



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

## PLANNING DEPARTMENT

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### MEMORANDUM

TO: Rapid City Planning Commission

FROM: Bill Lass, Senior Planner

DATE: 11/26/01

RE: Proposed Amendments to the Subdivision Regulations Regarding Final Plats

At the direction of the Planning Commission, Staff has prepared two different draft amendments to the subdivision regulations. The First change would allow Final Plats to be approved administratively by City Staff, while the second change sets forth an expiration deadline for the effective approval of Layout and Preliminary Plats.

Staff has recently learned that other communities in South Dakota are approving Final Plats through an administrative process similar to that used by Rapid City for Minor Plats. Most of the substantive discussions and review regarding platting occurs at the Layout or Preliminary plat stage. The Final Plat process insures that the work has been completed in accordance with the approved plans or surety has been posted, insures that the lot layout is consistent with the approved Preliminary Plat, that the taxes have been paid and that all required signatures appear on the mylar. Allowing consideration of Final Plats through an administrative process would streamline the platting process for developers and property owners and would reduce the volume of plats brought before the City Planning Commission and City Council.

The second potential change to the Subdivision Regulations would set forth an expiration deadline for approved Layout and Preliminary Plats. Currently the Subdivision Regulations do not set forth any type of expiration date. Once a plat has been approved by the City Council it remains valid indefinitely. There are instances where plats were approved many years ago but were never developed. This can cause problems when the property is developed as the subdivision requirements under which the plat was approved may vary drastically from today's standards. Many communities have resolved this problem by setting forth a timeframe for which approved plats remain valid. Staff is recommending that a two year timeframe be adopted with the potential for a one year extension upon approval by the City Council.

Staff wishes to receive the input of the Planning Commission regarding these two issues. Should the Planning Commission wish to proceed with the changes, a motion will be needed directing Staff to advertise for these changes to the Subdivision Regulations.

Thank you.

## **- DRAFT -**

An Ordinance amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats and by amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.037 pertaining to expiration of approved Layout Plats and Preliminary Plats.

### **16.08.035 Administrative Approval of Final Plats**

1. Upon compliance with all provisions of this Chapter and after City Council approval of the Preliminary Plat has been received, the applicant for a Final Plat may submit said application to the Planning Department for final action in accordance with the requirements of this Section.

2. Within ten working days after receiving the Final Plat application, the city shall either approve or disapprove of the plat. If, however, at any such time it is determined that insufficient information has been submitted to adequately review such application, the application shall be deemed withdrawn. The application may be resubmitted at any time thereafter with the ten day time period beginning anew upon resubmission

3. No Final Plat shall be approved unless it complies with all existing City land use regulations, the adopted Comprehensive Plan and its policies, the adopted Zoning Ordinance, all stipulations of the Preliminary Plat approval, and all other requirements of Chapter 16.

4. No changes to the Final Plat from the Preliminary Plat are allowed except as follows: (a) Any changes required by the City as part of the Preliminary Plat approval; (b) Minor changes such as changes in dimensions or angles, or minimal changes in lot size. Such minor changes must not change in any way the overall scope of the plat and must be approved by both the Planning Director and the Public Works Director.

5. No Final Plat shall be approved unless it complies with all applicable local, state, and federal policies and laws.

6. The Planning Director and Public Works Director or their designated representatives shall not approve the Final Plat until all platting requirements set forth in this chapter are met and all stipulations of Preliminary Plat approval are met.

7. A Final Plat shall be considered as approved by the City only after the Planning Director and Public Works Director have signed the plat and the City Finance Officer has certified the same.

8. Appeals. Any person having submitted a Final Plat application to the City and having said application accepted by the City, may upon having such application denied by the Planning Director and/or Public Works Director or their designated representatives, appeal such decision to the City Council.

### **16.08.37 Expiration of Layout and Preliminary Plats**

Any approved Layout or Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of said plat shall be deemed as expired. However, the owner or applicant of said plat may, at the termination of the two year period, request a one-year extension subject to approval by the City Council.

File: Final-Plat-Ord.doc