



Planning Commission Meeting
AGENDA

DATE: Tuesday, July 2, 2024
TIME: 5:30 PM
PLACE: Council Chambers - City Hall, 1040 Harley-Davidson Way,
Sturgis SD

Page

1. CALL TO ORDER

2. APPROVAL OF THE MINUTES FROM THE MAY 7, 2024 MEETING

3 - 4 2.1. [Planning Commission May 07 2024 Minutes](#)

3. ACTION ITEMS:

5 - 6 3.1. Preliminary plat application for plat of Lot 1H-2R of Hurley Subdivision
Staff makes recommendation for approval.
[Agenda Item Report - Pdf](#)

7 - 8 3.2. Approval of preliminary plat application for plat at 2313 Colorado Drive
Staff makes recommendation for approval.
[Agenda Item Report - Pdf](#)

9 - 16 3.3. Consideration to approve side yard and rear setback variances for 1706
Lazelle Street
Staff makes recommendation for approval.
[Agenda Item Report - Pdf](#)

17 - 30 3.4. Consideration to approve zoning variance to allow a mobile home in
medium density residential.
Staff makes recommendation for approval.
[Agenda Item Report - Pdf](#)

31 - 36 3.5. Ordinance 2024-XX: An Ordinance to Repeal Sturgis Municipal Code
(SMC) 19.02.03 - Variances Prohibited

Motion to Recommend the Repeal of SMC 19.02.03.
[Agenda Item Report - Pdf](#)

4. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

Reminder that Planning Commission meeting in August will take place August 13, 2024, at 5:30pm in the Council Chambers.

ANNUAL REVIEWS JULY

- In-Home Accounting Business (Carol Hicks) at 1109 5th Street
No changes, no complaints: permit renewed for another year (no action required)

- In-Home Daycare (Heather Kreutz) at 1407 Willard Street
No changes, no complaints: permit renewed for another year (no action required)

- In-Home Pet Rover Business (Angela Wilkerson) at 1621 Hope Street
No changes, no complaints: permit renewed for another year (no action required)

- In-Home Motorcycle Repair (Brandon Anderson) at 2120 Moose Drive
No changes, no complaints: permit renewed for another year (no action required)

- Use on Review for Temporary Structure Coffee Kiosk (Rev-it-Up; Tammy Iverson) at 2703 Lazelle Street
No changes, no complaints: permit renewed for another year (no action required)

5. PUBLIC COMMENT

(No action will be taken)

6. ADJOURN

7. ADA ACCOMMODATION

If you desire to attend this public meeting and are in need of special accommodations (including participation by telephone), please notify the Finance Office by 10am on the day of the meeting so that appropriate auxiliary aids and services may be coordinated. The Finance Office can be reached at (605) 347-4422, option 1.

MINUTES
 Planning Commission Meeting
 City of Sturgis, SD

Tuesday, May 7, 2024

5:30 PM

Council Chambers

PRESENT: Alex Usera, Aaron Rabenberg, Alex Moravec, Dusty Kirk, Richelle Bruch, Dustin Bostrom, and Rachel Hale
 Dave Smith, Director of Planning & Permitting, Tony Dargatz, Ward 2 Councilor, Corina Tibbitts, Building Inspector, and Brittney Ragels, Planning Coordinator

ABSENT: None

CALL TO ORDER

APPROVAL OF THE MINUTES FROM THE APRIL 2, 2024 MEETING

Moved by Rabenberg, seconded by Hale, to approve the minutes
 Carried

ACTION ITEMS:

CONSIDERATION FOR USE ON REVIEW TO ALLOW RESIDENTIAL QUARTERS AT 3570 HANSEN AVENUE.

Brittney Ragels, Planning Coordinator, presented a use on review application to allow residential living quarters at 3570 Hansen Avenue. The purpose is to build luxury garage space with living quarters as short term rentals. Dave Hoagland, from Unique Performance LLC, stated they were looking to try something new by building out one or two bays with this concept. If the plan was successful, the other bays would be follow. Hoagland believes the idea would appeal with the multiple car rallies and snowmobile community that utilizes the area. Rabenberg asked if a permanent business would be ran out of the space as well. Hoagland answered that Unique Performance will operate as normal in the northern half of the building, all operating under the same business. Hale questioned the concerns for noise, traffic, and security. Hoagland stated that the units would have curfew times and he has a more detailed business plan that could be shared. The desire is to keep it professional. Rabenberg questioned what would happen if the bays were not successful and what would happen to the space. Hoagland stated the bedroom space could easily be an office. A fire system has been added to the building for fire safety. Bruch asked the anticipated turn over rate of the units and if the interested would be year-round or seasonal. Hoagland stated summer would be busier but believes there is year-round draw to the hills to keep the used all year. Bruch questioned if this would bring more jobs. Hoagland stated not at this time but the business is looking to expand. He hopes to bring in more car oriented businesses. Irving Stone stated his

disapproval for the proposal with the concern that this is not the correct district for this type of plan. Security was a concern and feels this is not the place. Amanda Anglin, the Executive Director for SEDC, and Paul Bisson, Chair of SEDC, stated the purpose if the Industrial Park was to bring in business and more job opportunities. The concern is allowing space where businesses could occupy for short term rentals in a space that is already very limited with space. When the building was built by Murphy Company, the plan was for the other bays to be rented for other businesses. Now the ownership has been transferred to Unique Performance and SEDC's desire is to see the same plan. They also are concerned with setting a precedence for more short term rentals. Rabenberg asked if SEDC was assisting Unique Performance with filling the other bays with renters. Anglin stated that she had worked with owner, Levi Krech, for three years to get them into the park. Levi Krech, owner of Unique Performance, stated that with the economy, there has not been an interested in renting the other bays. He stated there has been an interest in cold storage essentially with a heater and a sink. He feels these units can be used for that as well. He stated they are looking at different forms of income and are wanting to try something new and bring in new business into the area. He is not looking to turn it into a motel and wants to see if there is an interest, especially with the market being tough and not an interest in renting the bays. He is looking to hire on another full time employee and hopefully growing the business and continue to hire.

Moved by Bruch, seconded by Rabenberg, Staff is neutral.
Members present carried unanimously.

motion for denial - Richelle/Aaron

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

ANNUAL REVIEWS MAY

-Use on Review for In-Home Beauty Shop (Kary Stock) at 1222 Maple Drive, Sturgis

No changes, no complaints: permit renewed for another year (no action required)

-Use on Review for In-Home Massage Therapy (Nicole Meirose, Infinite Renewal Massage Therapy LLC) at 101 David Drive, Sturgis

No changes, no complaints: permit renewed for another year (no action required)

-Use on Review for Adult Care Facility (Mountain View Care Facility) at 1681 Joedy, Sturgis

No changes, no complaints: permit renewed for another year (no action required)

ADJOURN

Moved by Moravec, seconded by Bruch, to adjourn the meeting at 6:00pm.

Carried

ADA ACCOMMODATION

If you desire to attend this public meeting and are in need of special accommodations (including participation by telephone), please notify the Finance Office by 10am on the day of the meeting so that appropriate auxiliary aids and services may be coordinated. The Finance Office can be reached at (605) 347-4422, option 1.

Planning Commission
STAFF REPORT



Meeting Date: Planning Commission - Jul 02 2024

Agenda Item: Preliminary plat application for plat of Lot 1H-2R of Hurley Subdivision

Prepared By: Brittney Ragels, Planning Coordinator

BACKGROUND INFORMATION:

Baseline Surveying, on behalf of Jeff Spilker, has submitted a proposed plat of Lot 1H-2R of Hurley Subdivision. Formally Lot 1H-2 and Lot 1H-3 of Hurley Subdivision. All located in the W 1/2 of the NW 1/4 of the NW 1/4 of Section 16, T5N, R5E, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.

DISCUSSION:

The purpose is to build a new custom home without having the restraints in the smaller lot.

BUDGET IMPACT:

The City will receive building permit and tap permit fees as well as City portion of property tax.

RECOMMENDATION:

Staff makes recommendation for approval.

ATTACHMENTS:

[24-106 LOT 1H-2 1H-3 HURLEY SUB REPLAT](#)

Approved By:

Dave Smith, Director of Planning & Permitting
Mark Marshall, City Attorney

Status:

Approved - Jun 12 2024
Approved - Jun 12 2024

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Meade County, South Dakota, do hereby certify that all taxes which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this ____ day of _____, 20 ____.

Meade County Treasurer

STURGIS COMMON COUNCIL

We, the undersigned, as authorized representatives of the Sturgis City Common Council, do hereby certify that at an official meeting held

on this ____ day of _____, 20 ____., that We did Approve this Plat.

Attest: _____ Mayor: _____ City Auditor

PLANNING COMMISSION

Approved by the City of Sturgis Planning Commission, Meade County, South Dakota.

Dated this ____ day of _____, 20 ____.

Signed: _____ Chairman

Attest: _____ Secretary

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

The location of the proposed access to the Highway or Street as shown hereon is hereby approved. Any change in the location of the proposed access shall require additional approval.

Dated this ____ day of _____, 20 ____.

Highway or Street Authority

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Meade County, South Dakota, do hereby certify that I have on record in my office a copy of the within described plat.

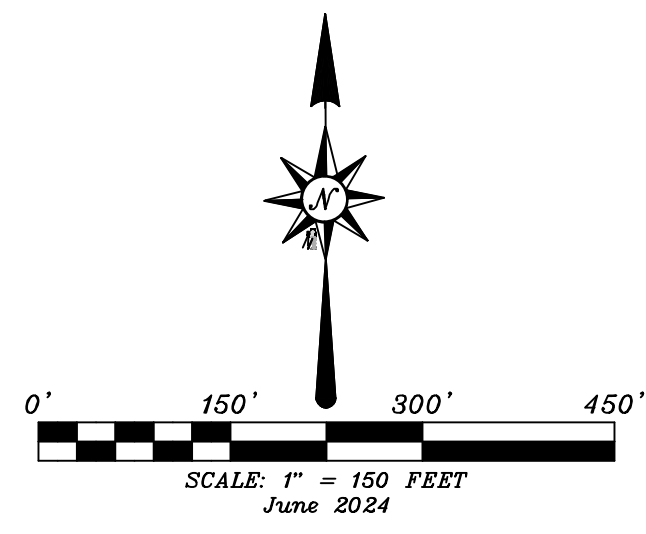
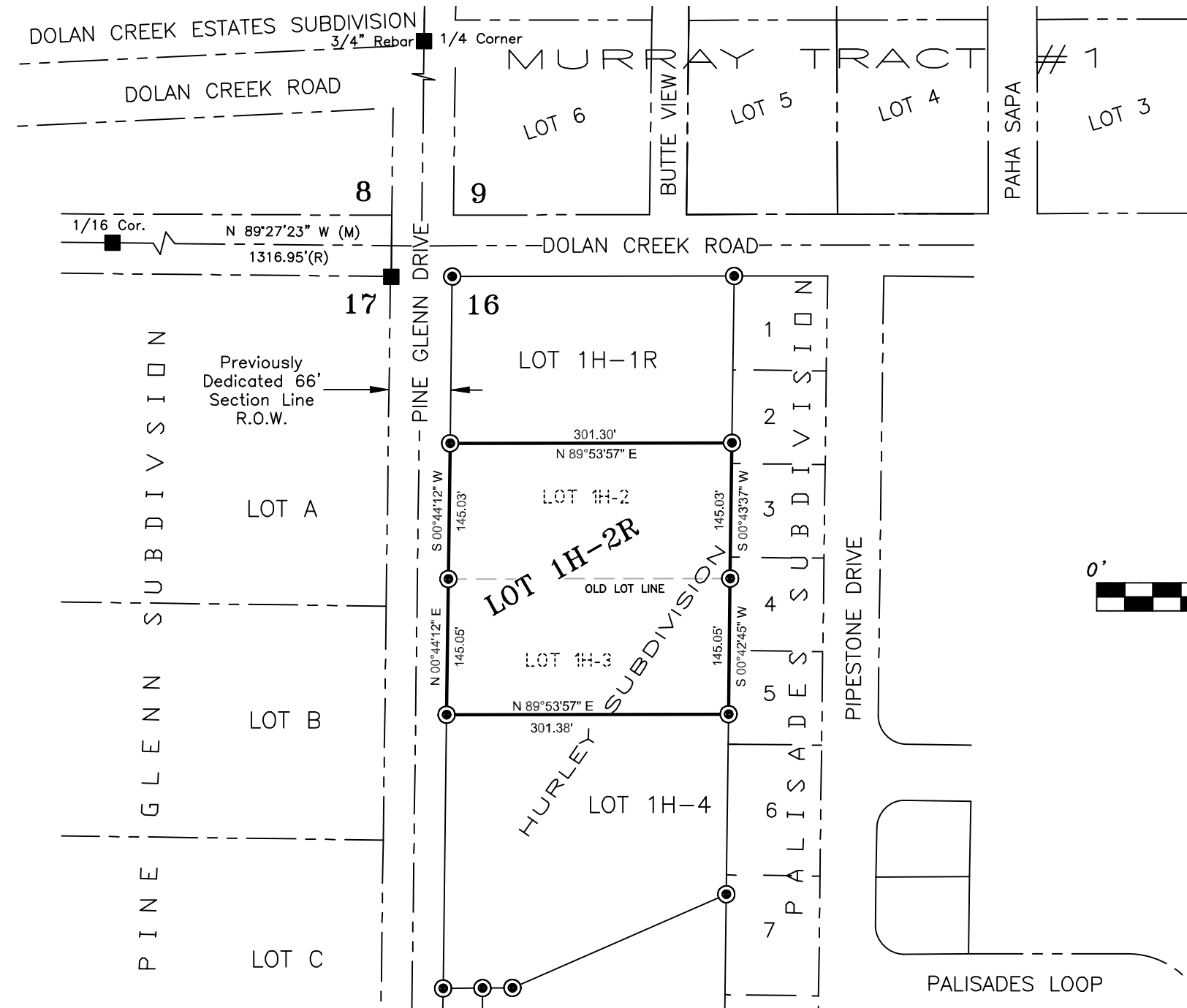
Dated this ____ day of _____, 20 ____.

Meade County Director of Equalization

OFFICE OF REGISTER OF DEEDS

Meade County Register of Deeds

Plat of Lot 1H-2R of Hurley Subdivision. Formerly Lot 1H-2 and Lot 1H-3 of Hurley Subdivision. All Located in the W 1/2 of the NW 1/4 of the NW 1/4 of Section 16, T.5N., R.5E., B.H.M., City of Sturgis, Meade County, South Dakota.



SURVEYOR'S NOTES

- 1) Recorded Information: Plat Book 28 at Page 59 as recorded with the Meade County Register of Deeds, Sturgis, South Dakota.
2) Utility & Minor Drainage Easements: 8' Wide on the interior side of all lot lines.
3) Building Restrictions: Per the Latest Adopted International Building Code (IBC).
4) Building Setbacks: Zoning as Low Density Residential Housing. Per the City of Sturgis Title 18 Zoning Codes. Setback 25' on Front, 10' Rear and 8' on All Side Lot Lines. 25' from any Right-Of-Way.
5) The Non-Building Area Noted was agreed upon by owners of Lot 1H Revised and Lot 2H Revised of Hurley Subdivision. This agreement will run with the land when any land changes ownership.

LEGEND

- Found or Set 5/8" Rebar with Cap Marked 'Vasknetz RLS 7719'.
Found Rebar and Cap Marked 'BUSH RLS 6699'.
Found Rebar Unless Otherwise Noted.
Denotes Measurements Previously Recorded.
Denotes Measurements Per this Survey.

OWNER'S CERTIFICATE

We, Jeff and Marcia Spilker, do hereby certify that we are the Owners of the land shown and described hereon and that we did authorize and do join in and approve the survey and plat. We further certify that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations. Dedicated right-of-way as shown hereon is dedicated to public use.

IN WITNESS WHEREOF We hereunto set our hands

this ____ day of _____, 20 ____.

Jeff Spilker, Owner Marcia Spilker, Owner

ACKNOWLEDGEMENT OF OWNERS

STATE OF SOUTH DAKOTA } COUNTY OF _____ } SS

On this ____ day of _____, 20 ____., before me, the undersigned officer, personally appeared Jeff and Marcia Spilker, known to me to be the persons who executed the foregoing Owner's Certificate and acknowledged to me that they executed the same for purposes therein contained.

IN WITNESS WHEREOF, I hereby set my hand and official seal.

Notary Public My commission expires:

SURVEYOR'S CERTIFICATE

I, Shanon E. Vasknetz, 2305 Junction Avenue, being a Registered Land Surveyor in the State of South Dakota, do hereby state that at the request of the Owner listed hereon, I have surveyed and platted the property shown and described hereon. I have marked upon the ground the boundaries in the manner shown, and that the plat is correct to the best of my knowledge, information and belief.

IN WITNESS WHEREOF I hereunto set my hand and seal

this ____ day of _____, 20 ____.

Shanon E. Vasknetz Registered Land Surveyor No. 7719

Planning Commission
STAFF REPORT



Meeting Date: Planning Commission - Jul 02 2024
Agenda Item: Approval of preliminary plat application for plat at 2313 Colorado Drive
Prepared By: Brittney Ragels, Planning Coordinator

BACKGROUND INFORMATION:

Baseline Surveying, on behalf of Don Burnett, has submitted a proposed plat of Lot BC of Block 2, Extension of Hillview Subdivision. Formerly Lot B-1 and Lot C-1 of Block 2, Extension of Hillview Subdivision. All located in NW 1/4 SE 1/4 of Section 9, Township 5 North, Range 5 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.

The address is 2313 Colorado Drive.

DISCUSSION:

The purpose is to combine the two lots to allow for more space.

RECOMMENDATION:

Staff makes recommendation for approval.

ATTACHMENTS:

[24-098 HILLVIEW EXT BLK 2 LOTBC REPLAT](#)

Approved By:

Dave Smith, Director of Planning & Permitting
Lisa Katzenstein, Human Resources Coordinator

Status:

Approved - Jun 17 2024
Approved - Jun 18 2024

Meeting Date: Planning Commission - Jul 02 2024

Agenda Item: Consideration to approve side yard and rear setback variances for 1706 Lazelle Street

Prepared By: Brittney Ragels, Planning Coordinator

BACKGROUND INFORMATION:

Mary Bryant at 1706 Lazelle Street has submitted an application for a side yard setback variance from 10ft to 4.9ft and a rear setback variance from 15ft to 5.8ft. On April 10th, 2024, the owner was issued a building permit to stabilize the existing garage. The owner states this existing garage fell down and the owner then rebuilt a new garage in the same footprint of previous structure. Due to set back requirements that now apply to a new garage, a variance must be granted for the structure to remain.

The lot is currently described as Ash's EXT Lots 23, 24 Block 11, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.

DISCUSSION:

VARIANCE CONSIDERATION CRITERIA

Variances - In determining variance requests, the Board of Adjustments must specifically address certain criteria when determining whether to grant or deny the variance request. This criteria stems from statute and City ordinance. The Board must address the specific criteria in their oral and/or written decision. The variance criteria are:

1. Special circumstances or conditions exist, such as exceptional narrowness, topography, or relaxation of zoning ordinance provides a quantifiable benefit to the City and surrounding neighborhood;
2. Strict application of the zoning ordinance would deprive the applicant of any reasonable use of his land, i.e. create hardship (mere loss in value does not justify a variance, there must be deprivation of beneficial use of the land);
3. The variance provides the minimum adjustment necessary for the reasonable use of the land; and
4. Granting the variance is in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan.

The property is zoned Highway Service. Signage was placed on the property May 22, 2024. 15 landowner response forms went out. Six were returned with approval.

BUDGET IMPACT:

The City will receive permit fees.

RECOMMENDATION:

Staff makes recommendation for approval.

ATTACHMENTS:

[1706 Lazelle Garage](#)

[Beacon and signage](#)

[Highway Service](#)

[pics](#)

Approved By:

Dave Smith, Director of Planning & Permitting

Lisa Katzenstein, Human Resources Coordinator

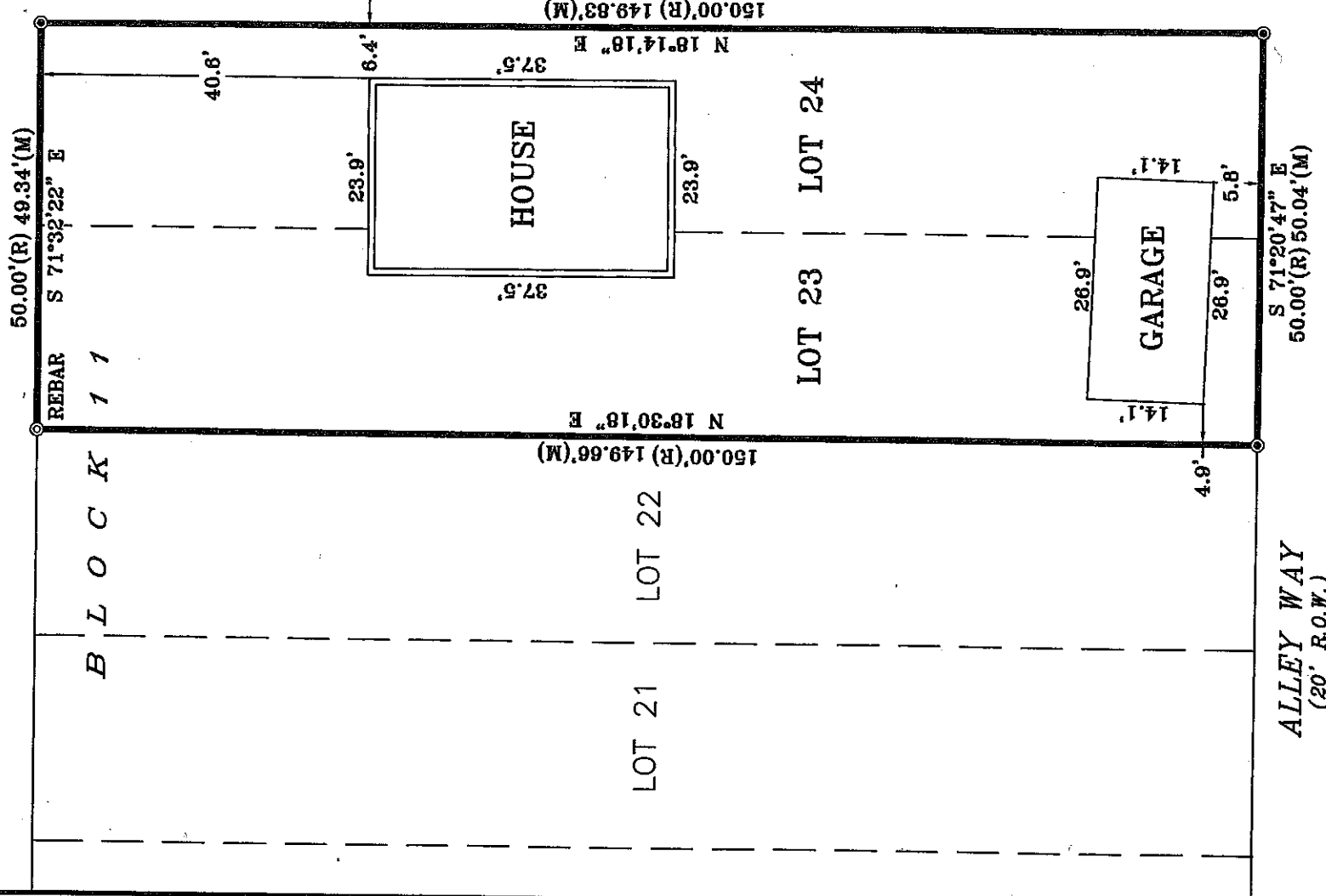
Status:

Approved - Jun 17 2024

Approved - Jun 18 2024

PREPARED BY:
BASELINE SURVEYING, Inc.
2305 Junction Avenue, Sturgis, SD 57785
(605) 490-1401

LAZELLE STREET
(66' R.O.W.)



ALLEY WAY
(20' R.O.W.)

7TH STREET
(66' R.O.W.)

SURVEYOR'S CERTIFICATE

I, Shanon E. Vasknetz, 2305 Junction Avenue, Sturgis, SD, being a Registered Land Surveyor in the State of South Dakota, do hereby state that at the request of the Owners listed hereon, I have Surveyed the Boundary of the Property shown and described hereon. I have marked upon the ground the boundaries in the manner shown, and that this Boundary Survey is correct to the best of my knowledge, information and belief. Easements or Restrictions of Miscellaneous Record or Private Agreements that are not known to me are not shown hereon.



Shanon E. Vasknetz

SHANON E. VASKNETZ RLS 7719

SURVEYOR'S NOTES



- SCALE: 1" = 20 FEET
- Ⓢ Denotes Found or Set 5/8" Rebar and Cap Marked 'VASKNETZ RLS 7719'.
- Ⓢ Denotes Found Survey Monument as Noted.
- (R) Denotes Dimensions of Record.
- (M) Denotes Dimensions Per This Survey.
- All Building Dimensions Per This Survey.

LEGAL DESCRIPTION

Lot 23 and Lot 24 of Block 11 in Ash's Extension. City of Sturgis Meade County, South Dakota. Shown on the Plat in Plat Book 1 at Page 6. At the time of the survey, the posted address was; 1706 Lazelle Street Sturgis, South Dakota 57785.

JOB NO. 24-090

DATE: 05-18-2024

SURVEYED BY: BAJ

DRAWN BY: NWF



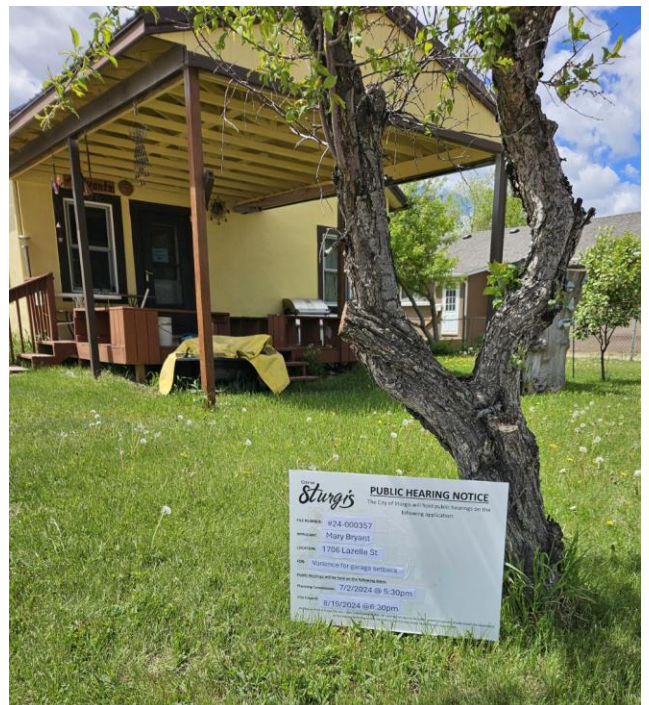
Overview



Legend

 Parcels 2024

Parcel ID	01.51.11.23	Alternate ID	n/a	Owner Address	BRYANT,STARK ETUX
Sec/Twp/Rng	--	Class	NADS		1706 LAZELLE ST
Property Address	1706 LAZELLE ST	Acreage	n/a		STURGIS SD 57785
District	C5461				
Brief Tax Description	ASH'S EXT LOTS 23,24 BLK 11				
	<i>(Note: Not to be used on legal documents)</i>				



TITLE 18.05.12
HS-1 - HIGHWAY SERVICE:

(Title 18.05.12 replaced entirely by Ordinance 2018-02, effective 03-21-2018)

(A) DEFINITION:

This district is established for the accommodation of those herein specified retail and business service activities that serve persons in automobiles traveling on streets and highways, and typically may be located along major street intersections or highway interchanges. These businesses generate a considerable volume of vehicular traffic originating within the community or traveling into the community.

Utility Lot: Any platted lot used exclusively for the placement of utilities, public works, wells, water storage, sewer systems, telecommunications stations, electrical substations, high-pressured gas stations, and any other utility services approved by the City Council. Such lots are only intended to be improved with the utility and any structures needed in conjunction with the utility.

(B) PERMITTED USES:

1. All those permitted in gc-1 and gc-2. (Not to include single family homes.)
2. Garden centers, green houses and nurseries
3. Churches.
4. Drinking & dining establishments including fast food or drive-in establishments.
5. Service stations/convenience stores.
6. Recreational uses such as amusement parks, bowling alleys, ice rinks.
7. Wholesale and distribution centers not exceeding 10,000 sq. ft. in building size or storage area.
8. Temporary or transient business's operating with a valid City Vendor license.
9. Building material display and sales.
10. New & used car sales lots (including motorcycle sales & service and repairs).
11. Large retail outlets or mercantile stores.
12. Animal hospitals, pet shops, kennels, etc.
13. Service and repair garages.
14. Truck, trailer and U-Haul type rental and sales.
15. Farm implement and machinery sales.

(C) USES PERMITTED ON REVIEW:

1. Open storage uses which shall comply with the following provisions:
 - A. All open storage material or equipment shall be screened by adequate ornamental fencing at the side and rear of the lot on which said open storage or display occurs; provided, that screening shall be seven (7) feet in height.
 - B. All of the lot used for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be constructed of concrete or asphalt and maintained in good conditions.
 - C. Entry curb-cuts shall not exceed twenty-five (25) ft. in width, exclusive of curb returns unless otherwise approved by the city street committee and city engineer.
 - D. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting, which will not interfere with adjacent land uses, or the use of adjacent streets, and shall not be of flashing or intermittent type.
2. Any other use similar in character to those enumerated above and which in the opinion of the common council will not be injurious to the district.
3. ~~Outdoor advertising~~ (Regulated by Title 30)

4. Outdoor recreational uses which are similar in nature and are not harmful to the existing surrounding uses.
5. Dwellings and/or Congregate residences
6. Utility Lots subjected to the following requirements:
 - A. Platted access not less than sixteen (16) feet in width which may be either dedicated public right of way or utility access easement.
 - B. Each lot shall have a width abutting the street of not less than fifty (50) feet.
 - C. There shall be a lot area of not less than five thousand (5,000) square feet.
 - D. Any buildings shall not cover more than seventy five percent (75%) of the total lot area.
7. Utilities, public works, wells, water storage, sewer systems, telecommunications stations, electrical substations, high-pressured gas stations, and any other utility services approved by the City Council.

For the purpose of Highway Service Zoning the following definitions and regulations shall apply:

DEFINITIONS:

Dwelling: is any building or portion thereof that contains not more than two dwelling units.

Dwelling Unit: is any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the building code. A single dwelling unit shall not be occupied by more than one family or 10 unrelated persons.

Congregate Sleeping Rooms: is any building or portion thereof containing individual sleeping rooms for temporary occupancy with a centralized eating, cooking, and sanitation facilities. Said sleeping facilities shall not accommodate more than 10 persons.

SCOPE:

For the purpose of Highway Service Zoning, dwellings, dwelling units and congregate sleeping rooms meeting the following guidelines may be permitted as uses permitted upon review, subject to Title 18, Article VII, Section 4.

REGULATIONS:

On all floors of buildings containing dwelling units, each floor shall be required to have a minimum of two egress routes. Each sleeping room within a dwelling unit shall also be required to have a minimum of one egress window. All dwellings units shall comply with all other requirements of the Uniform Building Code and the Sturgis Fire District as described by ordinance.

In buildings containing congregate sleeping rooms for temporary use, all floors in said building shall have two means of egress. Although individual sleeping rooms will not be required to have an egress window, an access door shall exit into a hallway leading to an egress or exit point.

Buildings containing congregate sleeping rooms for temporary use shall also be required to install a central fire alarm system with smoke detectors in each room and in hallways. Pull stations for the fire alarm system shall also be installed on each floor and at exit points within the structure. Said sleeping rooms may be occupied by only those individuals who are employed by the business occupying the structure. Said sleeping rooms may not be rented to or utilized by the general public.

When the Uniform Building Code requires the structure to be protected by a fire suppression system the above requirements will be enforced in addition to those requirements dictated by the code.

The property owner shall be required to comply with all City Ordinances and requirements prior to obtaining a certificate of occupancy from the building official.

(D) AREA REGULATIONS:

The following requirements shall apply to all uses permitted in this district except as provided in Article V, Section 4.

1. **FRONT YARD:** A minimum setback of 35' from property lines shall be required.
2. **SIDE YARD:** There shall be a minimum setback of not less than 10' from property lines. When a highway service district abuts a residential zoned area the side yards shall not be less than 25 feet.
3. **REAR YARD:** where a commercial building is to be serviced from the rear, there shall be provided an alley way, service court, rear yard or combination thereof, neither of which shall be less than thirty (30) feet in depth exclusive of any public R.O.W the depth of a rear yard which abuts a residential district or where the building is not serviced from the rear, shall be not less that fifteen (15) feet exclusive of the public R. O. W.
4. **TEMPORARY STRUCTURES,** as also regulated under Title 2 of City Ordinances,
 - A. Temporary structures shall not be placed closer than 5'-0" of any property line abutting a public R.O.W.
 - B. No appendage such as overhangs, canopies, and supports, guide wires, poles, posts, stakes, signs, etc, may be placed closer then 5'-0" of any R.O.W.
 - C. The building official or their designee shall have the power to order the temporary structure, or any portion of it which is within 5'-0" of any alley or other R.O.W, removed immediately.
 - D. Any violation of this section shall be subject to the penalties provided in Article VII, Section 8 herein.
5. **LOT WIDTH:** Each lot shall have a width abutting the street of not less than one hundred (100) feet.
6. **LOT AREA:** There shall be a lot area of not less than 10,000 sq. ft.
7. **MAXIMUM LOT COVERAGE:** Permanent main and accessory buildings shall cover not more than 75% of the total lot area.

(E) HEIGHT REGULATIONS:

No building shall be constructed more than four & one-half (4 ½) stories or 60 feet in height.

(F) OFF STREET PARKING:

As regulated in Article V.

All areas utilized for vehicle travel or parking shall be of hard surface materials.

(G) FLOOD PLAIN REQUIREMENTS:

Any building constructed within this district, on lots located within flood plain areas as shown on the city's firm map shall also be subject to the provisions and requirements contained in the city's flood plain ordinance included in Article VIII.

(H) LANDSCAPING:

Landscaping shall be installed as per Title 18, Article IX.

(Title 18.05.12 replaced entirely by Ordinance 2018-02, effective 03-21-2018)



Planning Commission
STAFF REPORT



Meeting Date: Planning Commission - Jul 02 2024

Agenda Item: Consideration to approve zoning variance to allow a mobile home in medium density residential.

Prepared By: Brittney Ragels, Planning Coordinator

BACKGROUND INFORMATION:

Josy Parrent, owner of 2921 Vanocker Road, has submitted a zoning variance application to allow for a mobile home in medium density residential. The lot is currently described as 16-5-5 E 140 of N 116.26 of Lot C-4 of Lot C E2SE of Sturgis, South Dakota.

DISCUSSION:

The lot is zoned Medium Density Residential. A total of 15 landowner response forms went out and signage was placed on the property on May 22, 2024. Seven letters were returned with approvals.

BUDGET IMPACT:

The City will receive permit fees as well as City portion of property tax.

RECOMMENDATION:

Staff makes recommendation for approval.

ATTACHMENTS:

- [Paperwork](#)
- [site plan](#)
- [Beacon and signage](#)
- [Medium-Density Residential](#)

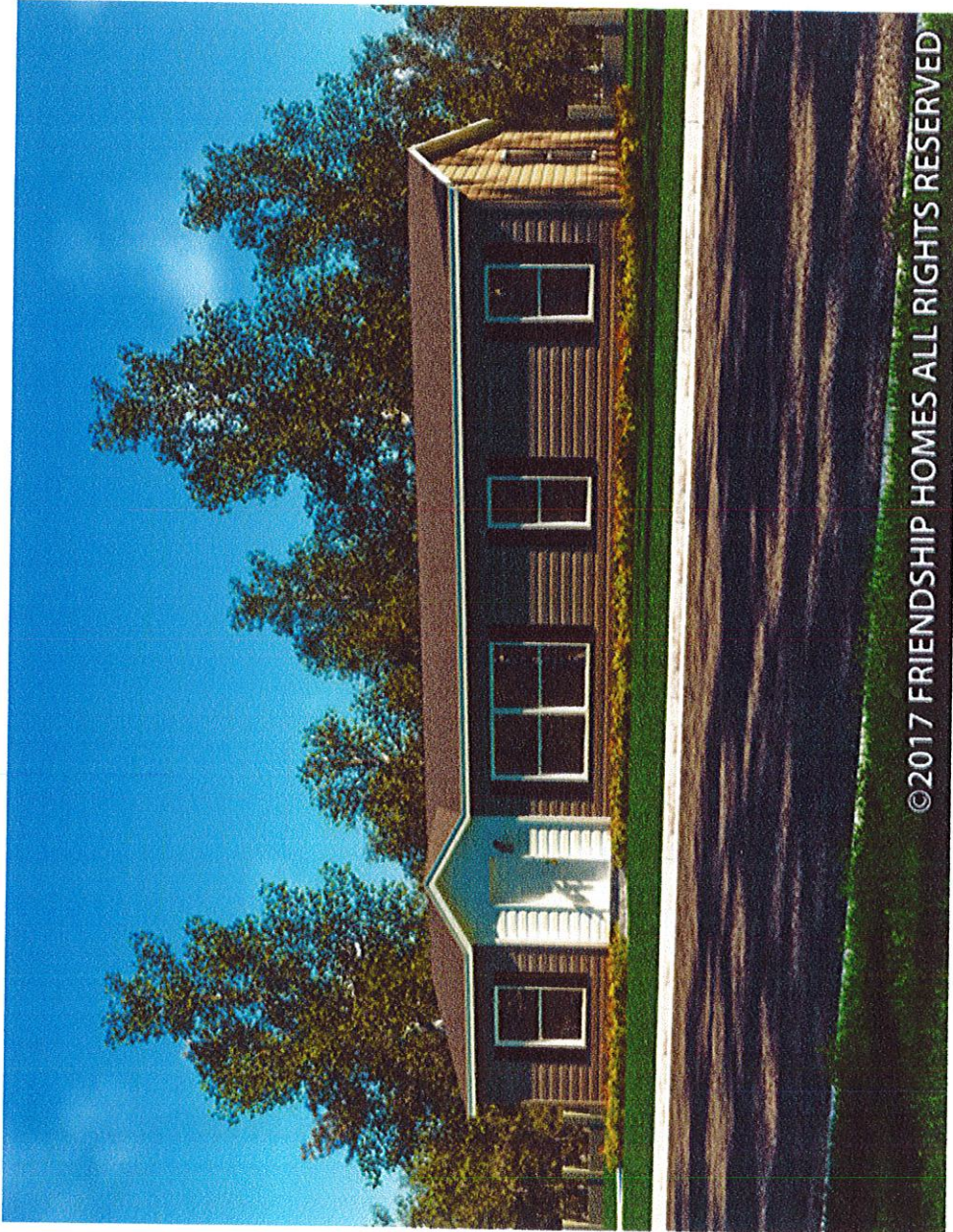
Approved By:

Dave Smith, Director of Planning & Permitting
Lisa Katzenstein, Human Resources Coordinator

Status:

Approved - Jun 17 2024
Approved - Jun 18 2024

\$ 162,000⁰⁰
PERMIT



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Overview



Legend

- Parcels 2024
- Roads
- Elevation Certificates
- Floodway
- FEMA 100 yr - 0.01% Flood Plain Data
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- D
- X

Parcel ID	01.20.0C4	Alternate ID	n/a	Owner Address	JOHNSON, RONALD L & DIANE L FAM
Sec/Twp/Rng	--	Class	NAD		1490 LAZELLE ST
Property Address	2921 VANOCKER CANYON RD	Acreage	n/a		STURGIS SD 57785
District	CS461				
Brief Tax Description	16-5-5 E 140' OF N 116.26' OF LOT C-4 OF LOT C E2SE				
	(Note: Not to be used on legal documents)				

Date created: 5/1/2024
 Last Data Uploaded: 5/1/2024 1:21:10 AM

Developed by Schneider
 GEOSPATIAL

The Friendship Modular Homes CRADLE OF STRENGTH

Each Friendship home delivers superior strength and durability. We call it our CRADLE OF STRENGTH. The follow items are just a few of the many components of our CRADLE OF STRENGTH.

1. A Generous Bead of Glue Applied To Each Joist. 3/4" T&G Floor Decking Is Screwed Around Perimeter And In The Field To Sturdy Engineered Floor Trusses.
2. Individually Engineered Duct System with Perimeter Registers.
3. 2"x6" Exterior Wall Studs 16" On Center Featuring a Thick Blanket Of Owens Corning Insulation.
4. Calculated Headers on Edge Above All Windows and Patio Doors.
5. Structural Board Sheathing Adds Extra Strength to All Exterior Walls.
6. Weather Wrap Decreases Wind Infiltration.
7. Galvanized Steel Strapping from Sidewall to Floor.
8. 2"x4" Interior Partition Walls.
9. 60lb. GSL Engineered Roof Trusses with Steel Plates At Critical Joints.
10. Energy Saving Blown Roof insulation Adds to The Comfort Of Your Home.
11. Air Chutes Ensure That the Roof Breathes Properly.
12. 1/2" Structural Roof Decking.
13. Lifetime Architectural Shingles (on 32' Wide Homes).
14. Energy Saving Low "E" Thermopane Argon Gas Filled Vinyl Windows.
15. 2"x6" Bottom Plates and Double 2x6 Top Plates on All Exterior Walls.

Friendship Homes Energy and Money Saving Features

With our ongoing commitment to ensure Friendship manufactured and modular homes are affordable and built for the long term, we install the following energy and money saving features.

- Trane High Efficiency Furnaces, which use up to 27% Less Energy than Standard, Forced Air Furnaces.
- Efficient Vinyl Clad, Low "E" Energy Windows.
- 2"x6" Exterior Walls with Owens Corning Fiberglass Insulation. ndows Featuring Warm Edge, Insulated Low "E" Glass Thermal Performance with Dual Weather-Stripping and a Pocketed Sash That Keeps External Air Out and Protects Against the Wind.
- Duct Systems that are Sealed and Heavily Insulated (Heating and Cooling Systems Account for 60% of a Home's Energy Usage; Fairmont's Duct System Provides Maximum Efficiency and Balanced Air Flow. It means Fairmont homeowners will enjoy savings and comfort for years).

General:

Recessed Frame
 Cross-Members/Out-Riggers- 4' O.C.
 Energy Heel Truss Rafters
 Energy Truss Rafters – 24" O.C
 8' Flat Ceiling
 Heavy 10" Steel I-Beam Frame - 28'
 Heavy 12" Steel I-Beam Frame - 32'
 Double Marriage Wall – 6"
 Transverse Floor Joists – 16" O.C.
 2X6 Exterior Wall Studs – 16" O.C.
 2x6 Top Plate
 Unitized Floor/Wall Construction
 With Steel Straps – 4' O.C.
 Glued & Screwed Flooring System
 Seamless Bottom Underlayment
 (Nylon Re-Inforced)
 3/12 Roof Pitch
 Tongue & Groove OSB Floor Decking

Furnace:

Gas furnace w/Electric Ignition
 Perimeter Heating System
 Positive Operating System
 Insulated Heat Ducts
 In-Floor Cross-over Heat Ducts

Carpet:

Shaw 15 Oz. Carpet w/Tack Strip
 5lb Carpet Pad
Beauflor Roll Goods



Electric:

100 Amp
 LED Can Lights
 Wire & Vent For Dryer
 Exterior Recept on Sidewall
 Light At Front & Rear Doors
 Smoke Alarms

Plumbing:

Plumb for Washer
 Water Shut-Off Valves Thru-out
 Decorative Water Heater Access
 30 Gallon Dual Element
 Electric Water Heater
 Deep Stainless Steel Kit Sink
 Metal Faucets
 High-Arc Kitchen Faucet

Baths:

Exhaust Fan w/Light MBA
 36" High Bath Lavs
 Fiberglass Tubs
 Porcelain Bath Lavs
 Framed Bath Mirrors
 Fiberglass Shower (Per Print)

Insulation:

R-22 Insulation in Floor
 2 x 6 Sidewalls with R-19
 R-21 Available
 R-25 Insulation in Ceiling
 R-33,44, or 50 Available
 Foam Gasket at Marriage Line

Cabinetry:

Hardwood Cabinet Doors
 Concealed Hinges on Cabinet Doors
 Self-Edge Countertop Edge
 Laminate Backsplash
 Seamless Countertops
 Double Shelf Over Refrigerator
 Shelf in Washer/Dryer Area
 Center Shelf in Kitchen Base Cabinets
 Roller Guide Drawer System
 42" Cabinets in Kitchen
 Drawer Bank in Kitchen
 Entertainment Center (Per Print)
 Paneled Backs of Cabinets

Décor:

Textured Ceiling
 Venetian Blinds Throughout
 Cornice Boards Window Treatment
 Decorator Vinyl Over Gypsum
 Double Shelving in some Closets
 1/2" Vinyl on Gypsum

Exterior:



Royal Vinyl Siding w/Sheathing
 Exterior Accent Treatment
 Metal Starter Strip w/Vinyl Siding
 Energy Seal Windbreaker
Owens Corning Oakridge Architectural Shingles
 Dormer



Doors:

3 Hinges on Interior Doors
 Full Door Stop Molding
 Brushed Nickel Door Knobs
 34 x 82 (rough opening) 9 Lite Rear Door W/Storm
 38 x 82 (rough opening) Decorator Front Door W/Storm
 Keyed Alike Locksets
 White 2-Panel Interior Doors
 Metal Furnace Door

Windows:

Kinro 60" Vinyl Windows
 Kinro Heritage Series Optional



Appliances:

18 CF 2-Door Refrigerator
 30" Gas Range w/Elec. Ignition
 Linear Stainless Steel Range Hood



Friendship
 HOMES

* Friendship Homes prides itself in continuous improvement to ensure the highest quality. Products, standards and specifications are subject to change without notice

**Retailer Disclosure to Consumer Before Sale or Lease
Manufactured Homes Installed in HUD-Administered States**

For

Name of Retailer: Centennial Homes of Rapid City

Name of Consumer: Josy Parrent

THIS DISCLOSURE STATEMENT CONCERNS THE MANUFACTURED HOME (HEREAFTER DESCRIBED AS "HOME") LOCATED AT:

ADDRESS: _____

COUNTY: _____

CITY/STATE: _____

MANUFACTURER: FRIENDSHIP HOMES OF MN., INC.

MODEL: Weston Std.

SERIAL NUMBER: _____

YEAR: 2025

HUD CERTIFICATION LABEL(s) #: _____

THE HOME'S DATA PLATE INDICATES IT IS DESIGNED FOR THE FOLLOWING ZONES:

WIND ZONE(S): 1 1

THERMAL ZONE(S): 3

ROOF LOAD ZONE(S): *30 LB

Verification of Site Location

- The occupancy site is known and I have verified that the wind, thermal, and roof load zones of the home being purchased or leased are appropriate for the site where the purchaser or lessee plans to install the home for occupancy.

Verification of Installer License

- As the retailer/dealer/park owner, I have agreed to provide set up in connection with the sale or lease of the home. Accordingly, I have verified that the installer is licensed in accordance with HUD regulations.

Inspection Requirement

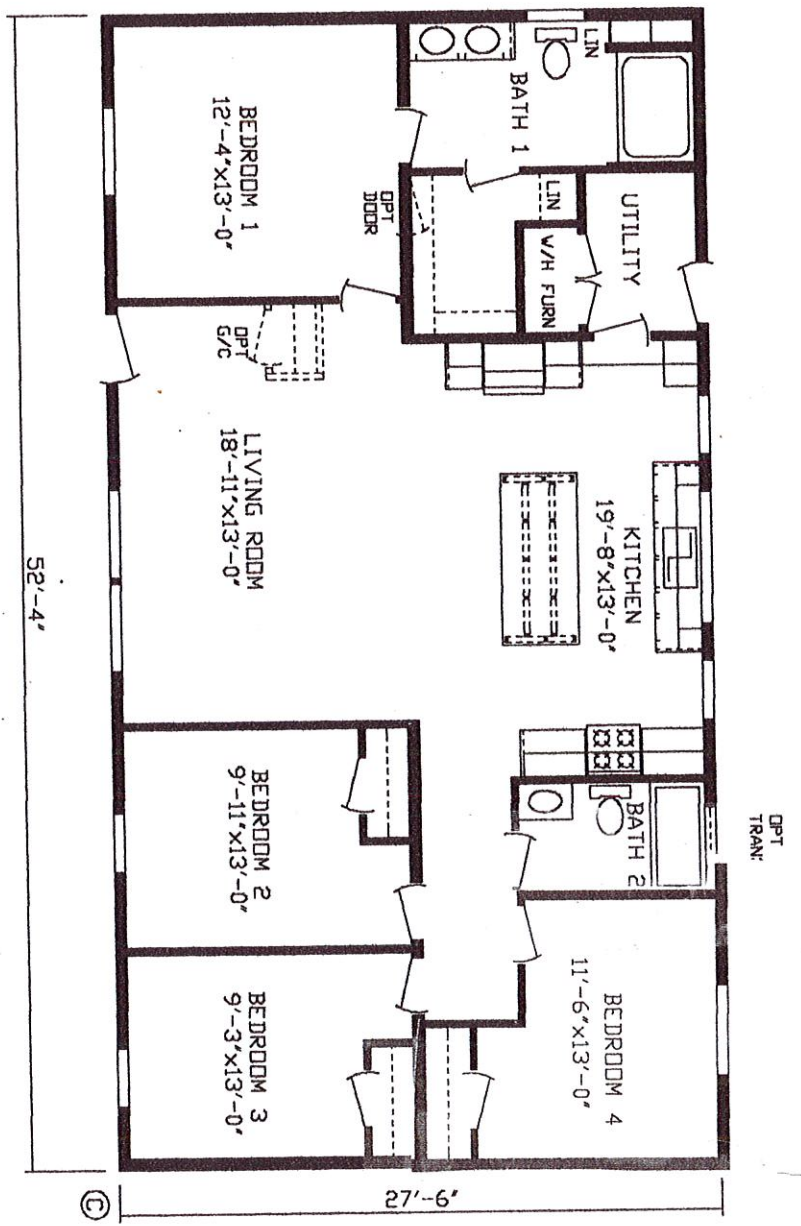
- The cost of the inspection of the home's installation is included in the sales price of the home. The amount of the inspection is \$ 395.

Because the installation of your home is in a state that does not administer its own qualifying installation program, the home will be required to comply with federal requirements, including installation in accordance with federal installation standards set forth in 24 CFR part 3285 and certification by a licensed installer of installation work, regardless of whether the work is performed by the homeowner or anyone else; and the certification must include inspection by an appropriate person.

In addition, the installation of the home may also be required to comply with additional state and local requirements.

Additional information about the requirements in this disclosure is available from the retailer and, in the case of the federal requirements, is available in part 3286 of Title 24 of the Code of Federal Regulations and from the U.S. Department of Housing and Urban Development.

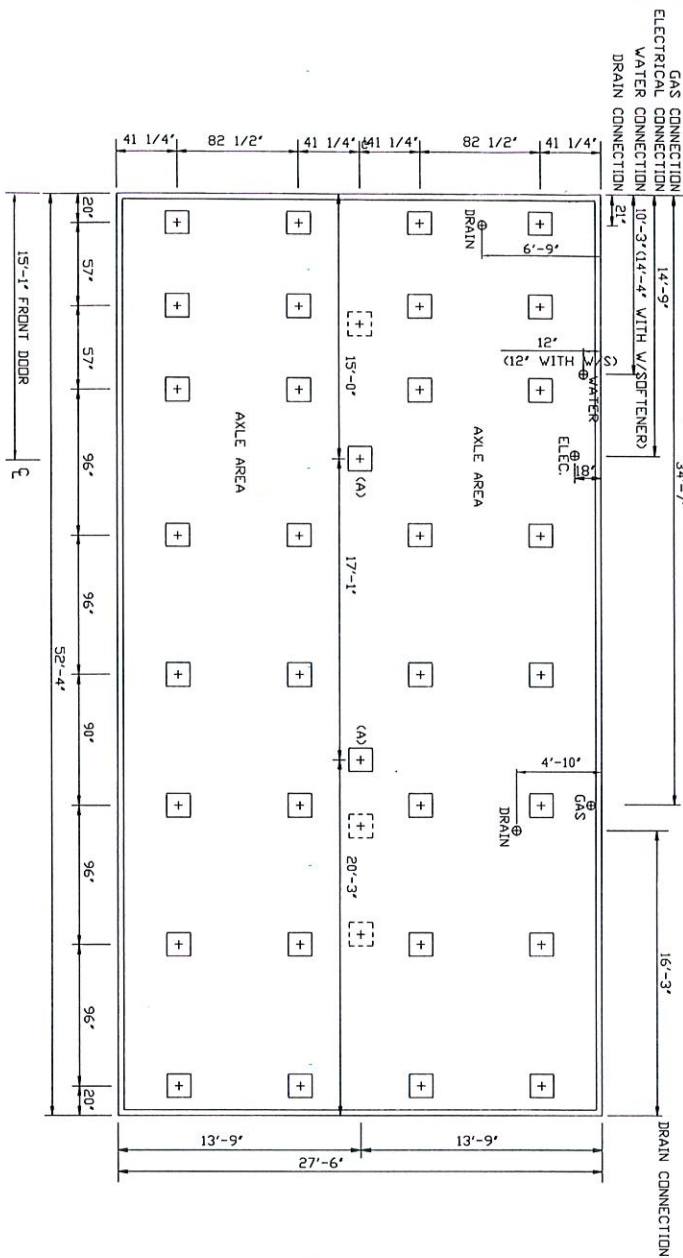
184012



MODEL 5628 3B 2BA CK UTL INSPRIATION

SCALE 3/16"=1'-0" DATE 04/14/17 DRAWN BY: JMD

DRAWING NUMBER
184012



NOTICE
 IT IS THE RESPONSIBILITY OF THE DEALER TO OBTAIN LEGIBLE BLOCKING AND/OR FOUNDATION PRINTS FROM FRIENDSHIP HOMES, DIVISION OF FAIRMONT HOMES, INC. ALL DAMAGES ARISING FROM THE BLOCKING AND/OR FOUNDATION PRINTS WILL NOT BE LIABLE FOR DAMAGES ARISING FROM THE BLOCKING AND/OR FOUNDATION PRINTS.

THE COMBUSTION AIR INLETS FOR FUEL BURNING APPLIANCES VENTED THROUGH THE FLOOR MUST BE EXTENDED SO THAT THEIR INLETS ARE ON THE EXTERIOR SIDE OF THE FOUNDATION WALL AND ABOVE THE GROUND SNOW LEVEL.

NOTE: IF OTHER THAN THE STANDARD GAS APPLIANCES ARE ORDERED, THE GAS INLET WILL CHANGE.

NOTE: WHEN WATER SOFTENER IS INSTALLED, WATER INLET WILL CHANGE.

NOTE: THE HOME DESIGNED FOR THIS SUPPORT SYSTEM IS BUILT WITH 10" LONGITUDINAL 1-BEAMS

CENTERLINE COLUMN LOADS			
SUPPORT LOCATION	DESIGN ROOF LOADINGS	DESIGN BASIS CERTIFICATE IN THE HOME	
(A)	20 PSF	30 PSF	40 PSF
	4500	6000	7500
			10350

REFER TO CHART NO. 7 IN THE INSTALLATION MANUAL FOR FOOTING SIZES BASED ON COLUMN LOAD

SYSTEM AND GENERAL CONSTRUCTION SUBJECT TO FLOOR PLAN MODIFICATIONS AND PRODUCT SUBSTITUTES ISSUED SINCE DATE OF PRINTS SOME OPTIONAL ITEMS ARE SHOWN AND PRICES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

NOTICE
 IT IS THE RESPONSIBILITY OF THE DEALER AND/OR IN-STALLER TO CERTIFY THAT ANY BLOCKING OR FOUNDATION PRINTS, OR ANY OTHER DIAGRAMS SUPPLIED TO A CONTRACTOR FOR SITE WORK, CORRELATE WITH THE UNIT ORDERED. THE MANUFACTURER WILL NOT BE LIABLE FOR DAMAGES ARISING FROM FAILURE OF THE DEALER AND/OR INSTALLER TO MAKE CERTAIN THAT THE CONTRACTOR HAS THE CORRECT DIAGRAMS REGARDLESS OF WHAT WAS SUPPLIED BY THE MANUFACTURER.

MANUFACTURER ASSUMES NO RESPONSIBILITY FOR THE DESIGN OF THE FOUNDATION EXCEPT FOR THE METHOD OF SUPPORT AS SHOWN ON THIS DRAWING.

FRIENDSHIP HOMES INC.
 815 BUDD RD. MONTEVIDEO, MN 56265

BLOCKING PLAN

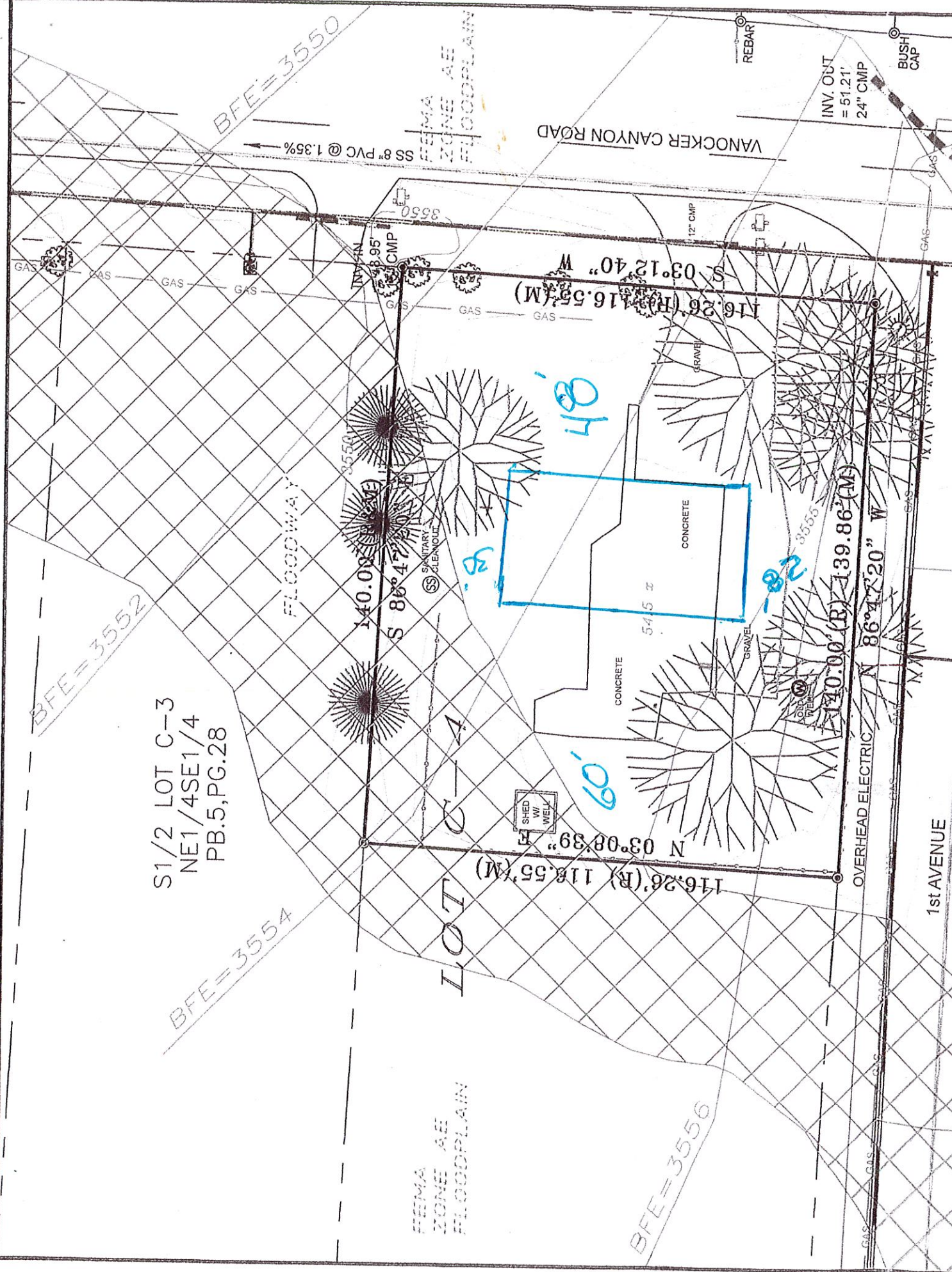
REVISION	DATE	REVISION	DATE
INDICATE WATER INLET	10/27/21		
DRAWN BY JMD	DATE 4/18/17		

A-8
 184012

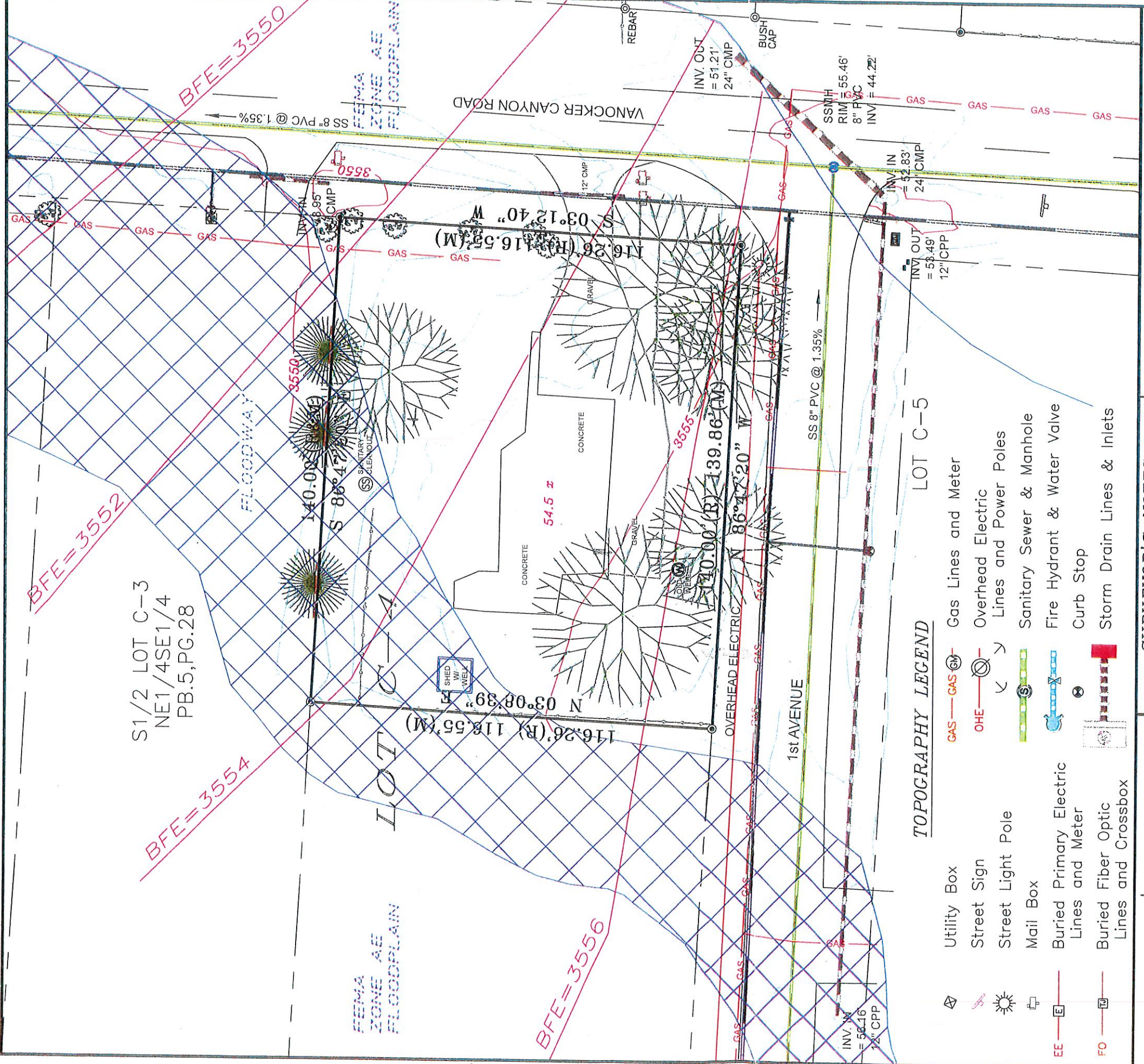
Located in the SE 1/4 of the NE 1/4 of the SE 1/4 of Section 16, Township 5 North,
 Range 7 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.

S1/2 LOT C-3
 NE1/4SE1/4
 PB.5, PG.28

LOT C-3



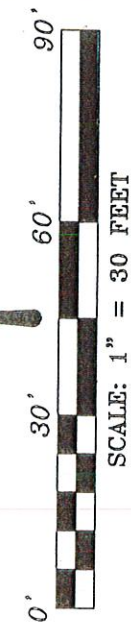
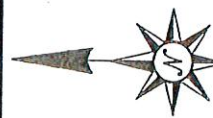
SITE BOUNDARY SURVEY OF A PORTION OF LOT C-4 OF LOT C.
 Located in the SE 1/4 of the NE 1/4 of the SE 1/4 of Section 16, Township 5 North,
 Range 7 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.



S1/2 LOT C-3
 NE1/4SE1/4
 PB.5,PG.28

TOPOGRAPHY LEGEND

- Utility Box
- Street Sign
- Street Light Pole
- Mail Box
- Buried Primary Electric Lines and Meter
- Buried Fiber Optic Lines and Crossbox
- Gas Lines and Meter
- Overhead Electric Lines and Power Poles
- Sanitary Sewer & Manhole
- Fire Hydrant & Water Valve
- Curb Stop
- Storm Drain Lines & Inlets



Prepared For:
 Patrick and Lisa Schieffer
 P.O. Box 4221
 Sturgis, SD 57785
 Parcel ID# 01.20.0C4

PREPARED BY: BASELINE SURVEYING, INC.,
 2305 JUNCTION AVENUE, STURGIS, S.D. 57785
 (605) 490-1401 baseline7719@gmail.com

SURVEYOR'S NOTES

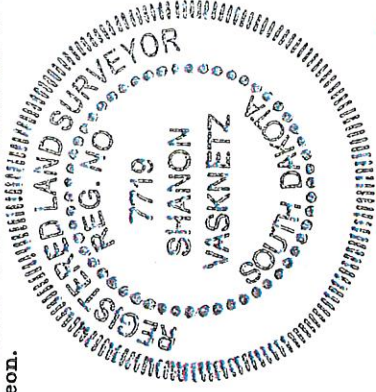
- ⊙ Denotes Found or Set Rebar & Cap Marked 'VASKNETZ' RLS 7719.
- ⊙ Denotes Found Survey Monument as Noted.
- (R) Denotes Dimensions of Record.
- (M) Denotes Dimensions Per This Survey.
- All Building Dimensions Per This Survey.

LEGAL DESCRIPTION

The East 140' of the North 116.26' of Lot C-4 of Lot C in the E 1/2 of the SE 1/4 of Section 16, Located in the SE 1/4 of the NE 1/4 of the SE 1/4 of Section 16, Township 5 North, Range 3 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.
 As shown by the Plat in Plat Book 5 at Page 28.
 At the time of the survey, the posted address was:
 2921 Vanocker Canyon Road
 Sturgis, South Dakota 57785.

SURVEYOR'S CERTIFICATE

I, Shanon E. Vasknetz, 1921 Lazelle Street, Sturgis, SD, being a Registered Land Surveyor in the State of South Dakota, do hereby state that at the request of the Owners listed hereon, I have Surveyed the Boundary of the Property shown and described hereon. I have marked upon the ground the boundaries in the manner shown, and that this Boundary Survey is correct to the best of my knowledge, information and belief. Easements or Restrictions of Miscellaneous Record or Private Agreements that are not known to me are not shown hereon.



Shanon E. Vasknetz

SHANON E. VASKNETZ SDRLS 7719



Overview



Legend

 Parcels 2024

Parcel ID	01.20.0C4	Alternate ID	n/a	Owner Address	JOHNSON, RONALD L & DIANE L FAM
Sec/Twp/Rng	--	Class	NAD		1490 LAZELLE ST
Property Address	2921 VANOCKER CANYON RD	Acres	n/a		STURGIS SD 57785
District	C5461				
Brief Tax Description	16-5-5 E 140' OF N 116.26' OF LOT C-4 OF LOT C E2SE <i>(Note: Not to be used on legal documents)</i>				



(18.05.04 & 18.05.05 revised by Ordinance 2015-01, effective 02/04/2015)
(18.05.04 A & C revised by Ordinance 2016-13, effective 01/25/2017)

TITLE 18.05.04
MEDIUM DENSITY RESIDENTIAL HOUSING

(A) DEFINITIONS:

This is a residential district to provide for medium population density the principal uses of land is for one and two-family residential uses. Certain uses which are more compatible with intensive residential uses than with commercial uses permitted. The city planning commission and city council may permit recreation, religious, education and other related uses in keeping with the residential character of the district on review. (Section A revised with Ordinance 2016-13, effective 01/25/2017)

(B) PERMITTED USES:

- A. Detached single-family homes which are of conventional construction and are constructed as per the adopted building code on site.
- B. Attached single family dwellings, which are intended for sale or lease to more than one but less than eight individual families. Said structures shall not be more than two stories in height (for the purpose of this section these homes shall have a separation wall of not less than one—hour construction which goes from foundation to the underside of the roof line which clearly divides the dwellings into individual single family dwelling units.
- C. Detached single-family manufactured homes which shall be placed on a foundation, (excluding manufactured homes which are mobile in nature) and are built in compliance with the codes adopted by the City of Sturgis and the State of South Dakota.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of construction work.
 - E. Transportation and utility easements, alleys, and rights-of-ways.
- F. A maximum of two structures for storage which is a single story and less than 144 square feet in area may be permitted without a building permit and/or being placed on a foundation.
- G. All accessory storage structures must have a minimum of 3 foot set back from side and/or rear property lines. No structures are allowed within the front setback of any property in this district.
 - H. Small agricultural gardens.
 - I. Signs, as regulated in Title 18, Article 5, Section 8.

(C) USES PERMITTED ON REVIEW:

The governing body in accordance with provisions contained in Title 18, Article VII, Section 4 may permit the following uses on review:

1. Churches or similar places of worship, with accessory structures but not including missions, revivals, tents or similar structures. (For the purpose of this section, missions, revivals or similar uses shall be known as any activity which takes place outside the permanent structure which causes more traffic, noise etc. than the primary use.) This section is not intended to prohibit activities such as preschool, Sunday school, or similar activities which may take place outside the structure.
2. Schools public or private.
3. Public parks, playgrounds and play fields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.
4. Libraries, museums, and historical monuments or structures.

5. Utility substations.
6. Golf courses, or country clubs, with adjoining grounds of not less than sixty (60) acres.
7. Cemeteries.
8. A planned residential development as regulated in Title 18, Article, Section 1-a.
9. Home occupations which are clearly incidental in nature and which no display except for regulated signage will be permitted on the exterior of the building being utilized in part for any purpose other described above or as described in Title 18, Article V, Section 10.
10. Day care homes or group homes either for children or adults.
11. Townhomes subject to the regulations set forth in subsection (h) below.
12. At Home Businesses subject to the use on review process outlined in Article VII Section 2.

(D) AREA REGULATIONS:

1. FRONT YARD: All lots shall have a minimum of not less than ten (10) feet from property lines.
2. SIDE YARD: All interior lots with single story structures shall have a minimum side yard of not less than five (5) feet from property line to the wall of the structure. In addition, any structure with two (2) or more stories or having an eave height of more than eighteen (18) feet above finished grade shall have one (1) foot of side yard for each two (2) feet of eave height above finished grade.
3. CORNER LOT SIDE YARD: All lots which have side yard abutting a street shall have a minimum setback of not less than eighteen (18) feet from the property line.
4. REAR YARD: All lots shall have a minimum rear yard of not less than ten (10) feet from property lines.
5. LOT WIDTH: All lots used in this zoning designation shall have a minimum lot width of not less than fifty (50) feet
6. LOT AREA: Shall have a minimum area of not less than 6000 sq. ft.
7. MAXIMUM LOT COVERAGE: All lots shall not have more than 45% of its total area covered by permanent structures.
8. ALLEY GARAGE SET BACK: Minimum of a ten (10) foot setback when accessed from public alley with no parking allowed within said setback.

(E) HEIGHT REGULATIONS:

No structure shall exceed two and one-half (2 ½) stories in height.

(F) OFF STREET PARKING:

A minimum of one 400 sq. ft. of hard surface parking with an eight (8) foot minimum width, which must be configured in a manner to hold at least two automobiles, must be provided for each single family home. All drives and parking pads must be hard surfaced, including those drives that connect a driveway or parking pad to a right of way. Hard surfaces include asphalt or concrete, other materials such as brick or pavers may be used subject to review by the Building Inspector.

(G) FLOOD PLAIN REQUIREMENTS:

Any structure constructed within this district must have its first floor elevation one foot above the base flood elevation stated on the FEMA FIRM map. All property improvements and uses are subject to current FEMA requirements.

(H) TOWNHOME REGULATIONS

The following regulations shall apply to any lot containing townhomes.

1. AREA REGULATIONS:

FRONT YARD: All lots shall have a minimum of not less than ten (10) feet from the front property line to the front of the structure.

SIDE YARDS: All interior lots shall have a minimum of not less five (5) feet from the side property line to the structure wall. Structures which are two (2) or more stories in height or have an eave height of more than eighteen (18) feet above finished grade shall have an additional one (1) foot of side yard for each two (2) feet of eave height above finished grade.

SIDE YARDS ON CORNER LOTS: All lots which have a side yard abutting a street shall have a minimum side yard setback of not less than eighteen (18) feet from the property line to the structure.

REAR YARD: All lots shall have a minimum rear yard of not less than ten (10) feet from the property line to the primary residential structure.

LOT WIDTH: All lots shall have a minimum lot width of not less than thirty five (35) feet.

LOT AREA: All lots shall have a minimum lot area of not less than 3500 sq. ft.

MAXIMUM LOT COVERAGE: All lots shall not have more than 50% of its total lot area covered by permanent structures.

2. HEIGHT REGULATIONS:

No structure shall exceed two and one-half (2 ½) stories in height.

3. OFF STREET PARKING:

A minimum of one 400 sq. ft. of hard surface parking (8' minimum width, which must be configured in a manner to hold at least two automobiles) must be provided for each single family home. All drives and parking pads must be hard surfaced, including those drives that connect a driveway or parking pad to a right of way. Hard surfaces include asphalt or concrete, other materials such as brick or pavers may be used subject to review by the Building Inspector.

4. FLOOD PLAIN REQUIREMENTS:

Any structure constructed within this district must have its first floor elevation one foot above the base flood elevation stated on the FEMA FIRM map. All property improvements and uses are subject to current FEMA requirements.

Planning Commission

STAFF REPORT



Meeting Date: Planning Commission - Jul 02 2024

Agenda Item: Ordinance 2024-XX: An Ordinance to Repeal Sturgis Municipal Code (SMC) 19.02.03 - Variances Prohibited

Prepared By: Eric Miller, Staff Attorney

BACKGROUND INFORMATION:

The City's subdivision regulations are located in Title 19 of the Sturgis Municipal Code (SMC). The purpose of these regulations is to ensure that any new developments within the City are built to specific standards. These standards ensure that planned developments are standardized in the community and the standards strive to minimize future issues. Many of these standards include addressing drainage issues, sidewalks, curb and gutter requirements, lot sizes, and various other requirements.

While in theory, standardizing subdivisions to create uniformity within the City is a commendable goal, this standardization is better suited for the flat areas of the community. The topography of the City contains both flat areas and hilly or mountainous areas. This is due to being in a bowl shaped area surrounded by the foothills of the Black Hills. These foothills create a natural barrier for where development can occur. The topography of these foothills makes practical uniformity extremely difficult to impossible in some instances. The goal of repealing SMC 19.02.03 is to eliminate a direct conflict between portions of the subdivision regulations and to provide the City a tool to promote future development in these more difficult areas to develop, such as within the surrounding foothills.

SDCL 11-6-27 requires all subdivision regulations be recommended to Council by the Planning & Zoning Commission, and then go through a public hearing by the Council before being adopted using the statutory ordinance process (first and second reading).

DISCUSSION:

The City's subdivision regulations provided in Title 19 of the City code provides the Council the ability to grant variances to the City's subdivision regulations in limited circumstances. This variance tool is contained in SMC Chapter 19.06 - Variances to Development Standards. The City may grant variances in cases where an extraordinary hardship exists because of the strict compliance with the subdivision regulations. This hardship may stem from unusual topographic or other conditions beyond the control of the developer which may make development impractical or nearly impossible.

SMC 19.02.03 directly conflicts with the allowances provided in SMC Title 19.06. SMC 19.02.03 prohibits any variances to subdivision regulations with any new development. Specifically, the ordinance states:

Any subdivision of land within the City, or one mile thereof platted after January 1, 1993, shall not be eligible for variances under provisions set forth in this Title, except so as to allow approval of an Experimental Subdivision as provided for in Chapter 19,06 of this Title.

SMC 19.02.03. The above provision prohibits the use of variances to any new development which does not meet the qualifications as an Experimental Subdivision. An Experimental Subdivision may only be utilized in a very limited amount of developments. To qualify as an Experimental Subdivision, the proposed development must use "unusual materials in constructing requirement improvements," or use a "new or untried design concept which appears promising." SMC 19.06.02. While developers working in difficult topography must adapt their development to appropriately function in the difficult terrain, these adaptations usually do not use "unusual materials" or utilize a "new or untried design concept." In the vast majority of cases, these proposed developments do not fit within the Experimental Subdivision parameters, however the proposed development also feasibly cannot strictly abide by the City's subdivision regulations. SMC 19.02.03 compels both the City and the developers into trying to fit a square peg into a circle hole. This variance prohibition effectively prevents development in areas where development could be feasible with certain modifications to the City's subdivision regulations.

The use of variances enables the City to practically adapt its regulations to fit into difficult terrain. Repealing SMC 19.02.03 provides flexibility for the City to use the variance tool in a more practical manner, and to promote developments in areas which would otherwise not be developed.

Repealing SMC 19.02.03 does not open the flood gates and require the City to hand out variances to every developer. The City must still assess whether a variance to the subdivision regulations are in the best interests of the City; whether the variance will not have the effect of nullifying the intent and purpose of the subdivision regulations; and whether strict compliance will cause an extraordinary hardship on the developer. The Council, acting as the Board of Adjustment, evaluates whether the variance is necessary and proper under the circumstances.

By repealing SMC 19.02.03, the Council eliminates a conflicting provision under the City's ordinances and creates a tool to promote development in the limited areas left to develop. Staff recommends the Planning & Zoning Commission recommend repealing SMC 19.02.03.

CODE REFERENCES:

SDCL 11-6-27

BUDGET IMPACT:

Repealing SMC 19.02.03 should not significantly increase City expenditures, but may minimally increase revenues associated with application fees for variance requests.

RECOMMENDATION:

Motion to Recommend the Repeal of SMC 19.02.03.

ATTACHMENTS:

[Ordinance 2024-XX - Ordinance to Repeal SMC 19.02.03 - Variances Prohibited SMC Chapters 19.02 and 19.06](#)

Approved By:

Dave Smith, Director of Planning & Permitting
Lisa Katzenstein, Human Resources Coordinator

Status:

Approved - Jun 18 2024
Approved - Jun 19 2024

ORDINANCE 2024-XX

**AN ORDINANCE TO REPEAL STURGIS
MUNICIPAL CODE (SMC) SECTION 19.02.03 –
VARIANCES PROHIBITED**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Section 19.02.03: Variances Prohibited be repealed.

WHEREAS the City of Sturgis has the power to enact and repeal ordinances and exercise jurisdiction over all territory within its corporate limits for the purpose of promoting the health, safety, morals, and general welfare of the community pursuant to state statute, including but not limited to SDCL §§ 9-19-3, 9-29-1, and SDCL Title 9 Generally; and

WHEREAS the City additionally has statutory authority under SDCL § 11-6-27 to adopt regulations governing the subdivision of land within its jurisdiction; and

WHEREAS such regulations may provide for the harmonious development of the municipality and its environs; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of the municipality; for adequate open spaces for traffic, recreation, light, and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity; and

WHEREAS the City of Sturgis adopted subdivision regulations within the City; and

WHEREAS the City has adopted conflicting regulations both allowing and prohibiting variances under the subdivision regulations; and

WHEREAS the Sturgis Common Council desires to promote development within the City; and

WHEREAS the Sturgis Common Council desires to better utilize the variance tool to promote development of areas with difficult terrain; and

WHEREAS the Sturgis Common Council deems it to be in the City's best interests to repeal Chapter 37.03 of the Sturgis Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STURGIS that Section 19.02.03 of the Sturgis Municipal Code is hereby repealed in its entirety.

Dated this _____ day of _____, 2024.

CITY OF STURGIS

Mayor
Angela Wilkerson

ATTEST:

Finance Officer
Adam Hosch

First reading:
Second reading:
Adopted:
Published:
Effective:

**CHAPTER 19.02
AUTHORITY AND JURISDICTION**

- 19.02.01: Authority
- 19.02.02: Jurisdiction
- 19.02.03: Variances Prohibited

19.02.01: AUTHORITY

Pursuant to the authority granted by SDCL 1967 1106 as amended, the following regulations are hereby adopted by the City.

19.02.02: JURISDICTION

This Title shall govern all subdivisions of land within the jurisdiction of the City, including as provided for in SDCL 11-6-26.

19.02.03: VARIANCES PROHIBITED

Any subdivision of land within the City, or one mile thereof platted after January 1, 1993, shall not be eligible for variances under provisions set forth in this Title, except so as to allow approval of an Experimental Subdivision as provided for in Chapter 19.06 of this Title.

(Revision of 19.02.02 & 19.02.03 effective May 2, 2012, Ordinance 2012-04)

**CHAPTER 19.06
VARIANCES TO DEVELOPMENT STANDARDS**

SECTIONS:

- 19.06.01: Hardship
- 19.06.02: Experimental Subdivisions
- 19.06.03: Conditions

19.06.01: HARDSHIP

Where the City Council finds that extraordinary hardships, due to unusual topographic or other conditions, beyond the control of the developer, may result from strict compliance with this Title, the City Council may vary the regulations of this Title so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent or purpose of the Subdivision Ordinance, Zoning Ordinance, Major Street Plan or other elements of the Comprehensive/Development Plan.

19.06.02: EXPERIMENTAL SUBDIVISIONS

The City Council may waive, vary or modify the standards and requirements of this Title if, in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:

The use of unusual materials in constructing required improvements; or

A new or untried design concept which appears promising.

The City Council shall require the developer to provide a written proposal stating the nature of the experiment and justifying reasons why this Title cannot be applied.

The City Council may require additional guarantees, longer warranty periods or additional bonding for experimental subdivisions.

19.06.03: CONDITIONS

In granting variances, modifications and approvals for experimental subdivisions, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified or approved. These conditions may include, without being limited to: personal, surety, performance or maintenance bonds; affidavits, covenants or other legal instruments.

(Title 19 replace in its entirety effective 12/16/05, Ordinance 2005-14)