

AGENDA Tuesday, August 21, 2012

Land Use Committee

4:30 PM

Carnegie Town

Hall

235 West 10th

Street

*** Committee Meeting will start immediately following the adjournment of 4:00 pm Informational Meeting. This meeting will take place in the Carnegie Chambers.

1. Call To Order

2. Approval of Minutes

A. Monday, July 30, 2012

3. Discussion

A. Zoning Ordinance Amendments - Districts, Forms, Uses: How the new ordinance is more consistent, predictable, innovative, along with a user friendly format by Jeff Schmitt, Chief Planning and Zoning Official; and Sam Trebilcock, Transportation Planner

B. Vicious Dog Ordinance Revision by Keith Allenstein, Assistant City Attorney; and Jim David, Legislative/Operations Manager

C. TIF Policy by Darrin Smith, Director of Community Development; and Brent O'Neil, Economic Development Manager

D. Economic Development Updates by Darrin Smith, Director of Community Development; and Brent O'Neil, Economic Development Manager

4. Open Discussion

5. Adjournment

Date: 2012-08-21
SIRE Meeting ID: 1783
Meeting Type: Committee Meeting
Subtype: Land Use Committee
YouTube:<https://youtu.be/K38QIu4QmPw>
Agenda Item: Not Assigned
Item ID: 64398

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



A Zoning Ordinance
Comprehensive Update
City Council Land Use Committee Meeting
August 21, 2012

Public Involvement Plan

- August
 - Review a summary of new Zoning Ordinance with Study Group, City Council Land Use Committee and Planning Commission Informational
- September
 - Roll out the full draft ordinance
 - Review with Study Group, City Council Land Use Committee and Planning Commission Informational
 - Press Conference, Open House and Web review option
- October
 - Roll out the updated draft zoning map
 - Review with Study Group, City Council Land Use Committee and Planning Commission Informational
 - Press Conference, Open House and Web review option
- November
 - Make any necessary changes
 - City Council Informational and Planning Commission
- December
 - Planning Commission and City Council Public Hearings



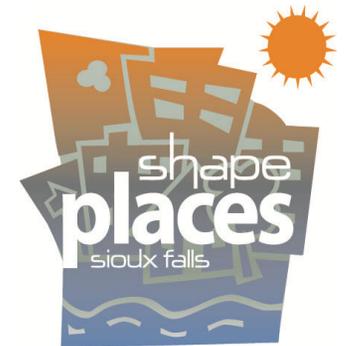
Sioux Falls Zoning Ordinance Study Group

- How long will this take?
- How do I participate?
- What is the goal of the study group?
- What will be the outcome of the study group?
- What are the next steps after the study group?



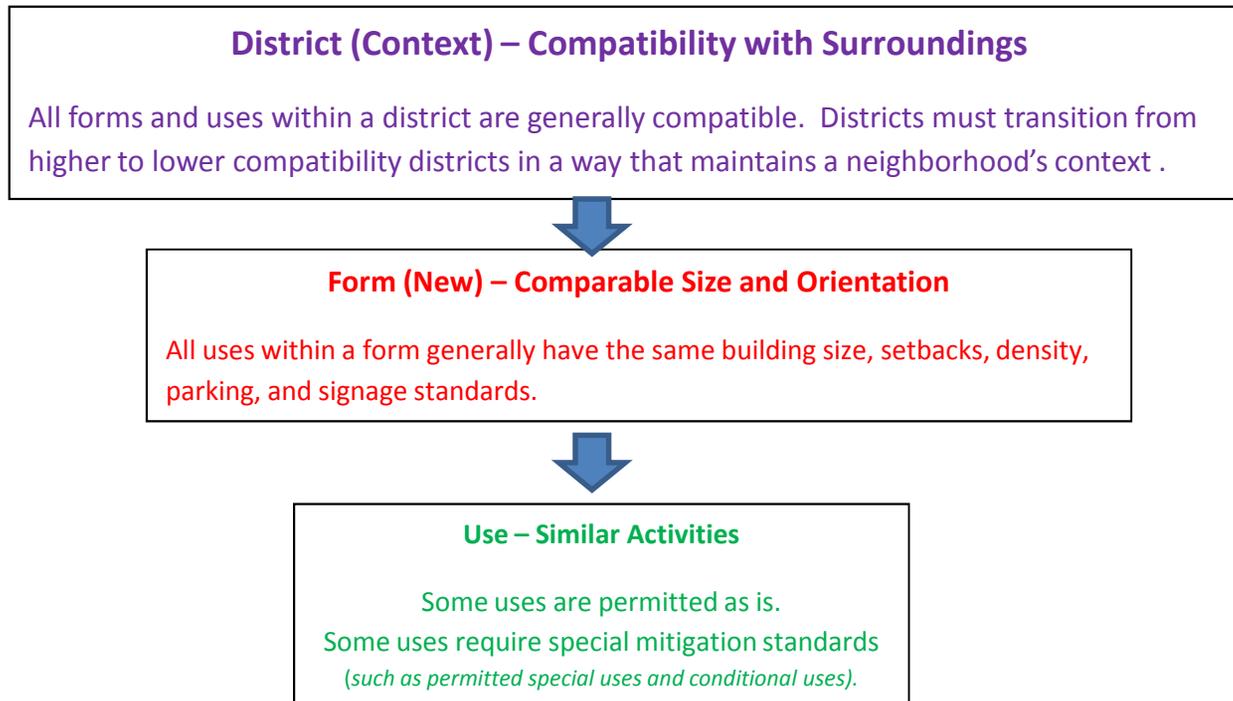
What is Shape Places?

- “Shape Places” is a context-based zoning ordinance and major update of the current Zoning Ordinance that was last updated in 1983. The new zoning ordinance will provide:
 - More Development Options
 - Consistent and Predictable Regulations
 - New or Innovative Site Planning Options
 - A User-Friendly Format



What is context-based zoning? **District + Form + Use**

Different Neighborhoods have different contexts



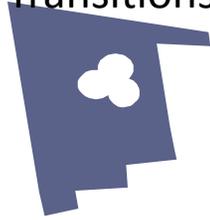


shape
sioux falls
2035

Shape Facilities



Shape Transitions



Shape Community



Shape Neighborhoods



Shape Growth



shape sioux falls 2035

Shape Implementation



Shape Resources



Shape Foundations



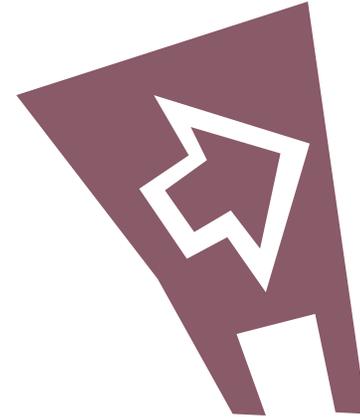
Shape Places



Shape Corridors



Shape Implementation



Zoning Ordinance Update

“This update of the Comprehensive Plan includes many recommendations for updates to the zoning ordinance. The last full-scale update of the zoning ordinance was completed in 1983. Since that time, numerous changes have been made, but the ordinance has clearly become outdated and lacks standards to meet the demands of new development trends.” (Chapter 10 – Shape Implementation”



Chapter 5 – Shape Places



- **Intent:** Create lively, secure, and distinctive places
- **Strategy:** Develop the **form** of the zoning ordinance standards and provide additional development options through Planned Unit Development Districts.
- **Implementation:** Zoning Ordinance Standards, Site Review Process, Planned Unit Development District Regulations



shape
sioux falls

Study Groups

- Landscaping
- Parking
- Signage
- Zoning Districts



Current Zoning Districts - Issues

- **Conventional Zones**

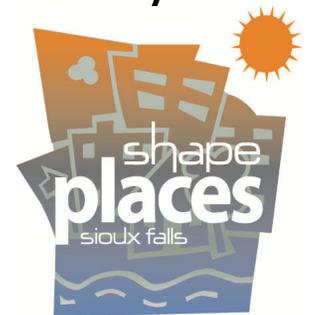
- No mixed use options
- Too many conditional uses

- **Planned Developments**

- 270 PDs in the city now – no way to easily determine what the basic zoning is with PDs.
- Each PD requires non-residential buildings to gain final development plan approval with the planning commission.

- **Overlay Districts**

- Required in too many scattered locations around the city causing confusion.



Proposed Zoning Districts - Opportunities

- **Conventional Zoning Districts**

- Allows for more options to mix uses (*i.e. LW- Live Work or limited commercial allowed in Office, Institutional and Industrial Districts*).
- Allows more district options for density.
- Very Few Conditional Uses/Bufferyards instead
- Master Plans for Signage, Parking and Landscaping allowed (Alternative Site Plans)

- **Planned Unit Developments**

- For Mixed-Use, Campus and Residential Cluster Developments
- Rezoning approved by City Council
- Initial Development Plan approved by Planning Commission
- Final Development Plans approved by Planning Staff



Overlay Districts Changes

Overlay Districts – Additional regulations within overlay areas beyond the “base” districts.

Existing Overlay Districts

- ~~49th Street~~ – delete - all similar streets should be treated in similar manner
- ~~Downtown Design Review~~ – move all regulations to Downtown PUD district
- ~~River Greenway~~ – move all regulations to additional use regulations
- ~~Russell and West Avenue~~ – delete
- ~~I-229~~ – move all regulations to additional use regulations
- ~~Water Source Protection Overlay~~ – delete
- ~~Environmental Land Use Control~~ – move to Public Works ordinance
- ~~Old Yankton Road~~ – delete move all regulations to additional use regulations
- Airport Influence – keep as is



Zoning District Changes – Single Family Residential Districts Changes

- RT1 – Residential Traditional Single-Family Residential (New)
 - Allow single-family homes on smaller lots and with less setback
- RCD – Residential Cluster District PUD (New)
 - Allows z-lots and cluster subdivisions



Zoning District Additions – Twin and Townhome Residential Districts

- **RT-2 Residential Traditional Townhomes (New)**
 - Townhomes allowed on smaller lots and with less setback



Zoning District Additions – Office/Institutional Districts

- **S-2 Campus Institutional PUD (New)**
 - To encourage a master-planned campus
 - To encourage mixed-use options
- **LW – Live/Work (New)**
 - Essentially the same as RA-1/O in current Planned Development Districts



Mixed-Use Districts - New

- Downtown PUD
- Village PUD (New)
 - Vertical Mixed-use Development in new development areas
 - High Density mixed-use
- Pedestrian-Oriented PUD (New)
 - Horizontal Mixed-use
 - Allows commercial, office, and residential uses all in same area with pedestrian connections.

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Agenda Item: Not Assigned
Item ID: 64399

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY _____.

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

Section 1. That Section 7-3 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 7-3. Vicious animals.

(a) An animal may be declared to be vicious by the chief of police, or the attending physician of the victim of an animal bite or scratch may request such declaration, under the following guidelines:

(1) An animal which, in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults, or otherwise attacks a person or other animal upon the streets, sidewalks, or any public grounds or places; or

(2) An animal which, on private property of the owner, possessor, keeper, caretaker or attendant of the animal, in a vicious or terrifying manner, approaches in an apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman, delivery man, or other employed person, or other animal who is on said private property by reason of permission of the owner or occupant of such property or who is on said private property by reason of a course of dealing with the owner or occupant of such private property;:-

(3) An animal, which in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults, or otherwise attacks a person or other animal upon the private property of any other person other than the owner, possessor, keeper, caretaker or attendant of the animal.

~~(3)~~(4) No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

(b) When the chief of police declares an animal to be vicious, the chief of police shall notify the owner of such declaration in writing that such animal must be registered as a vicious animal within ~~five business~~ fifteen (15) days after the receipt of such written notice. Said notice shall be served either in person or by mailing such notice by certified mail.

(c) The owner of an animal that has been declared vicious shall make application to the animal control office to register such vicious animal and shall comply with the following:

(1) The owner of the animal shall notify animal control of any changes in the following:

- a. Ownership of the animal.
- b. Name, address, and telephone number of a new owner.
- c. Address change of the owner or any change in where the animal is housed.
- d. Any change in the health status of the animal.
- e. Death of the animal.

(2) If the animal is indoors, the animal shall be under the control of a person over 18 years old.

(3) If the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than 6 feet, and under the control of a person over 18 years of age.

(4) If the animal is outdoors and unattended, the animal must be locked in an escape-proof kennel approved by animal control. Minimum standards shall include the following:

- a. Fencing materials shall not have openings with a diameter of more than 2 inches, in the case of a wooden fence the gaps shall not be more than 2 inches.
- b. Any gates within such pen or structure shall be lockable and of such design to prevent the entry of children or the escape of the animal.
- c. The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
- d. The pen or structure shall protect the animal from the elements.
- e. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands, or other objects.

(5) The animal shall be permanently identified by injecting an identification microchip into the animal using standard veterinarian procedures and practices. The number and the veterinarian who injected the microchip to be reported to animal control.

(6) A universal sign denoting a vicious animal shall be displayed on the kennel or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept.

(7) The owner shall carry \$100,000.00 animal liability insurance covering the medical and/or veterinary costs resulting from the vicious actions or any other damage the animal may do or cause to be done. Proof of such insurance shall be filed with animal control.

(8) The owner shall present proof of current rabies vaccination and current city license of the animal to animal control.

(9) The owner shall present proof the animal has been altered to prevent reproduction to animal control.

(d) The vicious animal shall be impounded by animal control at the owner's expense until such time as all provisions of subsection (c) are complied with.

(e) If the conditions in subsection (c) are not complied with, the animal shall be euthanized in a humane manner and proof of euthanasia filed with the Sioux Falls Animal Control.

(f) Any vicious animal ~~found off the premises of its owner,~~ not in compliance with other than provided for in this article, shall be seized by the animal control officer or any police officer and impounded. If the animal cannot be captured, it may be destroyed. If the animal has been running at large, or bites a person, or bites another animal, the animal control officer or any police officer may order the owner to deliver the animal to the animal shelter within 24 hours and the owner ordered to appear in court to show cause why this animal shall not be destroyed. If the owner of the animal fails to deliver the animal as ordered, the animal control officer or any police officer shall use such means as is necessary to impound the animal.

Section 2. That the Revised Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 7-3.1 to read:

Sec. 7-3.1. Immediate notice of bite.

The owner, keeper, possessor, caretaker or attendant of an animal that bites, inflicts injury to, assaults or otherwise attacks a person or other animal shall immediately by the quickest means of communication give notice of such incident to animal control or the police department and remain on scene until the responding animal control or police officer has indicated the person may leave.

Section 3. That the Revised Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 7-3.2 to read:

Sec. 7-3.2. Duty to give information, render aid.

The owner, keeper, possessor, caretaker or attendant of an animal that bites, inflicts injury to, assaults or otherwise attacks a person or other animal shall immediately stop and give his or her name and address, and shall render to any person injured reasonable assistance.

Date adopted: _____.

Mayor

ATTEST:

City Clerk

Date: 2012-08-21
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