

**ORDINANCE # 3866**

**AN ORDINANCE TO MODIFY THE PUBLIC NOTIFICATION REQUIREMENTS FOR PLANNED DEVELOPMENTS BY AMENDING SECTION 17.50.060 OF THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, the City of Rapid City recently enacted Ordinance Number 3833 to establish a uniform notification requirement for planning department hearings; and

WHEREAS, Ordinance #3833 omitted portions of sub-sections A and B of section 17.50.060 of the Rapid City Municipal Code; and

WHEREAS the Rapid City Planning Commission has recommended modifications to the zoning ordinance to re-adopt the omitted portions, specifically to the section 17.50.060 of the Rapid City Municipal Code; and

WHEREAS the Rapid City Common Council concurs in the recommendation;

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that section 17.50.060(A) of the Rapid City Municipal Code is hereby amended to read as follows:

17.50.060 Planned developments-- Procedure.

A. Initial Development Plan. When a petitioner is requesting approval of a planned development or planned development designation, the conditional use procedure shall be followed as specified in Section 17.54.030 of this title with the exception of notification requirements. Notice to adjoining property owners within ~~one~~ **two** hundred fifty feet of the property under consideration, ~~exclusive~~ **inclusive** of public right-of-way, shall be required. **Notice is also required via first class mail, to all property owners located within the planned development. Additionally, a sign noting the fact that a Planned Development application is pending shall be posted on the site not less than seven days before the public hearing before the Planning Commission. The sign shall be maintained on the site until the time for appeal to the City Council has expired or until the City Council's action on an appeal is final or the petition is withdrawn. Approved signs shall be provided by the Planning Department. The Planning Department shall require a reasonable deposit sufficient to cover the cost of replacement of such sign or signs and shall determine the number and location of the sign or signs to be posted on the site addressed in the petition.** Public notice and public hearings conducted by the planning commission and the city council are also required. The required notification and hearings shall occur at the initial and final development plan stage and the planned development designation stage, if applicable. The approved initial development plan shall be filed with the city planning department.

BE IT FURTHER ORDAINED by the City of Rapid City that section 17.50.060(B) of the Rapid City Municipal Code is hereby amended to read as follows:

B. Final Development Plan. A final development plan shall be submitted within eighteen months of the date of approval of the initial development plan. Prior to consideration of a building permit for any structures in a planned development, a final development plan shall be approved by the planning commission, ~~and the city council.~~ Notice to adjoining property owners within ~~one~~ **two** hundred fifty feet of the property under consideration, ~~exclusive~~ **inclusive** of public right-of-way, shall be required. **Notice is also required via first class mail, to all property owners located within the planned development. Additionally, a sign noting the fact that a Planned Development application is pending shall be posted on the site not less than seven days before the public hearing before the Planning Commission. The sign shall be maintained on the site until the time for appeal to the City Council has expired or until the City Council's action on an appeal is final or the petition is withdrawn. Approved signs shall be provided by the Planning Department. The Planning Department shall require a reasonable deposit sufficient to cover the cost of replacement of such sign or signs and shall determine the number and location of the sign or signs to be posted on the site addressed in the petition.** Public notice and ~~a~~ public hearings conducted by the planning commission ~~and the city council~~ are **is** also required. The required notification and hearings shall occur at the initial and final development plan stage in addition to the planned development designation stage, if applicable. If the approved final development plan includes a phased development sequence, each successive phase shall be approved as a final plan and the final plan shall be approved prior to issuance of a building permit for any residential, commercial or industrial structures in that phase. In the case of townhouse developments, each group of townhouses shall be located on a platted lot prior to issuance of a building permit.

Final development plan approval shall expire two years from the date upon which it becomes effective if no work has commenced. Upon written request to the planning director and prior to the final development plan approval expiration date, a one year extension for final development plan approval may be granted. Staff will notify the property owner as recorded at the Pennington County register of deeds of the expiration of the planned development.

If and when it is determined that a planned development has expired, rendering it null and void due to the time lapse, no building permit shall be issued until such time as the applicant submits a plan in accordance with the development code.

BE IT FURTHER ORDAINED by the City of Rapid City that remainder of section 17.50.060 of the Rapid City Municipal Code remain in full force and effect as previously enacted.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: