## ORDINANCE NO. 3926

AN ORDINANCE AMENDING SECTION 15.32.240 OF CHAPTER 15.32 OF THE RAPID CITY MUNICIPAL CODE PERTAINING TO APPLICATION FOR SPECIAL EXCEPTIONS TO THE FLOOD AREA CONSTRUCTION REGULATIONS

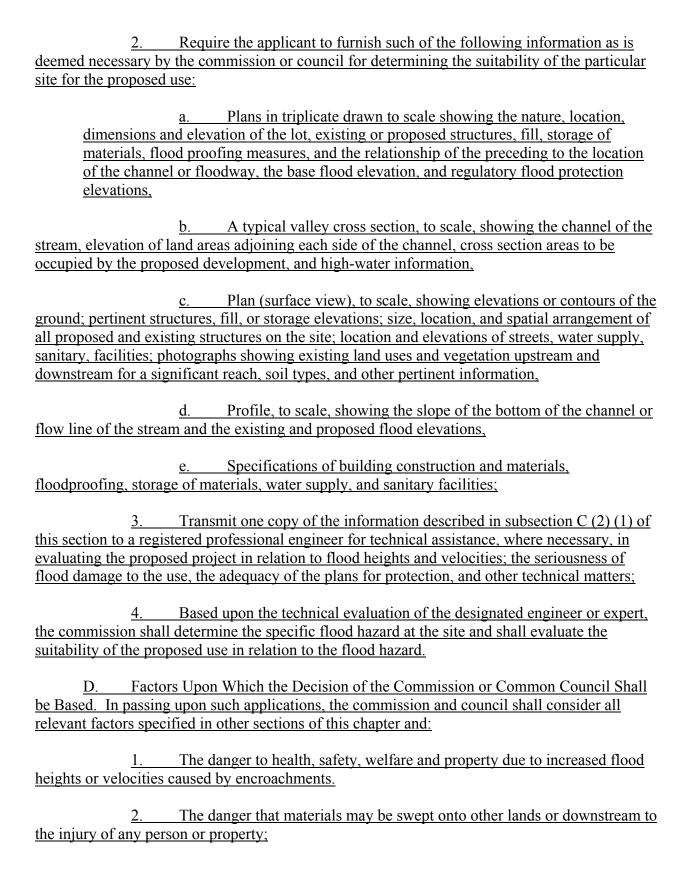
BE IT ORDAINED by the City of Rapid City that Section 15.32.240 of Chapter 15 pertaining to application for special exceptions be and is hereby amended to read as follows:

## 15.32.240 Application for special exceptions.

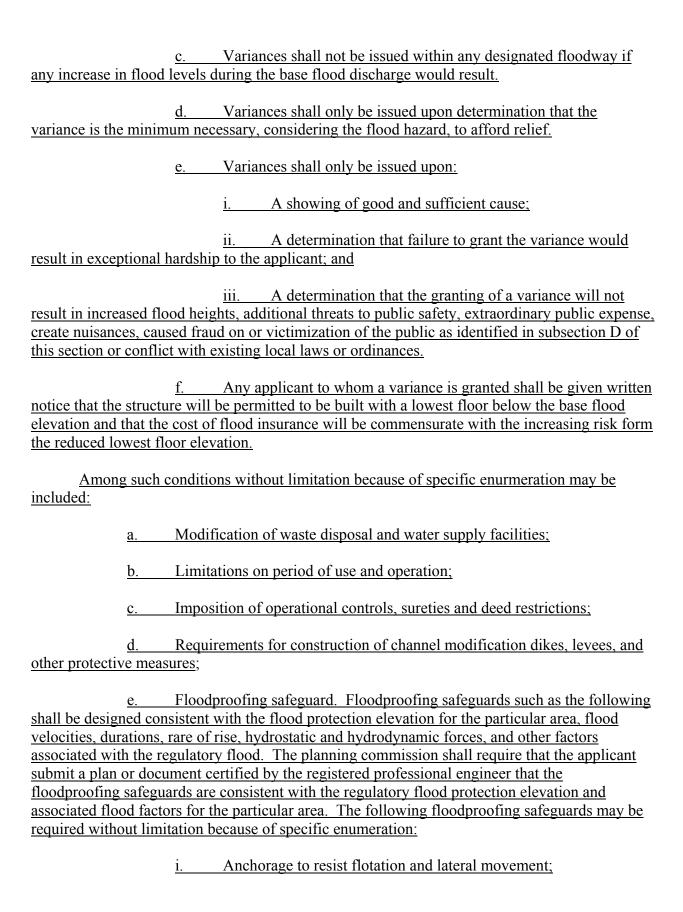
All application for special exceptions shall be filed with the city engineer or his designee. The city engineer shall or his designee shall file a copy of the request with the planning department, which shall schedule a review of the exception by the planning commission. The fee for such special exception shall be two hundred fifty dollars (\$250).

- A. Time for Action by the Planning Commission. Within thirty days after receiving an official application, the commission shall either recommend approval or disapproval of the application or require additional information. In those cases where additional information is requested, time for action by the commission to recommend approval or disapproval of an application shall be extended an additional thirty days. No more than two extensions shall be granted.
- B. Time for Action by the Common Council. After the planning commission has recommended either approval or denial, a copy of their decision shall be filed within five days with the city finance officer. The common council shall set, within thirty days following the date of planning commission action, a hearing on the application for the special exception. The counsel shall, within thirty days of the hearing, either approve or deny or require additional information of the applicant. In those cases where additional information may be required, time for action by the council to approve or deny an application shall be extended additional thirty days. No more than two extensions shall be granted by the council; however, the failure of the council to approve or deny shall not be construed as approval.
- C. Procedure to be Followed by Planning Commission in Special Exception Permits.

  Upon receiving an application for a special exception permit involving the use of Fill or construction of structures, the commission or common council shall require prior to rendering a recommendation thereon:
- 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 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;



The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions; The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual occupant, both present and future: The importance of the services provided by the proposed facility to the community; The requirements of the facility for a water-front location; 6. The availability of alternative locations not subject to flooding for the proposed use: The compatibility of the proposed use with existing anticipated, or other proposed developments in the foreseeable future; 9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area; The safety of access to the property in times of flood for ordinary and emergency vehicles; The expected heights, velocity, duration, rate of rise and sediment 11. transportation of the floodwaters expected at the site: 12. Such other factors which are relevant to the purpose of this chapter. E. Conditions Attached to Special Exceptions. Upon consideration of the preceding factors and the purposes of this chapter, the commission or council may attach such conditions to be granting of special exceptions as it deems necessary to further the purposes of this chapter. 2. Conditions for variances: a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and with surrounded by lots with existing structures constructed below the base level, providing subdivisions 1 through 12 of subsection D of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increase. b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the national register of historic places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.



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Installation of watertight doors, bulkheads and shutters, or similar ii. methods of construction; Reinforcement of walls to resist water pressures: iii. Use of paints, membranes or mortars to reduce seepage of water iv. through walls; Addition of mass or weight to structures to resist flotation; V. Installation of pumps to lower water levels in the structure; vi. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures; Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters; Construction to resist rupture or collapse caused by water pressure ix. or floating debris; Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basement may be eliminated by mechanical devices; xi. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood; xii. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory flood protection elevation or are adequately floodproofed to prevent flotation of storage containers, which could result in the escape of toxic materials into floodwaters: XIII. Such other safeguards that the commission and/or common council

shall determine necessary.

F. Overriding Recommendation of Planning Commission. It shall take a majority	
vote of the entire membership of the common council to over-ride the recommendation of the	
planning commission.	
CITY OF RAPID CITY	
ATTEST: Mayor	
T: 0.00	
Finance Officer	
(SEAL)	
First Reading:	
Second Reading:	
Published: Effective:	
Effective:	
Prepared By: CITY ATTORNEY'S OFFICE	