

Ordinance No. 6310

AN ORDINANCE TO UPDATE THE TAX INCREMENT FINANCING DISTRICT REVIEW PROCESS BY AMENDING CHAPTER 3.26 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has enacted ordinances with govern the process for creating Tax Increment Financing Districts; and

WHEREAS, the Common Council has adopted a revised policy governing the application, review and approval process for TIF Districts; and

WHEREAS, the Common Council wishes to amend the applicable ordinances to comply with the policy revision.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 3.26 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

CHAPTER 3.26: TAX INCREMENT FINANCING DISTRICT REVIEW PROCESS

- 3.26.010 ~~Tax Increment Financing District Project Review Committee created~~Findings.
- 3.26.020 Purpose.
- 3.26.030 ~~Process~~Policy.
- 3.26.040 ~~Hearing by the Tax Increment Financing District Project Review Committee~~Fee.
- 3.26.050 ~~Recommendation~~Hearing by Planning Commission.
- 3.26.060 Recommendation for approval forwarded to the City Council.
- 3.26.070 Action by the City Council.

3.26.010 ~~Tax Increment Financing District Project Review Committee created~~Findings.

Tax Increment Financing (TIF) is a valuable economic development and community redevelopment tool for the City of Rapid City. It can be used to promote investment in the City, which results in improved or additional streets, utility infrastructure, and other public improvements. Additionally, TIFs can provide employment opportunities for City residents, restoration of historic buildings or areas, and redevelopment of blighted areas.

~~—There is hereby created a Tax Increment Financing District Project Review Committee which shall consist of the following members: The City Council leadership will be responsible for forwarding the name of 2 City Council members to be approved by a majority vote of the City Council; 1 Planning Commission member appointed by the Mayor and confirmed by the City Council; 1 representative of the Economic Development Partnership appointed by the Rapid City Economic Development Partnership Board; 1 representative of the Rapid City Area School District appointed by the School Board president; and 2 representatives of the Pennington County Board of Commissioners appointed by the Board of Commissioners. Members of the Committee shall serve 1 year terms.~~

3.26.020 Purpose.

Tax Increment Financing shall be employed to further the goals and purposes contained in the City's Comprehensive Plan, the master planning documents associated with the Comprehensive Plan, and applicable laws and ordinances.

~~—The Tax Increment Financing District Project Review Committee shall consider all initial requests for the creation of tax increment financing districts or tax increment financing district project plans and shall consider all requests for the amendment of any existing tax increment financing district or project plan.~~

3.26.030 Process Policy.

The Common Council shall adopt a TIF Policy to govern the City's use of tax increment financing. The TIF Policy shall include, at a minimum, the following:

- A. the permissible purposes of TIF Districts,
- B. the projects and project costs that are eligible for inclusion in the project plan,
- C. the process to apply for tax increment financing,
- D. the criteria for evaluating applications, and
- E. the policy for certification and reimbursement for eligible costs.

Applications shall be submitted to the Department of Community Development for review and recommendation by the Tax Increment Review Team, in accordance with the Department's submittal schedule. Applications submitted that are not in compliance with the adopted TIF Policy shall be returned by the Department to the applicant with a statement explaining any non-compliance.

~~—A. An applicant for a tax increment financing district shall submit to the Community Planning and Development Services Department Director a completed application form, together with all information that may be required by the Rapid City Common Council. In addition, the applicant must pay to the City an application fee for each request for creation of a tax increment financing district or for any amendment to an existing tax increment financing district or project plan. The fee amount shall be set by City Council by resolution.~~

~~—B. Upon receipt of a completed application, all the information required by the Rapid City Common Council, and payment of the application fee, the Community Planning and Development Services Department will schedule a meeting of the Tax Increment Financing District Project Review Committee within 30 days.~~

3.26.040 ~~Hearing by the Tax Increment Financing District Project Review Committee~~ Fee.

Each application for creation of a tax increment financing district, or for any amendment to an existing district or project plan, shall require payment by the applicant of an application fee. The fee amount shall be set by resolution of the Common Council.

~~—The Tax Increment Financing District Project Review Committee shall meet at the scheduled time and hear the request for the creation or amendment of the tax increment financing district or project plan. The meeting shall be a public meeting with minutes taken. The meeting shall be noticed in the same manner as regular City Council meetings, and a public comment period shall be allowed on each application. The Committee shall have the right to limit the amount of time it allots for each speaker during the public comment period, but shall not impose an unduly burdensome time limit.~~

3.26.050 ~~Recommendation~~Hearing by Planning Commission.

~~Each application submitted in compliance with this Chapter and the TIF Policy shall be presented to the Planning Commission in accordance with the requirements of applicable state law. The Planning Commission shall hold a hearing on the application, following which the Commission shall vote on whether it shall recommend creation of the district to the Common Council. Any application that does not receive a recommendation of approval to create the district shall be deemed denied. Denial of an application shall not preclude re-submission of the same or a similar application, provided that such application complies with this Chapter, meets the requirements of the TIF Policy, and includes the application fee.~~

~~—A. The Tax Increment Financing District Project Review Committee shall either approve or deny the request. If the Committee approves the request, documents to implement the recommendation will be prepared by the staff and will be forwarded, along with the Committee's recommendation, to the Planning Commission for a public hearing and consideration.~~

~~—B. If the Tax Increment Financing District Project Review Committee denies the request, the applicant may appeal the decision to the Planning Commission. Any appeal must be filed within 7 days of the action by the Tax Increment Financing District Project Review Committee. The appeal must be in writing, directed to the Community Planning and Development Services Director indicating the applicant's intention to appeal. The appeal shall be presented to the Planning Commission at its next regular meeting that is at least 7 days following the date the appeal is received by the Growth Management Community Planning and Development Services Director. The Planning Commission may uphold the denial of the application by the Tax Increment Financing District Project Review Committee or may direct that documents to implement the Committee's recommendation be prepared and that the statutory notifications be made for a public hearing and consideration by the Planning Commission.~~

3.26.060 Recommendation for approval forwarded to the City Council.

~~Recommendation for approval by the Planning Commission shall be forwarded to the City Council's Legal and Finance Committee for review and recommendation. Upon receipt of a recommendation for approval, the City Council shall set a public hearing and provide public notice thereof. The City Council shall refer the application to the Legal and Finance Committee for review and recommendation.~~The Legal and Finance Committee shall deliver the item to the City Council with or without recommendation on the date set by the City Council for the public hearing.

3.26.070 Action by the City Council.

~~Following the public hearing, the~~The City Council may approve, reject, or amend any request for the creation or alteration of a tax increment financing district or project plan.

CITY OF RAPID CITY

Attest

Mayor

Finance Officer
(seal)