5th day of February, 2018.

City of Custer City

Corbin Herman, Mayor

Attest _____

Laurie Woodward, Finance Officer

(SEAL)

First Reading: ~~January 16, 2018~~

Vote:

Second Reading: ~~February 5, 2018~~

Arseneault: ~~Absent~~

Maciejewski: ~~Yes~~

Publication: ~~February 14, 2018~~

Heinrich: ~~Yes~~

Nielsen: ~~Yes~~

Fischer: ~~Absent~~

Blom: ~~Yes~~