

Planning and Zoning Meeting – Regular Meeting January 9, 2024

Vice-Chairman Brad Miles called the meeting to order at 7:00pm at Hartford City Hall with the following planning and zoning members present: Mark Anderson, Tim Graham, Michelle Kilbourn and Troy Jackson. Stacey Kutil and Tony Randall were absent with notice. Also, present was City Administrator Teresa Sidel, Building Inspector/Code Enforcer Kyle Christensen, and Building Inspector Paul Clarke. There was no one present from the public.

Approve Agenda: A motion was made by Jackson, second by Anderson to approve the agenda as set – all voted yes, motion carried.

Approval of the Minutes: The December 12, 2023, regular meeting minutes were reviewed. A motion was made by Kilbourn, second by Jackson to approve the December 12, 2023, regular meeting minutes – all voted yes, motion carried.

Public Comments: None

Old Business:

- **Review Ordinance #748 – Amendment to Zoning Ordinance, Chapter 19 Conditional Uses:** Section 19.01 of the City’s Zoning Regulations addresses conditional use permits. It goes through the procedure and application process, the public hearing process, and the appeal process. It does not address a specific process for revoking a conditional use permit once granted. Under the direction of the city, SECOG has drafted a new section (H) that addresses the revocation process for Board review. Adding this new section would address the process for revocation of a CUP. Basically, when the Board wants to revoke a CUP, the city will need to send the CUP holder a notice of intent to revoke the permit 30 days prior to the revocation date. The notice will need to include the reasons for the revocation and the revocation date. Revocations will occur on the date specified in the notice, or the person receiving the notice may, within the 30-day notice period, request a public hearing in front of the Board of Adjustments to either argue against revocation or to show they are now in compliance. The draft ordinance was reviewed by the P&Z Board on December 12 and verbiage was added to further clarify the procedure – stating: “If no request for a public hearing is received by the city within the 30-day notice period, the conditional use permit will be revoked on the date specified in the notice.” This makes it clear that no hearing will take place and the revocation is automatic from the date on the notice unless a request for a public hearing is received. A motion was made by Jackson, second by Graham to approve Ordinance #748 and recommend final approval to the city council – all voted yes, motion carried.
- **Review Ordinance #751 – Amendment to Zoning Ordinance, Chapter 12.08 Fences:** Section 12.08 of the City’s Zoning Regulations addresses fences. As discussed previously by the Board, the verbiage of section E&F basically dictates the height and setbacks of fences in various zoning districts. Verbiage about corner lots is confusing since it refers to a 2nd front yard. It was also noted that this verbiage can be interpreted differently. After discussion by the Board, they have directed staff to re-word these sections to help clarify the intent and to allow 6’ fences within side yards and backyards without a setback. The ordinance for review incorporates the following:

For R, MH, NC or CB districts: a fence in the front yard can be 4’ in height.

a fence in the side and back yard can be 6’ in height (no setback required).

For CC and RC districts: a fence in the front yard can be 4’ in height.

a fence in the side and back yard can be 8’ in height (no setback required).

Basically, these are the same regulations the city currently has except we would now allow fences on corner and double frontage lots to be higher in the side yards along the street with no setbacks. After review by the Board on December 12th, it was the consensus to incorporate illustrations for fence placement on a corner lot, along with an illustration for fence placement on a mid-block lot into the ordinance to help clarify the ordinance to the public – these illustrations were added. We have also updated our definitions for “yard, required front” – we took out the last sentence that referred to the side-street-side front yard and added a separate definition of “Yard, Side-street-side front” to separate and clarify. A motion was made by Kilbourn, second by Anderson to approve Ordinance #751 and recommend final approval to the city council – all voted yes, motion carried.

New Business:

- **Certificate of Appointments:** Mark Anderson, Troy Jackson, and Brad Miles were re-appointed by the mayor to serve an additional 2-year term on the Planning and Zoning Board to run from January 2024 to the end of December 2025. Congratulations and Thank You for their continuing service.
- **Election of Chairman for 2024:** Miles called for 2024 Chairman nominations from the Board. Jackson nominated Tony Randall for the 2024 Planning and Zoning Chair, nomination was second by Kilbourn. Graham made a motion to cease nominations and cast a unanimous vote for Randall as the 2024 Planning and Zoning Chairman, second by Jackson – all voted yes, motion carried.
- **Election of Vice-Chairman for 2024:** Miles called for 2024 Vice-Chairman nominations from the Board. Graham nominated Brad Miles for the 2024 Planning and Zoning Vice-Chair, nomination was second by Kilbourn. Jackson made a

motion to cease nominations and cast a unanimous vote for Brad Miles as the 2024 Planning and Zoning Vice-Chairman, second by Anderson – Miles abstained with all others voting yes, motion carried.

Updates

- **Building Inspector Update:** Building Inspector Paul Clarke was present to provide an update on building projects to the Board. There are currently 16 open single-family homes in various stages of construction, along with 1 twin home. Clarke also gave a recap of current commercial permits that are still open or being worked on.
- **Building Inspector/Code Enforcer Update:** Kyle Christensen provided an update on code enforcement to the Board. Current code violations being addressed by the city include no pet licenses, parking on grass, abandoned & inoperable vehicles, and snow & ice removal.
- **City Administrator Update:**
 - Project Updates
 - Hwy 38 Project – ISG & city staff are working on a re-design for placement of this water main.
 - WRRF – Work continues on the Aeromod tank. The force main has been installed and the contractor has begun to install the gravity main.
 - Chamber Director – The city has hired Wynne Hindt as the new part-time chamber director. She started with the city on 1/3 and has begun training.
 - Hartford Township – The city continues to work with the township on maintains and snow removal on roads which border the city.
 - Abatement – an abatement is planned for 1/18 at 707 N Oaks Ave.

Adjournment: A motion was made by Kilbourn, second by Jackson to adjourn at 7:32pm – all voted yes, motion carried.

Minutes recorded by City Administrator, Teresa Sidel.

I, the undersigned, Teresa Sidel, City Administrator, in and for the City of Hartford, South Dakota, do hereby certify that the above and foregoing is a true and correct copy of the minutes which is on file at Hartford City Hall.

Teresa Sidel, City Administrator