

ORDINANCE NO. 5232

AN ORDINANCE ESTABLISHING A PROCESS BY WHICH EXCEPTIONS CAN BE GRANTED TO THE CITY'S LOT LENGTH TO WIDTH REQUIREMENTS BY ADDING SECTION 16.24.015 TO THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City has adopted subdivision regulations pursuant to SDCL 11-6-27; and

WHEREAS, Section 16.12.190(G) of the City's subdivision regulations states that for lots in residential districts having a width of not more than 150 feet, the lot length shall not be more than twice the lot width; and

WHEREAS, the City recognizes that based on the specific conditions present in certain projects there may be times where it is appropriate to deviate from, by allowing exceptions to, the City's length to width requirement for residential lots; and

WHEREAS, City staff has the expertise to determine when the conditions or circumstances surrounding a proposed subdivision of residential property may justify a deviation from the City's length to width requirement for residential lots; and

WHEREAS, subdividers who wish to obtain relief from the requirement currently have to obtaining a variance that is approved by the City Council; and

WHEREAS, adoption of a process to request an exception to the requirement from staff versus obtaining a variance from the City Council will stream line the development approval process while still protecting the community; and

WHEREAS, the Council Development Committee has considered this requirement and is recommending that staff be given the authority to grant exceptions in a manner similar to staff's authority on design criteria exceptions; and

WHEREAS, the Common Council of the City of Rapid City deems that it is in the City's best interests to adopt the recommendation of the Council's Development Committee and to approve by ordinance a procedure for granting exceptions to the City's lot length to width requirement.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 16.24.015 be added to the Rapid City Municipal Code to read as follows:

16.24.015 Exceptions.

A. The Director of Growth Management or their designee may approve exceptions to the length to width requirement for residential lots found in Section 16.12.190(G) of the RCMC. Exceptions to this requirement shall be submitted to the Growth Management

Department in writing by a person proposing a subdivision of property that would not meet this requirement.

B. In considering whether to grant the requested exception, the Director of Growth Management or their designee shall consider the topography or other conditions present on the property that are beyond the control of the subdivider and would result in undue hardship for the subdivider if the specific requirements of the code were enforced. In addition, the arrangement, character, extent, location and grade of all lots shall be in accordance with good land planning principles and shall be considered in relation to existing and planned streets, topographical conditions, orientation to vistas and public convenience and safety. The Director of Growth Management or their designee may grant an exception to the requirement if, in their opinion, the granting of the exception would be consistent with the previously described considerations, good land planning principles and will not be otherwise detrimental to the public interest.

C. The Director of Growth Management or their designee shall have 13 working days to grant or deny the exception. If a request for an exception has not been granted or denied within 13 working days the request will be deemed to have been approved. If the requested exception to the requirement is denied, the Director of Growth Management or their designee shall communicate the reason for the denial to the applicant in writing.

D. Any applicant that disputes the denial of an exception may appeal the denial to the City Council. Such appeal shall be submitted to the Growth Management Department in writing within 7 working days of the written denial. Any appeal of a denial to a requested exception shall be placed on the agenda of the next regularly scheduled Public Works Committee meeting occurring after the written appeal has been received. The City Council will have final approval of whether or not to grant an exception that has been appealed.

E. The Growth Management Department is to keep a log of each exception that is granted. The log shall be readily accessible and made available for the public to view upon request. In addition, a copy of the exceptions log shall also be kept on the City's website. An exception shall be posted to the log as soon as possible after it is granted.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: