



**Special Meeting Agenda
City Council/County Commission**

6:00 p.m. Special Meeting
Tuesday, March 5, 2013
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Adoption of Agenda**
4. **Public Hearings**
 - a. Second Reading of Ordinance No. 1296 - Amending Chapter 3, A-1: Agricultural District, Section 3.03, Lot and Yard Regulations of Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion.
5. **Adjourn**

Access the City Council Agenda on the web – www.vermillion.us

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please state your name and address. Presentations are limited to 5 minutes. For those who do not appear on the agenda, no decision is to be expected at this time.

Meeting Assistance: If you require assistance, alternative formats and/or accessible locations consistent with the Americans with Disabilities Act, please contact the City Manager's Office at 677-7050 at least 3 working days prior to the meeting.

Council Meetings: City Council regular meetings are held the first and third Monday of each month at 7:00 p.m. If a meeting falls on a City holiday, the meeting will be scheduled for the following Tuesday.

Live Broadcasts of Council Meetings On Cable Channel: Regular City Council meetings are broadcast live on Cable Channel 3.

As a courtesy to others, we ask that cellular phones and pagers be turned off during the meeting.



Council Agenda Memo

From: Andrew Colvin, Assistant City Manager

Meeting: March 5, 2013

Subject: Second Reading of Ordinance No. 1296 - Amending Chapter 3, A-1: Agricultural District, Section 3.03, Lot and Yard Regulations of Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion

Presenter: Andrew Colvin

Background: In December 2012 the City Council and County Commission met to consider a zone change request from Rich Jahn to rezone his property along Timber Road from A-1 to Rural Residential. Mr. Jahn desired to split his 2-acre lot into two 1-acre lots in order to construct a new home and possible sell or rent the existing home. The City's position was that the Joint Jurisdictional zoning ordinance was created in order to limit small, scattered development outside City limits; therefore, a zone change of this type may create a precedent for future requests. Action on the zone change was tabled pending a report from the two Planning Commissions on a proposed amendment to change the minimum lot size within the A-1 District. The City and County Planning Commissions met on February 11th and forwarded a unanimous recommendation to amend the ordinance and reduce the minimum lot size within the A-1 district.

Discussion: The proposed amendment will reduce the minimum lot size within the A-1 district from the current 2 acres to 1 acre. This will allow property owners to divide their land for small-scale residential uses. In Mr. Jahn's case, this would allow him to replat his land and apply for a conditional use permit to construct a new single-family dwelling. In order to avoid scattered development, the joint zoning ordinance already has provisions for density restrictions in the A-1 District, which is three building eligibilities per ¼ ¼ section. Staff feels that the proposed amendment is a reasonable compromise to allow property owners some flexibility while still preserving the rural areas outside Vermillion and within the future land use map area.

Financial Consideration: None, other than the required publication costs.

Conclusion/Recommendations: As this is second reading, a roll call vote is needed.

PUBLIC NOTICE

Clay County Board of Commissioners and Vermillion City Council to Hold Joint Public Hearing on Amending Joint Zoning Regulations For Clay County and City of Vermillion

Notice is hereby given that a Public Hearing will be held before the Clay County Board of Commissioners and the Vermillion City Council in joint session at 6:00 p.m. Tuesday March 5, 2013 at Vermillion City Hall to consider the following:

Joint Jurisdictional Zoning Ordinance Amendment – To reduce the minimum lot size, from two (2) acres to one (1) acre within the A-1 Agricultural Zoning District.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the Vermillion City Manager's Office at (605) 677-7050. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the City and County to make reasonable arrangements to ensure accessibility to this hearing.

All interested persons are encouraged to attend this public hearing. Those interested persons not able to attend are invited and encouraged to send written comments before March 5, 2013 to the Clay County Auditor, 211 W. Main Street, Suite 200, Vermillion, SD, 57069.

**Ruth Bremer
Clay County Auditor**

Publish: February 22, 2013

ORDINANCE NO. 1296

AN ORDINANCE OF THE CITY OF VERMILLION SD, AMENDING CHAPTER 3, A-1: AGRICULTURAL DISTRICT, SECTION 3.03, LOT AND YARD REGULATIONS OF APPENDIX A, 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION.

BE IT ORDAINED BY THE CITY COUNCIL OF VERMILLION, SD that Section 3.03, of the Joint Zoning Regulations for the Joint Jurisdictional Area of Clay County and the City of Vermillion, is hereby amended to read as follows:

3.03 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.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	≥ 1 acres	75 feet	30 feet	8 feet	25 feet	35 feet

Exceptions

#1 See Adjustments to Yard Regulations (Chapter 12) for specific exceptions.

Dated at Vermillion, South Dakota this 5th day of March, 2013.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: February 19, 2013
Second Reading: March 5, 2013
Publication: March 15, 2013
Effective: April 4, 2013

Published once at the approximate cost of _____.