

Unapproved Minutes
City Council Special Meeting
January 10, 2012
Tuesday, 6:30 pm

The special meeting of the City Council, City of Vermillion, South Dakota was called to order on Tuesday, January 10, 2012 at 6:30 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Willson, Zimmerman, Mayor Powell

Absent: Ward

2. Pledge of Allegiance

3. Adoption of Agenda

20-12

Alderman Willson moved approval of the agenda. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. 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.

Mayor Powell stated that this was a joint meeting with the Clay County Commission for a public hearing for second reading of the Joint Zoning Regulations for Clay County and the City of Vermillion. Mayor Powell asked Toby Brown of SECOG to review the ordinance and process.

Toby Brown, SECOG, provided some history of the extraterritorial zoning and that representatives from the County and the City worked together with SECOG to develop the Joint Jurisdictional Zoning regulations, along with the corresponding map outlining the area. Toby noted the proposed ordinance is set up in a structure that is similar to the current County and City zoning ordinances. As to zoning control, Toby stated that the City zoning ordinance would apply to the area within the corporate city limits, the County zoning ordinance would apply to the area excluding the corporate limits and the joint jurisdictional area and the Joint

Jurisdictional Zoning ordinance would apply to the area in between the city limits and the county ordinance.

Toby noted that the joint jurisdictional zoning regulations, being for the area adjoining the city that would be the city future growth area, are more similar to the City zoning regulations.

Toby reviewed the zoning districts contained in the joint jurisdictional zoning regulations.

Toby reviewed how changes would be made to the Joint Jurisdictional zoning regulations. A change to the ordinance would require recommendation of the joint County and City Planning Commissions before consideration by the County Commission and City Council with second reading and adoption at a joint meeting similar to tonight. As to variances, the County Zoning Administration would receive the application to be heard by the Board of Adjustment, which again would be a joint meeting of the County Commission and City Council. For conditional uses, the application would be made to the County Zoning Administrator for a hearing before the joint County and City Planning Commissions. If there is an appeal of the decision of the joint Planning Commissions, it would be heard by the joint County Commission and City Council. Toby noted that this process mirrors what is done by each entity now but, in the joint jurisdictional area, would require the joint meeting of the respective boards and noted all applications are to be made to the County Zoning Administrator.

Toby noted that in the proposed ordinance section 2.01, Districts and Boundaries, refers to the map but it was noted there could be some issues as the river serves as a boundary which could change. Toby handed out language that provided a legal definition to the area and recommended any final adoption include this revised language. Toby stated that the map will be included as part of the ordinance.

As to the map, Toby noted that the zoning districts were taken from what has been included on the city extraterritorial zoning map. Toby stated that, during the Joint Planning Commission meeting, citizen comments were received about an area in the southeast that is listed as NRC. Toby noted that this area was listed as F1 on the city extraterritorial zoning map and was changed to NRC for this map. In researching this designation, there was no formal action found to change this zoning district from the A1 (Agricultural) District. If the joint boards wanted to change this zoning designation, it could be made before final adoption.

Mayor Powell opened the hearing to public comment.

Rich Walker, 16 W Cedar, stated that part of the property listed as NRC, in question, is owned by the Thomas Walker Trust, which he is a trustee. Rich stated that, in his research, he was unable to find when the zoning was changed on this property and requested that it be listed as A1 as it is farm ground.

Craig Thompson, representing Will O'Connor, stated that Mr. O'Connor owns the remainder of the property that is listed in the NRC district being discussed. Craig reported that Mr. O'Connor has platted 7 lots of this property to be used for single family dwellings and has a preliminary plat for the remainder of the property for single family lots. Craig noted that under the current zoning regulations, as F1 or A1, there is no restrictions on single family lots of one acre in size but the new zoning regulations, as NRC, would require conditional use permits for each lot and as an A1 district would require two acre lots and limit the number of lots without a conditional use permit. Craig stated that Mr. O'Connor requested to have his property under the same zoning requirements in the new ordinance as he currently remains in the same position after adoption of the ordinance.

Discussion followed on the options of including this property in the different districts, noting that the A1 district requires two acre lots and a conditional use permit for more than three building eligibilities in a quarter-quarter but it was noted that any lot of record would be buildable providing all remaining ordinance provisions are met. For the NRC district, single family is allowed on one acre lots and a conditional use permit is required for more than three building eligibilities in a quarter-quarter, but it was noted that this district is to protect natural drainage, areas subject to flooding and limit permanent structures. The RR (Rural Residential) district allows one acre lots, but doesn't allow farming.

Craig Thompson provided the plat and preliminary plat of the O'Connor property requesting the exceptions to allow this property to be developed as one acre lots and be farmed until it is developed without the requirement of a conditional use permit as there is no guarantee that future governing bodies will approve the permits.

Toby Brown noted that the current zoning requirements have been in place for many years and the proposed zoning regulations are more restrictive. These regulations have been reviewed by both the County and City Planning Commissions and both the County Commission and City Council.

Jim McCulloch, City Attorney, noted that the proposed zoning regulations provide for the continuation of a nonconforming use, thus Mr. O'Connor could continue to farm the property until it was developed if it was included in the rural residential district.

Hearing no further public comment the public hearing was closed. Discussion followed among the governing bodies on the zoning district requirements and changes to the NRC district proposed in the map.

21-12

Second reading of title to Ordinance No. 1270, entitled AN ORDINANCE 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.

Mayor Powell read the title to the above named Ordinance, and Alderman French moved adoption of the following resolution with the change to section 2.01 Boundaries of the Joint Jurisdiction as presented by Toby and to amend the map to have the Walker property that was listed as the NRC district changed to A1 and the O'Conner property to have the 7 platted lots designated as Rural Residential district and the balance of his property as NRC:

Resolution

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1270, entitled AN ORDINANCE 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 was first read and the Ordinance considered substantially, in its present form and content, at a regularly called meeting of the Governing Body on the 19th day of December, 2011 and that the title was again read at this meeting, being a special meeting of the Governing Body on this 10th day of January, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained, that said Ordinance be adopted to read as follows:

PROPOSED ORDINANCE NO. 1270

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING THE MUNICIPAL ORDINANCES OF THE CITY BY REPEALING CHAPTER 156, EXTRATERRITORIAL ZONING, AND ADDING APPENDIX A, THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION.

BE IT ORDAINED, BY VERMILLION, SD:

Section 1. That this Ordinance repeals Chapter 156, Extraterritorial

Zoning, and adopts Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, attached hereto; provides restrictions, district boundaries and zoning map; provides for the administration, enforcement and amendment of this Ordinance; and repeals any other ordinance, or parts thereof, in conflict with this Ordinance. The 2012 Joint Zoning Regulations and associated Official Zoning Map are on file with the Clay County Auditor and the Vermillion Finance Officer.

Dated at Vermillion, South Dakota this 10th day of January, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

Adoption of the Ordinance as amended was seconded by Alderman Zimmerman. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Davies - Y, Grayson - Y, French - Y, Meins - Y, Osborne - Y, Willson - Y, Zimmerman - Y, Mayor Powell - Y.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

5. Adjourn

22-12

Alderman Grayson moved to adjourn the Council Meeting at 7:45 p.m. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 10th day of January, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.