

Ordinance No. 6475

**AN ORDINANCE TO CREATE A PLATTING PROCESS TO FACILITATE THE
TRANSFER OF CERTAIN UNPLATTED PROPERTY BY ADDING SECTION
16.08.105 TO THE RAPID CITY MUNICIPAL CODE**

WHEREAS, pursuant to SDCL § 11-6-40, the City of Rapid City has restricted the transfer of property that encompasses less than 40 acres within the platting jurisdiction of the city; and

WHEREAS, these properties are required to be platted before they may be transferred; and

WHEREAS, platting, subdivision, and development of property brings growth, tax revenue, and expanded markets and opportunities to the city; and

WHEREAS, the platting and subdivision process is the mechanism the City uses to get the infrastructure needed to provide public services to the areas of development and growth; and

WHEREAS, the City recognizes a process to transfer property without constructing infrastructure improvements may be necessary to encourage development and growth in some circumstances; and

WHEREAS, the City desires to create a limited process for creating a transferrable lot when no development or subdivision is currently planned for a property; and

WHEREAS, the transferable lot created will be restricted so that any development will trigger the improvements needed to serve such development.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 16.08.105 be and is hereby added to the Rapid City Municipal Code to read as follows:

16.08.105 Transfer plat.

A. *Description.* Transfer plats are used to create a Restricted Lot solely for the purpose of transfer as allowed by §16.04.100. Property that may be platted with a transfer plat include unplatted balances, properties smaller than 40 acres, properties that cannot be described by eloquent description, or properties that cannot otherwise be transferred under § 16.04.100. The transfer plat shall not allow any structural development upon or new uses of the Restricted Lot. The transfer plat shall not be used to subdivide any property, i.e. it may only be used to transform a nontransferable parcel of property into a Restricted Lot. Transfer plats shall not dedicate public right-of-way. Transfer plats shall only be approved upon the stipulations as noted below.

B. *Review.* The owner and/or designated agent shall submit the required application, fees, signed plat document (mylar), the specified number of copies of the transfer plat and other specified information to the Department. Upon receipt of a complete application and the required information, the Director shall provide all information to DRT. The DRT team shall have 13 working days from receipt of the application to complete their review and to approve, deny, or suspend the application. Applications not acted on within 13 working days of submittal (approved, denied, or suspended) shall be deemed approved. The plat document shall be signed by the Director

or designee and recorded at the Pennington County Register of Deeds. The approval, denial, or suspension shall be provided to the owner and/or designated agent.

C. *Suspended timelines.* If the Director or designee determines that the application for a transfer plat does not contain the specified and required information, the review timeline shall be suspended and the owner and/or designated agent shall be notified of the deficiency. When complete and sufficient information is provided by the owner and/or designated agent, the review timeline shall be re-engaged, with an additional 3 working days added to the remaining balance of the review timeline. Applications suspended for more than 90 consecutive days shall be denied by the Director or designee. Applicants may appeal to the City Council for extensions, providing that the appeal is heard within 90 days of the suspension.

D. *Appeal of suspended timelines.* When the owner and/or designated agent do not concur with the Director or designee regarding the information required for the transfer plat, an appeal can be filed to the City Council. The City Council may approve or deny the transfer plat in its entirety, upon the applicant's request, with consideration being given to the disputed item(s).

E. *Approval criteria.* The Director, the Director's designee, or City Council, as applicable, shall approve a transfer plat if the plat and all supporting documents comply with all of the following approval criteria:

1. The property to be platted must be devoid of all development;
 - a. If any development is present on the property, the applicant may petition the Common Council to authorize a transfer plat, should the Council determine infrastructure improvements are not necessary;
 - b. Absent Council authorization, a transfer plat may not be approved if any development is present;
2. The owner of the property must enter into a restrictive covenant prohibiting all development on the property including, but not limited to the following:
 - a. No building permits shall be issued on a Restricted Lot;
 - b. No applications for development pursuant to Title 17 of the Rapid City Municipal Code shall be approved for a Restricted Lot;
 - c. No other development permits (e.g. grading permit) shall be issued on a Restricted Lot; and,
 - d. No development may occur until the Restricted Lot is replatted pursuant to Section 16.08.080;
3. Any lot created by a transfer plat shall be identified on the plat as "Restricted Lot" with a corresponding number or letter.
4. If two or more portions of a property to be platted are separated by public right-of-way or other platted lots such that one contiguous restricted lot cannot be platted, two or more restricted lots may be approved.
5. The transfer plat shall not subdivide a parcel of property or increase the number of lots;
6. The transfer plat shall not alter any recorded or platted easements or right-of-way; and
7. The transfer plat shall not create any nonconformities with the Rapid City Municipal Code, nor shall it increase the degree of nonconformity of any existing use.

CITY OF RAPID CITY

Mayor

Attest

Finance Officer

(seal)