

Appendix A

ZONING RECOMMENDATIONS

DOWNTOWN RAPID CITY ZONING REVISION RECOMMENDATIONS

INTRODUCTION

Purpose

During the course of the Downtown Area Master Plan project, regulatory revisions were repeatedly raised as a critical element of removing market barriers and achieving community goals for Downtown. This document presents specific recommendations of the consultant team for zoning updates. These recommendations reflect input provided by a range of downtown stakeholders and City staff during the project. It is understood that if brought forward for adoption, they will go through a further public process that may result in adjustments and refinements. We encourage the staff and community of Rapid City to be bold and creative in revising the code, and to expect to make additional adjustments as they are found to be necessary.¹

Guiding Concepts

While there are many nuanced revisions that reflect the full range of stakeholder discussion, these key concepts are embodied throughout:

- Open the door to and encourage urban development intensity throughout Downtown.
- Adopt modest parking and landscaping requirements in the balance of Downtown to ensure a well distributed long term supply.
- Accommodate historic development patterns by retaining zero parking and landscaping requirements in the historic core and other constrained sites.
- Increase pedestrian comfort throughout Downtown and particularly in key locations.
- Offer flexibility and choices to avoid monotony and allow for site differences.

1. Recommendations in this document may need legal revision in order to be reconciled with other existing provisions and definitions to be in expressed in legally defensible terminology. Terms that are not already defined will need to be added. Unless noted, these recommendations assume that here another section of code currently controls - such as historic standards - that section will continue to prevail.

RECOMMENDATIONS

Expand the CBD District to a Downtown-wide Zoning District

Purpose: Allow a more urban style of development throughout Downtown, including areas east of 5th Street.

Extent: All orange and red shaded areas on the Development Strategy map.² The proposed Downtown (“DT”) zoning district is in essence an expansion of the existing CBD district³, but with some modifications. The provisions will apply uniformly in all of Downtown, except where exceptions or additional requirements apply in “Activity Centers” (red areas on the Development Strategy map)⁴ which includes the portion of Downtown that is currently zoned CBD.

1. As a rule, the existing provisions of the current CBD zone district will be carried forward into the DT district, except as modified in the recommendations of this document.

2. Development Standards

a. Applicability

The vast majority of Downtown is already developed, so development standards will apply as redevelopment and major expansions occur.

The development standards in the DT district apply to new development and to a building expansion greater than 50%⁵ of its existing footprint. Within the DT district, a change in use of an existing building does not trigger the development standards.

b. Height Limit

Purpose: Setting a height limit ensures consistency and discourages speculation that can slow investment in Downtown.

- i. Maximum height shall be 6 stories, except that in Activity Centers, the maximum height shall be 8 stories.⁶

c. Setbacks

Purpose: These standards allow urban – rather than suburban –setbacks throughout Downtown.

- i. 0’ minimum setback
- ii. 10’ maximum setback, except that in Activity Centers, the maximum setback shall be 5’.
- iii. Setbacks shall be measured from the building face, covered portion of an entryway alcove, or edge of a permanent fenced or covered seating area or other public space.
- iv. If across the street from LDR or HDR zoned block where half or more of the existing buildings are designed for single-family residential occupancy and are in residential use, the minimum setback shall match the average setback of the facing blockface.

2. See the Development Strategy map in the Downtown Area Master Plan, page 57.

3. Whether the resulting downtown-wide district is called CBD or DT is immaterial as the intent in either case is to use the existing CBD provisions as the basis for the entire district. For the sake of clarity in this document, we refer to “the DT district” to refer to the expanded area in contrast to the “current CBD zoned area.” It may be easier in practice for the City to revise and expand an existing district rather than rezone the existing CBD to a new DT district.

4. “Activity Centers” include the historic core and proposed new node on 3rd street. The term is defined in the Plan glossary and will need to be defined legally within the code.

5. This threshold is higher than the citywide threshold because many properties in Downtown are constrained.

6. This is the number of stories allowed by-right. Taller heights could be achieved using the PUD process, subject to discretionary review including consideration of the Design Guidelines.

d. Pedestrian Friendly Elements

Purpose: Ensure that all new development in Downtown is pedestrian and bicycle friendly while encouraging creativity and allowing a wide range of choice.

- i. Transparency: the required minimum transparency of the street level of all building faces fronting pedestrian oriented streets⁷ is 45% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk.⁸ Exceptions may be granted by the Design Review Board.⁹
- ii. Building face variations: Vary the setback or materials of street-fronting building faces every 100 feet.
- iii. Outside of Activity Centers, provide 1 of the following pedestrian elements on private property on the primary building frontage (within Activity Centers, the requirement is increase to 3 elements per primary building frontage):
 1. Transparency of 66% or greater on the street-facing first floor building face.
 2. 2 benches or café tables with chairs, accessible from the public right-of-way per each 50 feet of frontage
 3. 4 or more fixtures of downcast, pedestrian-scale lighting per each 50 feet of frontage, adequately spaced to create even light distribution.
 4. Bike racks designed to hold 10 or more bikes per 50 feet of frontage.¹⁰
 5. A primary access door that is street facing. A corner door may meet the requirement for two frontages.
 6. On a development that extends an entire block face, a publicly accessible, well-lit interior or exterior passageway that grants access through the block.
 7. Urban landscaping features:
 - a. 2 street trees;
 - b. 12 square horizontal feet of irrigated planter boxes or hanging baskets; OR
 - c. 20 square feet of vertical trellised wall area with adequate irrigated planting area to support plant coverage of the trellis.
 - d. On existing buildings, these landscaping elements may encroach the sidewalk so long as a minimum clear zone is maintained.
 8. 1 piece of interactive art accessible to the public per each 50 feet of frontage.
 9. Other art or design element(s) approved for alternative compliance by the Design Review Board, and by the Historic Preservation Commission within a Historic District.

e. Parking Lots

Purpose: Reduce potential negative impacts of parking areas on pedestrian appeal.

- i. Parking lots must be located in back of or to the side of the primarily building, rather than occupying the majority of the primary street frontage.

7. “Pedestrian oriented street” is defined in the Plan glossary and will need to be defined legally within the code.

8. As elsewhere in the document, the proposed requirement (i.e., 45% if on pedestrian oriented streets) is lower than the recommendation of the Design Guidelines (50% on all streets). This is intentional. Regulations set the minimum that all development must achieve while guidelines indicate what is preferred and can be used in discretionary review processes where the applicant may be asking for flexibility on some aspects of the development.

9. We understand there is intention to create a design review board. If one is created, it could add flexibility for creative elements by making subjective determinations about art as alternative compliance.

10. This is not be to confused with a sidewalk cafe permit, which can be used to allow seating within the public right of way.

- ii. Within Activity Centers, parking lots may not exceed 40% of the improved lot area.¹¹
- iii. Along a primary street frontage, a pedestrian oriented street, and facing LDR zoned parcels. Parking lots must be buffered with landscaping.
- iv. Rear or alley loading and delivery access is required. In the case of demonstrated hardship¹², alternative compliance may be approved by the Planning Director.

f. Landscaping ¹³

Purpose: Allow for urban development intensity and adaptive reuse while ensuring an appealing Downtown environment.

- i. Development in Activity Centers is exempt from landscaping requirements.
- ii. The required amount of landscaping shall be 35% of the existing GC requirement.
- iii. Urban landscaping elements of the Pedestrian Friendly Elements in section d above may be counted toward all or a portion of the landscaping requirement.
- iv. Landscaped buffers for parking lots and outdoor storage may be counted toward all or a portion of the landscaping requirement.
- v. For any expansion of an existing building, in the case of demonstrated hardship, the Planning Director may approve alternative compliance for all or a portion of the landscaping requirement through provision of non-irrigated planters, hanging baskets, or similar.

g. Trash Receptacles

- i. Dumpsters must be located on-site and screened with a solid wall or fence.
- ii. Development in Activity Centers is exempt from dumpster location and screening requirements.
- iii. This requirement may be waived by the Planning Director in the case of demonstrated hardship.

3. Parking Requirements

Purpose: *The current CBD zoned area and other Activity Centers would remain exempt from all parking requirements. In other areas, a modest requirement ensures each development contributes to a well-distributed long term supply, acknowledges the on-street resource, and avoids free riders. The suggested requirements are low enough that **market demand will typically exceed the requirement**. Waivers for constrained sites **avoid the use of PUDs**.*

- a. Within Activity Centers, there shall be no parking requirement.
- b. The requirement for non-residential uses shall be 35%¹⁴ of the requirement in the GC district.
- c. The requirement for residential uses shall be 1 space per housing unit, except that the requirement for student apartments within a quarter mile of the SD Mines campus shall be 0.5 spaces per bedroom.
- d. On-street parking spaces that abut the parcel frontages may be counted toward the parking requirement. If on-street parking is counted toward the

11. This provision would prevent development of a small building surrounded with a sea of parking.

12. “Demonstrated hardship” is a legal zoning terminology that means the applicant must show that constraints on the site, such as topography or existing development, make it infeasible for the requirement to be met. Allowing the administrative waivers avoids the need for PUDs. Appeals of administrative waivers go a hearing body, such as the Board of Adjustment.

13. These provisions will need to be reconciled with any updates to who is responsible for street trees and other landscaping elements within Downtown.

14. The specific ratios should ideally be confirmed by a more detailed parking study. These recommendations provide a path forward and can be further reduced should a parking study support it.

requirement, it shall not obligate the City to provide such spaces or constrain the City from removing such spaces. In the event that on-street parking is removed by the City after the approval of a development, the property shall not be considered non-conforming with regard to parking.¹⁵

- e. A reduction of 1 required space is allowed for every 5 covered, secured bike parking spaces for occupant use, up to a total reduction of 2 spaces or 10% of the total parking requirement, whichever is greater.
- f. The parking requirement for a quick service or counter service restaurant (such as a café, lunch counter, coffee shop, or ice cream shop) shall be one-half of that for a standard (table service) restaurant.¹⁶
- g. The Planning Director may approve alternative compliance, or waive up to 100% of the parking requirement in cases of demonstrated hardship. A waiver may be approved for only the portion of the requirement for which hardship is demonstrated.
- h. Fee-in-lieu option

We recommend the City authorize a fee in lieu option that a developer may choose instead of providing all or a portion of the required parking. Such fees should be earmarked for provision of structured parking within Downtown when and where a need becomes evident.

4. Use Regulations

Purpose: Allow for a broad mix of uses within the Downtown and reduce the number of uses that require approval through a public hearing.

- a. The current CBD use list will be the starting point, to be modified for the DT district.
 - i. Simplify use lists and tables as recommended in the Zoning Diagnosis.
 - ii. Convert most conditional uses to allowed-by-right with conditions.
 - iii. Enable mixed use, multifamily residential in a range of forms as defined by appropriate “building types”¹⁷. (See separate Housing Everywhere strategy memo)
 - 1. Appropriate urban building types included within the DT District should include:
 - a. Row House
 - b. Stacked Flat
 - c. Walk-up Apartment
 - d. Mid-rise Apartment
 - e. Live / Work units
 - f. Small Mixed-Use
 - g. Large Mixed-Use
 - 2. Include the building types as permitted uses in the DT zoning District.
 - 3. Building type definitions should include unit count, floorplate size, lot size and frontage width, height, setbacks and any performance standards appropriate (i.e., building coverage, access and parking location, etc.)

15. This parking provision acknowledges that in many parts of Downtown, on-street parking is ample and can alleviate some of the need for off-street supply. It is offered as an option for property owners that wish to provide less private on-site supply, but should not be construed to create a right or to constrain the City from making future changes.

16. We recommend this change be considered for city-wide application.

17. The “building type” approach expands the past approach taken by the City to address the allowance of townhouse buildings.

b. Mix of Uses

Any use allowed in the district is allowed as either a stand-alone use or as part of a mixed use development or mixed use building. Within Activity Centers, first floor commercial use location requirements (2.b. of the Special Development Regulations for Activity Center) shall apply.

c. New Uses

- i. As recommended in the Zoning Diagnosis, shift to use categories with examples rather than exhaustive lists of specific named uses, e.g., “retail sales” rather than “shoe shop.”
- ii. Define artisan manufacturing and creative industries as an allowed use category, with examples to include maker space and breweries.¹⁸
 1. In order to maintain vitality in Activity Centers, include the condition that, if located within an Activity Center, and artisan manufacturing use must offer an ancillary retail or gallery component such as a tasting or show room. Artisan manufacturing in other areas of Downtown may, but are not required to include ancillary retail.
 2. Exempt ancillary tasting rooms from food sales requirements.
 3. Consider limiting the hours of operation of ancillary tasting rooms to address excessive consumption and behavioral concerns.
- iii. Allow public uses by right.¹⁹
- iv. Allow food trucks as a temporary use.²⁰

d. Auto-oriented uses

To protect and create a vibrant, compact pedestrian-friendly Downtown, some auto-oriented uses may need to be restricted. The GC district along Omaha will provide a place for these near Downtown.

- i. The suggested maximum lot area for parking lots in the Activity Centers may create a limit on the establishment of auto-oriented uses.

e. Storage

- i. Storage shall be allowed as an ancillary use only, and shall be limited to a maximum of 10% of the lot area.
- ii. Indoor storage areas may not occupy the portion of a building that faces a pedestrian oriented street.
- iii. Outdoor storage must be located in back of the building.
- iv. No outdoor storage shall be allowed in Activity Centers.
- v. Outdoor storage areas must be paved and shall be enclosed by a solid wall or fence.²¹ Stored items shall not be stacked above the height of the wall or fence. Non-stacked items that exceed the fence height (such as vehicles, equipment, or large components) are allowed.

18. The Nashville zoning code contains example definitions that could be adopted or tailored by Rapid City.

19. Public uses are not currently allowed by right in the CBD district. The City is considering creation of a zoning district for public facilities. In general, we recommend allowing public uses in all districts, possibly with size or occupancy limitations in residential neighborhoods.

20. This provision allows a property owner, including the City, to host food trucks on their property for an event. Citywide provisions for approval and duration of temporary uses would apply unless alternate provisions are added. For food trucks in public rights of way, see Other Regulations section below.

21. If the general screening provisions of the code allows materials that are not acceptable in Downtown, this provision should specify materials.

5. Sign Regulations

Purpose: Allow for attractive and creative signage that advertises a variety of tenants and is oriented toward the pedestrian.

- a. Carry forward sign provisions of the CBD and modify as below:
- b. Allow blade signs.
- c. Prohibit new pole signs in Activity Centers.
- d. Increase in allowed signage area by 30% for sculptural art signs.
- e. Allow pedestrian-scale tenant signage on the front face of mixed use, multi-story buildings to display the names of business tenants that do not have floor level or street-facing units. Regulate their size and location.
- f. Allow pedestrian-scale signage on the side face of corner buildings to display the names of businesses located on the side street within one block.²² Regulate their size and location.

Special Development Regulations for Activity Centers

Purpose: A section of the DT district regulations should define "Activity Centers" (red shaded areas on the Development Strategy map, which include the current CBD district) and creates special provisions to ensure that Activity Centers are especially well-oriented to pedestrians. These additional requirements are offset by zero parking and landscaping requirements and additional height allowances within Activity Centers.

Extent: Red shaded Activity Center areas on the Development Strategy map, and any additional activity centers as may be designated in the future.

1. Define Activity Centers with legal and general descriptions, and include or link to a map. State that where these provisions conflict with the provisions for the DT district generally, these provisions control.
2. Zero Parking and Landscaping Requirement
Development in Activity Centers are exempt from all parking and landscaping requirements as stated in the general parking and landscaping sections above.
3. Additional Height Allowance
Provisions in the general building height section, above, allow up to 8 stories in Activity Centers (compared to 6 elsewhere in Downtown).
4. Pedestrian Friendly Activity Center Provisions
Purpose: Ensure that Activity Centers are especially well-oriented to pedestrians.
 - a. These standards are in addition to the required Pedestrian Friendly Elements for the DT district as a whole (Section 2.d.).

22. It can be beneficial to promote side-street businesses within a walkable Downtown, but sandwich boards create clutter and can impede foot traffic. A common non-regulatory solution we commonly recommend is for the City or Downtown organization to install and maintain district-wide side-street directory signage. This is somewhat costly. This regulatory approach is less expensive however, it does not ensure that all side-street businesses can find a willing sign host or afford what the property owner may decide to charge.

b. Entry Door

One street facing or corner entry accessible from the sidewalk is required on the primary building face.

c. Additional Pedestrian Friendly Elements

Provide 3 elements from the Pedestrian Friendly Elements list, in section 2d, per each 50 feet of frontage.

d. First Floor Commercial

Purpose: Activate street level floors. Rather than requiring commercial use as some codes do – for which there may not be adequate market demand at a given time and location – this recommendation is simply to require commercial construction so that the first floor may be used for commercial when the market can deliver a non-residential use. In addition, we recommend codifying a best practice in walkable districts, which places amenities on the first floor to activate the street level of residential buildings.

- i. A minimum depth of 20' of the street-facing first floor of any building must be built to commercial standards.
- ii. In a residential-only building, if shared activity or amenity areas are provided such as leasing offices, fitness club, game room or similar, these shall occupy street-facing first-floor areas until such areas are fully utilized. However, this standard does not preclude the provision of rooftop or upper-story deck amenities.

Acknowledge Distinct Attributes and Market along Omaha

Purpose: Continue to allow auto-oriented uses in Downtown along Omaha, which in this location can serve Downtown residents, workers, and visitors as well as the community at large. However, apply some parking location and buffering standards along pedestrian oriented streets to encourage pedestrian movement across Omaha.

Extent: Purple shaded Downtown Edge area on Development Strategy map.

1. Retain General Commercial (GC) Zoning in the purple shaded area.
2. Add a provision in the GC zone district requiring that GC zoned parcels that abut pedestrian oriented street segments in Downtown must comply with parking lot location & buffering requirements of the new DT District.

Buffer and Support the Existing Neighborhood

Purpose: Encourage continued investment with a mix of predominately residential development with some smaller-scale commercial uses.

Extent: Yellow shaded Neighborhood Area on the Development Strategy Map.

1. Add contextual height limits and setback provisions to the DT zoning adjacent to residential areas and uses.
2. Allow a full range of housing types as described in the Housing Everywhere strategy memorandum. Use a "building type"²³ approach to specifically enable a broad range of small-scale, higher density building types, with limited and targeted neighborhood-scale mixed-use development.

23. See Footnote 17

- a. Create a Downtown Neighborhood zoning district or revise the existing HDR, High-density residential, zoning district that defines the allowable building types compatible to walkable, urban neighborhoods. The table provides prototypical standards for appropriate types, and identifies their context based on the plan.
- b. Standards for each building type should include unit count, floorplate size, lot size and frontage width, height, setbacks and any performance standards appropriate (i.e building coverage, access and parking location, etc.)
- c. Frontage designs refer to the relation of buildings to the streetscape. Standards for each frontage type may be based on specific blocks and locations, and the existing context of different areas within the plan. The frontage design is then used to ensure compatibility across a variety of building types on single block.
- d. Enable limited and targeted neighborhood-scale mixed-use development at key locations within or adjacent to Downtown Neighborhood areas.
- e. Implementation of Neighborhood policy from the Downtown Area Master Plan includes the following options:
 - i. Rezone Neighborhood (yellow area) Downtown Neighborhood District or converted HDR District.
 - ii. Encourage rezoning of commercially zoned property within the Neighborhood Place Types to Downtown Neighborhood or converted HDR as change occurs.
- f. To further implement the Neighborhood policy from the draft Downtown Area Master Plan, encourage rezoning of commercially zoned property within the Neighborhood Place Types to the Downtown Neighborhood or converted HDR district.

OTHER REGULATORY ISSUES

Two other significant regulatory issues came up that are not typically addressed in zoning regulations: an expansion of the fire suppression requirement; and food trucks in the public right of way. We note these as additional items for separate regulatory treatment:

1. Food Trucks

Purpose: Food Trucks are a desired use in Downtown, but are not currently allowed. Mobile retailing can help add vitality on a temporary or pop-up basis in areas that are not yet established to the point of regular patronage. They can also meet excess demand at the busiest times, when brick-and-mortar businesses may already be at capacity. As such, they add vitality and improve the visitor experience.

Adopt an ordinance creating a permit system to allow food trucks (and if desired, other mobile retailing trucks) to occupy public parking spaces. An incremental approach that begins with limited times and locations initially can allay fears and be expanded later if desired.

- a. Initially, we suggest offering permits in the CBD as follows:
 - i. Location: only in street parking spaces adjacent to Main Street Square.
 - ii. Number: only as many as can easily be accommodated in street parking spaces adjacent to Main Street Square
 - iii. Distribution: a maximum of one per business or individual.
 - iv. Times: only during the high season (May-September) at times when there is a scheduled, permitted event in Main Street Square. We understand that many such events create demand in excess of the capacity of local restaurants which can be partially met by the food trucks.
- b. To encourage vitality in emerging areas of Downtown, we further recommend allowing food trucks without a permit requirement east of 5th Street, or requiring permits but allowing an unrestricted number.
- c. Permit fees should be structured to encourage food trucks while offsetting typical revenues that would otherwise be generated from the occupied parking spaces.

2. Fire Suppression

The Fire Department has expressed concerns related to safety and response times if more of Downtown is developed at urban density. We recommend a community discussion to consider the below, which is proposed by the Fire Department as a local modification to the International Fire Code.

- a. Any primary building that shares a common wall with another primary building, regardless of size, shall be required to install a fire suppression sprinkler system. A memo describing the importance of fire suppression is proved in section G of this appendix.

Housing Types	Development Standards			Frontage Design				Plan Context			
	Units	Lot Size	Height	Yard	Terrace	Courtyard	Street-front	Activity Center	Downtown General	Downtown Neighborhood	Downtown Edge
<i>Small/Urban Lot Detached House</i>	1 unit	3,000 – 6,000 s.f.	1 – 2.5 story	☑	☑	☑	[L]	☒	[L]	☑	[L]
<i>Multi-unit Detached House</i>	2-4 units	5,000 – 10,000 s.f.	2 – 3 story	☑	☑	☑	[L]	☒	[L]	☑	[L]
<i>Row House</i>	3 – 6 units	1,500 – 2,500 s.f. per unit	2 – 3 story	☑	☑	☑	[L]	☒	☑	☑	[L]
<i>Stacked Flat</i>	2- 4 units	5,000 – 10,000 s.f.	2- 4 story	☒	☑	☑	[L]	☒	☑	☑	[L]
<i>Walk-up Apartment</i>	4-12 units	5,000 – 10,000 s.f.	2 – 4 story	☒	☑	☑	[L]	☒	☑	☑	[L]
<i>Mid-rise Apartment</i>	12-40 units	10,000 – 25,000	3 – 6 story	☒	☑	☑	[L]	☒	☑	☑	[L]
<i>Live / Work</i>	1 unit	3,000 – 6,000 s.f.	1 – 2.5 story	☒	☑	☑	☑	[L]	☑	[L]	[L]
<i>Small Mixed-Use</i>	1-6 units	5,000 – 10,000 s.f.	2 – 4 story	☒	[L]	[L]	☑	☑	☑	☒	[L]
<i>Large Mixed-Use</i>	6 units +	10,000 s.f. or more	2-6story	☒	[L]	[L]	☑	☑	☑	☒	[L]

- ☑ Preferred permitted type
- [L] Limited Type based on context or specific conditions
- ☒ Prohibited Type