



CITY OF RAPID CITY

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Community Planning & Development Services

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MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Brett Limbaugh, Director

DATE: December 6, 2012

RE: No. 12OA010 - An Ordinance Amending Section 17.50.050(F)(4)
Regarding Public Notice Requirements for the Planned Development
Overlay District (PD)

On August 6, 2012 City Council acknowledged the Staff memorandum concerning the consolidation of the Sign Code Board of Appeals and the Board of Adjustment. Staff has prepared the several Municipal Code ordinances to complete the consolidation and has determined that there are some additional sections that should be revised. Included within the revisions is the modification of existing requirement for certified mail for adjacent property notifications.

The state statutes do not require certified mail for adjacent property owner notification. Staff recommends that notices be sent by first class mail which will significantly reduce the cost to the applicant and save the Staff time needed to collect the certification receipts.

In addition, Staff has received many complaints from those who receive certified mailing notices. A certified notice requires the property owner to schedule a trip to the post office to pick up the letter. In many cases the property owner does not pick up the letter from the post office for several days and therefore may not have this information prior to the hearing date. A first class letter would be sent directly to the property owner.

The attached Planned Development Overly District (PD) Chapter has been revised to change the requirement from certified mail to first class mail. This revision has been duplicated within the companion ordinances to be reviewed by Planning Commission. Deletions are highlighted in yellow and additions highlighted in red.



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Recommendation: Staff recommends that the Planning Commission forward the new ordinance section to City Council with a recommendation to approve.