

STAFF REPORT

August 7, 2003

No. 03OA004 - Ordinance Amendment

ITEM 13

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 03OA004 - Ordinance Amendment
EXISTING LEGAL DESCRIPTION	An ordinance amending Section 17.54.020 (A) of the City of Rapid City Zoning Ordinance to change the application fee from seventy-five dollars (\$75.00) to two hundred fifty dollars (\$250.00) for a zoning variance request.
DATE OF APPLICATION	07/11/2003
REPORT BY	Jeff Marino

RECOMMENDATION: Staff recommends that the Ordinance Amendment to change the application fee from seventy-five dollars (\$75.00) to two hundred fifty dollars (\$250.00) for a zoning variance request be approved.

GENERAL COMMENTS: At the July 10, 2004 Planning Commission meeting, a discussion item proposing to raise the application fees for Zoning Variances from \$75 to \$250. The motion carried unanimously to direct City Staff to advertise for a text amendment to the City of Rapid City Municipal Code Section 17.50.020.

The 1968 Zoning Ordinance identifies the fee for variances as \$15.00. The 1968 ordinance time stated, "A fee of fifteen dollars (\$15.00) due and payable at the time of the appeal shall be paid to the Building Inspector as agent for the Board, to cover the costs of notices and other expenses incidental to the hearing."

On May 2, 1977 the City of Rapid City Council approved Ordinance 1713, which increased the application fee for zoning variances to \$25.00. On October 31, 1981, Ordinance 2079 became effective which required all applicants to present \$75.00 dollars to the Building Official for each application submitted for a zoning variance. In 2001, there was an additional change to this portion of the code; however, the change pertained to notification requirements as compared to the application fees.

STAFF REVIEW: Staff has reviewed this request for conformance with the four criteria for review of text amendments established in Section 17.54.040(D)(1). A summary of Staff findings are outlined below:

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the City in general.*

The last time the Zoning Ordinance was amended to change the fees for a zoning variance

STAFF REPORT

August 7, 2003

No. 03OA004 - Ordinance Amendment

ITEM 13

was 1981. This change occurred over 20 years ago. The Planning Commission has indicated that the change is necessary to address the costs of processing zoning variance applications including inflationary factors.

2. The proposed zoning is consistent with the intent and purposes of this ordinance.

The City's policy has been for each applicant to incur some of the costs of processing the application. By increasing the application fee, each applicant is incurring a portion of the costs of the review rather than the process being a burden on the tax payers of Rapid City. This increase in the fee will not completely cover the costs of processing the applications; however, it will reduce the burden on the tax payers by having each applicant cover an increased portion of the costs. This increase will make the fees more consistent with other development applications in the City of Rapid City.

3. The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such an amendment.

Staff is unaware of any adverse affects on the City that may result from this change.

4. The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan and Community Facilities Plan.

The proposed increase in fees does not conflict with the City's development plan..

Staff is recommending approval of the Ordinance Amendment due to the previously stated reasons.