



City of Vermillion Council Agenda

6:00 p.m. Joint Meeting with
Clay County Commission
Monday, June 5, 2023
City Council Chambers
25 Center Street

1. **Roll Call**
2. **Adoption of the Agenda**
3. **Visitors to be Heard**
4. **Old Business**
 - a. Second Reading of 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. Second Reading of 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. Second Reading of 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.
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: June 5, 2023

Subject: Second Reading of 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 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 March 27, 2023, the City and County Planning Commissions met to consider the amendments being proposed. After review and public comments, the City’s Planning and Zoning 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.

A joint meeting was held on May 15, 2023, between the City Council and the County’s Board of Commissioners to consider the first reading of the ordinance. At that meeting the City Council voted unanimously to advance the ordinance to the second reading. No changes have been made 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 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. There have been no changes to the document since the first reading of this ordinance.

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

Conclusion/Recommendations: Staff and the Planning and Zoning Commission recommend that the City Council adopt the ordinance as presented. Due to this being the second reading, a roll call is required.

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:

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

Dated at Vermillion, South Dakota this 5th day of June, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Rich Holland, Council President

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: May 15, 2023
Second Reading: June 5, 2023
Published: June 16, 2023
Effective: July 7, 2023

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: June 5, 2023

Subject: Second Reading of 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 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 March 27, 2023, the City and County Planning Commissions met to consider the amendments being proposed. After review and public comments, the City's Planning and Zoning 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.

A joint meeting was held on May 15, 2023 between the City Council and the County's Board of Commissioners to consider the first reading of the ordinance. At that meeting the Council voted unanimously to advance the ordinance to the second reading. No changes have been made 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 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 “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.” There have been no changes to the document since the first reading of this ordinance.

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

Conclusion/Recommendations: Staff and the Planning and Zoning Commission recommend that the City Council adopt the ordinance as presented. Due to this being the second reading, a roll call is required.

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
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
Electrical Substation	11.01 Opaque screen, six feet in height, located as far back as all setback lines.
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 Facility	11.01, 11.03, 11.04, 11.05 Screening of all recyclable material from view.
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.

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
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
Light Manufacturing	11.01, 11.03, 11.04, 11.05, 16.01
Contractor’s Shop and Storage Yard	11.01, 11.03, 11.04, 11.05, 16.01
Bus/Truck Terminal	11.01, 11.03, 11.04, 11.05, 16.01 Located 300 feet from a residential district to minimize effects of diesel fumes and noise.
Recycling Processing Facility	11.01, 11.03, 11.04, 11.05, 16.01 Screening of all recyclable material from view.
Automobile Storage Yard	11.01, 11.03, 11.04, 11.05, 16.01 Screening of the storage yard with fence, berm, vegetation, or placement on the lot.
Motor Vehicle Repair Shop	11.01, 11.03, 11.04, 11.05, 16.01 An adequate number of parking spots to store the cars and screen parts and materials from view.

Dated at Vermillion, South Dakota this 5th day of June, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Rich Holland, Council President

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: May 15, 2023
Second Reading: June 5, 2023
Published: June 16, 2023
Effective: July 7, 2023

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: June 5, 2023

Subject: Second Reading of 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 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.

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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.

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

Conclusion/Recommendations: Staff and the Planning and Zoning Commission recommend that the City Council adopt the ordinance as presented. Due to this being the second reading, a roll call is required.

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 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 size is defined in Section 11.14 Concentrated Animal Feeding Operations Table 1.

FARM IMPLEMENT 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 5th day of June, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Rich Holland, Council President

ATTEST:

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