

PLANNING AND ZONING AGENDA
TUESDAY, SEPTEMBER 29, 2020
CITY HALL - 7:00 P.M.

- 1) ROLL CALL
Mark Anderson, Tim Graham, Brad Miles, Steve Nolte, Stephanie Olson-Voth, Tony Randall

- 2) APPROVAL OF THE AGENDA

- 3) APPROVAL OF MINUTES for:
 - September 8, 2020 Meeting

- 4) PUBLIC COMMENTS
Action can not be taken on items discussed unless specifically listed elsewhere on the agenda

- 5) HEARINGS/PETITIONS/APPLICATIONS

- 6) NEW BUSINESS
 - Review Draft of Zoning Amendments

- 7) UPDATES
 - Building Inspector Update – Paul Clarke
 - City Administrator Updates – Teresa Sidel

- 8) ADJOURNMENT

Next Planning & Zoning Meeting: Tuesday, October 13, 2020

Planning and Zoning Meeting – Regular Meeting September 8, 2020

Chairman Tony Randall called the meeting to order at 7:00 p.m. at Hartford City Hall with the following planning and zoning members present: Mark Anderson, Tim Graham, Stephanie Olson-Voth, Brad Miles, and Steve Nolte. City Administrator Teresa Sidel and Building Inspector Paul Clarke were also present. There were 3 in attendance from the public.

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

Approve Minutes of August 25, 2020 Regular Meeting: The August 25, 2020 meeting minutes were reviewed. A motion was made by Nolte, second by Olson-Voth to approve the August 25, 2020 regular meeting minutes – Anderson abstained, with all others voting yes, motion carried.

Hearings/Petitions/Applications

- **7:05 Rezone Hearing:** The City of Hartford owns lots 2-8 of Block 4 of Hartford City Proper. These lots are along Main Avenue directly north of the Hartford Elevator. The 2 north lots (Lot 7 & 8) are zoned community commercial and the remaining lots are zoned central business. The city would like to see all these lots zoned the same. Since they are within the downtown area, it makes sense to rezone the north 2 lots to central business. The request of the City is to rezone lot 7 & 8 from Community Commercial to Central Business. There were no comments from the public. A motion was made by Olson-Voth, second by Graham to approve the rezone of Lot 7 & 8, Block 4 of Hartford City Proper – all voted yes, motion carried.

A motion was made by Olson-Voth, second by Miles, to adjourn as the Planning and Zoning Board and reconvene as the Board of Adjustments – all voted yes, motion carried.

- **7:10 Variance Hearing:** Bob Sieverding of Sieverding Construction is building a home for Scott Park at 1103 N Vandemark Ave. The driveway, which is already poured, is 44 feet wide all the way to the street. Although the driveway can be 44 feet on the property, the maximum width allowed in the city's boulevard area is 36 feet per Ordinance #687. Mr. and Mrs. Parks, along with their contractor, were present to discuss with the Board. Mr. Parks indicated that he was unaware of the 36 feet width restriction within the boulevard area until after the driveway was poured. Discussion centered around the current ordinance and why the boulevard area is needed for a permeable surface for snow storage. The Board also discussed the possibility of allowing the driveway width to be wider between the property line and the sidewalk but then only 36 feet from the sidewalk to the street. The Board agreed that a change in our zoning regulations regarding driveway widths would require more discussion by the P&Z Board and the City Council. A motion was made by Anderson, second by Nolte, to deny the variance. An amended motion was made by Randall, second by Anderson to give the homeowner until April 1, 2021 to correct the driveway width and comply with city ordinance that is in effect on April 1, 2021 – all voted yes, motion carried. A vote to approve the variance denial as amended was taken – all voted yes, motion carried.

A motion was made by Anderson, second by Olson-Voth, to adjourn as the Board of Adjustments and reconvene as the Planning and Zoning Board – all voted yes, motion carried.

- **7:20 Hearing to Review Amendments to the City's Zoning Regulations:**
 - **Draft Ordinance #694:** Ordinance 694 would amend our zoning regulations to allow Places of Worship (churches) as permitted uses in all zoning districts as previously discussed by the P&Z Board. It would remove the wording of "churches" in residential and manufactured housing residential sections and add "Place of Worship" in all zoning districts as permitted used. Place of worship would include any premise used for the assembly of people for a religious belief, not just those buildings specifically designed for it. A motion was made by Anderson, second by Graham to approve draft Ordinance #694 and recommend approval to the city council – all voted yes, motion carried.
 - **Draft Ordinance #695:** Ordinance 695 would amend section 12.03 Accessory buildings and uses of our zoning regulations. The Board has had several discussions regarding pool regulations and the last consensus of the Board was to look at amending our accessory building section to include

pools as an accessory use. After review and discussion by the Board, it was the consensus to only regulate in-ground pools and adjust our zoning regulations to require permits. A motion was made by Miles, second by Graham to not approve or move forward with draft ordinance #695 – all voted yes, motion carried.

- **7:30 Annexation and Zoning Hearing:** The City owns Lot 3 of Swenson Addition (the 5 acres just east of Central States Manufacturing). Currently this land is not in city limits. The city didn't annex this property when purchased because there are 2 housing eligibilities on the land and once annexed, those eligibilities are lost. The HADF and City has had some discussions about foregoing those eligibilities and just annexing the land and getting it zoned so it can be easily marketed to interested commercial buyers. The land would be more appealing to potential buyers if they don't have to go through the annexation and zoning process. The city is asking for this property to be approved for annexation and to be zoned as light industrial. Lot 2 (to the west) and Lot 4 (to the south) are already zoned light industrial. A motion was made by Miles, second by Olson-Voth to approve the annexation and rezoning of Lot 3 of Swenson Addition to Light Industrial – all voted yes, motion carried.

New Business:

- **Review Plat of Tract 1 and Tract 2 of Anderson's Addition:** The city currently has platting jurisdiction with Minnehaha County. This means that all plats (or replats) that are within the city's growth area must first be approved by the City of Hartford before they can be presented to the County for approval – it must go before the P&Z Board and City Council both for approval. Midwest Land Surveying emailed the proposed plat for Tract 1 and 2 of Anderson's Addition. City engineers comments include: 1) Illustrate existing buildings to verify setbacks, 2) Increase the ROW on 465th Ave and 3) Sign a pre-annexation agreement, which would require annexation if the city asks since we touch this property – these comments has note been addressed yet. A motion was made by Miles, second by Anderson to approve the plat for Tract 1 and Tract 2 of Anderson's Addition, contingent that all engineers' comments are complied with – all voted yes, motion carried.

Updates:

- **Building Inspector Update:** Building Inspector Paul Clarke was present to provide a report to the Board. Currently there are 23 open single-family homes and 1 twin home in various stages of construction. An update on commercial properties was also given to the Board.
- **City Administrator Update:** An updated was given to the Board on the 9th Street Project, the Ruud and Opal Intersection Project and the WWTF Project. An update on variance grants that have been submitted and received was also given to the Board.

Adjournment: A motion was made by Nolte, second by Miles to adjourn at 8:30p.m. – 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

ORDINANCE NO. 698

AMEND ZONING REGULATION #687 OFF-STREET PARKING REGULATIONS

AN ORDINANCE OF THE CITY OF HARTFORD, SD, AMENDING ORDINANCE 687, THE 2016 REVISED ZONING ORDINANCE OF THE CITY OF HARTFORD, SD, BY AMENDING CHAPTER 12, SECTION 12.04 (B) – OFF-STREET PARKING.

BE IT ORDAINED BY THE CITY OF HARTFORD, SD:

That Ordinance 627, Chapter 12, Section 12.04 (B) – Off-Street Parking shall be amended as follows:

12.04 Off-Street Parking

B. General Conditions – Applied to all Vehicles

1. No parking spaces are permitted in the required front yard in an R or MH District except for portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this Ordinance. Parking is permitted in a side yard or rear yard in an R District upon hard surface pads.
2. Driveway(s) shall not exceed thirty-six (36) feet in width along the street side of the sidewalk or if no sidewalk, driveway(s) shall not exceed thirty-six (36) feet at the property line. An exception for a 40' feet driveways shall be allowed for businesses expecting semi-truck traffic. The design of the driveway flare, within the driveway approach, is optional but cannot exceed 6 feet over the width at the property line. All new driveways must include a poured sidewalk. Repairs or replacement of existing driveways are exempt from including a poured sidewalk within the driveway, unless the property already has an existing sidewalk on either side that abuts the driveway.
3. Access approaches shall be prohibited on arterial and collector streets from the rear yard of a reverse frontage lot in a residential area.
4. All parking areas in the side and rear yard shall have a hard surfaced pad.
5. All access aisles driveways must be concrete or asphalt, no concrete pavers are allowed. An access aisle to a side yard accessory building or parking pad is required. An access aisle to a rear yard accessory building or parking pad is optional.
6. The parking requirements in this section shall not be applicable to property in the CB Central Business District, except for residential uses which are

authorized by a conditional use permit.

7. Unless a conditional use permit is received from the Planning and Zoning Board, all Commercial and Industrial Zoned Property must have either concrete or asphalt surfaces, no concrete pavers, on all required parking spaces and all driveway approaches and driveway aisles from the public street to the front of each building with vehicle or pedestrian access. All other parking or maneuvering surfaces may be concrete, crushed concrete, asphalt or crushed asphalt. No parking upon grass or dirt surfaces.
8. The parking of commercial vehicles is permitted in a NRC or R Zoning District, subject to a limit of two commercial vehicles per dwelling unit and the following limitations:
 - a. No solid waste collection vehicle, tractor and/or trailer of a tractor-trailer truck, dump truck, cement-mixer truck, wrecker with a gross weight of 18,000 pounds or more or similar such vehicles or equipment shall be parked in any residential district.
 - b. Any commercial vehicle parked in a NRC or R Zoning District shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.
9. A conditional use permit will be required for the parking of more than two commercial vehicles per dwelling unit.
10. The Zoning Administrator may approve a temporary parking permit, not to exceed 30 days, for special circumstances. An application must be submitted to the Business Office for review and approved by the Zoning Administrator. The applicant must comply with all rules and regulations set forth by the Zoning Administrator.

Adopted this 20th day of October 2020.

Jeremy Menning, Mayor

ATTEST:

Karen Wilber, Finance Officer

ORDINANCE NO. 699

AN ORDINANCE OF THE CITY OF HARTFORD, SD, AMENDING THE 2016 REVISED HARTFORD ZONING REGULATIONS BY AMENDING CHAPTER 20, DEFINITIONS.

BE IT ORDAINED BY THE CITY OF HARTFORD, SD:

That the following entries in Chapter 20.02 of the 2016 Revised Hartford Zoning Regulations are hereby amended to read as follows:

STRUCTURE - Anything constructed or erected on the ground or attached to the ground with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures, include buildings, walls, fences, signs, docks, dams, manufactured homes, sheds, and in-ground pools.

Adopted this 20th day of October 2020.

Jeremy Menning, Mayor

ATTEST:

Karen Wilber, Finance Officer

(Seal)

First Reading: October 6, 2020

Second Reading & Adoption: October 20, 2020

Publication: October 30, 2020

Effective Date: November 19, 2020

September 29, 2020 P&Z Notes

New Business:

- **Review Proposed Zoning Amendments:**

- **Draft Ordinance 698:** Enclosed in your packet is a draft ordinance for your review (698) that would amend the city's regulation on driveway widths for off-street parking. Per our discussion at the last P&Z meeting, Section 12.04 (B) 2 would change wording (highlighted in yellow) that would state the driveway width of 36 feet can start on the street side of the sidewalk verses current wording which states property line. Please note that wording was kept in the ordinance to state that if no sidewalk, then the property line is where the 36 foot driveway width begins. Please review for discussion before the ordinance is sent to council for consideration.
- **Draft Ordinance 699:** Also, per our discussion at our last meeting, enclosed is draft ordinance 699 for your review. This ordinance would add "in-ground pools" to the definition of structure for clarification. This mean that the city would regulate in-ground pools like accessory structures for setbacks and placements. We will not regulate any other pools except per the IPMC, which sets the standards for fencing and controlled access. This too is up for discussion before the ordinance is sent to council for consideration.

Updates:

Building Inspector Updates:

- Paul Clarke will be present to provide an update to the Board on building permits and projects.

City Administrator Updates:

- **Code Enforcement:** Enclosed for your review is Bryan's August code enforcement report.
- **Projects:**
 - **9th Street Project:** The 9th Street Project is nearing completion but has encountered an issue. The asphalt pavement was placed by the contractor's on September 11th & 12th. During these dates, the city received a rain event and per our contract, the asphalt needed to be placed on a dry subgrade and while conditions are suitable to ensure adequate cure. Since it was placed in the rain, the city has rejected the work and it will need corrective action. The city engineers are working with the contractor on how to correct this deficiency.
 - **Ruud & Opal Project:** Work is nearing completion on this project as well. The engineers have inspected the project and presented a punch list of items still to complete before acceptance of the project. All items are minor and should be completed by October 9th.
 - **Future WWTF:** As you know, the city has acquired land to place a future wastewater facility at Exit 390 along I90. We have also sent out a Request for Qualification (RFQ) to engineering firms within the region. With a project of this scope and cost, our hope is to acquire the best engineering form for the project that will be in the best interest of the city and it's taxpayers. The RFQs are but by September 30th.

Call if you have any Question: 528-6187

AUGUST 2020 CODE ENFORCEMENT REPORT

<u>ADDRESS</u>	<u>DATE</u>	<u>CODE TYPE</u>	<u>REASON</u>	<u>SOURCE</u>
702 N MAIN AVE	8/13/2020	MUNICIPAL	UNLICENSED PETS	R
204 N WESTERN AVE	8/29/2020	MUNICIPAL	IMPROPER TEMP ACCESSORY BUILDINGS	R
800 S WESTERN AVE	8/31/2020	MUNICIPAL	TALL WEEDS	R
200 N MAIN AVE	8/31/2020	MUNICIPAL	BLOCKED SIDEWALK	R

R=Resident

S=Staff