



City of Vermillion Council Agenda

6:30 p.m. Joint Meeting with
Clay County Commission
Monday, April 3, 2023
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 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.
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: April 3, 2023

Subject: Second Reading of 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

Presenter: Jose Dominguez

Background: The City and the County governing bodies met June 1, 2022 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 found in the JJZA.

The City and County Planning and Zoning Commissions met jointly several times in 2022 to discuss possible amendments to the zoning ordinance. The changes discussed would be to chapters 2, 6, 14, and 19.

On February 27, 2023, the City and County Planning Commissions met to consider the amendments being proposed. After review and public comments, the City's Commission recommended unanimously that the City Council adopt the ordinance as proposed. The County's Planning Commission made a similar recommendation to the County's Board of Commissioners.

The City Council considered the ordinance at the March 20th meeting. After public comments, the Council moved the ordinance to second reading to consider the amendment with the County Board of Commissioners.

No changes have been made to the ordinance since the first reading.

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 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. Additionally, the proposed amendment would require notification to affected property owners regarding ALL change of zone requests in the JJZA, including requests initiated by government agencies.

Financial Consideration: Besides publishing the ordinance in the minutes, the City will not incur any additional costs.

Conclusion/Recommendations: Staff recommends adopting the ordinance as proposed. Since this is a second reading a roll call vote is required.

ORDINANCE 1479

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, 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.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 14: Amendments and Change of Zone; Section 14.03 Hearing by Planning Commissions be amended to include language setting the notification requirements when a change of zone is initiated; and Section 14.04 Hearing by Board of County Commissioners and City Council be amended to include language making all public hearings to be conducted jointly between the City Council and the Board of County Commissioners. All other portions of Chapter 14: Amendments and Change of Zone will remain as they are. Following is the amendment:

14.03 Hearing by Planning Commissions

Upon the filing of an application for a request of zoning district classification change, the Clay County Zoning Administrator shall set a date for a public hearing, at which time and place the County and City Planning Commissions shall meet jointly to consider the zoning classification changes. Said public hearing shall comply with the provisions of SDCL Chapters 11-2, 11-4 and 11-6.

- A. Signs. A sign(s) to be provided by the Clay County Zoning Administrator shall be posted on the property at least seven days prior to the scheduled hearing.
- B. The applicant must notify adjoining property owners of record by registered or certified mail at least 10 days before the public hearing by the Planning Commissions. If the change of zone is initiated by either the City or the County the property owner(s) shall be notified in the same manner.
- C. Recommendations from Planning Commissions. The County and City Planning Commissions shall, respectively, make a recommendation to the Board of County Commissioners and City Council on those applications for zoning district classification changes which have been considered and all other amendments to these regulations.

14.04 Hearing by Board of County Commissioners and City Council

The Board of County Commissioners and the City Council shall jointly conduct all public hearings for all readings of an ordinance to act on all applications which have been processed and forwarded to them for public hearings as provided in these regulations. The County Auditor shall cause to be published all notices of the time and place when and where all persons interested shall be given a full, fair, and complete hearing. Said public hearing shall comply with the provisions of SDCL Chapters 11-2, 11-4 and 11-6.

- A. Supplementary Notice. Supplementary to the published notice, a sign(s) to be provided by

the Clay County Zoning Administrator shall be posted on the property at least seven days prior to the scheduled hearing.

- B. Hearing. Upon the day of any public hearing, the Board of County Commissioners and the City Council shall review the decisions and recommendations of their respective Planning Commissions on all applications coming before them as provided in these regulations. At the final reading, the Board of County Commissioners and the City Council must each vote in favor of the proposed action before any changes or modifications are made in the regulations, restrictions, or zoning map.
- C. Reapplication. No application requesting a zoning district classification change on any property whose application includes any such property either entirely or substantially the same as that which has been denied by the Board of County Commissioners and City Council, shall again be considered by the Planning Commissions before the expiration of six months from the date of the final action of the Board of County Commissioners and City Council.

Dated at Vermillion, South Dakota this 3rd day of April, 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: March 20, 2023
Second Reading: April 3, 2023
Published: April 14, 2023
Effective: May 5, 2023