

**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
MONDAY, MAY 5, 2014, 5:30 P.M.**

CITY COUNCIL CHAMBERS, 225 THIRD AVE., SE, PARKS & REC. ARCC BLDG., ALUMNI ROOM #101

1. ROLL CALL
2. ORDINANCE NO. 14-04-05 (430) – ORDINANCE AMENDING THE REVISED ORDINANCES OF THE CITY OF ABERDEEN CHAPTER 60. ZONING. SECTION 60-58 (C-3) CENTRAL BUSINESS DISTRICT ADDING SECTION 60-58 (e)
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 14-04-05
3. ORDINANCE NO. 14-04-06 (431) – ORDINANCE AMENDING THE REVISED ORDINANCES OF THE CITY OF ABERDEEN ARTICLE XII. SIGNS. SECTION 60-340. DISTRICT REGULATIONS ADDING SUBSECTION 5
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 14-04-06
4. PETITIONS TO REZONE:
 1. REZONE FROM SECTION (A-1) DISTRICT TO (M-AG) DISTRICT PROPERTY DESCRIBED AS PROPOSED LOT 1 IN S & E HEINTZMAN SUBDIVISION IN THE NE ¼ OF SECTION 27, T123N, R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
 2. REZONE FROM (A-1) DISTRICT TO (C-2) DISTRICT PROPERTY DESCRIBED AS THE WEST 200' OF THE EAST 1,000' OF THE NORTH 670.16' IN THE NW ¼ OF SECTION 23, T123N, R63W EXCEPT HIWAY OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
SET JOINT HEARING DATE OF MAY 27, 2014 AT 5:30 P.M.

ANY OTHER SUCH BUSINESS WHICH MAY COME BEFORE THIS COUNCIL AT THE MEETING

City of Aberdeen
Request for Council Action

Agenda Item No.	2	Meeting Date:	May 5, 2014 April 21, 2014 Continue to April 28, 2014
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	14-04-05 (430)	Prepared by:	Brett Bill Planning and Zoning Director/Building Official
No. of Attachments	3	Presented by:	Brett Bill Planning and Zoning Director/Building Official

Item:

Proposed Ordinance Amendment – An Ordinance Amending Chapter 60 of the Revised Ordinances of the City of Aberdeen. Zoning. Section 60-58 C-3 Central Business District. Adding Section 60-58(e).

City Manager's Proposed Action:

Motion by _____, Second by _____ to approve first/second reading of the proposed Ordinance Amendment adding Section 60-58(e).

Overview:

The Aberdeen Downtown Association has requested the assistance of the City of Aberdeen to request this ordinance amendment which will provide conditions for the use, erection or alteration of structures within the Aberdeen Commercial Historic District. These provisions include such matters as plot plan requirements, materials lists, façade renovation/alterations, parking requirements, Americans with Disabilities Act compliance, signage and historic preservation requirements.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report
Proposed Ordinance

STAFF REPORT
April 15, 2014

ORDINANCE AMENDMENT

GENERAL INFORMATION

PETITIONER	The Aberdeen Downtown Association and the City of Aberdeen
REQUEST	Amendment to Chapter 60. Zoning. Adding a Section 60-58 (e).
REPORTED BY	Ken Hubbart

RECOMMENDATION: Staff recommends approval of this ordinance amendment.

GENERAL COMMENTS: The Aberdeen Downtown Association has requested the assistance of the City of Aberdeen to request this Ordinance Amendment, which will provide conditions for the use, erection or alteration of structures within the Aberdeen Commercial Historic District. These provisions include such matters as plot plan requirements, materials lists, façade renovations and alterations, parking, ADA compliance, signage and historic preservation requirements.

REVIEW: Staff have reviewed this Ordinance Amendment and concur with its approval.

ORDINANCE NO. 14-04-05

ORDINANCE AMENDING THE REVISED ORDINANCES
OF THE CITY OF ABERDEEN

CHAPTER 60. ZONING. SECTION 60-58 C-3 CENTRAL BUSINESS DISTRICT

BE IT ORDAINED by the Aberdeen City Council, Aberdeen, Brown County, South Dakota that the following changes and additions shall be made to the Aberdeen City Code.

Sec. 60-58. C-3 central business district.

(e). Aberdeen Commercial Historic District. No building, structure, premises or sign shall be used, erected or altered along Historic Main Street, until or unless the following conditions have been complied with:

- (1) All residential uses shall be permitted, but those residential uses must be located above the first story and off street parking must be provided for each dwelling unit as per Section 60-159 Off-street parking regulations.
- (2) No off street parking will be permitted within the front or side yard of a lot.
- (3) Existing and newly constructed buildings will be prohibited from being used solely for dry/cold storage or as garages/car ports.

(f). Aberdeen Commercial Historic District. A permit for the construction or exterior alteration of any building or structure shall not be granted along Historic Main Street, until or unless the following conditions have been complied with:

- (1) All new construction, renovation/alteration and/or change of use of a structure, property or sign requiring a permit under §12-301 must be approved by the City Planning Commission prior to any type of work commencing.
- (2) A plot plan, which shall show the location of all present or proposed buildings, sidewalks and other areas devoted to pedestrian use, drives, parking lots, loading and unloading areas; the dimensions and arrangements of the present or proposed building; and all buildings, streets, alleys or other topographical features (plantings) of the lot and the area 150 feet beyond any lot line must be submitted as part of the City Planning Commission approval process.
- (3) A materials list, for all new exterior renovation/alteration, must be submitted as part of the City Planning Commission approval process. The list must indicate the type of materials that will be used in the project that reflect the original architectural character of the building, including color schemes and textures. Building materials not reflective of the historical nature of the building or the surrounding area will not be permitted. Rough-sawn wood, rustic shingles, aluminum, steel or vinyl siding or obvious imitation materials will not be permitted.

- (4) A materials list, for all new bare lot construction, must be submitted as part of the City Planning Commission approval process. The materials list must be reflective of the historic nature of the surrounding area and buildings. Rough-sawn wood, rustic shingles, aluminum, steel or vinyl siding or obvious imitation materials will not be permitted.
- (5) All new construction or renovation/alteration to a building's façade, including buildings with dual frontage, shall meet all of the requirements set forth in the National Historic Preservation Act (NHPA), South Dakota Codified Law; Chapter 1-19A "Preservation of Historic Sites," and Chapter 1-19B "County and Municipal Historic Preservation Activities."
- (6) All newly constructed buildings must be constructed to meet the zero property line set back, so that the new building is in line with the other existing structures. Accessory structures, such as sheds, garages or carports will not be permitted.
- (7) All building entrances must meet the requirements of the Americans with Disabilities Act (ADA).
- (8) All signage will be required to adhere to Article XII, Section 60-340.h (4) of the Sign Ordinance. Only blade signs and channel letter signs will be permitted on the exterior frontage or side street frontage of a structure and window adhesives/painting will be prohibited. One 6" x 36" under canopy sign may be attached to the bottom of an existing canopy at each principal entrance providing access. The under canopy sign must be at least 8 feet above the sidewalk and 1 foot from the outer edge of the canopy. A 4' x 4' wall sign will be permitted per each building's alley entrance and must be located directly above the alley entrance and may only be utilized as a directory of the occupants of the building.

(g). *Aberdeen Commercial Historic District.* The Aberdeen Business Improvement District #1 Architectural Design Review Committee must make a recommendation as to the historical and aesthetic nature of the proposal to the Aberdeen Planning Commission within 2 weeks of receiving a copy of the building permit application from the Aberdeen Planning and Zoning Department. If a recommendation is not forthcoming within the 2 week time span, it will be viewed as a recommendation for approval.

(h). *Aberdeen Commercial Historic District.* Upon request from a building owner, the City Planning Commission shall waive the requirements of §60-58 (e) or (f) where the building owner establishes compliance is grossly impractical or constitutes a hardship.

(i). *Aberdeen Commercial Historic District.* Any person aggrieved by the denial of a waiver by the City Planning Commission from compliance with §60-58 (e) or (f) may, within ten days of the City Planning Commission's decision, file his or her appeal from that decision to the City Council, in which case the matter will be considered by the City Council at a regularly scheduled meeting.

Notice of Hearing April 3, 10, and 17, 2014

Passed First Reading April 28, 2014

Passed Second Reading _____

Published _____

Effective Date _____

Mayor
ATTEST:

Finance Officer

City of Aberdeen
Request for Council Action

May 5, 2014

Agenda Item No.	3	Meeting Date:	April 21, 2014 <i>Continue to April 28, 2014</i>
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	14-04-06 (431)	Prepared by:	Brett Bill Planning and Zoning Director/Building Official
No. of Attachments	3	Presented by:	Brett Bill Planning and Zoning Director/Building Official

Item:

Proposed Ordinance Amendment – An Ordinance Amending Article XII. Signs. Section 60-340. District Regulations. Adding Subsection 5.

City Manager's Proposed Action:

Motion by _____, Second by _____ to approve first second reading of the proposed Ordinance Amendment adding Subsection 5.

Overview:

The Aberdeen Downtown Association has requested the assistance of the City of Aberdeen to request this ordinance amendment which will provide specific ordinance requirements relating to the signs permitted within the Aberdeen Commercial Historic District. These revisions will address matters including size, type, location, height limitations, style and other such considerations. It is the intent of this ordinance amendment to promote a style of signage complimentary with the historic nature of the district.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report
Proposed Ordinance

STAFF REPORT
April 15, 2014

ORDINANCE AMENDMENT

GENERAL INFORMATION

PETITIONER	The Aberdeen Downtown Association and the City of Aberdeen
REQUEST	Amendment to Article XII, Section 60-340. District Regulations. Adding a Subsection 5.
REPORTED BY	Ken Hubbart

RECOMMENDATION: Staff recommends approval of this ordinance amendment.

GENERAL COMMENTS: The Aberdeen Downtown Association has requested the assistance of the City of Aberdeen to request this Ordinance Amendment, which will provide specific ordinance requirements relating to the signs permitted in the Aberdeen Commercial Historic District. These revisions will address matters including size, type, location, height limitations, style and other such considerations. It is the intent of this amendment to promote a style of signage complimentary to and in accordance with the historic nature of the district.

REVIEW: Staff have reviewed this Ordinance Amendment and concur with its approval.

ORDINANCE NO. 14-04-06

ORDINANCE AMENDING THE REVISED ORDINANCES
OF THE CITY OF ABERDEEN
ARTICLE XII. SIGNS. SECTION 60-340. DISTRICT REGULATIONS

BE IT ORDAINED by the Aberdeen City Council, Aberdeen, Brown County, South Dakota that the following changes and additions shall be made to the Aberdeen City Code.

Sec. 60-340. District regulations.

h. C-3 central business district. In the central business district all signs must comply with the following:

(5) Aberdeen Commercial Historic District, which is bordered by 6th Avenue SE/SW on the south, Railroad Avenue SE/SW on the north, the public alley right-of-way between Main Street S. and 1st Street S. on the west, and the public alley right-of-way between Main Street S. and Lincoln Street S. on the east.

- a. Only blade signs and channel letter signs, or a combination of both, directly attached to a building will be permitted on exterior frontage and side street frontage. Building names or designations are also permitted on the building provided they are part of the architecture of the building façade: ex. McQuillen Block, Capital Building, VanSlyke Block. Total signage, not including alley signage and under canopy signage, may equal 20 percent of the building face area or 100 square feet, whichever is greater.
- b. Blade signs shall not exceed 25 square feet.
- c. The bottom edge of the blade sign shall be located between 10' and 20' above the ground.
- d. No blade signs shall be located above the roofline of a building.
- e. The near edge of a blade sign shall be no more than 12 inches from the wall of the building to which the sign is attached.
- f. Blade signs, including mounting hardware, shall not project more than 60 inches from the wall of the building to which the sign is attached.
- g. Individual sign letters shall not exceed 12 inches in height.

- h. Blade signs shall not be internally illuminated.
 - i. Blade signs shall not include changeable copy.
 - j. Blade signs shall not include electronic components, such as message boards, video and graphic displays, or any electrically driven mechanical movement.
 - k. Blade signs shall not have wind blown moving components, such as pennants, ribbons, streamers, spinners, flags, banners or strings of light bulbs.
 - l. Blade signs shall not swing or otherwise noticeably move as a result of wind pressure.
 - m. Only one blade sign will be permitted per building frontage or business bay, as in a multi-tenant building.
 - n. Channel letter signs shall not exceed a 12" letter height and width and may be mounted on a raceway, provided that the raceway shall not extend beyond the beginning and ending letter of the sign and is painted or otherwise finished to closely match the color of the wall or the letters to which are attached. The letters shall be neutral in color and may be externally illuminated.
 - o. One 4' x 4' wall sign will be permitted per each building's alley entrance and must be located directly above the alley entrance and may only be utilized as a directory of the occupants of the building. A sign permit will be required for each alley entrance sign, but the sign will not be included in the total square footage requirements for building signage.
 - p. One 6" x 36" under canopy sign may be attached to the bottom of an existing canopy at each principal entrance providing access. The undercanopy sign must be at least 8 feet above the sidewalk and 1 foot from the outer edge of the canopy. A sign permit will be required for each canopy sign, but the sign will not be included in the total square footage requirements for building signage.
 - q. Off-premises signs as defined by §60-341 are prohibited within the Aberdeen Commercial District.
- (6) Premises located in the Aberdeen Commercial Historic District shall not be required to conform to the provisions of §60-340 (h) (5) unless or until:

- a. Commencement of construction or exterior alteration of premises as described under §60-58 (f), or
- b. Transfer by sale of the premises, or the company or entity owning the premises.
- c. Change in size, shape, location, content or design of signage.

(7) The Aberdeen Business Improvement District #1 Architectural Design Review Committee must make a recommendation as to the historical and aesthetic nature of the proposal to the Aberdeen Planning Commission within 2 weeks of receiving a copy of the sign permit application from the Aberdeen Planning and Zoning Department. If a recommendation is not forthcoming within the 2 week time span, it will be viewed as a recommendation for approval.

(8) Upon request from a building owner, City Planning Commission shall waive the requirements of §60-340 (h) (5) where the building owner establishes compliance is grossly impractical or constitutes a hardship.

(9) Any person aggrieved by the denial of a waiver by the City Planning Commission for compliance with §60-340 (h) (5), may, within ten days of the City Planning Commission's decision, file his or her written appeal from that decision to the City Council, in which case the matter will be considered by the City Council at a regularly scheduled meeting.

Notice of Hearing April 3, 10, and 17, 2014

Passed First Reading April 28, 2014

Passed Second Reading _____

Published _____

Effective Date _____

 Mayor
 ATTEST:

 Finance Officer


**NOTICE OF JOINT HEARING
OF THE ABERDEEN CITY COUNCIL
AND THE BROWN COUNTY COMMISSION
REGARDING A PETITION TO REZONE CERTAIN PROPERTY**

A public hearing will be held by the Aberdeen City Council and the Brown County Commission on the 27th day of May, 2014, beginning at 5:30 p.m. in the City Council Chambers, 225 Third Avenue, SE, ARCC Building Alumni Room #101, to consider the Petition filed by Emily LaBore-Heintzman to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property being described as follows:

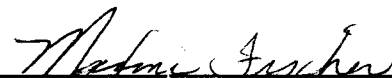
Proposed Lot 1 in S & E Heintzman Subdivision in the NE ¼ of Section 27, T123N, R64W of the 5th P.M., Brown County, South Dakota

The public is invited to attend the hearing and to present testimony and comments pertaining to the Petition to Amend Ordinance No. 1164 to rezone the above described property. At the conclusion of the hearing, the council may adopt first reading of Ordinance #14-05-01 (432) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 5th day of May, 2014.

ATTEST:



Finance Officer



County Auditor

REZONING PETITION (Three Mile Jurisdiction)

To the City Commission and County Commission
City Hall and Brown County Courthouse
Aberdeen, SD 57401

Petition No: _____
Date: 4/2/14
Receipt No: 637087
Filing Fee: City 180 County 150
(non-refundable)
Ord/Res No: 14-05-01 (132)

City Commission and County Commission Members

I/We, the undersigned, do hereby petition the City Commission of Aberdeen and the Brown County Commission, Brown County, South Dakota, to rezone property as follows:

PAID
APR - 2 2014
CITY FINANCE OFFICE
ABERDEEN, SOUTH DAKOTA

Legal Description (Please print in black ink or type):

Proposed Lot 1, S+E Heintzman Subdivision, 27-T123N-R64W of the S³ P.M., Brown County, South Dakota.

General Area Location or Street Address: _____

From the A-1 Agricultural District
To the M-Ag Mini-Agricultural District

Purpose: Bring property into compliance with lot size requirements to replat property.

Size of Parcel: 5.85 acres

Existing Land Use: Vacant

Petitioner (Print): _____

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

Checked by: Nen
Given Sign: ✓
Exhibit A: _____
Site Plan: _____
PC Meeting: 5/20/14
1st Reading: 5/27/14
2nd Reading/Final: _____
Adoption: 6/2/14

Owner (Print): Emily LaBare-Heintzman

Signature: Emily LaBare-Heintzman
If different than above.

Date: April 2, 2014 Phone: 605-225-0203

Address: 12870 W. Pleasant Valley Est
Aberdeen South Dakota 57401
City State Zip

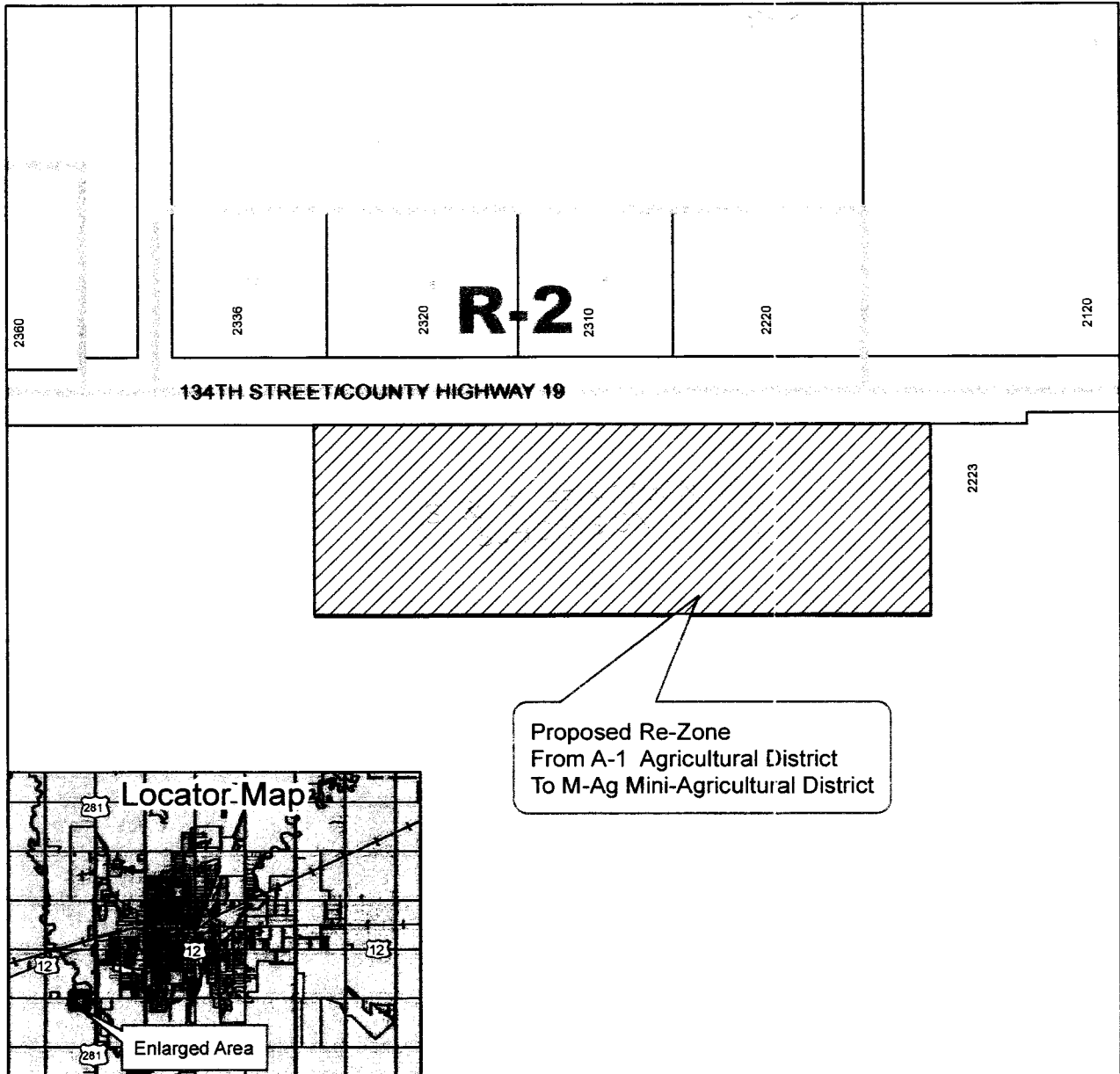
(Additional Signatures may be submitted on a separate page)

Proposed Re-Zone

Legal Description : Lot 1, S & E Heintzman Subdivision, NE 1/4 Section 27 T123N R64W

Current Zone: A-1 Agricultural District

Proposed Zone: M-Ag Mini-Agricultural District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 14-05-01 (432)
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
Not a Legal Document

**NOTICE OF JOINT HEARING
OF THE ABERDEEN CITY COUNCIL
AND THE BROWN COUNTY COMMISSION
REGARDING A PETITION TO REZONE CERTAIN PROPERTY**

A public hearing will be held by the Aberdeen City Council and the Brown County Commission on the 27th day of May, 2014, beginning at 5:30 p.m. in the City Council Chambers, 225 Third Avenue, SE, ARCC Building Alumni Room #101, to consider the Petition filed by Dixie Mattern to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (C-2) Highway Commercial District, said property being described as follows:


The West 200' of the East 1,000' of the North 670.16' in the NW ¼ of Section 23, T123N, R63W except Hiway of the 5th P.M., Brown County, South Dakota

The public is invited to attend the hearing and to present testimony and comments pertaining to the Petition to Amend Ordinance No. 1164 to rezone the above described property. At the conclusion of the hearing, the council may adopt first reading of Ordinance #14-05-04 (433) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 5th day of May, 2014.

ATTEST:



Finance Officer



County Auditor

REZONING PETITION (Three Mile Jurisdiction)

To the City Commission and County Commission
City Hall and Brown County Courthouse
Aberdeen, SD 57401

Petition No:	
Date:	4/24/14
Receipt No:	042451
Filing Fee: City	*180
County	*150
(non-refundable)	
Ord/Res No:	14-05-04(433)

City Commission and County Commission Members

I/We, the undersigned, do hereby petition the City Commission of Aberdeen and the Brown County Commission, Brown County, South Dakota, to rezone property as follows:

Legal Description (Please print in black ink or type):

The West 200' of the East 1,000' of the North 676.16', NW 1/4 Sect. 23 -
T123N - R63W, except Hwy.

General Area Location or Street Address: 6250 Hwy 12E

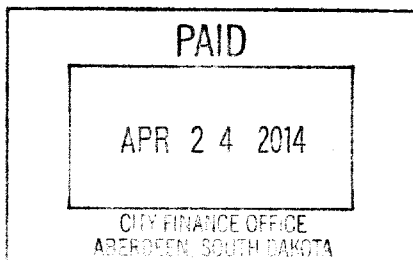
From the (A-1) Agricultural District

To the (C-2) Highway Commercial District

Purpose: Bring property into compliance with lot size
and existing use.

Size of Parcel: 2.04 acres

Existing Land Use: Commercial



Petitioner (Print): _____

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

Checked by:	<u>[Signature]</u>
Given Sign:	<input checked="" type="checkbox"/>
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	<u>5/20/14</u>
1st Reading:	<u>5/27/14</u>
2nd Reading/Final:	<u>6/2/14</u>
Adoption:	<u>6/2/14</u>

Owner (Print): Dixie Mattern

Signature: Dixie Mattern If different than above.

Date: 4-22-14 Phone: 605-380-4754

Address: 183 West Lake Drive

Mona South Dakota 57451
City State Zip

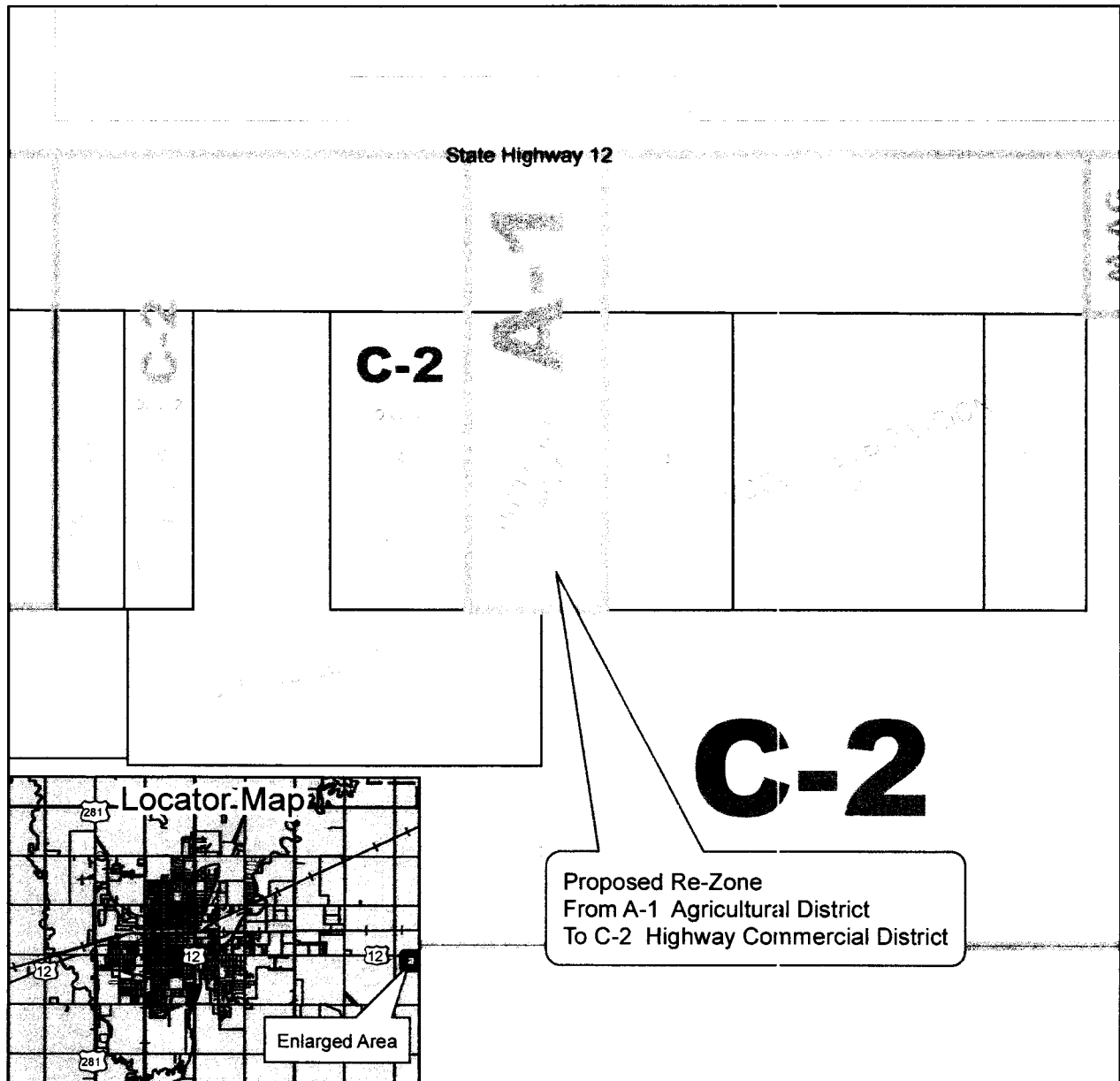
(Additional Signatures may be submitted on a separate page)

Proposed Re-Zone

Address / Legal Description : 6250 Hwy 12E / The West 200' of the East 1000' of the North 670.16' in the NW 1/4 Sec.23 T123N R63W, except highway

Current Zone: A-1 Agricultural District

Proposed Zone: C-2 Highway Commercial District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 14-05-04 (433)
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
Not a Legal Document