

STAFF REPORT
November 4, 2010

No. 100A017 - Ordinance Amendment to allow setbacks to be reduced for existing structures as a result of dedicating right-of-way or H Lots by adding Section 17.50.255 to the Rapid City Municipal Code

ITEM 10

GENERAL INFORMATION:

APPLICANT	City of Rapid City
REQUEST	No. 100A017 - Ordinance Amendment to allow setbacks to be reduced for existing structures as a result of dedicating right-of-way or H Lots by adding Section 17.50.255 to the Rapid City Municipal Code
DATE OF APPLICATION	10/8/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Ordinance Amendment to allow setbacks to be reduced for existing structures as a result of dedicating right-of-way or H Lots by adding Section 17.50.255 to the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

In order to streamline the platting process, Planning Commission has authorized staff to advertise for a public hearing to consider amending the Rapid City Municipal Ordinance to allow reductions in setbacks that occur as a result of dedicating right-of-way.

STAFF REVIEW:

Staff has reviewed the Ordinance Amendment and has noted the following considerations:

Chapter 16: Chapter 16.12.010 of the Rapid City Municipal Code states that when a property is being platted, all streets must provide the minimum right-of-way widths as specified within the City's Street Design Criteria Manual. In some instances, additional right-of-way is required within an established development when the streets do not currently meet the minimum right-of-way requirements. Subsequently, as a result of dedicating the additional right-of-way, some of the existing structures no longer meet the minimum setback requirements as established in Chapter 17 of the Rapid City Municipal Code. When this occurs, the applicant must obtain a Variance from the Zoning Board of Adjustment to reduce the setback requirement or obtain approval of a Planned Development to reduce the setback or the structure must be removed from the setback. In the past, these Variances have been approved noting that it is in the public's best interest to obtain the right-of-way for future street, pedestrian and utility improvements if needed. Amending the Ordinance as proposed will streamline the platting process by eliminating the requirement to obtain a Variance from the Zoning Board of Adjustment to reduce the setback requirement or obtain approval of a Planned Development to reduce the setback.

Chapter 17.50: Chapter 17.50 addresses supplementary regulations applicable to some or all Zoning District. Adding 17.50.255 to allow setbacks to be reduced for existing structures as

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a result of dedicating right-of-way or H Lots would apply to all Zoning Districts.

Staff recommends that Chapter 17.50 be amended as follows:

17.50.255 Reduced setbacks for existing structures in consideration of dedicating right-of-way or H lots.

Upon dedication of public right-of-way or H Lots, setback requirements for existing structures shall be reduced as needed to allow the dedication.