

REZONING

REZONING INFORMATION

WHAT IS ZONING?

THE CITY OF CASTLEWOOD HAS BEEN DIVIDED UP INTO DIFFERENT RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL LAND USE DISTRICTS OR ZONES. WITHIN THESE ZONES ONLY CERTAIN USES ARE PERMITTED. BY HAVING THESE ZONES, PROPERTY OWNERS CAN BE ASSURED THAT ONLY COMPATIBLE USES WILL LOCATE NEXT TO THEIR PROPERTY.

WHAT IS REZONING?

WHEN PROPOSED LAND USE IS NOT PERMITTED UNDER THE EXISTING ZONING, YOU CAN PETITION THE CITY COUNCIL TO CHANGE THE ZONING ORDINANCE OR ZONING CLASSIFICATION ON YOUR PROPERTY. THIS IS ACCOMPLISHED THROUGH THE SERIES OF STEPS OUTLINED BELOW.

STEP #1 MAKING APPLICATION

PETITIONS FOR A ZONING CHANGE MUST BE OBTAINED FROM THE FINANCE OFFICER. THE PETITION WILL ASK YOU FOR THE LEGAL DESCRIPTION OF THE PROPERTY YOU WANT TO REZONE, THE EXISTING ZONING CLASSIFICATION, AND THE PURPOSE FOR REZONING. THERE WILL BE A FEE CHARGED FOR THE PROCESSING OF YOUR PETITION. ONCE YOU HAVE PAID THIS FEE AND COMPLETED THE PETITION, YOU WILL BE PUT ON THE AGENDA FOR THE NEXT PLANNING COMMISSION MEETING.

STEP #2 JOINT PUBLIC HEARING OF THE PLANNING COMMISSION AND CITY COUNCIL

THE PLANNING COMMISSION IS MADE UP OF THE MAYOR AND CITY COUNCIL. THEY MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING LAND USE CHANGES (REZONINGS, AS WELL AS CONDITIONAL USES AND PLATS). AT THE PUBLIC HEARING, THE PLANNING COMMISSION CHAIRPERSON WILL ANNOUNCE EACH AGENDA ITEM IN TURN AND THEN ASK IF THE PETITIONER IS PRESENT TO EXPLAIN THE REQUEST. THIS IS WHEN YOU WOULD STATE YOUR REASONS FOR REZONING. THE PERSONS PRESENT

WHO WISH TO SPEAK AGAINST THE REZONING, AND THEY MAY DO SO AT THIS TIME.

AFTER THE PLANNING COMMISSION HAS HEARD FROM THE CITIZENS PRESENT AND DISCUSSED THE PETITION AMONG THEMSELVES, THEY WILL VOTE TO RECOMMEND TO THE CITY COUNCIL TO EITHER DENY OR APPROVE THE REQUEST. THE PLANNING COMMISSION BASES ITS DECISION ON A NUMBER OF THINGS:

- THE COMPREHENSIVE PLAN
- ADJACENT LAND USES
- ADJACENT ZONING DISTRICTS
- THE NATURE OF THE PROPOSED LAND USE
- AND THE IMPACT OF SUCH A REZONING ON THE SURROUNDING NEIGHBORHOOD.

REMEMBER THAT THE PLANNING COMMISSION VOTE IS ONLY A RECOMMENDATION. THE CITY COUNCIL CAN REVERSE THE DECISION OF PLANNING COMMISSION.

THE CITY COUNCIL WILL THEN HAVE THE FIRST READING OF THE ORDINANCE AMENDMENT AND SET A SECOND READING DATE. AT THE SECOND READING THE CITY COUNCIL MAY APPROVE THE PETITION BY A SIMPLE MAJORITY. A NOTICE OF ADOPTION WILL BE PUBLISHED ONCE AND THE AMENDMENT WILL BECOME EFFECTIVE TWENTY DAYS AFTER THE PUBLICATION.

THE FOLLOWING ARE THE CITY'S ZONING DISTRICTS:

- A AGRICULTURAL
- C1 CENTRAL COMMERCIAL
- HC HIGHWAY COMMERCIAL
- I INDUSTRIAL
- PUD PLANNED UNIT DEVELOPMENT
- R1 SINGLE FAMILY RESIDENTIAL
- R2 GENERAL FAMILY RESIDENTIAL
- R3 MANUFACTURED HOME RESIDENTIAL

HOW DO I REZONE PROPERTY?

- ⇒ Meet with the Administrative Official (Finance Officer) and ask for a rezoning application.
- ⇒ Complete the application and pay the appropriate fee.
- ⇒ The Administrative Official will review your application and will forward the application to the Planning Commission/City Council.
- ⇒ The Administrative Official will set a date for a public hearing of the Planning Commission and City Council to hear your request.
- ⇒ Ten (10) days before the public hearing the Administrative Official will publish a notice, at your expense, in the official newspaper.
- ⇒ Ten (10) days before the public hearing the Administrative Official will mail a notice, by Certified or Registered Mail at your expense, to all landowners within 250 feet of the proposed rezoning.
- ⇒ Ten (10) days before the public hearing the Administrative Official will mail you a notice stating that your application request is being placed upon the agenda of the Planning Commission and City Council joint public hearing.
- ⇒ The public hearing is held.
- ⇒ The Planning Commission will either recommend or not recommend approval of the zoning amendment to the City Council by a simple majority vote.
- ⇒ The City Council will have the first reading of the zoning amendment and schedule a date for the second reading.
- ⇒ The Administrative Official will publish the notice for the second reading of the ordinance amendment, at your expense, seven days prior to the second reading.
- ⇒ The City Council will have the second reading and may pass the ordinance amendment by simple majority.
- ⇒ The Administrative Official will publish the notification of adoption. The ordinance will become effective twenty days after the final publication unless the referendum or right to protest is invoked. The referendum is invoked if five (5) percent of the registered voters submit a petition before the twenty-day waiting period expires. The right to protest is invoked if forty percent of the landowners within the proposed district and within 250 feet submit a petition before the twenty-day waiting period expires. If the protest is invoked, the amendment does not become effective unless two-thirds of the City Council approves the amendment.
- ⇒ A building permit may be issued only twenty (20) days after the second publication.

ZONING ORDINANCE AMENDMENT OR CHANGE IN ZONING DISTRICT BOUNDARY CHECK LIST

**** INFORMATION PERTAINING TO AMENDING THE ZONING ORDINANCE MAY BE FOUND IN SECTION 3.04.07 OF THE ZONING ORDINANCE STARTING ON PAGE 43.**

- ___ Met with applicant and provided change in zoning classification application.
- ___ Collected application and appropriate fee.
- ___ Reviewed application forward it to the Planning Commission/City Council.
- ___ Set date for a public hearing of the Planning Commission and City Council.
- ___ Publish notice in the newspaper ten (10) days prior to the public hearing. The applicant is to pay for the publication.
- ___ If the proposed amendment will change boundaries of a zoning district, contact all owners of property within 250 feet of the proposed change by Registered or Certified Mail ten (10) days prior to the public hearing. The applicant is to pay for the mailing cost.
- ___ Mail applicant letter notifying him/her of upcoming Planning Commission and City Council meeting ten (10) days prior to the public hearing.
- ___ Hold public hearing.
- ___ The Planning Commission will either recommend or not recommend approval of the zoning amendment to the City Council by a simple majority vote.
- ___ The City Council will have the first reading of the zoning amendment and schedule a date for the second reading.
- ___ Publish the notice for the second reading of the ordinance amendment seven days prior to the second reading. The applicant is to pay for the publishing costs.
- ___ The City Council will have the second reading and may pass the ordinance amendment by simple majority.
- ___ Publish the notification of adoption once if the amendment is published in its entirety. If the amendment is not published in its entirety, you may publish a notice of adoption once a week for two weeks. The ordinance will become effective twenty days after the final publication unless the referendum or right to protest is invoked. The referendum is invoked if five percent of the registered voters submit a petition before the twenty-day waiting period expires. The right to protest is invoked if forty percent of the landowners within the proposed district and within 250 feet submit a petition before the twenty-day waiting period expires. If the protest is invoked, the amendment does not become effective unless two-thirds of the City Council approves the amendment.
- ___ Place notation of the rezoning on the Official Zoning Map (if required).
- ___ Do not Issue building permit until twenty days after the second publication or the notice of adoption.

CITY OF CASTLEWOOD
PETITION FOR A CHANGE IN ZONING CLASSIFICATION

APPLICANT (PRINT): _____ **PHONE:** _____

ADDRESS: _____

OWNER (PRINT): _____ **PHONE:** _____
IF DIFFERENT THAN APPLICANT

ADDRESS: _____

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE CITY COUNCIL OF THE CITY OF CASTLEWOOD, SOUTH DAKOTA, TO ISSUE A CHANGE IN ZONING CLASSIFICATION FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION (Please print or type)

GENERAL AREA OR STREET ADDRESS: _____

EXISTING LAND USE: _____ **EXISTING ZONING:** _____

SIZE OF PARCEL: ACRES _____ **LOT DIMENSIONS:** WIDTH _____ LENGTH _____ DEPTH _____

SURROUNDING LAND USE/ZONING NORTH: _____

SOUTH: _____

EAST: _____

WEST: _____

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CHANGE IN ZONING CLASSIFICATION INCLUDING DISCUSSION ON WHAT CHANGE OR CHANGING CONDITIONS MAKE THE PASSAGE OF THIS AMENDMENT NECESSARY (attach a separate sheet of paper if necessary)

SIGNATURE OF APPLICANT _____

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT) _____

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

- | | |
|--|--|
| 1. NORTH DIRECTION | 5. LOCATION OF PROPOSED STRUCTURE ON LOT |
| 2. DIMENSIONS OF PROPOSED STRUCTURE | 6. DIMENSIONS OF FRONT AND SIDE SETBACKS |
| 3. STREET NAMES | 7. LOCATION OF ADJACENT EXISTING BUILDINGS |
| 4. OTHER INFORMATION AS MAY BE REQUESTED | |

THE PLANNING COMMISSION AND CITY COUNCIL MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.

****PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.**

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

FEE PAID (NON-REFUNDABLE): _____ YES _____ NO

DATE OF HEARING: _____

ACTION BY BOARD OF ADJUSTMENT: _____