



Special Meeting Agenda City Council/County Commission

6:30 pm Special Meeting
Tuesday January 10, 2012
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Adoption of Agenda**
3. **Public Hearings**
 - a. Second Reading of Ordinance No. 1270 – Amending the Municipal Ordinances of the City of Vermillion by repealing Chapter 156, Extraterritorial Zoning, and adding Appendix A, the 2012 Joint Zoning Regulations for Clay County and the City Of Vermillion.
4. **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: Andy Colvin, Assistant to the City Manager
Meeting: December
Subject Second Reading of Ordinance No. 1270 - Joint Jurisdictional Zoning Regulations for Clay County and the City of Vermillion
Presenter: Andy Colvin

Background: The City/County planning committee has been working to draft zoning regulations for the area within 1½ to 2 miles outside of City limits, not including areas within City limits. The current Extraterritorial Zoning Ordinance, which extends 3 miles outside of City limits, was adopted over 40 years ago and is outdated and no longer follows state law. The ordinance has a long history of discussion between the City and County that dates back to 1999. In 2010, the City Council determined that a working group, composed of City and County elected officials and planning commissioners, would work through areas of disagreement and present an ordinance for County and City adoption. The City representatives are Howard Willson, Jenny French, Matt Fairholm, and Don Forseth. The County representatives are Jerry Wilson, Dusty Passick, Melvin Walz, and Paul Bliss.

The draft ordinance was prepared with the following facts in mind:

- State law has been changed and Cities are no longer able to exercise blanket zoning authority outside of City limits without the express consent of the County Commission. Authority can be granted to the City if the County enters into a joint jurisdictional agreement with the City. Prior to some major changes in the 1970s, Cities could exercise zoning control without the County Commission's approval.
- The current extraterritorial ordinance is outdated and does not address many types of uses appropriately.
- The City and the County have a vested interest in development that takes place in and around Vermillion. Representatives from both jurisdictions have agreed that scattered development on the outskirts of Vermillion is neither desirable nor affordable – development should take place in and adjacent to the City of Vermillion where utilities and infrastructure can be provided.

Discussion: The proposed ordinance is very similar to the City zoning ordinance and contains many of the same uses. Agricultural uses are permitted to allow existing landowners to continue their operations, while at the same time recognizing some uses as harmful to the City. Staff summarized each district and provided examples of potential uses below.

- **Zoning Map/Joint Jurisdictional Boundary** – The proposed joint jurisdictional map extends approximately 1 ½ to 2 miles outside of City limits. The City Council and Planning Commission representatives strongly advocated pushing the boundaries further on the highways and major transportation corridors. The City and County will exercise joint zoning control on all uses within the boundary. Both the City Council and County Commission must agree in order for a change to take place. The ordinance provides that should the City annex land, the joint jurisdictional boundary shall be reviewed such that the area of joint jurisdiction will not be less than what existed prior to the annexation.
- **Chapter 3: A-1 Agricultural District** - The goal of this district is to preserve agricultural lands immediately beyond the City's boundary and the growth area. Permitted uses include, but are not limited to agriculture (farming activities), greenhouses, farm dwellings, and neighborhood utility facilities. Conditional uses include single-family dwellings, golf courses, firework sales, sanitary landfills, cemeteries, animal feeding operations and bed and breakfast facilities. The lot area requirement for residential uses is two acres for every ¼ ¼, which is meant to avoid dense development and subdivision of land. It should be noted that the committee had discussed in a previous meeting that concentrated animal feeding operations should be very limited in the joint jurisdictional area. As you will see in the allowed uses, only small operations are allowed. Vermillion does not have a parallel district.
- **Chapter 4: RR Rural Residential District** - This chapter provides for more dense, urban-type residential development, similar to what you would see in the City. The ultimate goal is to see this development within City limits; however, something should be provided for in the joint jurisdictional area in such a way that it can be incorporated into the City as smoothly as possible. Residential lots are limited to a minimum of one acre in size, with a reduction to 7,500 square feet if the area can be served by sanitary sewer. The City subdivision ordinance will govern development outside of the City—the revised version includes a provision for lot placement so land can be further subdivided in the case of annexation. Permitted uses include single-family dwellings, churches, schools, and libraries. Some conditional uses include bed & breakfast establishments group daycares, and golf courses. These are all currently permitted within City limits. Attached multi-family dwellings are not allowed in the joint jurisdictional area. Vermillion's parallel district is the R-1 single family residential district. **Note:** After talking with SECOG, it was decided to recommend eliminating manufactured home parks and subdivisions from the ordinance altogether. The reason behind this is that these facilities should be licensed and inspected. The City currently performs these activities and provides for mobile home parks in City limits.
- **Chapter 5: C Commercial District** - This district provides for commercial uses with the intent to locate such uses along major intersections and transportation corridors. Permitted uses include retail trade or service, offices, hotels/motels, hospitals, motor vehicle sales, lumberyards and bus terminals and are all currently allowed in Vermillion. The district also permits museums, libraries, churches, greenhouses, and wholesale trade & service in this area. Parallel conditional uses include gas stations, assisted living facility, mortuary with crematorium, drive-in theatres, adult orientated business and campgrounds. Light manufacturing is allowed by conditional use. There is no lot area requirement for this district. This district is similar to Vermillion's GB General Business District.

- **Chapter 6: LI Light Industrial District** - This district provides for light manufacturing/wholesale activities that do not depend on frequent personal visits from customers or clients. Permitted uses include wholesale trade, light manufacturing, frozen food lockers, warehousing, and automobile storage yards. Conditional uses include storage facility, Ready-mix plants, and wind energy conversion systems. There are no lot area requirements for this district. This district runs parallel to Vermillion's GI General Industrial District.
- **Chapter 7: HI Heavy Industrial District** - This district provides for heavy industrial uses that make bad residential neighbors and are not generally associated with residential, office, or institutional establishments. Permitted uses include contractor's shop/storage yards, fruit and vegetable processing, truck repair, sales and service. Conditional uses include general manufacturing, stockyards, rendering, tank farms, grain terminals, solid waste transfer facilities, and salvage yards. There are no lot area requirements for this district. This would be parallel to Vermillion's HI Heavy Industrial District.
- **Chapter 8: NRC Natural Resource Conservation District** - The purpose of this district is to protect natural areas, drainage courses and to prevent pollution of aquifers. This is parallel to Vermillion's NRC district. Unlike Vermillion, cemeteries and farm dwellings have been permitted as conditional uses. The minimum lot area requirement is one acre unless the structure is connected to a centralized wastewater collection system. This would be parallel to Vermillion's NRC Natural Resource Conservation District with a few exceptions.
- **Chapter 9: PD Planned Development District** - This district essentially mirrors that which you would find in the City zoning ordinance. This is a "customized" development approach that takes a complex project through a network of public review proceedings and allows the governing bodies and planning commissions to vary district regulations in certain situations, such as redevelopment, or development on land that is normally undesirable.
- **Chapter 10: APO Aquifer Protection Overlay District** – This district protects water resources and is superimposed over all districts where applicable. The City does not have a similar district.
- **Chapters 11-19:** These chapters cover other regulations such as parking, procedures for conditional uses, changes of zoning, and variances, as well as building permits. Staff attached a series of flow charts to explain the procedures for these items.

City staff have been working with the County to address building codes and a process for inspections. Currently, the City performs all building inspections and permitting within the extraterritorial area. The proposed ordinance provides that the County will take care of issuing permits, with the City performing inspections. The County Commission has adopted an ordinance enacting the same building codes as the City, with an effective date to coincide with the Joint Jurisdictional Ordinance. City and County staff have developed a draft agreement for inspections, which is currently being reviewed by the City Attorney. Under the contract, the City will be responsible for all building inspections for residential, commercial and industrial construction. Certain agriculture-specific uses are exempt, such as hay sheds, grain bins, etc.

Proposed fees were determined by taking the average cost of a permit for similar construction within the City and subtracting a percentage since the City will not be the chief enforcement administrator for the building code. In other words, the City will be responsible for plan reviews and ensuring structures are in compliance with the building code, and the County will be responsible for the issuance, revocation and suspension of permits upon a recommendation from the Building Official.

It is anticipated that a contract, once reviewed by the City and County Attorneys, will be brought to each respective board for consideration.

The City and County Planning Commissions considered the ordinance on November 28th and unanimously recommended approval to the governing body. The City Council approved the first reading on December 19th. This meeting will be held jointly with the Clay County Commission.

Conclusion/Recommendations: The Joint Planning Committee met on several occasions to develop a workable ordinance. Administration recommends adoption of Ordinance No. 1270. As this is the second reading, a roll-call vote is required.