



**City of Vermillion
Planning Commission Agenda**

5:30 p.m. Regular Meeting
Monday, May 9, 2016
Large Conference Room – 2nd Floor
City Hall
25 Center Street
Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. March 29, 2016 Regular Meeting.
3. **Adoption of the Agenda**
4. **Visitors To Be Heard**
5. **Public Hearings**
 - a. Joint Jurisdiction Zoning Ordinance Amendment – Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, Chapter 2, Section 2.03(A) Zoning Map, by including certain real property in the Aquifer Protection Overlay Zone A – Aquifer Critical Impact Zones.
6. **Old Business**
7. **New Business**
8. **Adjourn**

WELCOME TO YOUR PLANNING COMMISSION MEETING

If you wish to participate in the discussion, the meeting provides several opportunities. After the minutes are approved, the Chairperson will ask if any visitors wish to be heard. Any item not on the agenda may be discussed. During the discussion of agenda topics, anyone may comment. The Chairperson will recognize you if you raise your hand. Please introduce yourself with your name and address when addressing the Planning Commission. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote. You may participate each time if you wish. Your suggestions and ideas are welcome. The best decisions are made when everyone participates and provides information.

Meeting Assistance: The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

Unapproved Minutes
Vermillion Planning Commission
Tuesday, March 29, 2016 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order by Chairman Iverson in the Large Conference Room at City Hall on March 29, 2016 at 5:30 p.m. This was also a joint meeting with the Clay County Planning Commission.

1. Roll Call

Present: Fairholm, Forseth, Jones, Muenster, Manning, Oehler, and Iverson. Absent: Gruhn and Tuve.

Staff present: Andy Colvin, Assistant City Manager, Farrel Christensen, Building Official and Jose Dominguez, City Engineer.

2. Minutes

a. March 14, 2016 Regular Meeting.

Moved by Fairholm to approve the March 14, 2016 Regular Meeting Minutes, seconded by Manning. Motion carried 7-0.

3. Adoption of the Agenda

Moved by Forseth to adopt the agenda, seconded by Jones. Motion carried 7-0.

4. Visitors to be Heard

5. Public Hearing

a. Joint Jurisdiction Zoning Ordinance Amendment - Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, Chapter 2, Section 2.03(A) Zoning Map, by including certain real property in the Aquifer Protection Overlay Zone A - Aquifer Critical Impact Zone. (Joint item with Clay County Planning Commission)

Cindy Aden opened the public hearing for the County and Chairman Iverson opened the public hearing for the City.

Cindy Aden reported to the Joint group that the Lewis and Clark Water system has submitted an application to include certain property within the Zone A Aquifer Critical Impact Zone overlay category.

Grant Sorensen, 219 Sorensen Avenue, asked about the current zoning and why it needs to be changed. Grant also asked what can and can't be done with the new zoning. Cindy reviewed the use restrictions. The issue of Chemigation was of particular concern and how that is defined, even though the activity is not currently

taking place. Grant stated that he feels the zoning should be left alone.

Jim Auen, Lewis and Clark Water System, read a letter that was sent to property owners explaining the zone change.

The Clay County Planning Commission expressed an interest in finding out more information about Chemigation. Discussion followed.

The Clay County Planning Commission took action to table the amendment indefinitely until more information can be obtained.

Moved by Muenster to table the amendment and examine the definition of Chemigation, seconded by Oehler. Motion carried 8-0.

b. Zoning Ordinance Amendment - Amending Section 155.032, R-2 Residential District to provide for Fraternities, Sororities and boarding and lodging houses as conditional uses and providing for lot and yard regulations for such uses.

Andy Colvin, Assistant City Manager, reported that City staff was contacted regarding a proposal to construct a new sorority house in place of the existing structure. Andy stated that staff has identified a number of issues related to new Greek houses and compliance with current zoning codes. Andy reported that Greek houses, as well as boarding/lodging houses, are permitted uses within the R-2 district which means they can be built according to current code without a special permit from the City Planning Commission. Andy reported that the proposed ordinance would move these uses to the conditional use category. Andy stated that this will permit a more open approval process for new construction that coincides with relaxing other requirements, such as setbacks, height and parking. Andy noted that, without purchasing additional property and re-platting, it would be difficult to construct a new Greek house in the current R-2 neighborhoods and meet the off-street parking requirements. Andy stated that the proposed ordinance only addresses the R-2 District changes and provides for lot and area regulations with the parking issue included in a separate zoning amendment.

Susan Keith Gray spoke on the amendment and stated that she lives in the area where these uses will be. Ms. Gray asked about the conditional use process and how it is different than what exists today. Andy reported that approval of a conditional use requires a public hearing and public notification; whereas a permitted use can build with no special requirements or approval.

Dan Neufeld, University Historic District resident, inquired about boarding houses and how they are different than other rentals. Dan

expressed concern that allowing boarding houses will lend itself to converting more homes to rentals.

Farrel Christensen stated that the rental housing code regulates boarding houses and limits occupancy, while also requiring owner-occupation.

Discussion followed on the proposed amendment.

Moved by Forseth to recommend approval of the amendment, seconded by Gruhn. Motion carried 8-0.

c. Zoning Ordinance Amendment Section 155.072 Off Street Parking to modify language pertaining to fraternities and sororities, remove the exemptions to parking in the front and side yards and modifying language pertaining to parking allowances in all districts.

Jose Dominguez, City Engineer, reported that an issue which arose in the past years was the location of off-street parking for multi-family structures. Jose stated that the City has allowed off-street parking for multi-family structures to be constructed within the required front yard setbacks. Jose noted that this has caused some of the construction within the R-2 District to not have a landscaped front yard or side yard. Jose stated that another challenge with permitting parking in front yards involves increased storm water runoff to streets that typically do not have the capacity for higher volume.

Jose stated that the proposed changes to the ordinance would allow Greek houses to have a portion of the required off-street parking on a different lot. Jose stated that the location, and number of parking stalls, would be determined by the Planning Commission during the Conditional Use Permit process. Jose stated that the other proposed changes to the ordinance will try and remedy the current issues with off-street parking being allowed in the front yard within the R-2 District, or any district, for multi-family structures. Jose stated that the amendment would not allow any parking within the required front yard for multi-family structures within the R-2 District and would limit the amount of required front yard parking for multi-family structures to 25-percent of the required parking in the R-3 District. Jose noted that the proposed amendment will apply to future construction or structures that lose their nonconforming status.

Discussion followed on the proposed amendment.

Moved by Manning to recommend approval of the amendment, seconded by Gruhn. Motion carried 8-0.

d. Zoning Ordinance Amendment Section 155.008 Definitions, amending the definition of an Accessory Building or Use.

Andy Colvin, Assistant City Manager, reported that in reviewing the parking and landscaping regulations in the City zoning ordinance, the definition of an accessory building or use was in need of clarification. Andy stated that currently parking facilities can be located on a lot with different zoning than the principal use served. Andy noted that this can create issues if a business, for instance, is located adjacent to a residential district. Andy stated that the lot could be zoned both commercial and residential, where the building could be on the half zoned commercial and the parking lot located on the half zoned residential. Andy stated that the proposed amendment would require future accessory uses, including parking, to be have the same zoning as the lot of the primary use served. Andy stated that this ordinance would require the zoning to be consistent for the entire lot. Andy noted that zoning is important for the planning and development of any community and this proposed amendment will ensure uses and their accessory uses will have the same zoning designation.

Discussion followed on the proposed amendment.

Moved by Forseth to recommend approval of the amendment, seconded by Oehler. Motion carried 8-0.

e. Zoning Ordinance Amendment Section 155.077, Landscaping Standards, providing additional requirements for living ground cover in all residential, commercial and industrial districts.

Andy Colvin, Assistant to the City Manager, reported that, based on input from the Planning Commission as well as community members, staff proposed some changes to the landscaping standards in the zoning regulations. Andy noted that strengthening the landscaping requirements in the community will help address some drainage problems, in addition to beautifying the community. Andy stated that the proposed amendment addresses the following requirements and changes:

- The parkway, or boulevard, which is the area between the curb and the sidewalk, will be included in the 90% requirement for front yards. Additionally, 50% of the rear yard will now be required to be landscaped except for portions required for driveways and parking.
- The R-1, R-2 and R-3 residential districts will be required to plant one tree per 50 feet of frontage, with a limit on the number permitted in the parkway. The typical residential lot will have at least one tree. Previously, only commercial and industrial zones were required to plant trees.

Andy stated that these new requirements will apply to future developments and existing developments will not be required to comply unless the use is discontinued.

Discussion followed on the proposed amendment.

Moved by Muenster to recommend approval of the amendment, seconded by Manning. Motion carried 8-0.

6. Old Business

7. New Business

8. Adjourn

Moved by Fairholm to adjourn, seconded by Jones. Motion carried 8-0. Iverson declared the meeting adjourned at 6:35 p.m.

Planning Commission Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: May 9, 2016

Subject: Joint Jurisdiction Zoning Ordinance Amendment – Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, Chapter 2, Section 2.03(A) Zoning Map, by including certain real property in the Aquifer Protection Overlay Zone A – Aquifer Critical Impact Zones.

Presenter: Cynthia Aden, Clay County Zoning Administrator

Background: Clay County received a request from the Lewis and Clark Regional Water System to rezone parcels of land to an Aquifer Protection Overlay (APO) Zone. The purpose of the zone is to protect the quality of water sources from environmental contamination. A portion of the area is located within the joint jurisdictional zoning area. The joint commissions considered the amendment on March 29th and voted to table the amendment to a future meeting. The action stemmed from questions about the definition of Chemigation and the potential impact on existing uses.

Discussion: The base zone of the area will remain Agricultural; however, the overlay provides for additional restrictions on the allowed uses. For example, concentrated animal feeding operations, junk yards, contaminated soil dumps and cemeteries are examples of prohibited uses.

Compliance with Comprehensive Plan: The Comprehensive Plan specifies that development should be encouraged in areas adjacent to the City where utilities can be provided easily. The proposed amendment will not impact growth areas and seems to make sense to preserve water quality for the Lewis and Clark system.

Conclusion/Recommendations: The City and County Planning Commissions are asked to take public comment and make a recommendation on the amendment. Staff would recommend approval of the amendment.

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A, 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 2, SECTION 2.03(A) ZONING MAP, BY INCLUDING CERTAIN REAL PROPERTY IN THE AQUIFER PROTECTION OVERLAY ZONE A, AQUIFER CRITICAL IMPACT ZONES.

BE IT ORDAINED, BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA:

That Section 2.03(A) is hereby amended as follows:

That Sections 1 and 2 (South), 25, 26, 34, 35, and 36 of Vermillion Township, Clay County, South Dakota is included in the Aquifer Protection Overlay Zone A, Aquifer Critical Impact Zones, and the official zoning map referred to in Section 2.03(A) of the 2012 Joint Zoning Regulations for Clay County and the City Of Vermillion, is amended to include such land in such zone.

Dated at Vermillion, South Dakota this _____ day of _____, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading:
Second Reading:
Publication:
Effective Date:

Zone A Exhibit

Clay County and City of Vermillion
Joint Jurisdictional Area

Legend

Zoning Districts

-  A-1 Agricultural
-  RR Rural Residential
-  C Commercial
-  LI Light Industrial
-  HI Heavy Industrial
-  NRC Natural Resource Conservation
-  Zone A

Other Features

-  Joint Jurisdictional Area
-  (Excluding Incorporated Area of the City of Vermillion)
-  City Limits (2011)
-  Roads
-  Railroad
-  Creeks, Rivers & Lakes

