



**City of Vermillion Planning &
Zoning Commission Agenda**

5:30 p.m. Joint Meeting with

Clay County Planning Commission

Monday, March 27, 2023

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. February 27, 2023
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
 - a. Welcoming new City Planning and Zoning Commission member Mr. Matt Fairholm
6. **Joint Public Hearings**
 - a. Ordinance 1481 – Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 2 Districts and Boundaries; Section 2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction.
 - b. Ordinance 1482 – Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 6 Light Industrial District; Section 6.01 Permitted Uses; and Section 6.02 Conditional Uses.
 - c. Ordinance 1483 – Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 19 Definitions; Section 19.02 Definitions.
7. **Joint New Business**
8. **Joint Old Business**
9. **City Public Hearings**
10. **City Old Business**
 - a. Election of Officers – Vice Chair
11. **City New Business**
12. **City Staff Reports**
13. **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 and Zoning 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 accommodation, 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 and Zoning Commission

Monday, February 27, 2023 Joint Planning and Zoning Commission Meeting

The joint meeting of the Vermillion Planning and Zoning Commission and the Clay County Planning Commission was called to order in the Powell Conference Room at City Hall on February 27, 2023 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: O'Kelley, Forseth, Steele, Tuve, Merrigan, Heggestad, Gestring.

City Planning and Zoning Commissioners Absent: Wilson, Fitzgerald

City Staff present: José Domínguez, City Engineer; Kalin Bird, Building Official

2. Minutes

Moved by Commissioner Gestring to adopt the February 13, 2023 meeting minutes as published, seconded by Merrigan. Motion carried 7-0.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in Vermillion.

4. Adoption of the Agenda

Moved by Heggestad to adopt the agenda as published, seconded by Tuve. Motion carried 7-0.

5. Visitors to be Heard

Commissioner Gestring informed the Commission that today's meeting will be his last one as he is moving outside of City limits.

6. Joint Public Hearings

- a. Ordinance 1479 - Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 14 Amendments and Change of Zone; Section 14.03 Hearing by Planning Commissions; and Section 14.04 Hearing by Board of County Commissioners and City Council.

Dominguez stated that the County and the City had been working on several amendments to the JJZA zoning ordinance. These amendments had been discussed during informational meetings on August 29th and November 28th, 2022. The amendment being considered was discussed at those meetings. Dominguez further explained that the proposed amendment would make all meetings joint rather than both governing bodies meeting separately for the first reading of an ordinance and then jointly for the second reading of the ordinance. Dominguez also stated that the amendment would require notifications be sent to affected property owners regarding all change of zone requests, including requests initiated by government agencies. Dominguez recommended that the Commission recommend approval of ordinance 1479 as presented by Staff.

Forseth opened the floor to public comment.

Mr. Nick Slattery (1341 E SD Hwy 50) asked for a brief explanation on what the process would be in the future if the amendment would be approved by all bodies. Dominguez explained that all of the meetings would be joint (Commission meetings and the governing body meetings) rather than just the Commission meeting and the second reading of ordinances. Discussion followed.

Moved by Merrigan to recommend the Council adopt ordinance 1479 as presented, seconded by Heggstad. Motion carried 7-0.

7. Joint New Business

None

8. Joint Old Business

None

9. City Public Hearings

None

10. City Old Business

None

11. City New Business

None

12. Staff Report

Dominguez reported on how the discussions between the Committee comprise of County Board of Commissioners, County Planning and Zoning Commissioners, City Council, and City Planning and Zoning Commissioners was going. The Committee was created to discuss possible amendments to the JJZA Comprehensive Plan.

Dominguez also spoke about the following projects: Prentis and Cotton Park Shelters, Lions Park Renovations, Prentis Park Outfield Renovations.

13. Adjourn

Moved by Tuve to adjourn, seconded by Heggstad. Motion carried 7-0, Forseth declared the meeting adjourned at 5:44 p.m.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: March 27, 2023

Subject: Ordinance 1481 – Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 2 Districts and Boundaries; Section 2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction.

Presenter: Jose Dominguez

Background: The City and the County governing bodies met June 1st to discuss how to improve the Joint Zoning agreement between the City and the County. At the conclusion of that meeting, the governing bodies asked staff to bring forward amendments to improve the process for rezoning and possible amendments to the LI: Light Industrial District.

The City and County Planning and Zoning Commissions met jointly to discuss possible amendments to the zoning ordinance on August 29th and November 28th. Possible changes to chapters 2, 6, 14, and 19 were discussed at those meetings.

On February 27th, the joint Planning Commissions considered an amendment to Chapter 14 making all meetings considering amendments to the JJZA happen jointly. This amendment also required that all property owners affected by any change of zone request in the JJZA be notified of the proposed change regardless of who initiated the request.

Discussion: The Joint Jurisdictional Zoning Area (JJZA) was adopted by the County and the City in 2012. The ordinance 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 would create a table that specifies the zoning district a property enters when coming into the JJZA. This would only affect property that is directly affected when the JJZA boundary is enlarged.

Compliance with Comprehensive Plan: The existing comprehensive plan for the JJZA encourages growth to occur within City limits or in areas that are easily annexed. Although the proposed amendments do not directly address these goals, it does inform the owner of the property brought into the JJZA of what zoning district they would be in. This knowledge may offer direction to the owner of the property and remove some concerns that may be associated with the JJZA boundary expanding.

Conclusion/Recommendations: The Commission is asked to take public comment and recommend to the City Council to either approve or deny the zoning amendment. City Staff recommends that the proposed amendment be approved.

PROPOSED ORDINANCE 1481

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 2 DISTRICTS AND BOUNDARIES; SECTION 2.07 CLASSIFICATION OF LAND COMING WITHIN THE JOINT ZONING JURISDICTION.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 2: Districts and Boundaries; Section 2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction be amended to include a table dictating into which zoning district land comes into when the boundary of the Joint Zoning Jurisdiction is expanded. All other portions of Chapter 2: Districts and Boundaries will remain as they are. Following is the amendment:

2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction

All land coming within the jurisdiction of these regulations shall be placed in the following zoning district based upon existing zoning classification, pursuant to the Extraterritorial Zoning Ordinance, until otherwise changed.

<u>Currently zoned in Clay County Zoning Ordinance</u>	<u>When coming into this jurisdiction</u>
<u>From NRC: Natural Resource Conservation District</u>	<u>To NRC: Natural Conservation District</u>
<u>From A-1: Agricultural District</u>	<u>To A-1: Agricultural District</u>
<u>From RR: Rural Residential District</u>	<u>To RR: Rural Residential District</u>
<u>From C-1: Commercial District</u>	<u>To C: Commercial District</u>
<u>From I-1: Light Industrial District</u>	<u>To LI: Light Industrial District</u>
<u>From I-2: General Industrial District</u>	<u>To HI: Heavy Industrial District</u>

Dated at Vermillion, South Dakota this X day of Month, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: To be determined
Second Reading: To be determined
Published: To be determined
Effective: To be determined

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: March 27, 2023

Subject: Ordinance 1482 – Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 6 Light Industrial District; Section 6.01 Permitted Uses; and Section 6.02 Conditional Uses.

Presenter: Jose Dominguez

Background: The City and the County governing bodies met June 1st to discuss how to improve the Joint Zoning agreement between the City and the County. At the conclusion of that meeting, the governing bodies asked staff to bring forward amendments to improve the process for rezoning and possible amendments to the LI: Light Industrial District.

The City and County Planning and Zoning Commissions met jointly to discuss possible amendments to the zoning ordinance on August 29th and November 28th. Possible changes to chapters 2, 6, 14, and 19 were discussed at those meetings.

On February 27th, the joint Planning Commissions considered an amendment to Chapter 14 making all meetings considering amendments to the JJZA happen jointly. This amendment also required that all property owners affected by any change of zone request in the JJZA be notified of the proposed change regardless of who initiated the request.

Discussion: The Joint Jurisdictional Zoning Area (JJZA) was adopted by the County and the City in 2012. The ordinance 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 would move uses that may be seen as offensive by adjoining residential uses from “permitted” to “conditional.” Moving the uses into the conditional

use category would require having a public hearing for the proposed use. This would allow the public to comment on the proposed use and, if necessary, for the Planning Commissions to place conditions on the proposed use. Only two uses are recommended to be removed, one is the “Billboard Signs” and the other is “Storage Facility.” This is because the signs are addressed in Chapter 152 of the 2008 Revised Code of Ordinances of the City of Vermillion, and “Storage Facility” is already allowed in the district as a “warehouse, mini-warehouse.”

Compliance with Comprehensive Plan: The existing comprehensive plan for the JJZA encourages growth to occur within City limits or in areas that are easily annexed. The proposed amendments would allow adjoining property owners (residents inside or outside the City) by giving them a voice when development occurs adjacent to their property. This additional voice in the conversations may help the Commissions agree on uses that will affect the growth of the City.

Conclusion/Recommendations: The Commission is asked to take public comment and recommend to the City Council to either approve or deny the zoning amendment. City Staff recommends that the proposed amendment be approved.

PROPOSED ORDINANCE 1482

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 6 LIGHT INDUSTRIAL DISTRICT; SECTION 6.01 PERMITTED USES; AND SECTION 6.02 CONDITIONAL USES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 6: Light Industrial District; Section 6.01 Permitted Uses; and Section 6.02 Conditional Uses be amended to remove some uses from Section 6.01 Permitted Uses and add uses to Section 6.02 Conditional Uses. All other portions of Chapter 6: Light Industrial District will remain as they are. Following is the amendment:

2.01 Permitted Uses

Permitted Uses	Applicable Standards
Wholesale Trade	11.01, 11.03, 11.04, 11.05
Light Manufacturing	11.01, 11.03, 11.04, 11.05
Contractor's Shop and Storage Yard	11.01, 11.03, 11.04, 11.05
Public Utility Facility	11.01, 11.03, 11.04, 11.05
Office Building	11.01, 11.03, 11.04, 11.05
Frozen Food Locker	11.01, 11.03, 11.04, 11.05
Printing Plant	11.01, 11.03, 11.04, 11.05
Motor Vehicle Service Station	11.01, 11.03, 11.04, 11.05
Billboard Signs	11.01, 11.06
Electrical Substation	11.01 Opaque screen, six feet in height, located as far back as all setback lines.
Bus/Truck Terminal	11.01, 11.03, 11.04, 11.05 Located 300 feet from a residential district to minimize effects of diesel fumes and noise.
Warehouse, Mini-Warehouse	11.01, 11.03, 11.04, 11.05 The materials stored on the premises shall have a Level 1 or below in the Fire Protection Guide on Hazardous Materials.
Lumberyard	11.01, 11.03, 11.04, 11.05 Subject to screening of all outdoor storage from view when abutting a residential district.
Truck/Bus Wash	11.01, 11.03, 11.04, 11.05 All water from the truck or bus wash being contained on the site.
Truck Repair, Sales, and Service	11.01, 11.03, 11.04, 11.05 Subject to no unscreened outdoor storage of parts.
Farm Store or Feed Store	11.01, 11.03, 11.04, 11.05 Only accessory storage of fertilizer or farm chemicals on the site.
Recycling Collection or Processing Facility	11.01, 11.03, 11.04, 11.05 Screening of all recyclable material from view.

Permitted Uses	Applicable Standards
Automobile Storage Yard	11.01, 11.03, 11.04, 11.05 Screening of the storage yard with fence, berm, vegetation or placement on the lot.
Farm Implement Sales, Display and Service	11.01, 11.03, 11.04, 11.05 Screening of all outdoor storage of parts from view.
Broadcast Tower	11.01, 11.03, 11.04, 11.05 Located at least 300 feet from a residential district.
Motor Vehicle Repair Shop	11.01, 11.03, 11.04, 11.05 An adequate number of parking spots to store the cars and screen parts and materials from view.

6.02 Conditional Uses

Conditional Uses	Applicable Standards
Wireless Communication Facility	11.01, 11.08, 16.01
Telecommunications Tower	11.01, 11.08, 16.01
Storage Facility	11.01, 11.03, 11.05, 16.01
Ready-Mix Plant	11.01, 11.03, 11.05, 16.01
Wind Energy Conversion System	11.01, 11.13, 16.01
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
<u>Light Manufacturing</u>	<u>11.01, 11.03, 11.04, 11.05, 16.01</u>
<u>Contractor's Shop and Storage Yard</u>	<u>11.01, 11.03, 11.04, 11.05, 16.01</u>
<u>Bus/Truck Terminal</u>	<u>11.01, 11.03, 11.04, 11.05, 16.01</u> <u>Located 300 feet from a residential district to minimize effects of</u>
<u>Recycling Processing Facility</u>	<u>11.01, 11.03, 11.04, 11.05, 16.01</u> <u>Screening of all recyclable material from view.</u>
<u>Automobile Storage Yard</u>	<u>11.01, 11.03, 11.04, 11.05, 16.01</u> <u>Screening of the storage yard with fence, berm, vegetation or</u>
<u>Motor Vehicle Repair Shop</u>	<u>11.01, 11.03, 11.04, 11.05, 16.01</u> <u>An adequate number of parking spots to store the cars and screen</u>

Dated at Vermillion, South Dakota this X day of Month, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: To be determined

Second Reading: To be determined

Published: To be determined

Effective: To be determined

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: March 27, 2023

Subject: Ordinance 1483 – Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 19 Definitions; Section 19.02 Definitions.

Presenter: Jose Dominguez

Background: The City and the County governing bodies met June 1st to discuss how to improve the Joint Zoning agreement between the City and the County. At the conclusion of that meeting, the governing bodies asked staff to bring forward amendments to improve the process for rezoning and possible amendments to the LI: Light Industrial District.

The City and County Planning and Zoning Commissions met jointly to discuss possible amendments to the zoning ordinance on August 29th and November 28th. Possible changes to chapters 2, 6, 14, and 19 were discussed at those meetings.

On February 27th, the joint Planning Commissions considered an amendment to Chapter 14 making all meetings considering amendments to the JJZA happen jointly. This amendment also required that all property owners affected by any change of zone request in the JJZA be notified of the proposed change regardless of who initiated the request.

Discussion: The Joint Jurisdictional Zoning Area (JJZA) was adopted by the County and the City in 2012. The ordinance 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 would add definitions to uses found in the LI: Light Industrial District that are currently not defined. These are: frozen food locker; grain processing;

lumberyard; mini-warehouse; and truck repair, sales, and service. Additionally, the definition for agriculture, concentrated animal feeding-operation, farm implement dealer, and storage facility are being modified to better describe their intent.

Compliance with Comprehensive Plan: The existing comprehensive plan for the JJZA encourages growth to occur within City limits or in areas that are easily annexed. These amendments will help Staff, and property owners, better understand the uses that are allowed in the zoning districts.

Conclusion/Recommendations: The Commission is asked to take public comment and recommend to the City Council to either approve or deny the zoning amendment. City Staff recommends that the proposed amendment be approved.

PROPOSED ORDINANCE 1483

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 19 DEFINITIONS; SECTION 19.02 DEFINITIONS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 19: Definitions; Section 19.02 Definitions be amended to remove, modify, or add definitions to Section 19.02 Definitions. All other portions of Chapter 19: Definitions will remain as they are. Following is the amendment:

19.02 Definitions

~~AGRICULTURE - The use of land for agricultural purposes including farming, dairying, raising, breeding, or management of livestock, poultry, or honey bees, truck gardening, forestry, horticulture, floriculture, viticulture, and the necessary accessory uses for packaging, treating or storing the produce providing that the operation of any such accessory use shall be secondary to the normal agricultural activities. This definition shall not include intensive agricultural activities such as concentrated animal feeding operations and agribusiness activities.~~The production, keeping, or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crop; dairy animals and dairy products; poultry and poultry products; livestock including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. This definition shall not include agricultural activities including packing plants, animal rendering operations, concentrated animal feeding operations, or agribusiness activities.

CONCENTRATED ANIMAL FEEDING OPERATION - A lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 90 days or more during any 12-month period; and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility. For the purpose of these regulations, a concentrated animal feeding operation ~~is further defined as follows:~~size is defined in Section 11.14 Concentrated Animal Feeding Operations Table 1.

FARM IMPLEMENT ~~DEALER SALES, DISPLAY AND SERVICE~~ - The use of any building or land area for the display and sale of new and used farm implements, including any warranty repair work and other repair service conducted as an accessory use.

FROZEN FOOD LOCKER -- A place where the animal and/or food product is dressed and packaged, where no rendering or refining is done.

GRAIN PROCESSING – A series of physical activities carried out for refining agricultural grains into foods for human consumption, animal feeds, nutraceuticals, personal care products, and various other by-products.

LUMBERYARD – The use of land and/or buildings for the storage and retail sale of building materials.

MINI-WAREHOUSE – A completely enclosed building consisting of separate storage units which are rented

to customers having exclusive and independent access to their respective units for the storage of residential, recreational, or commercial oriented goods.

STORAGE FACILITY - A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. These include warehouses and mini-warehouses.

TRUCK REPAIR, SALES, AND SERVICE – The use of any building, land area, or premises, for the display, sale, of new or used trucks, and including any warranty repair work and other repair service conducted as an accessory use. The sale and display of inoperable trucks is not allowable as part of this use category.

Dated at Vermillion, South Dakota this X day of Month, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: To be determined
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