

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, or properties, at least seven days prior to the scheduled hearing. If the request is for five or more properties, signs shall be posted at the public entrances to the general area affected.
- 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.

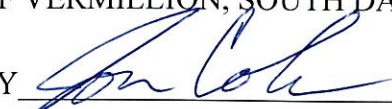
- A. Supplementary Notice. Supplementary to the published notice, a sign(s) to be provided by

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

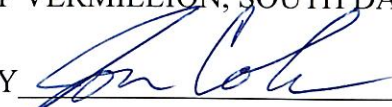


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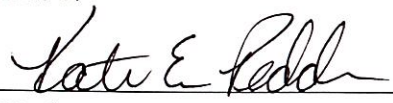
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