

PLANNING AND ZONING AGENDA
TUESDDAY, NOVEMBER 26, 2019
CITY HALL - 7:00 P.M.

- 1) ROLL CALL
Mark Anderson, Eric Bartmann, Matt Cain, Tim Graham, Brad Miles, Stephanie Olson-Voth, Tony Randall

- 2) APPROVAL OF THE AGENDA

- 3) APPROVAL OF MINUTES for:
 - November 12, 2019 meeting

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

- 5) HEARINGS/PETITIONS/APPLICATIONS

- 6) OLD BUSINESS
 - Review City's Current Fence Regulations and Discuss Possible Amendments
 - Discuss Possible Date for a Second Public Input Meeting on Joint Jurisdiction

- 7) NEW BUSINESS
 - Discuss Reschedule of December 31, 2019 Planning and Zoning

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

- 9) ADJOURNMENT

Next Planning & Zoning Meeting: Tuesday, December 10, 2019

Planning and Zoning Meeting – Regular Meeting November 12, 2019

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, Matt Cain and Brad Miles. Eric Bartmann was absent with notice. City Administrator Teresa Sidel, Building Inspector Paul Clarke, and Chamber and Economic Development Director Jesse Fonkert were also present.

Approve Agenda: A motion was made by Cain, second by Olson-Voth to approve the agenda as set – all voted yes, motion carried.

Approval of the Minutes: The October 8, 2019 meeting minutes were reviewed. A motion was made by Anderson, second by Graham to approve the October 8, 2019 regular meeting minutes – all voted yes, motion carried. The October 29, 2019 meeting minutes were reviewed. A motion was made by Anderson, second by Miles to approval the October 29, 2019 regular meeting minutes with an amendment to add Matt Cain as a member present – all voted yes, motion carried.

Hearings/Petitions/Applications:

- **7:05 Hearing – Review Petition for Annexation of Hartford Township Property:** An annexation petition, submitted on behalf of the Hartford Township, was presented to the Board for review. The Township is annexing into the city in order to acquire sewer service to their property when the new Western Sewer Main is placed next year. The City has agreed to run a service line and allow the township to hookup to this line free of charge if the Hartford Township will annex into the city and sign the required easements for this sewer project. Terry Kroeger was present on behalf of the Hartford Township and noted that the township would like to be on city sewer since there current only have a holding tank but will still stay on rural water once annexed. A motion was made by Anderson, second by Olson-Voth to approve the annexation petition from the Hartford Township and recommend approval to the Hartford City Council – all voted yes, motion carried.
- **7:10 Hearing – Review Draft Ordinance #680 to amend Central Business Zones and Community Business Zones:** Economic Development Director Jesse Fonkert, approached the council with a request to utilize the city owned lot on the NW corner of Menth Street and Main Avenue for a possible artisan distillery, since this is a niche that is currently not within the Sioux Falls. If an artisan distillery cannot be placed, the city ultimately wants another business to utilize this lot in order to general sales tax revenue. So, the city is transferring this lot to the Hartford Area Economic Development Foundation to market. If they are successful in securing an artisan distillery, the city will need to amend our regulations for Central Business to allow an artisan distillery as a conditional use. After Board discussion at our last meeting, it was decided to add this as a conditional use not only under central business district but also under community commercial district – Ordinance #680 reflects this amendment. A motion was made by Miles, second by Anderson to approve draft ordinance #680 – all voted yes, motion carried.

Old Business:

- **Review City's Current Fence Regulations and Discuss Possible Amendments:** The city's current fence regulations don't really specify what can or cannot be used for fencing materials. Over the past few years, there have been some pretty questionable materials used for fences – pallets, chicken coop wire, wire, plastic sheeting, etc. – all of which generate complaints from neighboring property owners. The Board was asked to consider revising our current fence regulations to be more specific. A draft of proposed revision was presented to the Board for consideration. Bryan Voth was present to discuss placement of fencing with the Board. After review and discussion regarding materials and placement, a change in section B was proposed to allow barbwire within NRC districts. This change will be incorporated into a final draft for Board to review at their next meeting.
- **Discuss Feedback on Joint Jurisdiction Public Meeting and Possible Date for a second Meeting:** The Board was asked to give their feedback on the joint jurisdiction meeting. Things that were noted during that meeting were concerns with tax increases, forced annexation and having another government entity involved with setting the regulations for this area. It was discussed that another letter should go out to the property owners within this proposed area to address the commonly asked questions and make sure the correct information was received. The Board also felt that the county was not an advocate for joint jurisdiction and without their backing, this might not be something that can be achieved. The Planning and Zoning Board would like the city council to discuss joint jurisdiction once again before another meeting date is determined.

Updates:

- **Building Inspector Update:** Building Inspector Paul Clarke was present to provide a report to the Board. Currently there are 10 open single-family homes and 3 twin homes in various stages of construction. The Hartford Building Center has secured a permit for their new building expansion. The mobile home in lot 6B of the Northview Mobile Home Park has been condemned and the city is working on securing it's extraction. The city has also set up a meeting to discuss a drainage issue along Ruud Lane with the property owner and his engineer.
- **City Administrator Update:** The Board was provided a report by the city administrator that noted the city council did pass the key lock box ordinance and that the council plans to hold a community engagement meeting on January 16th if all works out. It was also noted that the burned house on Main should be demolished within 60 days. Questions on sidewalks within town were also discussed.

Adjournment: A motion was made by Graham, second by Cain to adjourn at 8:05 p.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 #627 – SECTION 12.08 - Fences

Fences may be erected in required yards, provided they meet or exceed the following requirements:

- A. No fence shall be erected or substantially altered without securing a placement permit from the Zoning Administrator. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height and exact location of the fence.
- B. Exposed electrical and other abnormally dangerous fences are prohibited within all districts. No barbed wire fence shall be erected or maintained except in NRC or HI districts. Within HI districts, a fence can only be topped with barbed wire beginning at a height of at least six (6) feet above grade.
- C. Within all districts, fences shall be constructed with materials customarily used and manufactured as common fence materials. This shall include ornamental iron, vinyl, masonry, stone, pressure treated wood or wood having a natural resistance to decay, and chain link. All other materials must secure a conditional use permit from the Planning and Zoning Board.
- D. No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- E. For R, MH, NC or CB District - Fences may be erected or maintained; provided that no fence over four (4) feet in height shall be erected or maintained in any front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the required front yard; however, fences no more than six (6) feet in height may be allowed in the second front yard when setback a minimum of ten (10) feet from the property line. In no case shall fences exceed a height of six (6) feet.
- F. For CC and RC District - Fences may be erected or maintained; provided that no fence over four (4) feet shall be erected or maintained in any required front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the required front yard; however, fences no more than eight (8) feet in height may be allowed in a second front yard when setback a minimum of ten (10) feet from the property line. In no case shall fences exceed a height of eight (8) feet.
- G. For LI and HI District - Fences may be erected in front, side and rear yards. In no case shall fences exceed a height of eight (8) feet
- H. No fence shall be erected which violates *12.02 - Visibility at Intersections*.
- I. There is no maximum fence height for public golf courses, public swimming pools, school track and field areas, parks, ball parks and public tennis courts on any portion of the lot. Fences associated with these uses shall not be more than 30 percent solid.
- J. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.
- K. All fences or walls shall be located entirely within the property of the person or firm constructing the fence unless the owner of the adjoining property agrees, in writing and submitted to the City, that such fence may be erected on the common property line of the respective properties. All property line discrepancies shall be handled by the property owners and not by the City. It is the property owner's responsibility to determine where the lot lines are located - the city can assist with this but cannot guarantee the location of your lot lines. If there is any doubt, a survey is recommended.
- K. ~~The installation of a fence shall be in a manner as to which access to the City for the purposes of reading or maintaining utility meters is provided.~~

- L. The height of fences shall be determined as measured from the highest grade elevation on either side of the fence wall to the top of the fence.
- M. Any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
- N. No fences may be built within drainageways and/or on drainage easements.

November 26, 2019 – City Administrator Notes

Old Business:

- **Review City's Current Fence Regulations & Discuss Possible Amendments:** As mentioned, our current regulations don't really specify what can or cannot be used for fencing materials and we have had some pretty questionable materials used for fences – pallets, chicken coop wire, wire, plastic sheeting, etc. After looking at the new development covenants, only Cresswood Addition and Kelly Point Addition specific materials – those include: wood, vinyl, black wrought iron, cedar, redwood or coated chain link. I presented some suggested wording change at our last meeting and those changes are highlighted in yellow in your packet. After our meeting last week, I did amend this draft fence ordinance to include barbed wire in NRC districts, but all other areas are as originally presented to the Board last week.
- **Feedback on Joint Jurisdiction Meeting:** I received feedback from the city council last week and am now working on a list of questions and answers that can be sent out to the property owners within the proposed joint jurisdiction, as well as, placing them on the city website. It was the council's suggestion to still move forward with a second informational meeting in January in order to try and get more of the correct information out to the public. After this meeting, then they will re-evaluate our pursuit of joint jurisdiction and decide how, or if, we want to move forward. I would suggest again that we hold this meeting on one of our regular Tuesday meeting dates – so, either January 14th or January 28th.

New Business:

- **Reschedule of December 31, 2019 meeting:** The Boards 2nd meeting date in December falls on December 31st this year. Since this is New Year's Eve the board may want to consider rescheduling this meeting or cancelling it.

Updates:

Code Enforcer/Building Inspector Updates:

- Paul Clarke will be present to provide a report for the Board.

City Administrator Updates:

- Community Engagement Meeting – The city council is looking at holding a community engagement meeting to give the public an update on city affairs plus give citizens a chance for questions and input. This meeting is tentatively planned for January 16th. We are working on more details and will update you as we have more information.
- Township Hall Annexation – Per their request, we are continuing to move forward with the voluntary annexation of the township hall. We are working on specific language in regards to exact placement of the sewer service line in our agreement before approving.
- Ruud Drainage Issue – Paul, Mitch and I sat down last week with Mr. Schwartz and his engineer to discuss the drainage issue along the east side of his property. You may recall that Mr. Schwartz erected apartments along Ruud Lane and the property owner to the east has since complained about excessive water runoff to his property. Although the engineers determined that the water runoff is not greater than pre-development, it does runoff in a different area so Mr. Schwartz has agreed to place a 100' berm on the SE side of his property to direct the runoff from his property to the point were it previous discharged. This earth berm has already been constructed and will be seeded next spring.
- Ordinances – The city council has approved 1st reading of the Artisan Distillery ordinance but has asked me to check on any concerns regarding the building codes or the fire department regarding distilleries before 2nd reading on Dec 3rd. They also passed 1st reading of the sidewalk ordinance to update the municipal to 5' in order to match our technical standards. There was some suggested wording changes, so I am re-writing this ordinance before 2nd reading on December 3rd.