

City of Sioux Falls Council/Minnehaha
County Commission Joint Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
MEETING OF Tuesday, January 28, 2014 at 5:00 PM

ROLL CALL

CITY COUNCIL

MINNEHAHA

COUNTY COMMISSION

Council Member Sue Aguilar
Jeff Barth

Commissioner

Council Member Kenny Anderson Jr.
Beninga

Commissioner Gerald

Council Member Jim Entenman
Heiberger

Commissioner Cindy

Council Member Michelle Erpenbach
Kelly

Commissioner Dick

Council Member Greg Jamison
Pekas

Commissioner John

Council Member Dean Karsky
Council Member Rex Rolwing
Council Member Kermit L. Staggers
Mayor Mike T. Huether

PLEDGE OF ALLEGIANCE

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

INTRODUCTION AND ADOPTION OF ORDINANCES

1. 2nd Reading: AN ORDINANCE AMENDING THE 2002 REVISED ZONING ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY REVISING THE TEXT PERTAINING TO CONDITIONAL USES IN THE RR, RURAL RESIDENTIAL DISTRICT AND DEFINITIONS. The Joint City/Minnehaha County Planning Commissions recommend approval.

ADJOURNMENT

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE CITY CLERK S OFFICE, CARNEGIE TOWN HALL, AT (605) 367-8080 (VOICE) OR (605) 367-7039 (TDD) 24 HOURS IN ADVANCE OF THE MEETING.

ADDRESSING THE COUNCIL: PERSONS ADDRESSING THE COUNCIL SHALL USE THE MICROPHONE AT THE PODIUM. PLEASE STATE YOUR NAME. PRESENTATIONS ARE LIMITED TO FIVE MINUTES.

LIVE BROADCASTS OF COUNCIL MEETINGS ON CITYLINK: INFORMATIONAL MEETINGS AIR

LIVE ON TUESDAYS OF EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5:00 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT WWW.SIOUXFALLS.ORG. LINKS TO EACH MEETING S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK. CITYLINK REBROADCAST: INFORMATIONAL MEETINGSAT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.

Agenda Item: 1
Item ID: 70161

The following document(s) are public records obtained from the
City of Sioux Falls.

1st Reading: _____
2nd Reading: _____
Date Adopted: _____
Date Published: _____
Effective Date: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2002 REVISED ZONING ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY REVISING THE TEXT PERTAINING TO CONDITIONAL USES IN THE RR, RURAL RESIDENTIAL DISTRICT AND DEFINITIONS.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Subsection (n) of Section 159.058 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls, is hereby amended by adding fowl as a conditional use to read as follows:

(n) Keeping ~~F~~fowl, provided the maximum number not exceed ~~6~~six fowl with no roosters.

Section 2. That Section 159.486, ~~d~~Definitions, is hereby amended by adding the definition of fowl as follows:

~~Fowl~~OWL. Birds of the order Galliformes gallus, Gallinaceous, and Anseriformes.

Date adopted: _____.

Mayor

ATTEST:

City Clerk

Agenda Item: 1
Item ID: 70161

The following document(s) are public records obtained from the
City of Sioux Falls.

ITEM 2. ZONING TEXT AMENDMENT # 13-05 pertaining to conditional uses in the RR Rural Residential District and Definitions.

Report by: Scott Anderson

Staff Analysis: A citizen is proposing an ordinance amendment that would add a use as a conditional use in the RR Rural Residential District and provide a new definition for “Fowl” in Section 24.02 Definitions.

The proposed ordinance amendment dealing with the keeping of fowl came through an application submitted by Nalini Payer. While investigating a complaint about brush and debris on property owned by Payer, staff became aware of pet fowl kept by the Payer family. Staff contacted the Payers and indicated that the keeping of chickens and ducks was not permitted in the RR District and that the birds would need to be removed. The Payers indicated that the ducks and chickens were their children’s pets and that they wanted to keep them. Staff worked with the Prayer family, suggesting an Ordinance Amendment, which they submitted.

The proposed amendment somewhat copies the recently adopted revisions to the City Ordinances which allows the keeping of fowl and then describes fowl as Galliformes gallus (heavy-bodied ground-feeding birds, which includes turkey, grouse, chicken, New and Old World quail, ptarmigan, partridge and pheasant), Gallinaceous (heavy-bodied largely terrestrial birds including the pheasants, turkeys, grouse, and the common domestic chicken), and Anseriformes (waterfowl). The proposed ordinance amendment would allow up to six (6) fowl with no roosters allowed. This is similar to established standards used by the City of Sioux Falls. Ordinance Amendment #13-05 also creates a definition of “Fowl”, which is also similar to the definition used by the City.

A copy of the proposed Ordinance is attached for review. It provides the new definition for “Fowl”, and adds (n) Keeping Fowl as a conditional use in the RR Rural Residential District.

Recommendation Staff recommends **approval** of the Joint Zoning Text Amendment #13-05 adding (n) Keeping Fowl provided the maximum number not exceed 6 fowl with no roosters to Section 404 Conditional Uses and adding “317. Fowl” to Section 24.02.

Agenda Item: 1
Item ID: 70161

The following document(s) are public records obtained from the
City of Sioux Falls.

**OFFICE OF
PLANNING & ZONING
Minnehaha County Administration Building**

415 N. Dakota Avenue
Sioux Falls, South Dakota 57104-2465
Fax: (605) 367-7413

MEMORANDUM

DATE: January 3, 2014
TO: Board of County Commissioners and City of Sioux Falls
FROM: Scott Anderson
RE: Revisions to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls

SYNOPSIS:

Amendments are proposed for Section 4.04 and 24.02. Section 4.04 is being amended to add (n) to the list of conditional uses (Keeping Fowl). Section 24.02 is being amended to add a new definition (Fowl).

PLANNING COMMISSION:

The joint Planning Commissions voted unanimously to recommend approval of the text amendments to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the Sioux Falls. A copy of the proposed ordinance with the proposed additions and the draft minutes from the November 2013 meeting are included for your review.

PLANNING	ZONING	BUILDING INSPECTION	PARKS	ENVIRONMENTAL
(605) 367-4204	(605) 367-4205	(605) 367-4205	(605) 367-4204	(605) 367-4204
Equal Opportunity Employer and Service Provider				

Agenda Item: 1
Item ID: 70161

The following document(s) are public records obtained from the
City of Sioux Falls.

MINNEHAHA COUNTY / CITY OF SIOUX FALLS

Joint Meeting

Sioux Falls City Council Chambers

Carnegie Town Hall

235 W. 10th Street

Sioux Falls, South Dakota 57117

COUNTY COMMISSION

Cindy Heiberger, Chairman
John Pekas, Vice-Chairman
Jeff Barth, Commissioner
Gerald Beninga, Commissioner
Dick Kelly, Commissioner

CITY COUNCIL

Mike Huether, Mayor
Sue Aguilar
Kenny Anderson Jr.
Jim Entenman
Michelle Erpenbach
Greg Jamison
Dean Karsky
Rex Roling
Kermit Staggers

Tuesday, January 28, 2014 5:00 p.m.

Pledge of Allegiance

AGENDA:

- 1) Public Hearing to Consider Zoning Text Amendment #13-05 to Allow the Keeping of Fowl in the RR Rural Residential District, Article 4.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls
- 2) Old Business
- 3) New Business

Meeting Assistance: Accommodations for meetings will be provided for persons with disabilities upon request. Please contact County Commission Office at (605) 367-4204 (Voice or TDD) 24 hours in advance of the meeting.

**OFFICE OF
PLANNING & ZONING
Minnehaha County Administration Building**

415 N. Dakota Avenue
Sioux Falls, South Dakota 57104-2465
Fax: (605) 367-7413

MEMORANDUM

DATE: January 3, 2014
TO: Board of County Commissioners and City of Sioux Falls
FROM: Scott Anderson
RE: Revisions to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls

SYNOPSIS:

Amendments are proposed for Section 4.04 and 24.02. Section 4.04 is being amended to add (n) to the list of conditional uses (Keeping Fowl). Section 24.02 is being amended to add a new definition (Fowl).

PLANNING COMMISSION:

The joint Planning Commissions voted unanimously to recommend approval of the text amendments to the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the Sioux Falls. A copy of the proposed ordinance with the proposed additions and the draft minutes from the November 2013 meeting are included for your review.

PLANNING	ZONING	BUILDING INSPECTION	PARKS	ENVIRONMENTAL
(605) 367-4204	(605) 367-4205	(605) 367-4205	(605) 367-4204	(605) 367-4204
Equal Opportunity Employer and Service Provider				

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
November 25, 2013**

A joint meeting of the County and City Planning Commissions was held on November 25, 2013 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Susie O'Hara, Bonnie Duffy, Mike Cypher, Becky Randall, Mark Rogen and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Denny Pierson, Andy Anderson, Larry Luetke, Nicholas Sershen, and Steve Gaspar.

STAFF PRESENT:

Scott Anderson and David Heinold - County Planning
Diane de Koeyer and Jason Bieber – City Planning

The County Planning Commission Chair Susie O'Hara presided over the meeting. The City Planning Commission was chaired by Steve Gaspar.

CONSENT AGENDA

A motion was made for the City by Commissioner Anderson and seconded by Commissioner Pierson to **approve** the consent agenda. The motion passed unanimously. Same motion for the County by Commissioner Rogen and seconded by Commissioner Steinhauer. The motion passed unanimously.

ITEM 1. Approval of Minutes – October 28, 2013

A motion was made for the City by Commissioner Anderson and seconded by Commissioner Pierson to **approve** the meeting minutes from October 28, 2013. The motion passed unanimously. Same motion for the County by Commissioner Rogen and seconded by Commissioner Steinhauer. The motion passed unanimously.

ITEM 2. ZONING TEXT AMENDMENT #13-05 to allow the keeping of fowl in the RR Rural Residential District, Article 4.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

Petitioner: Nalini Payer
Staff Report: Scott Anderson

Staff Report: Scott Anderson

Staff Analysis: A citizen is proposing an ordinance amendment that would add a use as a conditional use in the RR Rural Residential District and provide a new definition for "Fowl" in Section 24.02 Definitions.

The proposed Ordinance Amendment dealing with the keeping of fowl came through an application submitted by Nalini Payer. While investigating a complaint about brush and debris

on property owned by Payer, staff became aware of pet fowl kept by the Payer family. Staff contacted the Payers and indicated that the keeping of chickens and ducks was not permitted in the RR District and that the birds would need to be removed. The Payers indicated that the ducks and chickens were their children's pets and that they wanted to keep them. Staff worked with the Payer family, suggesting an Ordinance Amendment, which they submitted.

The proposed amendment is relatively comparable to the recently adopted revisions to the City of Sioux Falls Ordinances, which allows the keeping of fowl and then describes fowl as Galliformes gallus (heavy-bodied ground-feeding birds, which includes turkey, grouse, chicken, New and Old World quail, ptarmigan, partridge and pheasant), Gallinaceous (heavy-bodied largely terrestrial birds including the pheasants, turkeys, grouse, and the common domestic chicken), and Anseriformes (waterfowl). The proposed Ordinance Amendment would allow up to six (6) fowl with no roosters allowed. This is similar to established standards used by the City of Sioux Falls. Ordinance Amendment #13-05 also creates a definition of "Fowl", which is also similar to the definition used by the City.

A copy of the proposed Ordinance is attached for review. It provides the new definition for "Fowl", and adds (n) Keeping Fowl as a conditional use in the RR Rural Residential District.

Recommendation Staff recommended **approval** of the Joint Zoning Text Amendment #13-05 adding (n) Keeping Fowl provided the maximum number not exceed 6 fowl with no roosters to Section 404 Conditional Uses and adding "317. Fowl" to Section 24.02.

ACTION

A motion was made for the City by Commissioner Anderson and seconded by Commissioner Pierson to **approve** Zoning Text Amendment #13-05. The motion passed unanimously. Same motion for the County by Commissioner Rogen and seconded by Commissioner Steinhauer. The motion passed unanimously.

Zoning Text Amendment #13-05 – Approved

Zoning Text Amendment #13-05

Applicant: Nalini Payer

Date: January 28, 2014

4.04 CONDITIONAL USES

(n). Keeping Fowl provided the maximum number not exceed 6 fowl with no roosters

317. Fowl.

Birds of the order Galliformes gallus,
Gallinaceous, and Anseriformes