

AN ORDINANCE TO UPDATE THE REFERENCES TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT IN THE SUBDIVISION REGULATIONS BY AMENDING SECTIONS 16.04.080 AND 16.20.010 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has renamed what was formerly called the Community Planning and Development Services Department as the Department of Community Development; and

WHEREAS, the references to the Department of Community Development in the City's subdivision regulations contain prior names of the Department; and

WHEREAS, the Common Council desires to update the references to the Department so the regulations are consistent and accurate.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 16.04.080 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

16.04.080 Responsibilities.

A. *Applicant.* The applicant shall prepare plats and shall install improvements consistent with these regulations and other referenced city ordinances, regulations, standards, and specifications in editions which are applicable at the time the subdivision application is filed. The applicant is responsible for paying all fees which are listed in these regulations at the time required.

B. *Department.* The Department ~~of Community Planning and Development Services~~ will review all plats as to their conformity to city regulations. As a part of its examination, the Department will consult with interested public or private agencies for the purpose of determining whether or not the plat is in conformity for orderly growth and development of the city.

C. *Director.* The Director ~~of Community Planning and Development Services~~ and/or Director of Public Works, following criteria as hereinafter provided, shall have the authority to approve or deny all final subdivision plats, minor subdivision plats, lot line adjustment and lot consolidation plats, and vacation of easements as defined by this title. Denial by the Director may be appealed by the applicant to the City Council.

D. *City Council.* The City Council shall have the authority to hold a public hearing for preliminary subdivision plans and instruments for the vacation of public right-of-way. The City Council shall hear and have final jurisdiction of all appeals.

E. *City Engineer.* The City Engineer shall have the authority to approve development engineering plans and development agreements for public improvements submitted by the applicant, provided a preliminary development plan has been approved by the City Council.

F. *Planning Commission.* The Planning Commission shall review preliminary subdivision plans and make recommendations to the City Council after conducting a public hearing.

G. *DRT.* The Development Review Team or DRT is composed of city staff and representatives of outside agencies that have an interest in or would be affected by a proposed subdivision application. The Director shall maintain a list of current members and may revise the list. The Director or designee within the Department will select members from the DRT list and

forward subdivision applications to the selected members for review and comment. Copies of the list are available for inspection in the office of the Director.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 16.20.010 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

16.20.010 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ALLEY. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

APPLICANT. Any person, firm, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

APPLICANT'S ENGINEER. A professional engineer licensed and in good standing with the South Dakota Board of Technical Professions who is the agent of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

BLOCK. An area of land generally bounded by streets, or by a combination of streets and railroad rights-of-way, waterways, or boundary lines of municipalities.

CERTIFICATE OF OCCUPANCY. The instrument issued by the Building Official of the city or designee when a building has been inspected and found to meet city codes and ordinances relating to construction. The certificate authorizes occupancy of the building.

CITY. The City of Rapid City, South Dakota.

CITY COMPREHENSIVE PLAN. Any legally adopted part or element of a development plan of the City of Rapid City or its environs designed to provide development policies for the city. This may include, but is not limited to: the zoning ordinance, subdivision ordinance, community facilities plan, major street plan, capital expenditures program and land use plans.

CITY SPECIFICATIONS. The city specifications of the City of Rapid City, which have been adopted by the City Council.

CITY ENGINEER. The duly designated City Engineer of the City of Rapid City, South Dakota.

DEPARTMENT. The Department of Community Development, or the Public Works Department when applicable.

DEVELOPER. The person(s), firm(s) or corporation(s), in the process of creating a subdivision of property.

DIRECTOR. The Director of the Department of Community Development Community Planning and Development Services of the City of Rapid City, South Dakota, or the Public Works Director when applicable.

EASEMENT. A grant by a property owner for use of a designated portion of land by another person or agency, public or private.

IMPROVEMENTS. Streets, curbs, gutters, drainage facilities, sidewalks, pedestrian walks, water mains, sanitary and storm sewers, underground gas lines, underground and overhead utility lines, telecommunication lines and facilities, street trees, ornamental street lights, and such other items as may be designated by the Director of Public Works.

LAND SURVEYOR. A professional land surveyor, licensed and in good standing and legally authorized to practice land surveying under the provisions of the South Dakota state statutes.

LOT. A portion of a subdivision or other parcel or tract of land intended as a unit for the transfer of ownership and/or for development.

MAJOR STREET PLAN. Shall mean the major street plan as adopted by the City Council as an element of the city development plans and/or Comprehensive Plan.

PARCEL. A lot or contiguous group of lots or other pieces of land in single ownership or under single control and usually considered a unit for purposes of development.

PLAT. A map of a piece of land subdivided into lots, parcels, tracts, or blocks, including streets, commons, and public grounds, if any, all drawn to scale.

PUBLIC UTILITY. Improvements which include gas lines, water mains, sanitary storm sewerage, electrical cables and lines, telephone cables and lines, telecommunication facilities and lines or other facilities of a similar nature.

RAPID CITY UTILITIES. The municipal and franchised utilities which have been approved by the City Council.

REGISTER OF DEEDS. The duly designated Register of Deeds for the county in which the property is located.

STREET. A dedicated public or non-dedicated private thoroughfare that affords the principal means of access to abutting property. The term **STREET** includes the right-of-way or easement which conveys the street when it is open to use.

SUBDIVISION. The division by plat of a lot, tract, or parcel of land. The term shall also include and refer to any division of land subdivided or platted prior to the effective date of this title.

SURETY. Any form of security including cash deposit, surety bond, property, or instrument of credit in an amount and form satisfactory to the Director of Public Works and City Attorney.

ZONING ORDINANCE. The zoning ordinance of the City of Rapid City, South Dakota.

CITY OF RAPID CITY

Attest

Mayor

Finance Officer

(seal)