

REZONING

WHAT IS ZONING?

THE CITY OF MADISON 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 A PROPOSED LAND USE IS NOT PERMITTED UNDER THE EXISTING ZONING, YOU CAN PETITION THE CITY COMMISSION 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 PUBLIC HEARING AT THE PLANNING COMMISSION AND RECOMMENDATION TO THE CITY COMMISSION

THE PLANNING COMMISSION IS CONSISTS OF MEMBERS APPOINTED BY THE MAYOR. THEY MAKE RECOMMENDATIONS TO THE CITY COMMISSION 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 WHOM 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 COMMISSION 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 COMMISSION CAN REVERSE THE DECISION OF PLANNING COMMISSION.

STEP #3 CITY COMMISSION: FIRST READING, SECOND READING, AND PUBLIC HEARING

THE CITY COMMISSION, AT THE MEETING IMMEDIATELY FOLLOWING THE RECOMMENDATION OF THE PLAN COMMISSION, WILL HAVE THE FIRST READING OF THE ORDINANCE AMENDMENT AND SET A SECOND READING DATE. AT ITS NEXT MEETING THE CITY COMMISSION WILL HOLD A PUBLIC HEARING AND SECOND READING OF THE ORDINANCE. (THE CITY COMMISSION MAY HOLD A JOINT PUBLIC HEARING WITH THE PLAN COMMISSION IN LIEU OF HOLDING A SEPARATE PUBLIC HEARING. AT WHICH TIME, THE CITY COMMISSION WOULD ALSO HOLD FIRST READING.) THE CITY COMMISSION 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:

- “AG”: Agricultural District.
- “RR”: Rural Residential District.
- “R-90”: Single Family Residence, 9000 square foot district
- “R-60”: Duplex Residence, 6000 square foot district.
- “R-20”: Multiple Family, 2000 square foot district.
- “RM”: Manufactured Housing Residential District.
- “PD”: Planned Unit Development District.
- “CB”: Central Business District.
- “GB”: General Business District
- “HB”: Highway Business District.
- “NB”: Neighborhood Business District.
- “MU-R”: Mixed Use/Residential Emphasis District.
- “ML”: Light Manufacturing District.
- “MH”: Heavy Manufacturing District.

HOW DO I REZONE PROPERTY?

3/26/2013

- ⇒ Meet with the Administrative Official 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 and City Commission.
- ⇒ The Administrative Official will set a date for a public hearing of the Planning Commission and City Commission to hear your request.
- ⇒ Ten (10) days before the public hearing at the Plan Commission the Administrative official will publish a notice, in the official newspaper.
- ⇒ Ten (10) days before the public hearing at the Plan Commission the applicant shall place a sign upon the property seeking rezoning. The applicant shall provide a Certificate of Compliance indicating the sign with notice was so placed.
- ⇒ Seven (7) days before the public hearing the Administrative Official will mail a notice, by Certified or Registered Mail, to all adjacent landowners within 250'.
- ⇒ The public hearing is held. At or before the hearing the applicant provides signed petition or certified mail receipts' and copy of notice to adjacent landowners. Certified mail receipts shall be dated 10 days prior to hearing.
- ⇒ Seven (7) 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 public hearing and tentative schedule of meetings at the City Commission.
- ⇒ Ten (10) days before the public hearing at the City Commission the Administrative official will publish a notice, in the official newspaper.
- ⇒ The public hearing is held at the Plan commission.
- ⇒ The Planning Commission will either recommend or not recommend approval of the zoning amendment to the City Commission by a simple majority vote.
- ⇒ The City Commission will have the first reading of the zoning amendment and schedule a date for the second reading.
- ⇒ The City Commission will have the public hearing, 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.
- ⇒ A building permit may be issued not less than twenty (20) days after the second publication.

**CITY OF MADISON
PETITION FOR A CHANGE IN ZONING CLASSIFICATION**

3/26/2013

APPEAL NUMBER _____

APPLICANT (PRINT): _____ PHONE: _____

ADDRESS: _____

OWNER (PRINT): _____ PHONE: _____

IF DIFFERENT THAN APPLICANT

ADDRESS: _____

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE CITY COMMISSION OF THE CITY OF MADISON, 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 / SQFT _____ **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 SET BACKS |
| 3. STREET NAMES | 7. LOCATION OF ADJACENT EXISTING BUILDINGS |
| 4. OTHER INFORMATION AS MAY BE REQUESTED | |

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

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

DATE OF HEARING: _____

ACTION BY BOARD OF ADJUSTMENT: _____