

MINUTES Tuesday, September 18, 2012

Land Use Committee

4:30 PM

Carnegie

Town Hall

235 West

10th Street

Members Present: Council Member Rex Rolwing, Council Member Kermit L. Staggars, Council Member Kenny Anderson Jr., Council Member Dean Karsky

Members Absent: None

Staff Present: Denise D. Tucker, CMC, Assistant City Clerk; Jim David, Legislative/Operations Manager

Guests: Jeff Schmitt, Paul Bengford and Sam Trebilcock

### 1. Call To Order

Committee Chair Rex Rolwing called the meeting to order at 5:32 p.m.

### 2. Approval of Minutes

#### A. Tuesday, August 21, 2012

A motion was made by Kenny Anderson Jr. and seconded by Dean Karsky to approve the Minutes of Tuesday, August 21, 2012.

Rolwing called for a voice vote. All members present voted yes.

### 3. Open Discussion

#### A. Vicious Dog Ordinance Revision discussion

Rolwing said they had two ordinances to consider. He said at the last meeting they had a police officer present to discuss the issue. Rolwing said they had determined that there was more of a problem with the owners than the breeds.

Karsky asked what the differences are between the two ordinances. David Pfeifle, City Attorney, said Keith Allenstein, Assistant City Attorney, has been working on this; and that he didn't know what the differences were with the ordinances.

Staggars asked to have the ordinances deferred to the next Land Use Committee Meeting, when Allenstein could be present.

A motion was made by Kermit L. Staggars and seconded by Dean Karsky to defer the Vicious Dog Ordinance Revision discussion to the next meeting.

Rolfing called for a voice vote. All members present voted yes.

#### B. Country Club Ordinance by Jeff Schmitt, Chief Planning and Zoning Official

Schmitt provided a brief review. Currently there is no definition for Country Club within ordinance. Golf courses with clubhouses are allowed within a zoning district. Schmitt said they are trying to address what accessory uses should be allowed with golf courses. He said the solution would be to: define clubhouse; allow certain uses within (golf course) clubhouses; and the course of action would be an ordinance amendment.

Schmitt said this is the fourth time they have been in front of the Land Use Committee on this topic. He explained that there is a definition for a golf course. It is "a tract of land for playing golf, improved with tees, greens, fairways (and) hazards, and which may include clubhouses and shelters."

Schmitt suggested that the term club be removed since there really aren't any. He presented two different definitions for clubhouse. Proposed Definition A is "Clubhouse: A building or area used in association with a golf course which include social (dining, eating, and banquet facilities) and wellness activities (tennis and swimming). Operators of clubhouses may also render services customarily carried on as a business but incidental to a golf course, including retailing, full service restaurants, on-sale establishments and off-sale establishments without drive up windows." Schmitt said proposed Definition B removes "off-sale establishments" from the definition. Discussion followed.

A motion was made by Kermit L. Staggers and seconded by Dean Karsky to accept Definition A.

A substitute motion was made by Kenny Anderson Jr. to move the entire discussion to the full Council without choosing Definition A or B. Since there was no second, the motion is not before the committee.

Rolfing called for a voice vote on the main motion. Committee members Dean Karsky, Kermit L. Staggers and Rex Rolfing voted yes. Committee member Kenny Anderson Jr. voted no. Motion Passed.

Schmitt said this item will be brought before the full City Council at the Tuesday, November 20, 2012 meeting, at 7:00 p.m.

#### C. Due Process Discussion by Paul Bengford, Assistant City Attorney

Bengford said he asked to speak to the committee based on the August 14, 2012, City Council meeting, when the issue of assessments came up; and the issues that arose regarding due process and how the City handles those.

The United States Constitution's Fifth and 14th Amendments, deal with Due Process; as does Article VI, Section 2 of the South Dakota Constitution. Bengford said when discussing it in the Administrative Appeals Process, you are talking about Procedural Due Process. He said before property is taken: we give notice of what we intend to do; why; and give an opportunity to object. Bengford explained the basic elements of Due Process: are notice, an opportunity to be heard at a meaningful time, and a meaningful manner.

Bengford said the City of Sioux Falls has always had concerns in reference to Due Process. He said the current and past City Attorneys have worked to strengthen the rights that citizens of Sioux Falls have. Bengford discussed recent modifications to the Administrative Appeals Process. Discussion followed.

Staggers said people have no way to challenge the citations that they receive. Bengford explained how people do have options for the appeal process. Discussion followed.

D. Shape Places - Zoning Ordinance Amendments by Jeff Schmitt, Chief Planning and Zoning Official; and Sam Trebilcock, Transportation Planner

Trebilcock showed the Public Involvement Plan regarding a new Zoning Ordinance, which is ready to be revealed. The public will have the opportunity to view the document in study groups, City meetings, at a press conference, open house, and on the Internet.

He said the main goals with the updated ordinance are: more development options; consistent and predictable regulations; new or innovative site planning options; and a user-friendly format.

Trebilcock said the full ordinance will be available for viewing on the Internet. The underline/strikethrough version is 494 pages long. A summary of all of the changes will be on the Internet, and will be 27 pages, including the definitions and conditional use standards that have changed.

He explained context-based zoning and showed the Web Interface option. Discussion followed.

Staggers left the meeting at this time.

E. Sign Study Group update by Jeff Schmitt, Chief Planning and Zoning Official

Schmitt said the Sign amendment is part of the Zoning Ordinance. He said the proposed amendments have gone through a lot of review. The goal for the Sign Ordinance is that "signs in Sioux Falls should be appropriately scaled and distributed - neither so small that they fail to communicate effectively, nor so large that the signs dominate the environment."

He reviewed the Sign Study Group's objectives. Schmitt said he doesn't see a big change, except that it will be more user friendly. He discussed the proposed changes to the different types of signs. Schmitt announced that there is now an appeal process. Discussion followed.

4. Adjournment

Committee Chair Rolwing adjourned the meeting at 6:33 p.m.

Denise D. Tucker, CMC

Assistant City Clerk