

1st Reading _____
2nd Reading _____
Date Adopted _____
Date Published _____
Effective Date _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE ADOPTED
COMPREHENSIVE PLAN.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 32.30 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 32-30. Preparation of comprehensive plan for city development; contents of plan; changes or additions.

(a) It shall be a function and duty of the planning commission to propose a plan for the physical development of the city, including any areas outside the boundary and within its planning jurisdiction which, in the planning commission's judgment, bear relation to the planning of the city.

(b) The comprehensive plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the planning commission's recommendations for the physical development and may include, among other things, the general location, character, and extent of streets, bridges, viaducts, parks, parkways, waterways and waterfront developments, playgrounds, airports, and other public ways, grounds, places and spaces; the general location of public schools, of public buildings and other public property; a zoning ordinance for the regulation of the height, area, bulk, location, and use of private and public structures and premises, and of population density as may be provided by law may be included as an adjunct to the comprehensive plan; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, heat, sanitation, transportation, communication, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of such public ways, grounds, places, spaces, buildings, properties, utilities, or terminals; the general location, character, layout, and extent of community centers and neighborhood units, and the general character, extent, and layout of the replanning of blighted districts and slum areas.

~~The planning commission may from time to time propose amendments, extensions, or additions to the plan or carry any of the subject matter into greater detail.~~

Section 2. That Section 32.30 (c) of the Revised Ordinances of Sioux Falls, SD, is hereby added to read as follows:

(c) The planning commission may from time to time propose amendments, extensions, or additions to the plan or carry any of the subject matter into greater detail. The Planning Director shall be responsible for preparing the master plan and amendments and extensions thereof and for submitting with recommendations such plans and modifications to the city planning commission for their consideration and adoption. A proposed comprehensive plan amendment, extension, or addition shall be considered on its own merits using the following criteria as a guide:

1. Whether the proposed change is consistent with the policies and overall intent of the text within the comprehensive plan;
2. Whether the proposed change is warranted by changed conditions within the neighborhood surrounding and including the subject property;
3. Whether the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land;
4. Whether the extent to which the proposed amendment would adversely affect the environment, services, facilities, and transportation;
5. Whether the proposed change is warranted by an approved engineering analysis, including but not limited to adopted city-initiated master plans;
6. Whether the extent to which the proposed amendment would result in a logical and orderly development pattern and;
7. Whether the extent to which the proposed amendment adversely affects any other part of the city, or creates any direct or indirect adverse effects.

Section 3. That Section 15.60 of the Revised Ordinances of Sioux Falls, SD, is hereby added as follows:

15.60.010 Procedure.

The city 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.

15.60.020 Application.

An application for a proposed amendment shall be filed with the planning department. Amendments may be initiated by the property owner or his designated representative or by an appropriate governmental agency. For amendments initiated by the city planning commission, the applicant shall be the Director of Planning and Building Services.

15.60.030 Filing fee.

Upon the filing of any application for a comprehensive plan amendment with the department of planning and building services, the applicant shall pay to the city the appropriate fee as designated in Chapter 15.71.

15.60.040 Planning Commission Hearings.

Upon the filing of an application for a comprehensive plan amendment, the department of planning and building services shall set a date for public hearing on the request. Said date for the public hearing shall be a day when the planning commission is regularly scheduled to meet as determined by the rules, policies, and regulations as adopted or which may hereafter be adopted by the Planning Commission for holding public hearings on such requests, or the planning commission may designate a special meeting at which to hear a requested Comprehensive Plan Amendment.

- (a) 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 city planning commission shall submit its recommendation to the city council.
- (b) Planning commission report: The planning commission shall submit to the city council a final report containing its recommendations on those applications for comprehensive plan amendments which it has considered. If no report is received from the planning commission in 65 days, it may be assumed that said commission has approved the comprehensive plan amendment.

15.60.050 City council hearing.

The city council shall conduct a public hearing to act on all applications which have been processed and forwarded to them for public hearing as provided in this chapter.

- (a) —Hearing: Notice of the public hearing shall be published at least ten days in advance of the hearing in a legal newspaper of the community. Upon the day of such public hearing, the city council shall review the decisions and recommendations of the planning commission of all applications coming before the city council as provided in this chapter. The city council, in making its determination of such applications, may make changes in accordance with or in rejection or modification of the recommendation of the planning commission.
- (b) Action and Protest. Approval or denial of any application for a comprehensive plan amendment shall be by a majority of all members of the city council. Twenty days after publication of the city council's approval, the comprehensive plan amendment shall take effect. If the planning commission disapproves the proposed change, it may be adopted by the city council only by the affirmative vote of at least six-eighths of all the membership of the council.

15.60.060 Reapplication.

No applicant requesting a comprehensive plan amendment whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the planning commission or city council shall be again considered by the planning commission before the expiration date of six months from the date of the final action on the petition.

Section 4. That Section 15.71.130 of the Revised Ordinances of Sioux Falls, SD, is hereby added as follows:

Sec. 15.71.130. Comprehensive Plan Amendments.

A charge of \$250 shall be made for filing an application for a comprehensive plan amendment.

Date adopted: _____.

Mayor

ATTEST:

Dianne Metli
City Clerk