

ORDINANCE NO. 5741

AN ORDINANCE MODIFYING THE PROCEDURE FOR CERTAIN AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN BY AMENDING SECTION 2.60.160 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has adopted a comprehensive plan pursuant to the authority granted in SDCL 11-4-3; and

WHEREAS, the City has adopted a procedure for processing amendments to the City's comprehensive plan; and

WHEREAS, the Second Floor Review Committee (the "Committee") has been reviewing existing ordinances and processes in order to provide recommendations to the Planning Commission and the City Council regarding potential increase in efficiencies in development review actions; and

WHEREAS, the Committee has made recommendations to modify the current process for changes in the zoning of property and modifications to the major street plan component of the City's comprehensive plan; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City's best interests to adopt the recommendations of the Committee and modify the process for certain amendments to the City's comprehensive plan by amending Section 2.60.160 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City, that Section 2.60.160 of the Rapid City Municipal Code is hereby amended to read as follows:

Section 2.60.160 Comprehensive plan.

The city's Planning Commission may recommend changes to the comprehensive plan from time to time as set forth below. Requests for amendments to the comprehensive plan shall follow the procedure set out in this section. Requests for amendments to the comprehensive plan shall follow the procedure set forth below or, in the instance of rezoning, such request(s) shall comply with the procedures set forth in Chapter 17.54.040. Requests for rezoning that comply with Chapter 17.54.040 shall be deemed to have met the requirements for amendment to the Comprehensive Plan. The Major Street Plan shall take into consideration the practicality and feasibility of the proposed street extensions. The Major Street Plan shall permit modifications, without amendments to the Comprehensive Plan, of proposed street extensions and alignments in instances where the general intent of the Plan is still fulfilled and where such modifications do not create a discontinuous street alignment with existing development. Proposed street extension(s) or alignment modifications that do not meet the general extensions identified in the Major Street Plan shall comply with the procedures set forth below.

A. *Application.* An application for a proposed amendment shall be filed with the Planning Department. Amendments may be initiated by the property owner or his or her designated representative or by an appropriate governmental agency. For amendments initiated by the city's Planning Commission, the applicant shall be the city.

B. *Public hearings.* Upon application, the city's Planning Commission shall hold a public hearing thereon. Notice of the public hearing shall be published at least 10 days in advance of the hearing in a legal newspaper of the community. After conducting the public hearing, the city's Planning Commission shall submit its recommendation to the Common Council.

C. *Time limit and notification.* The city's Planning Commission shall act on all proposed amendments within 60 days of the public hearing at the city's Planning Commission. If the city's Planning Commission fails to act within 60 days, the application shall be forwarded to the Common Council as a recommendation for approval, provided however, that the applicant for approval may waive this requirement in writing and consent to the extension of the period.

D. *Standards for plan amendments.* A proposed comprehensive plan amendment shall be considered on its own merits using the following criteria as a guide:

1. Whether the proposed change is consistent with the policies and overall intent of the comprehensive plan;
2. Whether the proposed change is warranted by changed conditions within the neighborhood surrounding and including the subject property;
3. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land;
4. Whether and the extent to which the proposed amendment would adversely effect the environment, services, facilities and transportation;
5. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and
6. Whether and the extent to which the proposed amendment adversely affects any other part of the city, or creates any direct or indirect adverse effects.

E. *Comprehensive plan amendment—posting and maintenance of signs.* In addition to the preceding requirements, the petitioner for the comprehensive plan amendment, or his or her agent or agents, shall be required to post and maintain an approved sign or signs on the property included in the comprehensive plan amendment request. The sign or signs shall be posted at least 7 calendar days prior to the city's Planning Commission at which the hearing shall be held and shall be maintained continuously until the comprehensive plan amendment request has been finally

approved or rejected by the Common Council or withdrawn by petition. Approved signs shall be secured from the Planning Department. The Planning Department shall require a reasonable deposit sufficient to cover the cost of replacement of the sign or signs and shall determine the number and location of the sign or signs to be posted on the property included in the comprehensive plan amendment. This section shall not apply to comprehensive plan amendments instituted by the city's Planning Commission.

F. *Comprehensive plan amendments– notification requirements.* In addition to the preceding requirements, the petitioner for the comprehensive plan amendment, or his or her designated agent shall include postal registration data that substantiates petitioner's good faith attempt to mail certified letters with return receipts to all property owners within 250 feet inclusive of dedicated rights of ways of the area described. The certified mailings shall include the date set for the hearing before the city's Planning Commission and contemplated uses, and shall be on a form provided by the Planning Department. This section shall not apply to comprehensive plan amendments instituted by the city's Planning Commission. In addition, the Planning Director may convene a neighborhood meeting to present and discuss a proposed amendment.

G. *Fees.* In addition to the preceding requirements. A fee of \$250 shall be paid at the time of filing any application for a comprehensive plan amendment. If the legal description of a rezoning application is coterminous with a legal description for a concurrent comprehensive plan amendment application, there shall be only one \$250 application fee.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: