

**AN ORDINANCE TO ALLOW FOR ACCESSORY DWELLING UNITS IN
RESIDENTIAL DISTRICTS BY AMENDING TITLE 17 OF
THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted zoning regulations in Title 17 of the Rapid City Municipal Code (R.C.M.C.) to regulate uses and property within the various zoning districts; and

WHEREAS, the City's comprehensive plan, Plan Rapid City, identifies accessory dwelling units as one of the tools to encourage affordable and workforce housing options; and

WHEREAS, Plan Rapid City identifies accessory dwelling units as a way to contribute to the City's supply of affordable rental housing; and

WHEREAS, Plan Rapid City recognizes that having accessory dwelling units as an option can make homes more affordable for families by providing an income source for home owners and by allowing elderly residents to live close to family members; and

WHEREAS, under the current version of Title 17, accessory dwelling units are not allowed in residential districts; and

WHEREAS, the City of Rapid City believes it to be in the best interests of the City and its residents to allow accessory dwelling units that are accessory to residential uses under certain conditions as regulated by the City's ordinances; and

WHEREAS, because the City of Rapid City provides public water and sewer services and is responsible for maintaining a safe and reliable system for all customers, the City seeks to ensure that accessory dwelling units do not allow a lesser standard for water and sewer services than what currently exists and is applied throughout the City; and

WHEREAS, the City wishes to amend Title 17 to require City registration of accessory dwelling units in residential areas; and

WHEREAS, the Common Council believes it to be in the best interests of the health, safety, and welfare of its citizens to amend Chapter 17.50 to allow for accessory dwelling units and to require registration of such units.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.50.210 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.50.210 Permitted accessory structures.

Accessory -uses shall be permitted as specified in §Section 17.50.200, and such accessory uses shall be applicable to the principal use and shall include, but not be limited to the following:

A. For dwellings:

1. Shelter to house domestic animal pets, but not exceeding 2 shelters per dwelling;
2. Children's playhouse and playground equipment;
3. Incinerator, incidental to the principal use only;
4. Private greenhouse, vegetable, fruit or flower garden, from which no products are sold or offered for sale;
5. Private garage or carport;
6. Private swimming pool and bathhouse; ~~and~~
7. Shed for the storage of maintenance or recreation equipment used on the premises; and
8. Accessory dwelling units as regulated by Section 17.50.219.

B. For church, chapel, temple or synagogue:

1. Parish house, or residence for the clergymen of the congregation; and
2. Religious education building.

C. For educational institutions:

1. Convent or lay teacher's quarters;
2. Dormitories;
3. Power or heating plants;
4. Stadiums, gymnasiums, fieldhouses, game courts or fields; and
5. Fallout or civil defense shelters of the type and construction meeting the Department of Civil Defense Specifications.

D. For golf and country clubs:

1. Dwelling for caretaker;
2. Maintenance equipment storage shed;

3. Pro shop; and
4. Lounge and dining area.

E. For hospitals and health institutions:

1. Staff quarters;
2. Laundry, incidental to the principal use only;
3. Medical and nursing instruction; and
4. Chapel.

F. For industrial uses in the industrial districts:

1. Offices;
2. Restaurants or cafeterias;
3. First-aid clinics or dispensaries;
4. Watchmen's quarters; and
5. Research or pilot structures.

(Prior code Appendix A, Art. V (§ 2 (B)))

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.50.219 of the Rapid City Municipal Code be and is hereby adopted to read in its entirety as follows:

17.50.219 Accessory Dwelling Units.

A. Purpose and Intent. The purpose and intent of this Section is to protect the residential character of Rapid City and to provide for supplementary living accommodations in the community, as well as provide for supplementary income opportunities of property owners. These provisions are intended to support affordable and workforce housing options with reasonable limitations to minimize the impact on neighboring properties and neighborhoods, and to promote the health, safety, and welfare of the property owners and residents of accessory dwelling units.

B. Definition of Accessory Dwelling Unit. A subordinate permanent dwelling which has its own cooking, sleeping, and sanitation facilities and which is:

1. Within or attached to a single-family residential building; or
2. Within a detached accessory structure associated with a single-family dwelling that is smaller than the primary structure, and that is not a mobile home or recreational vehicle.

C. *Owner Occupied.* No accessory dwelling unit shall be created, established, or occupied in a single-family dwelling unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Pennington County tax assessment rolls.

D. *Zoning Districts.* An accessory dwelling unit which meets ordinance requirements may be allowed in a single-family dwelling unit or in a detached accessory unit within the Low Density Residential-1, Medium Density Residential, High Density Residential, Low Density Residential-2, or General Agricultural Districts. An accessory dwelling unit which meets ordinance requirements may be allowed only as part of a single-family dwelling structure within the Park Forest District. No accessory dwelling unit may be allowed in any multi-family dwelling or on any lot that cannot satisfy the parking requirements.

E. *Number Of Accessory Dwelling Units.* A maximum of one accessory dwelling unit shall be allowed in each owner occupied single-family dwelling or in a detached accessory unit associated with a single-family dwelling.

F. *Location.* Except as provided in Section G.4, accessory dwelling units may be located within the main residential dwelling or in a detached accessory unit.

G. *Area Regulations.* Each accessory dwelling unit shall comply with the area regulations for the zoning district in which it is located. In addition, accessory dwelling units shall comply with the following requirements.

1. Detached accessory dwelling units may not be located in the front yard.
2. Lot coverage shall not exceed the maximum lot coverage allowed in the underlying zoning district. A detached accessory dwelling unit shall not cover more than ten percent of the lot area. An exception to this size requirement may be approved up to fifteen percent of the lot area through issuance of a conditional use permit pursuant to Section 17.54.030.
3. A detached accessory dwelling unit shall be smaller than the footprint of the primary dwelling minus any attached garage.
4. Accessory dwelling units on lots with a lot area of less than 6,500 square feet shall be located within the main structure only and shall not be located in a detached accessory unit.

H. *Dwelling Unit Occupancy.* The occupants of an accessory dwelling unit shall be limited to a family as defined in Section 17.04.250.

I. *Addresses.* The principal dwelling unit and the accessory dwelling unit shall have different address numbers.

J. *Parking.* A single-family dwelling with an accessory dwelling unit shall provide at least two (2) off-street parking spaces for the main dwelling unit, and one (1) off-street parking spaces for the accessory unit, for a minimum total of three (3) off-street parking spaces. All parking shall comply with City ordinances and regulations, including the Infrastructure Design Criteria Manual. An exception to the parking requirement may be granted by the Director when an exception is justified by occupancy requirements and availability of on-street parking.

K. *Living Areas.* An accessory dwelling unit must provide living areas for cooking, sleeping and sanitation facilities separate from the principal dwelling unit.

L. *City Codes.* All new construction and remodeling shall comply with all City ordinances, regulations, and requirements, including Title 15 Buildings and Construction and Chapter 8.24 International Fire Code, in effect at the time of construction or remodeling. If applicable, construction and/or remodeling shall comply with the procedures for historic preservation found in Section 17.54.080.

M. *Not Intended for Sale or for Short Term Rentals.* The accessory dwelling unit shall not be sold or detached by deed and shall only be rented for a term of more than 28 days.

N. *Design Standards for Large Units.* Detached accessory dwelling units that exceed 500 square feet shall have a residential appearance.

O. *Existing Accessory Dwelling Units.* Accessory dwelling units constructed prior to [the adoption date of this ordinance] ~~must demonstrate that requirements in Sections B, C, D, E, and J above are met in order to register per Section P~~ may register under Section P even if they do not meet Section G, I, and N. Any nonconformities with City regulations will be acknowledged and may not be made worse as a result of a renovation or expansion. Any renovation or expansion must comply with applicable City area regulations, ordinances, codes, and design standards that are attributable to that renovation or expansion.

P. *Accessory Dwelling Unit Registration.* Any person owning an existing accessory dwelling unit that has not previously been registered with or permitted by the City, or any person constructing or causing the construction of a residence that has an accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, shall register the accessory dwelling unit with the Department of Community Development. In order to meet the requirements of the registration, the applicant shall:

1. Submit a fee set by resolution of the Common Council with a completed registration form including a site plan that shows property lines and dimensions, existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or

additions to property lines, parking stalls, garbage collection points, utility meters, and utilities (public and private), including water and wastewater services from mains to the building(s) being served;

2. Include floor plans with labels on rooms indicating uses or proposed uses and points of access;
3. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges set by resolution of the Common Council;
4. For existing accessory dwelling units, demonstrate compliance with Section O. For accessory dwelling units constructed after the adoption of this ordinance, demonstrate compliance with all applicable City ordinances for Accessory dwelling units; and
5. Provide additional information as requested by the Director of Community Development.

Q. Denial of Registration. City staff shall review registration forms for accessory dwelling units and accompanying information. Accessory dwelling units that are found to meet the standards of this Section shall be registered with the Department of Community Development. Staff may refuse to register an accessory dwelling unit registration form which does not meet any requirement found in this Section or elsewhere in the Code by providing written notice of the denial to the property owner and the basis for the denial.

R. Suspension or Revocation of Registration. The Director may suspend or revoke any accessory dwelling unit registration based on failure to adhere to applicable regulations or laws. The Director's decision to suspend or revoke may be appealed to the Common Council. A written notice of appeal shall be filed with the Director within seven working days of the action taken. The Director shall timely notify the registration holder of the date and time of the Council hearing at which the appeal will be heard.

S. Failure to Complete Registration. If the property owner does not complete the registration as outlined in Subsection P, the accessory dwelling unit shall not be considered legal or approved. Failure to complete the registration of an existing accessory dwelling unit within two (2) years of the passing of this Section is a violation of the general penalty provision found in Section 1.12.010.

T. Home Occupations. A home occupation business in an accessory dwelling unit shall be in compliance with 17.50.350 and shall be restricted to a use which creates no customer traffic.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:

Second Reading:

Published:

Effective: