

Ordinance # _____

AN ORDINANCE TO ESTABLISH A PROCEDURE FOR THE MUNICIPAL PLANNING COMMISSION TO MAKE RECOMMENDATIONS FOR THE AMENDMENT OF THE COMPREHENSIVE PLAN FOR DEVELOPMENT IN THE CITY OF RAPID CITY BY AMENDING SECTION 2.60.160 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City has previously adopted a Comprehensive Plan for development as required by state law; and,

WHEREAS, the Rapid City Planning Commission is frequently presented with requests to amend the adopted Comprehensive Plan; and,

WHEREAS, the City of Rapid City desires formalize the process of consideration by the Planning Commission of requests to amend the adopted Comprehensive Plan.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF RAPID CITY, that section 2.60.160 is hereby amended to read as follows:

2.60.160 ~~Legal status of the c~~ Comprehensive plan.

~~Whenever any such planning commission shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth no street, park, or other public way, ground, place or space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof shall be constructed or authorized in the municipality or within its platted jurisdiction as defined in Section 2.60.220 until and unless the location and extent thereof shall have been submitted to and approved by the planning commission.~~

The Planning Commission may recommend changes to the comprehensive plan from time to time as set forth below. Requests for amendments to the comprehensive plan shall follow the procedure set out in this section.

A. Application. An application for a proposed amendment shall be filed with the city planning department. Amendments may be instituted by the property owner or his designated representative, by an appropriate governmental agency. For amendments initiated by the city planning and zoning commission, the applicant shall be the City of Rapid City.

B. Public Hearings. Upon application, the city planning and zoning commission shall hold a public hearing thereon. Notice of the public hearing shall be published at least ten days in advance of the hearing in a legal newspaper of the community. After conducting the public hearing, the Planning Commission shall submit its recommendation to the Common Council.

C. Time Limit and Notification. The Planning Commission shall act on all proposed amendments within sixty days of the public hearing at the Planning Commission. If the Planning Commission fails to act within sixty days, the application shall be forwarded to the Common Council as a recommendation for approval, provided however, that the applicant for approval may waive this requirement in writing and consent to the extension of such period.

D. Standards for Plan Amendments: A proposed comprehensive plan amendment shall be considered on its own merits using the following criteria as a guide:

1. Text or Map Amendments. The following criteria shall be met for all amendments:

(a) whether the proposed change is consistent with the policies and overall intent of the comprehensive plan;

(b) whether the proposed change is warranted by changed conditions within the neighborhood surrounding and including the subject property;

(c) whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land;

(d) whether and the extent to which the proposed amendment would adversely effect the environment, services, facilities, and transportation;

(e) whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and,

(f) whether and the extent to which the proposed amendment adversely affects any other part of the city, or creates any direct or indirect adverse effects.

E. Comprehensive Plan Amendment -- Posting and Maintenance of Signs. In addition to the preceding requirements, the petitioner for the comprehensive plan amendment, or his agent or agents, shall be required to post and maintain an approved sign or signs on the property included in the comprehensive plan amendment request. Such sign or signs shall be posted at least seven calendar days prior to the planning commission meeting at which such petition shall be considered and shall be maintained continuously until the comprehensive plan amendment request has been finally approved or rejected by the common council or withdrawn by petition. Approved signs shall be secured from the planning department who shall require a reasonable deposit sufficient to cover the cost of replacement of such sign or signs and who shall determine the number and location of the sign or signs to be posted on the property included in the comprehensive plan amendment. This section shall not apply to comprehensive plan amendments instituted by the city planning and zoning commission.

F. Comprehensive Plan Amendments—Notification Requirements. In addition to the preceding requirements, the petitioner for the comprehensive plan amendment, or his designated agent shall include postal registration data that substantiates petitioner's good faith attempt to mail certified letters with return receipts to all property owners within two hundred fifty feet inclusive of dedicated rights of ways of the area described. Such certified mailings shall include the date set for the hearing before the city planning and zoning commission and contemplated uses, and shall be on a form provided by the planning commission. This section shall not apply to comprehensive plan amendments instituted by the city planning and zoning commission. In addition, the Planning Director

may convene a neighborhood meeting to present and discuss a proposal of known controversy and/or significant neighborhood impacts.

G. Fees. A fee of two hundred fifty dollars shall be paid at the time of filing any application for a comprehensive plan amendment.