

STAFF REPORT
February 10, 2011

No. 110A001 - Ordinance Amendment – An Ordinance requiring a Disclosure Statement be provided to owners of property when the City of Rapid City or the Rapid City Planning Commission is the applicant requesting the property be rezoned by amending Section 17.54.040 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	City of Rapid City
REQUEST	No. 110A001 – Ordinance Amendment – An Ordinance requiring a Disclosure Statement be provided to owners of property when the City of Rapid City or the Rapid City Planning Commission is the applicant requesting the property be rezoned by amending Section 17.54.040 of the Rapid City Municipal Code
DATE OF APPLICATION	1/19/2011
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION:

Staff recommends that the Ordinance Amendment requiring a Disclosure Statement be provided to owners of property when the City of Rapid City or the Rapid City Planning Commission is the applicant requesting the property be rezoned by amending Section 17.54.040 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS: The Legal and Finance Committee received a request for an ordinance amendment regarding application requirements for rezoning property. On January 18, 2011, the City Council directed staff to prepare an amendment to Section 17.54.040 of the Rapid City Municipal Code relating to application requirements for proposed zoning amendments and to submit the ordinance amendments to the Planning Commission.

STAFF REVIEW: Staff has reviewed the request to amend Chapter 17.54.040 of the Rapid City Municipal Code. Chapter 17.54.040 addresses the requirements and standards for amendments. This Ordinance Amendment will add requirements to the zoning application process for any zoning other than zoning to No Use Zoning District, when the application is submitted by the Rapid City Council or Rapid City Planning Commission.

This ordinance will require the property owner's signature on a disclosure statement. The disclosure statement must contain an estimate of the application fees of subsequent rezoning, conditional use permit, planned development, comprehensive plan, or variance applications. Also included in the disclosure statement are the mailing costs, sign deposit fees, a statement of any requirement for a professional to complete plans, drawings or studies, and advise to the property owner to seek the costs of hiring that professional. The disclosure statement further requires the time frames for processing any further applications, the requirement for public hearings and a disclosure that the property owner may not prevail

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No. 11OA001 - Ordinance Amendment – An Ordinance requiring a Disclosure Statement be provided to owners of property when the City of Rapid City or the Rapid City Planning Commission is the applicant requesting the property be rezoned by amending Section 17.54.040 of the Rapid City Municipal Code

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in further applications.

The Ordinance Amendment includes a statement of the current use of the property, whether or not that use will be allowed under the proposed zoning district, any provisions for the use being a legal non-conforming use, and the circumstances that will result in the legal non-conforming use being lost.

The disclosure statement must be sent to property owners, by certified, return receipt requested mail twice, with 21 business days between the two mailings. If the property owner does not respond within 21 business days of the second mailing, it is deemed the same as signing the disclosure statement.

Once the required notification procedures have been met, the governing body may take action on the application.

Staff recommends approval of the Ordinance Amendment as directed by the City Council.