

**AN ORDINANCE TO UPDATE REFERENCES TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT IN THE ZONING CODE BY AMENDING TITLE 17 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has renamed what was formerly called the Community Planning and Development Services Department as the Department of Community Development; and

WHEREAS, the references to the Department of Community Development in the City's zoning code contain prior names of the Department; and

WHEREAS, the Common Council desires to update the references to the Department so the zoning code is consistent and accurate.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that a new Section 17.04.177 be and is hereby added to the Rapid City Municipal Code to read in its entirety as follows:

**17.04.177 Department.**

**DEPARTMENT.** The Department of Community Development or its successor, unless the context clearly indicates another department.

BE IT FURTHER ORDAINED by the City of Rapid City, that a new Section 17.04.182 be and is hereby added to the Rapid City Municipal Code to read in its entirety as follows:

**17.04.182 Director.**

**DIRECTOR.** The Director of the Department of Community Development, unless the context clearly indicates another department director.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.04.197 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.04.197 Rapid City Historic Commercial District.**

**RAPID CITY HISTORIC COMMERCIAL DISTRICT.** A commercial district listed on the National Register of Historic Places, a complete description of which is on file with the ~~Community Planning and Development Services~~ Department. This district includes both the original Rapid City Historic Commercial District and the subsequent Rapid City Commercial Historic District.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.04.393 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.04.393 Innovation center.**

**INNOVATION CENTER.** Facilities and/or programs that support the formation of new business and/or are focused on the commercialization of innovation at any point in the business life cycle. **INNOVATION CENTERS** centralize activities related to research, technology, manufacturing, education, business development, and other creative sector activities. An **INNOVATION CENTER** consists of several of the following functions: business support services; research laboratories; office space; leasable flexible tenant areas; shared resources such as co-working areas, conference space, office equipment, supplies and kitchens, and the like; facilities for teaching and for theoretical, basic and applied research, product development and testing and prototype fabrications or production of experimental products, or other similar uses as determined by the ~~Community Development~~ Director.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.04.412 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.04.412 Limited production and processing.**

**LIMITED PRODUCTION AND PROCESSING.** The shared or individual use of hand tools, mechanical tools, and electronic tools, for the manufacture of finished products or parts as well as the incidental storage, sales, and distribution of such products. These uses are limited by nature and scale, and are compatible with office, retail and service uses. These uses include but are not limited to: apparel and other finished products made from fabrics; blueprinting; computers and accessories, including circuit boards and software; electronic components, assemblies, and accessories; film, video and audio production; food and beverage products, except no live slaughter or milling; jewelry, watches and clocks; maker space; milk, ice cream, and confections; musical instruments; novelty items, pens, pencils, and buttons; precision dental, medical and optical goods; toys; wood crafting and carving; and wood furniture and upholstery, or other similar uses as determined by the ~~Community Development~~ Director.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.04.577 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.04.577 Rapid City West Boulevard Historic District.**

**RAPID CITY WEST BOULEVARD HISTORIC DISTRICT.** A residential district listed on the National Register of Historic Places and the State Register of Historic Places, a complete description of which is on file with the ~~Community Planning and Development Services~~ Department.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.22.030E of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.22.030 Conditional uses.**

...

E. Churches and similar places of worship, subject to the following:

1. Services, classes and other similar activities involving groups of more than 50 persons shall not be conducted on a regular basis between 7:00 a.m. and 5:00 p.m. on any weekday, Monday through Friday;

2. Youth classes and other similar activities shall not be conducted on a regular basis between 7:00 a.m. and 5:00 p.m. on any weekday, Monday through Friday;

3. No dormitory or residence shall be maintained on the subject property, provided, however, a single caretaker apartment may be permitted within the principal structure;

4. Such church or similar place of worship shall only occupy existing structures; no substantial new construction shall be undertaken to accommodate such church or place of worship;

5. All church parking requirements as to number and size of stalls and paving shall be met; and

6. The applicant for a conditional use for a church or similar place of worship shall file with the ~~Planning~~ Department a detailed program of its services and activities, including hours of operation and methods of separating on-lot industrial traffic from church traffic and parking. The applicant shall further demonstrate that use of the proposed site for such purposes will not significantly conflict with the use of other property located in the zoning district or in adjacent areas.

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.34.030 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.34.030 Conditional uses.**

The following may be permitted as conditional uses by the Planning Commission or City Council, in accordance with the provisions contained in § 17.54.030:

- A. Lodge halls, veterans organizations, service organizations;
- B. Airplane landing fields;
- C. Cemeteries;
- D. Kennels;
- E. Radio and television station and transmission towers;
- F. Stables, public;
- G. Child care centers as regulated in § 17.50.150;
- H. Historical monuments or structures;
- I. Community corrections facilities;
- J. Country clubs with on-sale liquor establishments;
- K. Veterinary clinics;
- L. Microcell wireless communications facilities on poles as defined in § 17.50.400B;
- M. Banquet halls with on sale liquor establishments;
- N. Race tracks with on-sale liquor establishments;
- O. Planned developments as regulated in this title;
- P. Temporary quarries or mines for construction aggregate and rock to be processed and used in construction, subject to the following:
  - 1. The property and/or lot(s) is at least 40 acres.

2. Any application for a conditional use permit must include the following additional items:
  - a. Documentation that all necessary state and/or federal permits and licenses have been obtained, as applicable;
  - b. Site plan showing the area to be mined/quarried and including the location of temporary structures, parking, access and utilities;
  - c. Written operation plan which identifies the type of material to be mined/quarried, the estimated quantity of material to be displaced, and the anticipated volume of truck traffic;
  - d. Master plan;
  - e. Phasing plan;
  - f. Haul road route plan;
  - g. Reclamation plan, including a cost estimate, and a surety for reclamation of the site;
  - h. Stormwater management plan; and
  - i. Air quality compliance plan.
3. Upon receipt of an application for a conditional use permit under this section, ~~Community Development Department~~ staff will notify the Mayor and the Common Council of the application at least 10 business days before the Planning Commission meeting at which the application will be considered.
4. Prior to the initiation of the conditional use, the temporary quarry or mine must obtain all required city and county permits, licenses, and agreements, as well as any state and federal permits or licenses. Failure to obtain and possess a necessary permit or license may result in revocation of the conditional use permit.
5. The temporary quarry or mining complies with all laws, ordinances and regulations related to permits, operation, and reclamation, including but not limited to SDCL Chapter 45-6, SDCL Chapter 45-6B, and SDCL Chapter 45-6C.
6. The maximum period of time for any conditional use permit issued to a temporary quarry or mining is 36 months. The permit holder may apply for a major amendment to the conditional use permit to extend the time the conditional use is permitted, but under no circumstance may the conditional use be permitted for more than 5 years, including time spent on reclamation of the site.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.010 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.010 General provisions.**

A. *Purpose.* In order to accomplish the general purpose of this title it is necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with existing development, or because the effects of the uses cannot definitely be foreseen.

1. The conditional uses set out in this article shall be subject to compliance with the regulations in this article and with the procedure for authorizing conditional uses as set forth in § 17.54.030.

2. The Planned Development Overlay District allows the Planning Commission to approve an application containing amendments to the development standards in the underlying zone district chapter. The Planned Development Overlay District shall not be used to add additional

land uses that are not listed as permitted uses or conditional uses within the underlying zone district. As applicable an application for a conditional use permit and Planned Development Overlay District may be combined into the same application provided the underlying zone district lists the proposed use or uses as a conditional use. Planned Development Overlay Districts shall be subject to compliance with the regulations in this article and with the procedure for authorizing conditional uses as set forth in § 17.54.030 as applicable.

3. The Planned Unit Development Zoning District allows for the rezoning of property to allow land uses and development standards not listed within any of the specific zone districts within this title. Planned Unit Development applications shall be subject to compliance with the regulations in this article and with the procedure for rezoning property as set forth in § 17.54.040 as applicable.

4. The administrative exceptions section applies to all zone districts allows the Director ~~of Community Planning and Development Services~~ to approve applications for minor amendments to the development standards in all zoning districts within this title. Administrative exceptions shall be subject to compliance with the regulations in this article.

B. The uses set out in this article shall also be subject to compliance with the regulations for building in the flood fringe building district if the lands concerned lie within the flood fringe building district.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.040 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.040 Townhouses–Procedure.**

A. If a proposed townhouse development meets all of the requirements listed in § 17.50.030, a building permit may be issued, provided all other applicable city codes are met.

B. Procedure.

1. The standard requirements for lot area, density, lot coverage and open space for individual townhouse lots may be reduced if, in the opinion of the Planning Commission and the Common Council, variation of these particular requirements will encourage the development of previously platted smaller land parcels and/or permit innovative land development which is consistent with the intent of this article. Any variation from the standard requirements will require special review and the conditional use procedure shall be followed.

2. If the conditional use permit procedure is utilized, density should not exceed 1 dwelling unit per 2,250 square feet. The requirements of open space on individual townhouses lots may be waived, but the overall open space requirements of 600 square feet per unit for the townhouses development lot shall remain. The Planning Commission and the City Council may also allow an individual townhouse lot to consist of only the townhouse structure and minimum setback, if a determination is made that common open space is adequate in size and appropriate in location.

3. In order to permit adequate review proposal, the petitioner shall submit the following information on a site plan at a scale no greater than 1 inch equals 50 feet:

- a. Location and proposed setbacks of all structures including accessory structures;
- b. Off-street parking facilities including parking spaces, loading/unloading areas and traffic circulation areas and curbs cuts;
- c. Landscaping plans;

- d. Location of all common areas and designated open space;
- e. Location of proposed lot lines;
- f. Location, width, grade of all proposed public and private streets;
- g. Topography at a maximum of 5-foot contour intervals;
- h. Proposed grading plans;
- i. Location of proposed fencing; and
- j. Documentation of ownership and maintenance responsibility of common open space, structures, facilities, private streets, drainage and utility easements.

4. This information shall be reviewed by the ~~Planning~~ Department, Building Official, Fire Marshal and Public Works Department in order to determine the appropriateness of a proposed conditional use for a townhouse project.

C. Townhouses, may also be permitted within planned developments. The requirements of §§ 17.50.020 and 17.50.030 may be altered if the proposed townhouses are part of an approved planned development.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.050 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.050 Planned Development Overlay District (PD).**

A. *Purpose.* The planned development overlay shall replace the following planned development ordinance designations in effect prior to May 11, 2012:

1. Planned development designation (PDD);
2. Planned residential development (PRD);
3. Planned unit development (PUD);
4. Planned commercial development (PCD);
5. Planned light industrial development (PLID); and
6. Planned industrial development (PID).

B. *Intent.* The intent of the planned development overlay (PD) is to permit greater flexibility and promote development that is more economically efficient while being compatible with adjacent land uses than would otherwise normally be allowed by the underlying zoning district. It is further intended:

1. To allow deviations from the minimum, maximum, or location criteria from the underlying zoning district standards;
2. To simplify and enhance the development review and approval process by allowing a conditional use permit application and planned development application to be processed as a single application;
3. To promote compatibility with adjacent land use and available public facilities; and
4. To provide optional methods of land development and encourage imaginative design.

C. *General provisions.*

1. All provisions of any existing PDD, PRD, PUD, PCD, PLID and/or PID approved by the city prior to May 11, 2012 shall remain in effect.
2. Any major amendment to an approved PRD, PUD, PCD, PLID and/or PID shall follow the procedures outlined in § 17.50.050.F.
3. Property owners may request and be granted a revocation of any PDD approved prior to May 11, 2012 by the ~~Community Development~~ Director provided it was not approved in

conjunction with a rezoning application. Revocation of a PDD approved in conjunction with a rezoning application may be approved by the Planning Commission following the procedures outlined in § 17.50.050.F.

4. A request for a conditional use may be included within the submittal of a final planned development application. When requesting a conditional use within a planned development application the more restrictive requirements shall apply.

5. Where a conflict exists between an approved planned development and the regulations of the underlying zoning district, the approved planned development shall prevail.

*D. Definitions.*

1. **DEVELOPMENT REVIEW TEAM.** The **DEVELOPMENT REVIEW TEAM (DRT)** is composed of city staff and representatives of outside agencies that have an interest in or would be affected by a proposed PD application. The Director shall maintain a list of current members and may revise the list. The Director or designee within the department will select members from the DRT list and forward PD applications to the selected members for review and comment. Copies of the list are available for inspection in the office of the Director.

2. **PLANNED DEVELOPMENT DESIGNATION (PDD).** A procedure designating a property as a planned development by the Director prior to approval of an initial or final planned development. A **PDD** indicates that the city acknowledges there are sufficient factors associated with the property that a future planned development may be warranted but provides no assurance that an initial or final planned development application will be approved. **PLANNED DEVELOPMENT DESIGNATIONS** shall have no expiration period. A **PDD** is optional and not required prior to submittal of an initial or final development plan.

3. **INITIAL PLANNED DEVELOPMENT.** An **INITIAL PLANNED DEVELOPMENT** is a preliminary development plan submitted for a planned development and may be used for projects with several phases. An **INITIAL PLANNED DEVELOPMENT** may be formally acted upon by the Planning Commission after review by the DRT. An initial development plan can be filed concurrently with a final planned development. An **INITIAL PLANNED DEVELOPMENT** is optional and not required prior to submittal of a final planned development.

4. **FINAL PLANNED DEVELOPMENT.** A **FINAL PLANNED DEVELOPMENT** is a detailed development plan that is formally acted upon by the Planning Commission after review by the DRT. An approved final development plan shall be approved prior to issuance of building permits unless the development proposal complies with the underlying zoning district requirements or is approved by City Council.

*E. Planned development designation application requirements.*

1. *Information required for a planned development designation.*

- a. A completed application signed by the owner of record;
- b. A written letter of intent stating why the planned development designation is being requested;
- c. Project name, legal description, and contact information for the land owner and developer;
- d. A floodplain development permit may be submitted but is not required; and
- e. Other information deemed pertinent to the review of the planned development designation by the Director.

2. *Planned development designation review and approval.* The owner and/or designated agent shall submit the required application and other specified information to the **Community**

~~Development~~ Department. Upon receipt of a complete application and the required information, the Director shall provide all information to the DRT. The DRT shall have 13 working days from receipt of the application to complete their review and to recommend approval, denial, or suspension of the application. If the DRT recommends approval, the PDD shall be approved by the Director. An application not acted on within 13 working days of submittal (approved, denied or suspended) shall be deemed approved. No notice or hearing shall be required prior to the planned development designation being approved. A denial of the planned development designation may be appealed to the Planning Commission within 7 working days of the denial. The Planning Commission's decision may be appealed to the City Council.

F. *Initial and final planned development application requirements.*

1. *Information required in initial development plan.*

- a. A completed application signed by the owner of record including the project name, legal description, and contact information for the land owner, developer and design professional(s) and fee;
  - b. A written letter of intent stating why the initial planned development is being requested;
  - c. A floodplain development permit may be included but is not required;
  - d. Other information in order to meet city, county, state and federal rules and regulations shall be submitted for approval when required; and
  - e. A site plan drawn at a suitable scale including:
    - 1) Proposed conditional uses including the maximum number of dwelling units and/or the maximum square footage and type of nonresidential buildings;
    - 2) Proposed minimum setbacks from the perimeter of the planned development for all structures, including accessory buildings;
    - 3) Any proposed deviations from the minimum, maximum, or location criteria listed in the underlying zoning district standards including but not limited to setbacks, development density, floor area, lot coverage, lot area, building height, parking ratios, landscaping, signage, fencing, lighting, pedestrian and bicycle facilities, curb cut, driveway, drive aisle, and deck projections;
    - 4) General location of parking and loading areas except for single-family, 2-family, and townhouse units;
    - 5) Location and size of all proposed curb cuts other than for single-family, 2-family and townhouse units;
    - 6) Location of existing and proposed water mains, sanitary sewer mains and disposal systems;
    - 7) General location of proposed recreation areas and open spaces;
    - 8) General locations of any outdoor lighting except for public lighting and lighting for single-family, 2-family, and townhouse units;
    - 9) Location of proposed lot lines as applicable;
    - 10) General location, width, and grade of existing and proposed improvements to public and private streets;
    - 11) Topography at no greater than 5-foot contour intervals;
    - 12) General location of proposed storm drainage facilities; and
    - 13) General phasing plan if applicable.
2. *Information required in the final development plan.*



- a. A completed application signed by the owner of record including project name, legal description, subdivision name (when applicable), and contact information for the land owner, developer and design professional(s) and fee;
- b. A written letter of intent stating why the final planned development is being requested;
- c. If new construction is proposed, all necessary utility, drainage and access easements shall be submitted along with public facility plans drawn by a registered professional engineer;
- d. When applicable, documentation of ownership and continuing perpetual maintenance responsibility for common open space, structures, facilities, private streets, drainage and utility easements, via either a deed to the homeowners association, a joint ownership agreement or other legal binding agreement;
- e. Other information in order to meet city, county, state and federal rules and regulations shall be submitted when required; and
- f. A site plan drawn at a suitable scale including:
  - 1) Proposed conditional uses, including the maximum number of dwelling units and/or the maximum square footage and type of nonresidential buildings;
  - 2) Proposed setback for all structures including accessory buildings;
  - 3) Proposed building heights;
  - 4) Off-street parking facilities including parking spaces, loading spaces, circulation areas and fire access lanes;
  - 5) Location of all pedestrian and bicycle facilities;
  - 6) Detailed landscaping plans showing specific location and types, sizes and quantities of trees, shrubs, sodded or seeded areas, streams, ponds and berms, except for single-family, 2-family, and townhouse units;
  - 7) Location and size of all proposed curb cuts except for single-family, 2-family and townhouse units;
  - 8) Location and type of existing and proposed water mains, sewage mains and disposal systems drawn at a horizontal scale of 1 inch equals 20 feet and a vertical scale of 1 inch equals 5 feet;
  - 9) Location and description of proposed recreation areas, common areas, and open spaces;
  - 10) Location of any outdoor lighting except for public lighting and lighting for single-family, 2-family, and townhouse units;
  - 11) Location, height and materials of proposed fencing except for single-family, 2-family, and townhouse units;
  - 12) Location, height, size, and setback dimensions of proposed signs including building material specifications;
  - 13) Location of proposed lot lines as applicable;
  - 14) Name, location, width, grade of proposed improvements to public and private streets drawn at a horizontal scale of 1 inch equals 20 feet and a vertical scale of 1 inch equals 5 feet;
  - 15) Proposed final ground contours at no greater than 2-foot contour intervals;
  - 16) Storm drainage plan and grading plan, shown at 2-foot contour intervals, indicating the location of proposed storm sewers, drainage ways, structures, the direction of water flow, and a permanent and temporary erosion control plan drawn at a horizontal scale of 1 inch equals 20 feet and a vertical scale of 1 inch equals 5 feet with runoff calculations and detailed on-site and off-site hydrologic and hydraulic calculations;

17) If a planned development is to be developed in phases, a development schedule shall be submitted. A scaled map indicating the proposed location and sequence of the future development phases shall be submitted;

18) Floodplain development permit and certificate, as applicable, including first floor elevation and minimum opening elevation for any structure located within a floodplain area; and

19) Location of decks and other projections from proposed structures.

3. *Initial and final planned development review and approval.* The owner and/or designated agent shall submit the required application, number of copies of the planned development, and the appropriate supporting documents to the ~~Community Development~~ Department for review. Upon receipt of a complete application and the required information, the Director and DRT shall complete their review and provide a recommendation to be forwarded to the Planning Commission with or without stipulations. Upon review by the DRT, if determined that the application is incomplete, the applicant will be notified in writing of the deficiencies and the application will not be scheduled for a public hearing before the Planning Commission until such time as the deficiencies in the application have been corrected. If a decision by the DRT is contested by the applicant, an appeal can be filed with the City Council. Once the application is complete, the recommendation shall be provided to the owner and/or designated agent and the Director shall place the application and recommendation on the next available Planning Commission agenda, with consideration for the required public notice. The Planning Commission will review the application and DRT recommendations and formally act on the application. The Planning Commission's final decision may be appealed to the City Council.

4. *Public notice.* An applicant for an initial or final planned development shall provide notice to property owners within 250 feet of the property under consideration, inclusive of public right-of-way, by first class mail, not less than 7 days prior to the public hearing before the Planning Commission hearing. Notice is also required, via first class mail, to all property owners located within the planned development. The city may require the applicant to sign a certified affidavit prior to the public hearing as evidence to document compliance with the requirements of this section. The city may decide to perform the adjacent property owner mailing and shall notify the applicant in writing prior to scheduling the public hearing. Additionally, a sign noting the fact that a planned development application is pending shall be posted on the site not less than 7 days before the Planning Commission hearing. Approved signs shall be provided by the ~~Community Development~~ Department and include a reasonable deposit sufficient to cover the cost of replacement of the sign. The sign shall be maintained on the site until the Planning Commission has approved the initial or final planned development or until the City Council's action on an appeal is final or the petition is withdrawn.

5. *Criteria for review.* In reviewing applications for an initial planned development and/or final planned development, the following findings shall be considered in a recommendation for approval or denial:

a. There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;

b. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;

c. Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;

d. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;

- e. Any adverse impacts will be reasonably mitigated; or
- f. The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.

*G. Initial and final planned development amendments.*

1. A major amendment to an initial or final planned development shall require approval of the Planning Commission or City Council, as applicable, following the process outlined above in § 17.50.050.F.

2. Minor amendments shall be submitted to the Director on a revised initial or final planned development plan showing the requested changes. Minor amendments that may be approved administratively by the Director include:

- a. An increase in overall density, intensity or area of use less than 20%;
- b. Any proposed change in the approved phasing plan;
- c. A decrease in setbacks less than 20%;
- d. An increase in height of buildings less than 20%;
- e. A decrease in the size of designated open spaces or recreation areas less than 20%;
- f. A decrease in the number of parking, loading, or unloading spaces less than 20%;
- g. A decrease in the amount of landscaping less than 20%;
- h. A change in the street pattern which would not adversely impact adjacent property;
- i. Changes in the location and number of curb cuts;
- j. Changes in items such as location of landscaping, fencing, fire access lanes, parking, loading, or unloading spaces, trash and service areas, signage and sidewalk location which the Director determines to be insignificant in nature; and
- k. Any other proposed change deemed by the Director to be a minor change to the approved planned development.

*H. Administrative dissolution of planned developments.*

1. A planned development may be dissolved administratively if the reason the planned development was needed is mitigated due to redevelopment of the property to meet current zoning district requirements, if zoning regulations change such that the property becomes compliant, or if the property is rezoned to a district where the property is in compliance. However, if a planned development was approved in conjunction with a rezoning application, then it cannot be administratively dissolved.

2. Subsection H.1. shall also apply to any PRD, PUD, PCD, PLID and/or PID in effect prior to May 11, 2012.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.060 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.060 Planned Unit Development (PUD) Zoning District.**

A. *Purpose.* The purpose of the Planned Unit Development (PUD) Zoning District is to provide a process for the creation of a zoning district that allows for a mix of land uses and development standards that would not otherwise be permitted within the conventional zoning districts of this chapter. Once approved by City Council a PUD secures the land use and development standards for the property as a separate and unique zoning district. A PUD may be approved for a range of project sizes including but not limited to large scale projects with

multiple lots and a mix of land uses or for a small-scale single lot project which requires flexibility because of unique circumstances or to promote unique design.

B. *Intent.* The intent of the Planned Unit Development (PUD) regulations is to permit greater flexibility of use and, consequently, more creative and imaginative design for development than generally is possible under conventional zoning regulations. It is further intended:

1. To promote more economical and efficient use of land;
2. To provide flexible zoning entitlements for projects that may be subdivided and developed in multiple phases;
3. To establish a method for providing future connections between existing and proposed developments in order to achieve an integrated community with common open space, transportation, transit, and public services networks; and
4. To allow for innovative development projects.

C. *Definitions.*

1. **DEVELOPMENT REVIEW TEAM.** The development review team (DRT) is composed of city staff and representatives of outside agencies that have an interest in or would be affected by a proposed PUD application. The Director of ~~Community Planning and Development Services~~ shall maintain a list of current members and may revise the list. The Director or designee within the department will select members from the DRT list and forward PUD applications to the selected members for review and comment.

2. **PLANNED UNIT DEVELOPMENT (PUD).** A zoning district designation for a tract of land controlled by one or more landowners, which is developed under a plan for either residential, commercial/retail, industrial, public, agricultural, open space, or recreation uses or a combination thereof.

3. **PUD CONCEPT PLAN.** A preliminary development plan submittal to be reviewed by the development review team prior to the preparation and submittal of a PUD zoning document. The PUD concept plan is designed to aid the city and applicant in preparing a complete PUD zoning document application.

4. **PUD ZONING DOCUMENT.** A zoning entitlement document to be reviewed by the Planning Commission and approved by the City Council. The PUD zoning document is not an overlay district and once approved is the official zoning district designation for the property. An approved PUD zoning document is recorded at the County Register of Deeds and is used to guide the future subdivision and development of the property.

D. *PUD concept plan application requirements and approval process.*

1. *PUD concept plan submittal requirements.* A completed application form shall be submitted with the PUD concept plan. The PUD concept plan shall be submitted on a single sheet at a suitable scale and contain the following information:

- a. Perimeter property lines with measurements;
- b. Existing and platted streets within or adjacent to the proposed development with right-of-way dimensions and street names;
- c. Proposed collector or arterial streets within or adjacent to the proposed development with right-of-way dimensions and street names;
- d. Land use and zoning district designations for adjacent properties;
- e. The development areas or parcels within the property shall be labeled with the proposed land use(s), total acres and square feet, development density by dwelling units per acre and/or floor area ratio, and maximum area to be used for outdoor storage and large vehicle parking;

- f. Location and type of existing and proposed vehicle access points along the perimeter of the property;
- g. Location of existing irrigation ditches, flood plains, drainage courses, parks, trails, storm water facilities, culverts, easements and underground utilities, existing buildings to remain, wooded areas, wetlands and other significant natural features;
- h. Locations of proposed storm detention and/or retention facilities;
- i. Topography at no greater than 5-foot contour intervals; and
- j. A title box with the name of planned unit development; name, address, and phone numbers of the landowner(s); applicant, if different from landowner(s), and any entity charged with the preparation of the PUD concept plan; and date of submission with provisions for dating revisions.

2. *PUD concept plan approval process.*

a. The applicant shall submit the PUD concept plan to the Department ~~of Community Planning and Development Services~~ for referral to DRT.

b. The DRT shall have 13 working days to review the PUD concept plan. Comments from development review team are collected by the Department ~~of Community Planning and Development Services~~ and returned to the applicant. The applicant may choose to revise the PUD concept plan and submit for an additional review. There is no formal approval by the city of a PUD concept plan. All comments from the DRT are designed to assist the applicant in the development of the PUD zoning document application.

E. *PUD zoning document application requirements and approval process.*

1. *PUD zoning document application requirements.* The PUD zoning document application shall include the following:

- a. A completed application form and fee;
- b. Proof of ownership;
- c. A letter of consent to file the PUD zoning document application signed by the land owner(s) if that owner is not the applicant;
- d. An accurate legal description for the property;
- e. Preliminary drainage report and preliminary drainage plan (if required by the Director of the Department of Public Works);
- f. Traffic study (if required by the Director of the Department of Public Works);
- g. Copies of the PUD zoning document at a suitable scale and sheet size to be determined by the Department ~~of Community Planning and Development Services~~. Each sheet shall be numbered and contain a title box with the name of planned unit development; name, address, and phone numbers of the landowner(s); applicant, if different from landowner(s); and any entity charged with the preparation of the PUD document; and date of submission with provisions for dating revisions. In most cases the PUD zoning document will consist of multiple sheets and shall be formatted as follows:

1) *Section 1 cover sheet.*

- a) Vicinity map at a suitable scale showing all roadways within ½ mile of the property;
- b) Legal description;
- c) Signature blocks in accordance with city standards; and
- d) Table of contents for all sheets within the PUD zoning document.

2) *Section 2 land plan sheet(s).*

a) North arrow and scale (written and graphic) on all sheets at a suitable scale. If it is not possible to contain the entire development on the first sheet at this scale then the first sheet in this section shall contain a composite drawing showing the entire development with match lines and designated sheet numbers;

b) Perimeter property lines with measurements;

c) Existing and platted streets within or adjacent to the proposed development with right-of-way dimensions and street names;

d) Proposed collector or arterial streets within or adjacent to the proposed development with right-of-way dimensions and street names;

e) Land use and zoning district designations for adjacent properties;

f) The development areas or parcels within the property shall be labeled with the proposed land use(s), total acres and square feet, development density by dwelling units per acre and/or floor area ratio, and maximum area to be used for outdoor storage and large vehicle parking;

g) Location and type of existing and proposed vehicle access points along the perimeter of the property;

h) Location of existing irrigation ditches, flood plains, drainage courses, parks, trails, storm water facilities, culverts, easements and underground utilities, existing buildings to remain, wooded areas, wetlands and other significant natural features;

i) Locations of proposed storm detention and/or retention facilities; and

j) Topography at no greater than 5-foot contour intervals.

3) *Section 3 building bulk standards and site development standards.*

a) A building bulk standards table including the proposed development parcels and building type(s) permitted within the parcel (i.e. single-family detached, townhouse, commercial, industrial) along the vertical axis (rows) and the proposed standards (i.e. lot size, lot frontage, building setback, building height, floor area, dwelling unit area, lot coverage, parking and loading) along the horizontal axis (columns). Additional tables may be added for landscaping requirements and signage or a statement shall be added that the city development standards as adopted and amended shall apply.

b) A section may be added granting the Director ~~of Community Planning and Development Services~~ the authority to approve variances to the bulk standards and site development standards provided there is a specific maximum percentage or amount that can be approved administratively. All other administrative approvals shall be subject to those permitted by § 17.50.060F.

4) *Section 4 land use schedule.*

a) A land use table including the proposed development area(s) along the horizontal axis (columns) and a list of specific land uses along the vertical axis (rows). The table shall indicate whether a specific land use is a use-by-right, conditional use, accessory use, temporary use, or excluded use within each proposed development area.

5) *Section 5 public and private improvements.*

a) A narrative description and/or graphic plan detailing landscape standards for public and private parks, open spaces, and drainage facilities within the property as applicable.

b) Street cross section design for all streets within and along the perimeter of the property.

6) *Section 6 design standards.*

a) A narrative description and/or graphic drawings defining the character of the buildings and site development improvements to be constructed in each development parcel including the color, type, and percentage of materials used in construction of the proposed buildings, building massing, roof line slope and type, and other specific architectural features that may be provided or a statement shall be added that the city development standards as adopted or amended shall apply.

b) A narrative of architectural elements or building materials that the applicant may want to prohibit within the PUD zoning document may be added.

2. *PUD zoning document approval process.* The PUD zoning document approval process shall follow the city rezoning procedure in § 17.54.040.

F. *PUD zoning document amendments.*

1. An amendment to the PUD zoning document shall follow the city rezoning procedure as set forth in § 17.54.040. Minor amendments to the PUD zoning document, that do not require the applicant to follow the city rezoning procedure as set forth in § 17.54.040, can be approved administratively by the Director ~~of Community Planning and Development Services~~ including:

a. An increase or decrease in building lot coverage, housing density or floor area ratio less than 20%;

b. An increase or decrease in lot frontage, lot depth, and lot area less than 20%;

c. An increase or decrease in building setback or building height less than 20%;

d. An increase or decrease in the size of a PUD zoning document parcel less than 20%;

e. An increase or decrease in overall density, intensity or area of use less than 20%;

f. An increase or decrease in the size of designated open spaces or recreation areas less than 20%;

g. An increase or decrease in the number of parking, loading, or unloading spaces less than 20%;

h. An increase or decrease in the amount of landscaping less than 20%;

i. An increase or decrease in width of a proposed street section, right-of-way, or easement less than 20%;

j. A change in the street pattern which would not adversely impact adjacent property;

k. Changes in the location, number or classification of curb cuts or street intersections;

l. Changes in items such as location of landscaping, fencing, fire access lanes, parking, loading, trash and service areas, signage and sidewalk location which the Director determines to be insignificant in nature;

m. Any proposed change in an approved phasing plan; and

n. Any other proposed change deemed by the Director to be a minor change to the approved planned unit development.

G. *Minor PUD zoning document amendment application requirements and approval process.*

1. *Application requirements.* A minor PUD zoning document amendment application can be filed for all or a portion of the land area within an approved PUD zoning document. Minor exceptions, modifications, or variances for individual lots shall follow

§ 17.50.070 Administrative Exceptions or § 17.54.020 Variances as applicable. The application for a minor PUD zoning document amendment shall be submitted to the Department ~~of Community Planning and Development Services~~ and include the following:

a. An application form signed by the property owner or authorized representative;

b. A written narrative explaining and justifying the request;

c. A revised PUD zoning document sheet(s) with the revisions clearly documented including signature blocks for recording as determined by the ~~Community Planning and Development Services~~ Department.

2. *Minor PUD zoning document approval process.* The ~~Community Planning and Development Services~~ Department shall review the application for completeness within 7 working days of submission. Incomplete or improper applications will be returned to the applicant. Within 10 working days of receipt of a completed application, the Director shall approve the application; approve the application with conditions; or deny the application.

3. *Documentation of a minor PUD zoning document amendment.* The Director ~~of Community Planning and Development Services~~ shall note any terms of the approved amendment directly on the minor PUD zoning document amendment sheet(s) and affix his or her signature and the date of approval. As applicable, such amended plans shall be recorded.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.070 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

#### **17.50.070 Administrative exceptions.**

A. *Purpose.* The purpose of the administrative exception process is to allow for the administrative approval of minor deviations from the zoning district standards, development standards, and area regulations within all zoning districts. An administrative exception is a form of relief granted to a landowner when the strict application of a particular regulation would result in peculiar, exceptional, or practical difficulties upon the property owner. Such relief shall only be granted provided there will be no substantial detriment to the public health, safety, and welfare of the present and future inhabitants of the city.

B. *Intent.* The intent of the administrative exception process is to allow the ~~Community Development~~ Director to approve minor variations from the zoning ordinance. It is further intended that minor variations to the code may be approved to address:

1. A property constraint such as lot configuration or lot area;
2. A topographic, geological, hydrological, or environmental factor;
3. A non-conforming issue for pre-existing structures;
4. A new construction issue caused by survey or construction error; and
5. A new construction proposal that is innovative and/or would not cause substantial detriment to the public good or significantly impair the purposes and intent of these regulations.

C. *General provisions.* The Director ~~of Community Development~~ is authorized by the City Council to approve minor exceptions provided the application complies with the process outlined within this section. In no circumstance shall the Director approve a minor modification that results in a change in permitted land uses that would require the approval of a conditional use permit or rezoning of the property.

1. The Director is authorized to grant deviations of up to 20% of any minimum or maximum zoning district standards, development standards, and area regulations including but not limited to:

- a. Development density or intensity;
- b. Building lot coverage;
- c. Lot frontage, lot depth, and lot area;
- d. Building floor area, setback and height;



- e. Parking, loading and unloading spaces;
  - f. Landscape standards; and
  - g. Fence height and setback.
2. The Director is also authorized to grant deviations from any specific location and/or material requirements prescribed in this chapter including but not limited to:
- a. A change in the requirement for screen fence and/or open style fence;
  - b. A building material type or amount;
  - c. Location and height of fencing;
  - d. Location of landscaping and landscape buffer;
  - e. Location of trash and service areas;
  - f. Location of parking areas, access lanes, and loading stalls;
  - g. Location of sidewalk, pedestrian and bicycle facilities;
  - h. Location of utility cabinets and appurtenances; and
  - i. Any other location and/or building material requirement which the ~~Community Development~~ Director determines to be insignificant in nature.

3. In the Urban commercial district, the Director is authorized to grant deviations under subsections C.1 and 2 and is authorized to grant other exceptions as identified in Chapter 17.66 when an exception is supported by the adopted comprehensive plan.

D. *Application requirements.* To initiate an application for an administrative exception, an application shall be submitted to the ~~Community Development~~ Department and include the following:

1. An application form signed by the property owner or authorized representative and fee;
2. A written narrative explaining and justifying the request; and
3. A site plan drawn to scale showing all property lines with dimensions, location of buildings and other structures, north arrow, street numbers, lot and/or parcel number, locations of setback lines or other dimensional requirements from which the administrative exception is sought.

E. *Approval process.* Upon receipt of a complete application and the required information, the Director shall have 7 working days from receipt of the application to complete the review and to recommend approval, denial, or suspension of the application. If the Director determines that the application does not contain the specified and required information, the review timeline shall be suspended and the applicant shall be notified of the deficiency. When complete and sufficient information is provided by the applicant, the review timeline shall be re-engaged, with an additional 3 working days added to the remaining balance of the review timeline. The Director shall approve the application, approve the application with conditions, or deny the application. An administrative exception may be approved by the Director upon determination that 1 or more of the following findings exists:

1. There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;
3. Exceptions, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;
4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;
5. Any adverse impacts will be reasonably mitigated; or

6. The requested exception is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.

F. *Appeals.* The decision of the Director to approve the application with conditions or deny any application under the administrative exception review process may be appealed to the Board of Adjustment following the application procedures in § 17.54.020.

G. *Documentation of approval.* The Director shall note the terms of the approved exception directly on the amended plan and affix his or her signature and the date of approval.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.080T of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.080 Signage.**

...

T. *Joint identification signs.*

1. A **JOINT IDENTIFICATION SIGN** is defined as a sign designed to identify multiple business located in a specific area that has been designated as a development complex by the Director ~~of Community Planning~~ or their designee regardless of whether said establishments occupy separate structures or are under separate ownership.

2. A **DEVELOPMENT COMPLEX** is defined as a shopping center or 3 or more businesses in close proximity to each other that are part of a common development where joint identification signs will be allowed. The factors to consider in determining if a shopping center or 3 or more businesses in close proximity to each other are part of a common development are the layout of the site, the ownership of the land and whether or not the businesses share access, customer parking areas or other common areas. It is not required that the lots within a development complex be under common ownership if other factors which support the finding that a shopping center or grouping of 3 or more businesses are part of a common development are present. If the area being designated as a development complex for purposes of allowing a joint identification sign contains lots that are under separate ownership, all the lot owners must consent to the designation.

3. In addition to a sign permit, an applicant requesting to designate an area as a development complex must submit information relating to the factors described in § 17.50.080T.2. The Director ~~of Community Planning~~ or their designee will review the information submitted and in addition to determining whether or not the proposed joint identification sign is in compliance with the requirements of the code pertaining to joint identification signs, will determine whether or not to designate the requested area as a development complex. Any person or group aggrieved by the decision of the Director ~~of Community Planning~~ or their designee to designate an area as a development complex may appeal such decision to the City Council. The time for appealing this determination shall be limited to 7 days. The Building Official cannot issue a sign permit until the time for appeal has expired.

4. Joint identification signs will be treated as on-premises signs for all businesses located within the development complex whether or not they are located on the same legally described parcel as the sign. Joint identification signs can only identify those businesses or activities that are located within the development complex.

5. Each development complex shall be permitted 1 monument sign per public street frontage. For purposes of this section, a **MONUMENT SIGN** is defined as a freestanding sign

not erected on 1 or more poles or other similar supports but erected to rest on the ground or on a base designed as an architectural unit with the sign. Individual on-premises ground signs will not be allowed for business located within the development complex. There shall be a minimum distance of 100 feet between joint identification signs. Each business will be allowed to have on-premises wall signs as allowed under this code.

6. Joint identification signs will be allowed to have a maximum area of 100 square feet or 1 square foot of sign for each 2 linear feet of street frontage of the development complex, whichever is greater. Provided that the total area of all signs on each frontage shall not exceed 200 square feet.

7. The maximum height of a joint identification sign shall be 15 feet.

8. Joint identification signs must be located on property that has been designated as part of the development complex. No joint identification sign can be located closer than 10 feet from any external boundary of the development complex.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.230 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.230 Designated uses.**

The following uses are deemed to be temporary uses and shall also be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

A. *Carnival, circus, or tents.* Carnival or circus, or tents associated with a carnival, circus or public event that exceeds size requirements in subsections H., I., and J. of this section. In any nonresidential district, a temporary use permit may be issued for a carnival, circus, or tent associated with that use but such permit shall be issued for a period not longer than 14 days. Such a use shall set back from all residential districts a distance of not less than 100 feet.

B. *Christmas tree sale.* In any district, a temporary use permit may be issued for the display and open-lot sales of Christmas Trees, but such permit shall be issued for a period of time commencing no earlier than November 1 and ending prior to January 10 of the following year.

C. *Temporary contractor's buildings.* In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such office or shed shall not contain sleeping or cooking accommodations. Such permit shall be valid for the duration of the construction period. Such office or shed shall be removed upon completion of the construction of the structure(s).

D. *Real estate sales office.* In any district, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved in accordance with the regulations of Rapid City. Such office shall contain no sleeping or cooking accommodations. Such permit shall be valid for that specific office only and any change in temporary office structure shall require a new permit. Such permit shall be otherwise valid for 2 years, but may be renewed upon expiration thereof. Such temporary sales office shall be required to maintain a 20-foot clear zone on all sides of the office free from any structure, temporary or permanent.

E. *Mobile home sales office.* In any district permitting mobile home sales, a temporary use permit may be used for a temporary sales office on such sales area. Such office shall contain no sleeping or cooking accommodations. Such permit shall be valid for that specific office only and

any change in temporary office structure shall require a new permit. Such permit shall be otherwise valid for 2 years, but may be renewed upon expiration thereof. Such temporary sales office shall be required to maintain a 20-foot clear zone on all sides of the office free from any structure, temporary or permanent.

F. *Temporary trailer parks or campgrounds.*

1. In any nonresidential or general agricultural district, a temporary use permit may be issued for a period not to exceed 30 days for a temporary trailer park or campground provided such use is required to serve a special event and the following requirements are met:

- a. A minimum area of 1,000 square feet of area per campsite will be provided;
- b. Sanitary facilities will be provided at a ratio of 1 toilet for every 10 campsites;
- c. Approved dumpsters or trash receptacles for the collection and removal of trash shall be provided;
- d. There will be no open fires;
- e. Full emergency vehicle access to all portions of the campground or trailer park shall be maintained;
- f. One 24-hour security guard shall be provided for every 50 campsites, or fraction thereof, in campgrounds or trailer parks which exceed 25 campsites.

2. For purposes of this subsection, a special event shall be defined as any event occurring within the city, county or a neighboring county which the Common Council recognizes as such by resolution.

3. A permit shall be required whenever a gathering of 15 or more persons for a period exceeding 36 hours is proposed. The permit fee shall equal \$75.

4. A campsite shall contain a maximum of 10 persons.

G. *Seasonal greenhouse or garden shop.* In any nonresidential zoning district, a temporary use permit may be issued for a seasonal greenhouse or garden shop, but such permit shall be issued for a period of not longer than 120 days. Seasonal greenhouses and garden shops are exempt from any maximum floor area requirement. Seasonal greenhouses or garden shops shall conform to the clear sight triangle, setback and parking requirements of subsection I. of this section.

H. *Other temporary retail business or structure.* In shopping center 1 (SC-1), shopping center 2 (SC-2), general commercial (GC), neighborhood commercial (NC) and central business (CB), and civic center (CC) zoning districts licenses may be issued to the operator of a 14-day temporary business in accordance with the following provisions:

1. Temporary structures may not exceed 200 square feet in floor area nor exceed 15 feet in height.

2. All temporary businesses or structures must provide proof that the requirements of the Rapid City Municipal Code, South Dakota Department of Revenue, South Dakota Department of Health, South Dakota Electrical Code and the South Dakota State Plumbing Code for licensing, plumbing and electrical are being met.

3. An individual temporary use may occupy a property for not more than 14 days and shall vacate the property for a period of 180 days.

4. The fee for a temporary use permit shall be \$50. In the case of an event, only 1 temporary use permit shall be required notwithstanding the number of businesses or vendors.

5. All temporary structures shall contain approved toilet facilities or shall have contracted with the owners of permanent toilet facilities within 300 feet for employee access to the

facilities. Operations that include prepared foods or beverages shall provide or have contracted for access to approved toilet facilities by customers of the business.

6. All temporary structures and displays shall be located outside of clear sight triangles at streets, alleys and driveways.

7. All temporary structures and displays shall be located outside of the front yard setbacks.

8. All temporary business operators shall provide a minimum of 2 off-street parking spaces. Additional parking may be required upon review by the ~~Growth Management~~ Director in accordance with § 17.50.270E. of this code. Access to and circulation upon the site shall be subject to review. The temporary use or parking may not occupy an area required for parking for another use.

9. Each temporary business may display 1 sign to advertise the business. The sign shall be in compliance with the Rapid City sign code, except that the sign may be no larger than 8 square feet.

I. *Other seasonal retail business or structure.* In central business district (CB) and in properties with 25,000 square feet of paved parking zoned shopping center 1 (SC-1) district, shopping center 2 (SC-2) district, or general commercial (GC) district, licenses may be issued to the operator of a seasonal retail business or structure. A seasonal retail business or structure may occupy the property for not more than 120 days in accordance with the following provisions:

1. Seasonal retail structures may not exceed 200 square feet in floor area nor exceed 15 feet in height.

2. All seasonal retail businesses or structures must provide proof that the requirements of the Rapid City Municipal Code, South Dakota Department of Revenue, South Dakota Department of Health, South Dakota Electrical Code and the South Dakota State Plumbing Code for licensing, plumbing and electrical are being met.

3. An individual seasonal retail business shall occupy a property for not more than 120 days and shall vacate the property for a period of 120 days.

4. The fee for an individual seasonal retail business or structure permit shall be \$150.

5. All seasonal retail businesses or structures shall contain approved toilet facilities or shall have contracted with the owners of permanent toilet facilities within 300 feet for employee access to the facilities. Operations that include prepared food or beverages shall provide or have contracted for access to approved toilet facilities by customers of the business.

6. All seasonal retail structures and displays shall be located outside of clear sight triangles at streets, alleys and driveways.

7. All seasonal retail structures and displays shall be located outside of the front yard setbacks.

8. All seasonal retail business or structure operators shall provide a minimum of 2 off-street parking spaces. Additional parking may be required upon review by the ~~Growth Management~~ Director in accordance with § 17.50.270E. of this code. Access to and circulation upon the site shall be subject to review. The seasonal retail business or structure or parking may not occupy an area required for parking for another use.

9. Each seasonal retail business or structure may display 1 sign to advertise the business. The sign shall be in compliance with the Rapid City sign code, except that the sign may be no larger than 8 square feet.

J. *Other continuous retail business or structure.* In central business district (CB) and in properties with 25,000 square feet of paved parking zoned shopping center 1 (SC-1) district, shopping center 2 (SC-2) district, or general commercial (GC) district, licenses may be issued to

the operator of a year-round retail business or structure not able to meet the current building codes, as adopted by the City of Rapid City. A continuous retail business or structure may occupy a property in accordance with the following provisions:

1. Structures may not exceed 200 square feet in floor area nor exceed 15 feet in height.
2. All continuous retail businesses or structures must provide proof that the requirements of the South Dakota Department of Revenue, South Dakota Department of Health, South Dakota Electrical Code and the South Dakota State Plumbing Code for licensing, plumbing and electrical are being met.
3. The fee for a continuous retail business or structure permit shall be \$250.
4. All continuous retail businesses or structures shall contain approved toilet facilities or shall have contracted with the owners of permanent toilet facilities within 300 feet for employee access to the facilities. Operations that include prepared food or beverages shall provide or have contracted for access to approved toilet facilities by customers of the business.
5. All continuous retail structures and displays shall be located outside of clear sight triangles at streets, alleys and driveways.
6. All continuous retail businesses shall be located outside of the front yard setback.
7. All continuous retail structures shall be anchored to safeguard against movement from high winds or floodwaters in accordance with plans prepared by a professional engineer and approved by the city building official.
8. All continuous retail business or structure operators shall provide a minimum of 2 off-street parking spaces. Additional parking may be required upon review by the ~~Growth Management~~ Director in accordance with § 17.50.270E. of this code. Access to and circulation upon the site shall be subject to review. The continuous retail business or structure or parking may not occupy an area required for parking for another use.
9. Each continuous retail business or structure may display 1 sign to advertise the business. The sign shall be in compliance with the Rapid City sign code, except that the sign may be no larger than 8 square feet.
10. A continuous retail business shall be valid for a period of 2 years. At the conclusion of the second year of operation the continuous retail business shall either come into full compliance with the current building codes adopted by the City of Rapid City or cease operation and vacate the property.

K. *Farmer's market.* A farmer's market, as defined in § 17.04.263, may be conducted in any nonresidential zoning district subject to such conditions and limitations as the Council may direct in designating such farmer's market as a community activity.

L. *Temporary uses in public parks in all zoning districts.* Temporary uses in public parks may be public or private events that may be held for a period not to exceed 14 days. A special event permit shall be obtained from the Parks Department.

M. *Temporary uses in flood hazard zoning district.* Temporary uses located in the flood hazard zoning district may be held for a period not to exceed 14 days following the approval of a conditional use permit and a flood plain development permit from the Public Works Department. A conditional use permit may be approved for a complete master plan of an identified property.

N. *Temporary community activities in the public right-of-way in all zoning districts.* Temporary community activities located in the public rights-of-way may be held for a period not to exceed 3 days after obtaining a permit from the Police Department in accordance with Chapter 12.28 of this code.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.250C of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.250 Yard, building setback and open space exceptions.**

...

C. The purpose here is to clarify certain conditions pertaining to the use of lots and access points.

1. *Residential districts.* In residential districts, if 25% or more of the lots on 1 side of the street between 2 intersecting streets are improved with buildings all of which have observed an average setback line of greater than 25 feet, and no building varies more than 5 feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but, this regulation shall not require a front yard of a greater depth than 50 feet.

2. *Frontage on more than 1 street.* Lots having frontage on more than 1 street shall provide the required front yards along those streets.

3. *Division of a lot.* No recorded lot shall be divided into 2 or more lots unless such division results in the creation of lots each of which conforms to all of the applicable regulations of the district in which the property is located. No reduction in the size of a recorded lot below the minimum requirements of this title shall be permitted.

4. *Dwellings on small lots.* Where there are existing recorded lots which do not meet the minimum lot area requirement, single-family dwellings may be constructed as long as a side yard shall be not less than 4 feet and the sum of the side yards shall be not less than 12 feet and as long as all other requirements, except lot size, are met.

5. *Principal uses without buildings.* Where a permitted use of land involves no structures, such use, excluding agricultural uses, shall nonetheless comply with all yards and minimum lot area requirements applicable to the district in which located, as well as obtain any other license or permit applicable to that particular use.

6. *Dwelling not abutting.* No dwelling shall be erected on a lot which does not abut on at least 1 street for at least 25 feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.

7. *Garages.* An attached garage which faces on a street shall not be located closer than 25 feet to the street right-of-way line. A detached private garage which faces on a street shall not be located closer than 35 feet to the street right-of-way line.

8. *Accessory buildings.* Accessory buildings shall not be located closer than 35 feet from the street right-of-way line.

9. *Provisions for wheelchair ramps.* The ~~growth management director~~ Director may authorize an exception to allow a wheelchair ramp within a required setback in compliance with the following criteria:

a. The applicant has submitted a letter from a licensed physician specifying that the wheelchair ramp is necessary to accommodate a resident of the property;

b. The wheelchair ramp shall be designed so as to encroach into the required setback the minimum distance feasible;

c. The wheelchair ramp shall not encroach into any recorded easement or into public right-of-way;

d. The encroachment into the required setback shall be removed when the individual requiring the wheelchair ramp no longer resides on the property or the wheelchair ramp is no longer required; and

e. The wheelchair ramp shall be designed and constructed in accordance with the applicable provisions of the Americans with Disabilities Act (ADA).

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.270E of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.270 Minimum off-street parking requirements.**

...

E. *Parking requirements for uses not specified.*

1. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the ~~Community Development~~ Director. Such determination shall be based upon Parking Generation published by the Institute of Transportation Engineers (ITE).

2. Where new construction is proposed in a commercial or industrial district, but no definite use is specified, parking requirements shall be calculated as follows:

a. Commercial district: 5 parking spaces per 1,000 square feet gross floor area;

b. Industrial district: 1-3/4 parking spaces per 1,000 square feet gross floor area.

3. When a use is to be initiated or changed in any vacant or occupied building or portion thereof the parking required for the combined uses shall be reviewed by the ~~Community Development~~ Department, based upon this title and Parking Generation published by the Institute of Transportation Engineers (ITE). The determination of the ~~Community Development~~ Department shall establish the total number of parking spaces required.

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.270F of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.270 Minimum off-street parking requirements.**

...

F. *General requirements.* The following general requirements shall apply to all parking spaces and areas:

1. *Size and access.* Each off-street parking space shall be rectangular, and not less than 9 feet in width and 18 feet in length regardless of the angle of parking. Each commercial or multiple-family parking space shall be served by an aisle which meets or exceeds the standards set forth in these regulations. When curbs or curb stops are employed, up to 2 feet of the stall length may overhang the curb. Stalls may overhang sidewalks provided 4-foot wide usable sidewalks are retained and public rights-of-way are not encroached upon.



2. *Aisle length.* Parking lot aisles of over 150 feet in length shall have either an approved method of emergency vehicle egress deemed acceptable by the Rapid City Fire Marshal or a turnaround which will accommodate a 30-foot vehicle with a 42-foot turning radius.

**TABLE 17.50.270F.2.**

<b>REQUIRED MINIMUM OFF-STREET PARKING DIMENSIONS</b>				
Parking Angle (Degrees)	Stall Length	Stall Width	Aisle Width (1-way)	Aisle Width (2-way)
90°	18'	9'	26'	26'
60°	18'	9'	18'	20'
45°	18'	9'	12'	20'
30°	18'	9'	10'	20'
0° (parallel)	22'	9'	10'	20'

NOTE TO TABLE:  
Exception: Ninety-degree parking immediately off an alley requires 10 feet by 20 feet stalls and the aisle width of 20 feet being provided by the alley.

3. *Locations.*

a. Off-street parking facilities shall be located outside the public right-of-way and as hereinafter specified.

b. Parking facilities shall either be provided on the same parcel as the use it is to serve or within 300 feet from the building's primary entrance or use it is to serve, using established sidewalks and crossings. Such distance shall be the walking distance measured from the nearest point of the parking facility to the building's primary entrance that such facility is required to serve.

4. *Clear sight triangles.* Parking spaces and areas shall not be allowed which would obstruct the required sight triangle as provided in § 17.50.335 when such parking space or area is being occupied.

5. *Mixed occupancies in a building.* In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for 1 use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for shared use.

6. *Shared parking facilities.*

a. ~~The Building Inspection Department upon~~ Upon application by the owner or lessee of any property and after staff review of the application, ~~by the Director of Community Development,~~ may authorize the shared use of parking facilities under the conditions specified in this section:

1) Not more than 50% of the parking facilities required by this title will be provided by the shared parking facility;

2) No substantial conflict in the operating hours of the buildings or uses for which the shared use of the parking facility is proposed will occur;

3) The building or use utilizing the shared parking facilities is located within 300 feet of such parking facility using established sidewalks and crosswalks where available.

b. Parking using shared off-street parking facilities shall evidence agreement for such shared use by a proper legal instrument approved by the City Attorney as to form and content. Copies of such instrument, when approved as conforming to the provisions of this section, shall be filed ~~in the Building Inspection Department and copies thereof filed~~ with the ~~Community Development~~ Department.

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.270H of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

### **17.50.270 Minimum off-street parking requirements.**

...

#### *H. Parking for persons with disabilities.*

1. *Provision of parking.* In addition to the general requirements for parking provided for under subsection G. of this section, accessible parking facilities for persons with disabilities shall be provided in accordance with this subsection. Accessible parking for a particular building must be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. If there are multiple accessible entrances to the building, the accessible spaces must be dispersed and located closest to the accessible entrances. For parking facilities which do not serve a specific use or building, the accessible parking shall be located on the shortest accessible route to the nearest accessible pedestrian entrance to the parking facility. Accessible spaces may be provided off-site in accordance with this chapter as long as accessibility is not jeopardized.

2. *Accessible route.* A minimum of 1 accessible route meeting the requirements of this section must be provided between the building's accessible entrance and the accessible parking spaces, passenger loading zones, and public streets or sidewalks. An accessible route shall meet the following requirements:

a. To the maximum extent feasible, it shall coincide with the route for the general public;

b. It shall have a minimum clear width of 36 inches. If an obstruction turnaround is required then the minimum clear width must be provided as shown in Figures H.2(b)-1 and H.2(b)-2 of the technical drawings on file in the ~~city Community Development~~ Department;

c. Passing spaces are required if the accessible route is less than 60 inches wide. Passing spaces shall be at least 60 inches by 60 inches and spaced at no more than 200-foot intervals. A T-intersection of 2 walks is an acceptable passing space (see Figure H.2(c)-1 of the technical drawings on file in the ~~city Community Development~~ Department);

d. A minimum of 80 inches of vertical headroom along the route must be provided. If less than 80 inches of vertical headroom exists in any area adjoining the accessible route, then barriers must be provided to warn blind or visually-impaired individuals (see Figures H.2(d)-1, and H.2(d)-2 of the technical drawings on file in the ~~city Community Development~~ Department);

e. The ground surface of the accessible route shall be stable, firm and slip resistant. The accessible route may not include stairs, steps, or escalators. Changes in level of less than 1/4-inch do not require edge treatment. Changes in level between 1/4- and 1/2-inch shall be beveled with a slope no greater than 1:2. Changes in level greater than 1/2-inch shall require a ramp at least 36 inches wide and complying with all other ramp requirements (subsection H.3 of this section). Surface treatments involving carpeting or grating must meet specific ADA requirements;

f. An accessible route with a running slope of greater than 1:20 is a ramp and shall have a maximum slope of 1:12 and a minimum width of 36 inches and shall comply with all other ramp

requirements (subsection H.3 of this section). Nowhere along the accessible route shall the cross slope exceed 1:50;

g. Curb ramps must be provided wherever an accessible route crosses a curb. Slope of curb ramps must be the least possible with a maximum slope for new construction of 1:12 and a maximum rise for any run of 30 inches. Curb ramps and exterior ramps to be constructed in areas which preclude the use of a 1:12 slope may have reduced slopes and rises as follows: (a) a slope between 1:10 and 1:12 is allowed for a maximum rise of 6 inches; and (b) a slope between 1:8 and 1:10 is allowed for a maximum rise of 3 inches. A slope steeper than 1:8 is not allowed (see Figures H.2(g)-1 through H.2(g)-4 of the technical drawings on file in the ~~city~~ **Community Development** Department). The minimum clear width of a ramp shall be 36 inches. Ramps shall have level landings at the top and bottom of each ramp and each ramp run. These landings shall: (a) be twice as wide as the ramp run leading to it; (b) landing length shall be at least 60 inches clear; (c) if ramps change directions then the landing size shall be 60 by 60 inches; (d) if a doorway is located at a landing then the area in front of the doorway shall comply with 4.13.6 of ADA. Handrails shall be provided in compliance with 4.8.5 of ADA if a ramp has a rise greater than 6 inches or a horizontal projection greater than 72 inches.

3. *Ramps.* The least possible slope shall be used for any ramp. The maximum rise for any run shall be 30 inches. The maximum slope for any new ramp shall be 1:12 unless otherwise allowed by this code. Curb ramps and other exterior ramps constructed in areas where space limitations prevent a 1:12 slope may have slopes and rises as follows: (a) a slope between 1:10 and 1:12 is allowed for a maximum rise of 6 inches; (b) a slope between 1:8 and 1:10 is allowed for a maximum rise of 3 inches. No slope steeper than 1:8 is allowed. The minimum clear width of a ramp shall be 36 inches. Ramps shall have level landings at the top and bottom of each ramp and each ramp run. These landings shall: (a) be twice as wide as the ramp run leading to it; (b) landing length shall be at least 60 inches clear; (c) if ramps change directions then the landing size shall be 60 by 60 inches; (d) if a doorway is located at a landing, the area in front of the doorway shall comply with 4.15.6 of ADA. Handrails shall be provided in compliance with 4.8.5 of ADA if a ramp run has a rise greater than 6 inches or a horizontal projection greater than 72 inches.

4. *Spaces required.*

a. The following number of off-street parking spaces, based on the total required parking, are to be reserved for exclusive use by persons with disabilities. One in every 8 accessible spaces but always at least 1 space must be van accessible. Parking spaces for persons with disabilities may be counted toward the total number of parking spaces required for the use.

<b>REQUIRED NUMBER OF ACCESSIBLE SPACES</b>	
<b>Total Parking in Lot</b>	<b>Required Minimum # of Accessible Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

301 to 400	8
401 to 500	9
501 to 1,000	2% of total spaces
1,001 and over	20 plus 1 for each 100 over 1,000
Notes:	
1. The required number of accessible spaces for out-patient medical facilities shall be 10% of the total number of parking spaces.	
2. The required number of accessible spaces for facilities that specialize in treatment or services for persons with mobility impairments shall be 20% of the total number of parking spaces.	

5. *Signage.* Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility (see Figure H.5-1 of the technical drawings on file in the ~~city Community Development~~ Department). Van accessible parking shall include this symbol of accessibility sign plus an additional van-accessible sign mounted below the symbol of accessibility sign. (see Figure H.5-2 of the technical drawings on file in the ~~city Community Development~~ Department). Such signs must be located so they cannot be obscured by a vehicle parked in the space and so they are visible from the driver's seat of the vehicle parked in the space. Such signs must be located on a permanent supporting post or on an adjacent wall.

6. *Parking spaces.*

a. *Accessible parking spaces.* Accessible parking spaces must be a minimum of 96 inches in width. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle. Parking spaces may not exceed a 1:50 slope in all directions. Accessible parking spaces may be angled as long as all other requirements specified in this section are met (see Figure H.6a-1 of the technical drawings on file in the ~~city Community Development~~ Department). Access aisles adjacent to accessible spaces shall be a minimum of 60 inches in width. The spaces shall be 18 feet in length.

b. *Van-accessible parking spaces.* Van-accessible spaces shall be a minimum of 96 inches wide and 18 feet in length, and shall be served by an access aisle a minimum of 96 inches wide. The access aisle for a van-accessible space must be located on the driver's right-hand side of the van as it would be parked in the space. The minimum vertical clearance for van-accessible spaces and vehicle routes between van-accessible spaces and the site entrance/exit shall be 98 inches. A sign alerting van users to the presence of the wider aisle is required, but the space is not restricted to vans. Parking spaces may not exceed a 1:50 slope in all directions. Van-accessible parking spaces may be angled as long as all other requirements specified in this section are met (see figure H.6b-2 of the technical drawings on file in the ~~city Community Development~~ Department). A van-accessible space and an accessible space may share an access aisle as long as that aisle is at least 96 inches wide.

c. *Parking access aisles.* Parking access aisles must be part of the accessible route to the building and must comply with the accessible route requirements (subsection H.2 of this section). Vehicle overhang may not reduce the required width of an accessible route.

d. *Universal parking.* An alternative to the provision of separate van-accessible spaces is the provision of universal parking. Universal parking spaces shall be 132 inches wide, with a 60-inch-wide access aisle. These stalls do not have to be signed separately for van-accessibility, but do need to meet signage requirements set forth in subsection H.5 of this section.

7. *Protruding objects.* Objects projecting from walls, with their leading edges between 27 inches and 80 inches above the finished floor, shall protrude no more than 4 inches into walks, passageways or aisles (see Figure H.7-1 of the technical drawings on file in the ~~city Community Development~~ Department). Objects mounted with their leading edges at or below 27 inches above the finished floor may protrude any amount (see Figures H.2d-1 and H.7-1 of the technical drawings on file in the ~~city Community Development~~ Department). Freestanding objects mounted on posts or pylons may overhang a maximum of 12 inches, from 27 inches to 80 inches above the ground or finished floor. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space (see Figure H.7-2 of the technical drawings on file in the ~~city Community Development~~ Department).

8. *Passenger loading zones.* Passenger loading zones shall provide an access aisle at least 60 inches wide and 20 feet long, adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with subsection H.3 of this section shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes, not exceeding 1:50 (2%) in all directions. Any loading zone must maintain a minimum of 114 inches of vertical headroom. This 114-inch clearance is also required along at least 1 vehicle route from the passenger loading zone to the site entrance and exit. For purposes of this chapter, valet parking areas shall meet the same requirements as passenger loading zones.

9. *Addition of accessible parking in existing parking lot.* Whenever a parking facility, which does not meet the requirements of subsections H.4, H.5 or H.6 of this section, is re-striped, or when existing parking markings are to be repainted, such parking markings shall be altered to conform to the requirements of subsections H.4, H.5 or H.6 of this section. If the entity providing the parking facility is required to eliminate 1 or more parking spaces to comply with this provision, such elimination shall be permitted without requiring a variance to the parking requirements.

a. This provision shall apply only to parking facilities providing for 4 or more parking stalls.

b. Nothing in this section shall be construed to require the reconstructions of any parking lot to achieve the requisite slope required in the construction of a new parking facility.

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.300G of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.300 Landscape regulations.**

...

*G. General requirements.*

1. *Installation.* All landscaping shall be installed in a sound workmanship-like manner according to accepted good planting and xeriscaping procedures and according to the approved plan. If at the time of final inspection all the requirements of these regulations have not been completed in a satisfactory manner, a certificate of occupancy shall not be issued unless the builder or owner has provided a monetary security guarantee (see subsection J. of this section, security guarantee). All required landscaping shall be installed as per plans submitted.

a. Trees used in parking lots shall be placed far enough back from the curb to accommodate the overhang of the automobile; otherwise, the front bumper of the car will hit the tree trunk.

b. The parking lot shall be screened with shrubs or other barriers. This will reduce visual clutter caused by parked cars, and will make the building more attractive.

c. When planters are used in parking lot interiors, a surface area shall be made available for aeration and water infiltration commensurate with the mature spread of the utilized tree types. This will help ensure that the tree remains healthy and vigorous.

d. Interior parking lot trees shall be deciduous shade trees. These will grow larger, be hardier and provide greater aesthetic and environmental benefits in an interior parking lot situation. Conifers and ornamentals are of greatest value in providing fence foliage in perimeter and buffer areas.

e. Fruit-bearing trees shall not be located where vehicular and pedestrian traffic exists. This will reduce the maintenance of these trees.

f. Curb stops or some form of physical barrier shall be installed around plant material located within the parking lot. This will reduce the possibility of damage to the plant material. Stormwater runoff from the parking lot area may be collected and directed in such a manner as to provide a source of water for landscaping.

g. Trees shall be located such that mature height and spread will not interfere with overhead power lines.

h. Evergreen trees shall be avoided in areas where the mature trees will create hazardous interruption of views to oncoming traffic or where they will create hazardous snow drifting on the parking area or public right-of-way.

i. The use of turf in and around landscaping materials is discouraged. The use of mulches or low water groundcovers can help retain moisture in the soil and reduce total water needs for the landscaped area.

j. Irrigation systems shall be of a drip, bubble or a low trajectory nature to maximize efficiency in water usage.

k. The plant types selected shall be suited to the conditions of the location to minimize maintenance and irrigation needs. A list of hardy native plant materials is available through the ~~city's Planning~~ Department.

2. *Sight distance for landscaping.* Landscaping may not obstruct the required sight triangles as provided in § 17.50.335, except as follows: Trees may be allowed in the required site triangle if the tree is located more than 30 feet from the intersection of the curb lines and the trees shall have a minimum of 40-foot spacing between trees; provided that the canopy of the tree is 10 feet or more above grade.

3. *Maintenance.* The owner of the building or property shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. Maintenance shall include the replacement of all dead plant materials.

4. *Planting criteria.*

a. *Trees (deciduous).* Planted for the required landscaping under this section shall be a minimum of 1 1/2-inch caliper 12 inches above grade measured immediately after planting. Trees shall be of a species having an average mature spread of crown of greater than 15 feet.

b. *Trees (evergreen).* Trees shall be a minimum height of 4 feet.

- c. *Groundcovers.* Groundcovers other than grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within 1 year after planting.
- d. *Shrubs.* Shrubs shall be a minimum of 1 foot in height when measured immediately after planting.
- e. *Lawn grass.* Grass areas shall be planted in species normally grown as permanent lawns in Rapid City. Native grasses may also be used.
- f. *Synthetic lawns or plants.* Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.300H of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.300 Landscape regulations.**

...

H. *Plan approval.*

- 1. *Preparation of plan.* It is recommended that the plan be prepared by a landscape architect, architect, landscaper or person of related profession.
- 2. *Plans required.* Two copies of the plans showing proposed landscape development and maintenance procedures, including figures to show compliance with these regulations shall be submitted to the Building ~~Inspection Department~~Official at the time a building permit is requested. The Building ~~Inspection Department~~Official shall route the proposed plans to the ~~Planning~~Department for their approval. The plans shall consist of:
  - a. A plot plan drawn to scale normally of not less than 1 inch equals 30 feet including dimensions and distances and clearly delineating any existing and proposed landscape development. The plot plan shall also include drawings of the entire off-street parking area and the locations of the proposed building.
  - b. In addition to indicating those areas to be landscaped, the plot plan shall indicate the types, locations and sizes of all landscaping materials to be used. The irrigation system shall be detailed showing the layout of the system, system components and water delivery specifics.
  - c. These plans must be approved prior to issuance of a building permit.

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.335E of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.335 Sight triangles.**

...

- E. *Stop-controlled intersections.* Each stop-controlled intersection shall have a sight triangle based on the speed limits of the adjoining accessways. These distances are shown in Figure 1, a copy of which is available in the ~~city's Planning~~Department.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.50.340F of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

### 17.50.340 Fences and walls.

...

#### F. *Variances and exceptions.*

1. Variances to the requirements of this section shall be subject to the Board of Adjustment process in § 17.54.020 and administrative exceptions process in § 17.50.070. Additional fence requirements approved as part of a Planned Development Overlay District shall follow the major and minor amendment procedures process in § 17.50.050. Additional fence requirements approved as part of a planned unit development shall follow the PUD zoning document amendment procedures in § 17.50.060.

2. Barbed wire is allowed on rural properties being used for agricultural purposes such as containing livestock, but not zoned as such, as determined by the Director ~~of Community Planning and Development Services~~.

3. Chain link fences for tennis courts, basketball courts, baseball fields, or similar outdoor recreational uses may be constructed to a maximum height of 24 feet provided that the fence is not located within the required setback area. In addition, mesh netting is allowed for these outdoor recreational uses.

4. The Director ~~of Community Planning and Development Services~~ may permit the use of prohibited fencing materials if it is determined that the allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood.

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.54.010A of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

### 17.54.010 Organization.

A. *Administration.* The provisions of this title shall be administered by the city's Building Official and the ~~city's Community Development~~ Department.

1. The city's Building Official shall:

- a. Issue all building permits and make and maintain records thereof;
- b. Issue all certificates of occupancy and make and maintain records thereof;
- c. Issue and renew where applicable all temporary use permits and make and maintain records thereof;
- d. Conduct inspections as prescribed by this title and such other inspections as are necessary to ensure compliance with the various provisions of the title; and
- e. Prepare reports and recommendations for applications to be reviewed by the Board of Adjustment.

2. The Director ~~of the Community Development Department (Director)~~ shall:

- a. Maintain and keep current zoning maps and records of amendments thereto;
- b. Maintain and keep current the comprehensive plan and amendments thereto;
- c. Direct Department staff and Development Review Team to prepare reports and recommendations for applications to be reviewed by the Planning Commission and City Council; and
- d. Perform the review and approval of applications for minor amendments and other administrative procedures as prescribed by this title.

3. The Development Review Team (DRT) is composed of city staff and representatives of outside agencies that have an interest in or would be affected by a proposed application. The



Director of ~~Community Development~~ shall maintain a list of current members and may revise the list. The Director or designee within the department will select members from the DRT list and forward applications to the selected members for review and comment. Copies of the DRT list are available for inspection in the office of the Director.

~~4. All generic references in this title to "Department" shall signify the Community Development Department unless another department is specified. References in this title to the Department of Community Planning and Development Services or to Growth Management shall be interpreted to denote the Community Development Department.~~

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.54.030A of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

### **17.54.030 Conditional use permits.**

...

A. *Application process and submittal requirements.* The procedures of this section shall be followed in making application for approval of a conditional use permit or for an amendment to a conditional use permit.

1. *Application process.* The owner and/or designated agent shall submit the required application, number of copies of the conditional use permit, and the appropriate supporting documents to the ~~Community Planning and Development Services~~ Department for review. Upon receipt of a complete application and the required information, the DRT shall complete its review and provide a recommendation to be forwarded to the Planning Commission with or without stipulations. Upon review by the DRT, if determined that the application is incomplete, the applicant will be notified in writing of the deficiencies and the application will not be scheduled for a public hearing before the Planning Commission until such time as the deficiencies in the application have been corrected. If a decision by the DRT is contested by the applicant, an appeal can be filed with the City Council. Once the application is complete, the recommendation shall be provided to the owner and/or designated agent and the Director shall place the application and recommendation on the next available Planning Commission agenda, with consideration for the required public notice. The Planning Commission will review the application and DRT recommendations and formally act on the application. The Planning Commission's final decision may be appealed to the City Council.

2. *Submittal requirements.* The applicant shall submit a dimensioned site plan drawn to scale including building setbacks, approach locations and internal traffic circulation, parking, loading and unloading dock areas with truck turning radii, landscaping, fencing, retaining walls, signage, lighting, dumpster location and screening, exterior mechanical equipment and screening, building elevations with building heights, and building colors and materials. The application shall also include an operations plan detailing the hours and days of operation, number of employees, average daily peak trips generated, type of equipment or processes used, description, location, and quantity of hazardous materials (existing and used), list of regulatory agencies, contact name, phone number and their inspection frequency. City staff may require additional information or technical studies such as drainage studies, construction plans, address plats, and development agreements.

3. *Notification.* Notification of surrounding property owners, tenants and interested parties shall be accomplished by posting a sign on the property and by mailing notices of public hearing to neighboring property owners.

a. *Posting of sign.* A sign noting the fact that a conditional use permit approval, on-sale liquor establishment approval or major amendment is pending shall be posted on the site not less than 7 days before the public hearing before the Planning Commission. The sign shall be maintained on the site until the Common Council has taken action on the request or the petition is withdrawn. Approved signs shall be secured from the ~~Planning~~ Department who shall require a reasonable deposit sufficient to cover the cost of replacement of the sign or signs and who shall determine the number and location of the sign or signs to be posted on the site addressed in the petition for conditional use permit.

b. *Adjacent property owner notification.* Public notice shall be sent to all owners of property adjacent to or within 250 feet of the perimeter of the property inclusive of public right-of-way. Notice shall be sent by first class mail at least 7 days prior to the public hearing. When adjacent property is owned by a subdivision or condominium association, notification may be sent to the management company or board of such association. The city may require the applicant to sign a certified affidavit prior to the public hearing as evidence to document compliance with the requirements of this section. The city may decide to perform the adjacent property owner mailing and shall notify the applicant in writing prior to scheduling the public hearing.

c. *Publication.* The notice of the time and place of the Planning Commission hearing shall be published in a daily paper of general circulation at least 7 days and not more than 15 days prior to the hearing date.

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.54.040E of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.54.040 Zoning, rezoning, zoning ordinance, and comprehensive plan amendments.**

...

E. *Rezoning—posting and maintenance of signs.* In addition to the preceding requirements, the petitioner for rezoning, or his or her agent or agents, shall be required to post and maintain an approved sign or signs on the property included in the rezoning petition, the sign or signs to be posted at least 7 calendar days prior to the Planning Commission meeting at which the petition shall be considered and to be maintained continuously until the rezoning petition has been finally approved or rejected by the Common Council or withdrawn by petition. Approved signs shall be secured from the Department ~~of Community Planning and Development Services~~ who shall require a reasonable deposit sufficient to cover the cost of replacement of the sign or signs and who shall determine the number and location of the sign or signs to be posted on the property included in the rezoning petition. This section shall not apply to zoning amendments instituted by the city's Planning Commission or by the city if the notice provisions in subsection A.1 are met.

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.54.080A of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.54.080 Procedures for historic preservation.**

A. *Administration.* The Common Council hereby appoints the Director ~~of Community Planning and Development Services~~ or his or her designee (collectively the “Director”) to administer these procedures.

...

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.66.050 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.66.050 Area regulations.**

The following regulations shall apply to all uses permitted in this district:

A. *Height.* The maximum height of any structure is 8 stories or 100 feet at the finished roof line, whichever is higher. One story buildings constructed after March 5, 2018 shall have a minimum height of 15 feet.

B. *Graduated height setbacks.*

1. *Buildings not located on pedestrian oriented streets.* Graduated height setbacks are required for new buildings greater than 3 stories. Above the third story, the setback shall be 20 feet from the property line.

2. *Buildings located on pedestrian oriented streets.* Graduated height setbacks are required for new buildings greater than 5 stories. Above the fifth story, the setback shall be 20 feet from the property line.

C. The building height of new construction, and alterations to the height of existing buildings, may be subject to historic review as required by the Rapid City Municipal Code and state law, including § 17.54.080 and SDCL 1-19A-11.1.

D. *Setbacks.* Buildings shall be set back a minimum of 0 feet and a maximum of 10 feet from the front property line. A corner lot shall accommodate sight triangles in accordance with § 17.50.335. Setbacks shall be measured from the building face, covered portion of an entryway, alcove, roof overhang, balcony, column, or edge of a seating area or other public space that is permanently fenced or covered. Exceptions may be granted by the ~~Community Development~~ Director where a larger setback provides public space, outdoor cafes, or other amenity that meets the intent of the district. There is no minimum side or rear yard setback.

E. *Maximum lot coverage.* Maximum lot coverage shall be 90%.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.66.060 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.66.060 Development standards.**

To fulfill the district intent and support the vision of the city’s comprehensive plan and downtown area master plan, the following development standards shall apply:

A. *Pedestrian oriented development.* To ensure that all new development in the district is pedestrian and bicycle friendly while encouraging creativity and allowing a wide range of choice, the following standards shall be met:

1. *Ground floor windows.* Blank walls on the ground level of buildings are limited in the district in order to connect activities occurring within a structure to the adjacent sidewalk area,

encourage surveillance of the street, and avoid a monotonous pedestrian environment. Street-facing facades on the ground level of buildings shall meet the following standards:

a. The required amount of ground floor window area shall be 45% or more of the wall area measured between 2 and 8 feet in height above the finished grade. The windows shall be transparent.

b. On lots with more than 1 street frontage, the standard shall be met on the frontage of the street that has the highest classification to the Rapid City Major Street Plan. If 2 or more streets have the same classification as per the Infrastructure Design Criteria Manual, the applicant may choose on which street to meet the standard in subsection a.

2. *Building face variation.* The setback and/or materials of street-facing building facade shall vary substantially every 50 feet. Change in material color is not considered a substantial change. The same material used in a different pattern is not considered a substantial change. Columns, pilasters, or other building articulation constituting a substantial change shall be greater than 12 inches in depth to be considered a substantial change.

3. *Location of the main entrance.* The main entrance shall face the street lot line. Where there is more than 1 street lot line, the entrance may face either street lot line or the corner.

4. *Lighting.* Four or more fixtures of downtown, pedestrian-scale lighting shall be provided on the primary building frontage or front yard per each 50 feet of building frontage. On a corner lot, all yards that abut a street may be used to meet this standard. Fixtures shall be adequately spaced to create even light distribution.

5. *Other pedestrian elements.* Two of the following additional pedestrian elements shall be provided on the parcel on the primary building frontage or front yard. On a corner lot, all yards that abut a street may be used to meet these standards:

a. Ground floor windows of 66% or greater on the street-facing first floor of building face.

b. Secured bench/es or café table/s with chairs, accessible from the public right-of-way per each 50 feet of building frontage.

c. One bike rack per 50 feet of building frontage.

d. On a development that extends an entire block face, a publicly accessible, well-lit interior or exterior passageway that grants access through the block.

e. Two street trees. This option may be located in public right of way instead of private property if approved by the city.

f. Twelve square horizontal feet of irrigated planter boxes or hanging baskets per 50 feet of building frontage.

g. Twenty square feet of vertical trellised wall area with adequate irrigated planting area to support plant coverage of the trellis per 50 feet of building frontage.

h. Other art or design elements approved for alternative compliance by the ~~Community Development~~ Director.

B. *Parking.* To ensure a well distributed long term supply of parking that is compatible with the intent of this district, the following standards shall apply:

1. *Off-street parking.* The following off-street parking requirements in the urban commercial district shall apply:

a. New construction of multi-unit residential dwellings shall provide parking based on the number and size of total units using the following calculation: 1 space per 1 bedroom, plus an additional 0.5 spaces for each additional bedroom. Studio apartments shall provide 0.75 spaces per unit.

b. Converting an existing structure of non-residential use to a residential use shall require 0.5 spaces per unit.

c. All non-residential uses shall provide 2 spaces per 1,000 square feet of gross floor area.

d. For all uses, a reduction of 1 required space may be allowed for every 5 secured bicycle parking spaces, up to a total reduction of 2 parking spaces, or 10% of the total parking requirement, whichever is greater.

e. The on-street parking spaces located adjacent to a development may be counted towards the parking requirement. These on-street parking spaces are not granted for exclusive use by the development.

2. *Surface parking lot design.* When surface parking is provided on site the following development standards shall apply:

a. Parking lots shall be located to the rear of the primary building.

b. Parking lots may be located to the side of the primary building upon approval of the ~~Community Development~~ Director when a demonstrated hardship exists.

c. No more than 25% of any individual lot frontage may consist of parking lot.

d. Parking lots along a primary street frontage, a pedestrian oriented street, and parking lots facing low density residential district zoned parcels shall be buffered with landscaping consisting of a combination of solid (walls) and permeable (plantings) materials to provide a filtered screen and physical separation.

e. Rear or alley loading and delivery access is required. In the case of demonstrated hardship, alternative compliance may be approved by the ~~Community Development~~ Director.

3. *Parking garage design.*

a. The design of a parking structure shall minimize large expanses of blank walls and horizontal banding of the structure. The design should balance solids (walls) to voids (openings) to mimic the facades of adjacent structures.

b. Automobile access shall be from the side streets and alleys, not the primary block face.

c. The functions of the parking garage, including ramps and ticketing, shall be located within the structure and not visible from the street.

C. *Landscaping.* To allow for an urban development intensity and adaptive reuse, while ensuring an appealing downtown environment, the following standards shall be met:

1. The required amount of landscaping shall be in accordance with § 17.50.300 with the following deviations:

a. Urban landscaping elements of the pedestrian elements in § 17.66.060.A above may be counted toward the landscaping requirement.

b. Landscaped buffers for parking lots and outdoor storage may be counted toward the landscaping requirement.

c. For new construction or expansion of an existing building, in the case of demonstrated hardship, the ~~Community Development~~ Director may approve alternative compliance for all or a portion of the landscaping requirement through the provision of non-irrigated planters, hanging baskets, or similar landscape design items.

d. Existing street trees and nodes located within the right of way adjacent to development may be counted towards landscaping requirements.

e. On existing buildings, vegetation may encroach on the sidewalk so long as a 5-foot pedestrian clearance zone is maintained.

D. *Signage.* In order to allow for attractive and creative signage that advertises a variety of tenants and is oriented toward the street, the signage regulations in §§ 17.50.080 to 17.50.100 shall apply.

E. *Screening.* Dumpsters shall not occupy the front yard area. Dumpsters shall be located at least 10 feet from the side yard and screened with a minimum 6-foot high opaque fence or wall. Chain link fencing is not permitted. These requirements may be waived by the ~~Community Development~~ Director in cases of demonstrated hardship.

F. *Storage.* Where supplemental regulations for specific uses prohibit outdoor storage, the standards for outdoor storage noted in this section shall not apply. In all other cases, the following standards shall apply to storage:

1. Outdoor storage shall be allowed as an accessory use only, and shall be limited to a maximum of 10% of the lot area.
2. In order to support the intent of this district related to pedestrian oriented development, indoor storage facing pedestrian oriented streets shall not obstruct or be located adjacent to the transparency requirements as identified in § 17.66.060.A.1.
3. Outdoor storage shall be located to the rear of the building.
4. Outdoor storage areas shall be paved and shall be enclosed by a minimum 6-foot high opaque fence or wall. Stored items shall not be stacked above the height of the fence or wall. Non-stacked items that exceed the fence height (such as vehicles, equipment, or large components) are allowed.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.66.070N of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.66.070 Supplemental regulations.**

...

N. *Innovation centers.* Uses of this nature are permitted uses if criteria 1. through 4. are met. Uses of this nature are conditional uses if any of criteria 1. through 4. are not met.

1. Innovation center facilities are compatible with a mixed use, pedestrian-oriented environment and are no greater than 50,000 square feet in size.
2. Any toxic explosive, flammable, corrosive, etiologic, radioactive or other restricted material is stored, used and disposed of in accordance with all applicable building fire, and safety codes and is conducted within an enclosed structure.
3. The effects of noise, odor, smoke, dust, vibration, heat, and air and water pollution are controlled through the use of clarifiers, screening, setbacks, orientation or other mitigation techniques as approved by the ~~Community Development~~ Director.
4. Adequate loading/unloading zones are provided as per the parking requirements of this section.

BE IT FURTHER ORDAINED by the City of Rapid City, that Section 17.66.070O of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.66.070 Supplemental regulations.**

...

O. *Limited production and processing.* Uses of this nature are permitted uses if criteria 1. through 5. are met. Uses of this nature are conditional uses if any of criteria 1. through 5. are not met:

1. Wholesale or production uses are accompanied with retail trade or other public interaction/activity such as gallery and display areas, classes, etc. that support district activity.
2. Any toxic explosive, flammable, corrosive, etiologic, radioactive or other restricted material is stored, used and disposed of in accordance with all applicable building fire, and safety codes.
3. The effects of noise, odor, smoke, dust, vibration, heat, and air and water pollution are controlled through the use of clarifiers, screening, setbacks, orientation or other mitigation technique as approved by the ~~Community Development~~ Director.
4. Facility size is no greater than 15,000 square feet.
5. Adequate loading/unloading zones are provided as per the parking requirements of this section.

**CITY OF RAPID CITY**

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Steve Allender, Mayor

Attest

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Pauline Sumption, Finance Officer

(seal)