



City of Vermillion Council Agenda

5:30 p.m. Joint Meeting with
Clay County Commission
Tuesday, March 8, 2022
City Council Chambers
25 Center Street

1. Roll Call

2. Adoption of the Agenda

3. Visitors to be Heard

4. Public Hearings

- a. Second Reading of Ordinance 1454 to amend the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 6 LI: Light Industrial District, Purpose; Section 6.02 Conditional Uses; and Section 6.02 Applicable Standards.
- b. Second Reading of Ordinance 1455 to amend the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 3 A-1: Agricultural District; Section 3.02 Conditional Uses; and Section 3.02 Applicable Standards.

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 raise your hand to be recognized, go to the podium, and state your name and address.

a. Items Not on the Agenda Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.

b. Agenda Items: Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

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 need 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.

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. The City Council typically has a Special Meeting on the first and third Monday of each month at Noon.

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

Vermillion City Council's Values and Vision

This community values its people, its services, its vitality and growth, and its quality of life and sees itself reinforcing and promoting these ideals to a consistently increasing populace.

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: March 8, 2022

Subject: Second Reading of Ordinance 1454 to amend the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 6 LI: Light Industrial District, Purpose; Section 6.02 Conditional Uses; and Section 6.02 Applicable Standards

Presenter: Jose Dominguez

Background: On December 27, 2021, the City and County Planning Commissions met jointly to discuss possible changes to the LI: Light Industrial District (LI District) of the Joint Zoning Regulations for Clay County and the City of Vermillion. The proposed changes were due to a recent rezoning request for land in the Joint Jurisdictional Zoning Area. The request sought to make an existing use conforming.

Although the rezoning request was later withdrawn by the applicant, the County and the City were willing to consider amendments to the zoning ordinance to allow the existing use within the LI: Light Industrial District. If the amendments were to be adopted, the owner would then be able to request the property, or parts of it, to be rezoned into the LI District to make the current use conforming.

The City Planning and Zoning Commission considered this item at a Joint meeting with the Clay County Planning Commission on January 24, 2022. At that meeting, following the public hearing, the City's Planning and Zoning Commission unanimously recommended that the City Council adopt the proposed amendment.

The first reading of the ordinance by the City Council occurred on February 7, 2022. At that meeting, the City Council approved the first reading and moved for the second reading to be considered at a joint meeting. The County Commission had first reading of the ordinance on February 22, 2022.

Discussion: The Joint Jurisdictional Zoning Area (JJZA) was created by the County and the City in 2012. The zoning ordinance for the JJZA was created with the intent to allow the County and the City to each have a say in existing and proposed land

uses in an area that would directly impact the City's growth. The JJZA tries to maintain the rural characteristics of the surrounding area, while allowing for some light development. The ordinance's intent, based on the adopted comprehensive plan for the JJZA, is to direct development towards areas within City limits, or areas that can be annexed by the City and serviced with municipal infrastructure.

The proposed amendments to the LI District include "grain terminal/grain processing" and "agribusiness" uses as conditional uses. These two changes would allow for additional agricultural uses to be possible in the LI District. Additionally, the statement describing the purpose of the district would be amended by removing portions from the second sentence. This change would better describe the uses that are NOT allowed in the LI District.

Financial Consideration: The only cost incurred by the City has been that of publishing the notice in the Plain Talk.

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance 1454. Since this is a second reading, a roll call vote is required.

The process for adoption of the amendments requires that they be considered at a joint public hearing with the County and City Planning and Zoning Commissions. As noted, this step has been completed for this item. After this meeting, the respective recommendations are taken to the individual governing bodies. Due to this being an ordinance amendment, the governing bodies will conduct two meetings or readings to consider the ordinance. The first reading of the ordinance is conducted separately, and the second reading is a joint meeting of the two governing bodies. This is a similar sequence followed for the adoption of the original ordinance and for most of the ordinance amendments since 2012. The only difference to other ordinance adoptions is that the joint meeting or second reading of the ordinance will need to occur regardless of the results of the first reading.

ORDINANCE 1454

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 6 LI: LIGHT INDUSTRIAL DISTRICT.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 6 LI: Light Industrial District for the Joint Zoning Jurisdiction Area of Clay County and the City of Vermillion be amended by modifying the “Purpose” of the district and including “Grain Terminal/Grain Processing” and “Agribusiness” uses as conditional uses. All other portions of Chapter 6 LI: Light Industrial District will remain as they are. Following is the amendment:

Purpose of district:

The purpose of this district is to provide for a number of light manufacturing, wholesale, warehousing, and service uses in an attractive industrial park like setting. These uses do not include residences, apartments, or commercial uses, which are primarily retail in nature. It is the intent of this district to provide high amenity industrial development along the major roads, while allowing for slightly heavier development in the interior of the industrial areas. The LI Light Industrial District, where permitted, shall generally be located where provisions can be made to adequately handle the sewage disposal, where the value of the land for agricultural use is marginal, and where the water supply, roads, and emergency services are easily and economically available.

6.02 Conditional Uses

Conditional Uses	Applicable Standards
Grain Terminal/Grain Processing	11.01, 11.03, 11.04, 11.05, 16.01
Agribusiness	11.01, 11.03, 11.04, 11.05, 16.01

Dated at Vermillion, South Dakota this 8th day of March 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: February 7, 2022
Second Reading: March 8, 2022
Published: March 18, 2022
Effective: April 8, 2022

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: March 8, 2022

Subject: Second Reading of Ordinance 1455 to amend the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 3 A-1, Agricultural District; Section 3.02 Conditional Uses; and Section 3.02 Applicable Standards

Presenter: Jose Dominguez

Background: On December 27, 2021, the City and County Planning Commissions met jointly to discuss possible changes to the A-1: Agricultural District (A-1 District) of the Joint Zoning Regulations for Clay County and the City of Vermillion. The proposed changes would correct an error found recently in the A-1 District that accidentally excluded the “telecommunications tower” use.

The City Planning and Zoning Commission considered this item at a Joint meeting with the Clay County Planning Commission on January 24, 2022. At that meeting, following the public hearing, the City’s Planning and Zoning Commission unanimously voted to recommend that the City Council adopt the proposed amendment.

The first reading of the ordinance by the City Council occurred on February 7, 2022. At that meeting, the City Council approved the first reading and moved for the second reading to be considered at a joint meeting. The Clay County Commission had first reading of the ordinance on February 22, 2022.

Discussion: The Joint Jurisdictional Zoning Area (JJZA) was created by the County and the City in 2012. The zoning ordinance for the JJZA was created with the intent to allow the County and the City to each have input in existing and proposed land uses in an area that would directly impact the City’s growth. The JJZA tries to maintain the rural characteristics of the surrounding area, while allowing for some light development. The ordinance’s intent, based on the adopted comprehensive plan for the JJZA, is to direct development towards areas within City limits, or areas that can be annexed by the City and serviced with municipal infrastructure.

The proposed amendment to the A-1 District will include “telecommunications tower” as a conditional use. As mentioned previously, Staff believes that the exclusion of this use from this district in the original adoption of the JJZA zoning ordinance was in error since another similar use is already found as a conditional use in this district (e.g., “broadcast tower”).

Financial Consideration: The only cost incurred by the City has been that of publishing the notice in the Plain Talk.

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance 1455. Since this is a second reading a roll call vote is required.

The process for adoption of the amendments requires that they be considered at a joint public hearing with the County and City Planning and Zoning Commissions. As noted, this step has been completed for this item. After this meeting, the respective recommendations are taken to the individual governing bodies. Due to this being an ordinance amendment, the governing bodies will conduct two meetings or readings to consider the ordinance. The first reading of the ordinance is conducted separately, and the second reading is a joint meeting of the two governing bodies. This is a similar sequence followed for the adoption of the original ordinance, and for most of the ordinance amendments since 2012. The only difference to other ordinance adoptions is that the joint meeting or second reading of the ordinance will need to occur regardless of the results of the first reading.

ORDINANCE 1455

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

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 3 A-1: Agricultural District for the Joint Zoning Jurisdiction area of Clay County and the City of Vermillion be amended by including “telecommunications tower” use as a conditional use. All other portions of Chapter 3 A-1: Agricultural District will remain as they are. Following is the amendment:

11.02 Conditional Uses

Conditional Uses	Applicable Standards
Telecommunications Tower	11.01, 11.03, 11.05, 11.08, 16.01

Dated at Vermillion, South Dakota this 8th day of March 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

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