

ORDINANCE 3833

AN ORDINANCE TO ESTABLISH A UNIFORM REQUIREMENT FOR NOTIFICATION OF PROPERTY OWNERS FOR PLANNING COMMISSION HEARINGS BY AMENDING SECTIONS 17.50.060, 17.54.020, 17.54.030, 17.54.040, AND 15.32.240 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS the City of Rapid City's zoning ordinance requires applicants to notify certain property owners of certain hearings before the Rapid City Planning Commission; and

WHEREAS the ordinance contains different notification requirements for different hearings; and

WHEREAS the Rapid City Planning Commission has recommended modifications to the zoning ordinance to make the notification requirements uniform for all required hearings before the Planning Commission; 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) 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 ~~on-review~~ 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. 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) is hereby amended to read as follows:

15.50.060 Planned developments - Procedure

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 certified mail, return receipt requested, to

all property owners located within the planned development or planned development designation. 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 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 section 17.54.020(B)(2) of the Rapid City Municipal Code is hereby amended to read as follows:

17.54.020 Variances

B. Public Hearings – Publication and Mailing of Certified Notice

2. The applicant for a variance or his agent or agents, shall include in his application postal registration data that substantiates applicant's good faith attempt to mail certified letters with return receipts to all property owners within ~~one~~ **two** hundred fifty feet **inclusive of right of way**.

BE IT FURTHER ORDAINED by the City of Rapid City that section 17.54.030(A)(3)(b) of the Rapid City Municipal Code is hereby amended to read as follows:

17.54.030 Procedure for authorization of conditional use permits.

(A)(3)(b) Mailing of certified notice. The petitioner shall submit postal receipts to demonstrate a good faith attempt to notify by certified letter with return receipt all property owners within ~~one~~ **two** hundred fifty feet, ~~exclusive~~ **inclusive** of public right-of-way, of the site measured from the perimeter of the lot, lots or portions thereof which contain the buildings and area dedicated to the proposed use. If the intended use of the occupied site is to be an on-sale liquor establishment, the petitioner shall submit postal registration data that substantiates the good faith attempt to mail certified letters with return receipts to all property owners within

two hundred fifty feet of the perimeter of the occupied site ~~exclusive~~ **inclusive** of public right-of-way. Such certified mailings shall include the date set for the hearing before the planning commission and contemplated uses, and shall be on a form provided by the planning department. The property owners listing shall be prepared by the Pennington County director of equalization office and based on their records of ownership and addresses.

BE IT FURTHER ORDAINED by the City of Rapid City that section 17.54.040(F) of the Rapid City Municipal Code is hereby amended to read as follows:

17.54.040 Amendments

F. Rezones--Mailing of Certified Notice. In addition to the preceding requirements, the petitioner for rezoning, or his 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 ~~one~~ **two** hundred fifty feet, ~~exclusive~~ **inclusive** of dedicated ways of the area described. Such certified mailings shall include the date set for the hearing before the city planning and zoning commission and contemplated uses, and shall be on a form provided by the planning commission. This section shall not apply to zoning amendments instituted by the city planning and zoning commission.

BE IT FURTHER ORDAINED by the City of Rapid City that section 15.32.240(C)(1) of the Rapid City Municipal Code is hereby amended to read as follows:

15.32.240 Application for special exceptions.

(C)(1) The applications shall include postal registration data that substantiates petitioners good faith attempt of mailing certified letters with return receipts to all property owners within ~~one~~ **two** hundred and fifty feet, exclusive of dedicated ways, of the area described. Such certified mailings shall include the dates set for the hearings before the commission on the special exception and shall be on a form provided by the city engineer;

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: