



CITY OF RAPID CITY

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MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Brett Limbaugh, Director

DATE: January 18, 2013

RE: No. 12OA014 - An Ordinance Adopting a New Section 17.54
Regarding Administrative and Enforcement Regulations.

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 several Municipal Code revisions to accomplish this consolidation. With the transfer of the sign codes from Title 15 to Title 17 the Sign Code Board of Appeals has been eliminated. Variances for signs including height, area, setback, and number will now be sent to the Board of Adjustment. Once this new section 17.54 is approved the members Board of Adjustment will need to be reappointed.

As Staff performed the revisions to the language relevant to the Board of Adjustment in Chapter 17.54 it was determined that there were several other sections that should be revised. The revised Chapter is attached to this memorandum and includes deletions highlighted in yellow and additions highlighted in red. At the Direction of the Planning Commission, Staff reviewed the changes to this ordinance and the Sign code and fences and wall code with the Board of Adjustment on December 18, 2012 and again on January 15, 2013. The Board of Adjustment and Staff have agreed to modify Section 17.54.020 C. and D. regarding the criteria for consideration of a variance. The Board members also do not agree with the term limits in Section 17.54.010.B.1. Listed below is a brief summary of the revisions:

Section 17.54 Table of Contents

- The table of contents has been revised to clearly define the chapter sections.



EQUAL OPPORTUNITY EMPLOYER

Section 17.54.010 Organization

- The authority and functions of the Building Official, Director and Development Review Team (DRT) have been enhanced and/or added;
- The Board of Adjustment section has been revised to limit the number of consecutive terms for each member to no more than two terms of three years each. The Board of Adjustment has expressed that they do not want term limits;
- The City Council section has been revised to clarify the main duties within Title 17; and
- A brief section has been added concerning the authority and function of the Planning Commission within Title 17.

Section 17.54.020 Variances

- The specific fee amount has been removed in favor of the fee resolution adopted by City Council;
- The adjacent property owner notification process has been revised to include mailing by first class rather than certified mail; and
- Changes in this section have been modified to allow the Board of Adjustment some latitude in the criteria for the review, approval or denial of variances. The language also clarifies that variances are for design and zoning district standards and not for land uses.

Section 17.54.030 Conditional use permits

- The section title has been revised;
- Added the staff Development Review Team process that matches the process within other sections of the Zoning Ordinance;
- Added clarifications to the site plan and operations plan submittal requirements;
- The Adjacent property owner notification process has been revised to include mailing by first class rather than certified mail;
- Moved the newspaper publication requirement;
- The specific fee amount has been removed in favor of the fee resolution adopted by City Council;
- Added a sentence to clarify that the conditional use permit is approved for use by the applicant rather than for the property unless otherwise approved by the Planning Commission;
- Revised the amendment process to match the Planned Development Overlay District (PD), Planned Unit Development (PUD), and Administrative Exceptions ordinances approved by City Council earlier in 2012;
- The amendments section has been revised to match the Planned Development Overlay District, Planned Unit Development District, and Administrative Exceptions sections recently approved by City Council.
- Changed the expiration term for a conditional use permit that is not being used from two years to one year.

Sections 17.54.040 Zoning, rezoning, zoning ordinance, and comprehensive plan amendments.

- Revised the section title;
- Revised several department and position titles; and
- Revised the notification process from certified mail to first class mail.

Section 17.54.050 through 17.54.070.

- Revised a position title; and
- Revised the penalties section.

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