



# Zoning Diagnosis

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# Part 1. Summary and Project Overview

## OVERVIEW

This Zoning Diagnosis was prepared as part of Plan Rapid City—the City’s Comprehensive Plan Update process—to identify how existing regulations support or hinder the Core Values on which the draft Plan is based and to identify specific tools the City should consider to help implement the plan. This document is intended to supplement the Implementation Strategy and Action Plan contained in the draft Comprehensive Plan, and serve as a starting point for discussion to support the City’s efforts to modernize its code and streamline its development procedures.

## COMPREHENSIVE PLAN CORE VALUES

Seven “Core Values” serve as the basic tenets behind both the community’s vision and the basic organizing structure of the Comprehensive Plan. The Core Values broadly define the long-term vision for Rapid City and describe the kind of community Rapid City will become. The Core Values are based on the premise that the health of City and the quality of life enjoyed by its residents are dependent upon the balancing of multiple factors—economic, environmental, and community considerations.

The plan’s chapters align with the Core Values and each Core Value chapter also contains a series of related principles which describe the community’s aspirations, and specific goals and policies to achieve those aspirations. The seven Core Values identified in the Comprehensive Plan are:

- A Balanced Pattern of Growth
- A Vibrant, Livable Community
- A Safe, Healthy, Inclusive, and Skilled Community
- Efficient Transportation and Infrastructure Systems
- Economic Stability and Growth
- Outstanding Recreational and Cultural Opportunities
- Responsive, Accessible, and Effective Governance

## PURPOSE AND ORGANIZATION

This Zoning Diagnosis identifies ways in which the plan’s aspirations can be supported and implemented through the review and reform of the City’s regulatory tools. This document contains many general observations regarding potential improvements to the code which also support the Core Values of the plan. Overall, this Zoning Diagnosis attempts to determine:

- Certain ways to make the regulations more user-friendly
- Some ways in which the current regulations are ineffective or difficult to use
- Areas of consistency and inconsistency between regulations and the goals of the Comprehensive Plan

In addition to this introductory section, this document includes two parts:

**Part 2** of this document is an assessment of current regulations divided into five themes:

- Create a More User-Friendly Document Format
- Update Current Zone Districts and Allowed Uses
- Accommodate a more Diverse Mix of Uses

- Improve the Quality of Development
- Promote a Variety of Housing Types

This section generally identifies the major issues that were found while reviewing the regulations and provides recommendations or suggestions on how the code might be modified to better align the regulations with the Core Values in the Comprehensive Plan.

**Part 3** provides an annotated outline to illustrate how a new unified development code could be organized.

All of the recommendations are based on our experience working with communities across the country on comprehensive plans, design standards, and development codes, input received from City stakeholders and community members as part of the Plan Rapid City process, and specific recommendations contained in the draft Comprehensive Plan. Additional input from stakeholders and the community should be solicited as part of a code revision project, should the City decide to take this step.

## ELEMENTS OF SUCCESSFUL CODE REVISION PROJECTS

In our experience, successful code revision projects share a number of common general features. These are benchmarks that local governments and citizens can use to test their current code and to guide the drafting of future revisions. These key features include:

- Citizens and code users should have opportunities for meaningful input before changes are set in stone.
- Revisions should effectively implement adopted plans and be based on input from elected officials, advisory committee members, staff, developers, and citizens.
- Revisions should be based on a methodical analysis of the strengths and weaknesses of the current code and how it relates to community goals. There are no one-size-fits-all answers.
- At a minimum, revisions should result in a code that includes:
  - ✓ A logical organization and user-friendly formatting;
  - ✓ Substantive review standards that are clear, consistent, and illustrated where appropriate;
  - ✓ Legally-defensible standards and processes; and
  - ✓ Enforcement and administrative provisions that are realistic based on available local resources and staff.

# Part 2. Targeted Diagnosis

As noted in the introduction, five major themes for improving Rapid City’s current development regulations emerged from our review of the Rapid City Code of Ordinances. Some overlap between themes exists; however, these groupings provide an organized way to discuss the strengths and weaknesses of the current regulations—generally as well as within the context of specific Comprehensive Plan goals.

## THEME 1: CREATE A MORE USER-FRIENDLY DOCUMENT FORMAT

### REFORMAT THE CODE TO INCLUDE MORE VISUAL AIDS

Photographs, tables, flowcharts, illustrations, and other graphics are helpful in conveying information concisely. The city’s current development regulations do not include many of these visual aids and only limited use of tables. We recommend expanding the use of visual aids to help explain how the code works – for example, by clearly showing how dimensional standards are measured and how development standards (parking, landscaping, building design, etc.) are applied.

Code graphics can be effectively drafted using a number of different software programs. Simple diagrams and tables can be produced using Microsoft Word, and more complex drawings depicting dimensional standards can be drafted using products such as SketchUp and Adobe Creative Suite (Photoshop, Illustrator, and InDesign). These programs allow staff to quickly create and update drawings depicting dimensional standards, without having to outsource the work to a consultant. There are front-end costs associated with purchasing these software packages and with training; however, they will save staff time in the long run, and are better suited for graphics than word processing programs such as Microsoft Word.

Type of Lot	Permitted Parking Area
<b>Residential Districts</b>	
All Lots	The rear yard and one side yard
Non-corner lot with dwelling unit and no garage	The area between one side lot line and the nearest side wall of the dwelling unit and its extension to the improved street abutting the front yard. (See diagram to the right)
Non-corner lot with dwelling unit and detached garage	The area between the closest side lot line to the side wall of the dwelling unit nearest to the garage, and its extension to the improved street abutting the front yard. (See diagram to the right)
Non-corner lot with dwelling unit and attached garage	The area between the closest side lot line to the common wall separating the dwelling unit and garage, and its extension to the improved street abutting the front yard. (See diagram to the right)
Corner lot	By variance per Section 50-37.9
<b>Mixed Use and Special Purpose Districts</b>	
All Mixed Use and Special Purpose Districts	Buildings or projects constructed after <i>[insert effective date of ordinance]</i> shall locate no more than 50% of off-street accessory parking within required front yard areas. <sup>321</sup>
Form Districts	Parking only permitted on those portions of the lot permitted for the building type being constructed pursuant to Sections 50-16 and 50-22.

*Example: Use of tables and illustrations to clearly convey multiple layers of information.*

Using graphics software programs also will help the City quickly update drawings that illustrate dimensional and other standards as they are amended in the future.

There are many different parts of the code that would lend themselves well to graphic representation. Some initial ideas for the Rapid City code are as follows:

- Signage (17.50.080): Graphics would help to define and differentiate types of signs like projecting signs, ground signs, or monument signs.
- Sight Triangles (17.50.335): A visual explanation would define this concept much better.
- Airport Encroachment Area (17.58.070): Graphics would help to describe the different zones that make up the airport encroachment area.

We also recommend using summary tables throughout the code, similar to the examples shown on the next page. Tables help to convey a great deal of information without having to refer to several sections or pages of code. For example, consolidating all of the permitted land uses for each zone district into a unified table would allow for a side-by-side comparison of appropriate district uses. We also recommend summarizing dimensional standards (or area regulations as they are described in the current code) within individual zoning districts. Not only is this method helpful for staff, but it also gives prospective landowners and developers a quick reference tool.

**TABLE 50-19.8: USE TABLE**  
 NOTE: Uses in the Natural Resources Overlay (NR-O) are limited by Section 50-18.1  
 NOTE: Uses in the Airport Overlay (A-O) district are limited by Section 50-18.2  
 NOTE: P and S uses only allowed in R-P district if included in an approved District Plan for the area

New Zone District Name	Residential					Mixed Use					Form									
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Current Zone District Name	S	S2	R1 a,b,c & R2	R3		R4 & C1	C5	MC	M1, IT & IP	W1										
<b>LAND USE CATEGORY</b>																				
<b>RESIDENTIAL USES</b>																				
<b>Household Living</b>																				
Dwelling, one-family	P	P	P	P	P	P						U	U	U	U	U	U	U	U	U
Dwelling, two-family				P <sup>128</sup>	P	P						U	U	U	U	U	U	U	U	U
Dwelling, townhouse <sup>128</sup>				S	P	P					P									
Dwelling, multi-family <sup>127</sup>					P	P	P	P		P		U	P	U	P	U	U	P	U	P
Dwelling, live-work <sup>128</sup>					P	P	P	P		P		P	P	P	P	P	P	P	P	P
<b>Group Living</b>																				
Assisted living facility (elderly) <sup>129</sup>				S	P	P	P	P	P	P		U	P	U	P	P	U	U	P	P

Example use table indicating which land uses are permitted in each zoning district, and what process is required for approval.

Lastly, we recommend that all review procedures be enhanced with flowcharts, which quickly convey the interrelationships between procedural steps. It also would be beneficial to incorporate a simple summary table with the different application types, decision-making bodies, and notification requirements.

**ENHANCE THE PAGE LAYOUT**

In our review of the zoning ordinance and other development regulations, we found the documents challenging to navigate. A few general issues could be addressed in order to maximize the efficiency of the regulations. The current numbering system, for instance, is not applied consistently throughout the document. An example of one minor inconsistency is found between SC-2 and SC-2. In SC-1, permitted uses are listed alphabetically as “a.” “b.” and “c.” but in SC-2, permitted uses are listed as “1.” “2.” and “3.” Consistency in numbering and formatting greatly helps for navigating and referencing the code and

The diagram shows a page from a zoning code with several annotations on the left side:

- Dynamic Header:** Points to the title 'District Specific Development Standards Town Center Residential District Subsection 5.3. Site Layout and Building Organization'.
- Prominent Titles:** Points to the section title '5.3 Site Layout and Building Organization'.
- Nested Text:** Points to sub-sections 'A. INTENT' and 'B. CONTEXTUAL FRONT YARD SETBACKS'.
- Balance Between Text and White Space:** Points to the spacing and layout of the text.
- Illustrations with Captions:** Points to 'Figure 18: SITE LAYOUT AND BUILDING ORIENTATION: TOWN CENTER RESIDENTIAL DISTRICT', which includes a diagram of a block with 'Existing Homes' and 'Single-Family Infill Development' and a list of five numbered items.
- Adoption Date Page Numbers:** Points to the footer 'Morrisville Town Center Code—Final Draft: December 2009 FZB Recommendation Version 49'.

This sample page layout illustrates how headers, text, graphics, and use of page numbers help to modernize a code and make it more user-friendly.

ultimately ensures that regulations are defensible.

Additionally, greater differentiation between headers, sub-headers, and text would greatly improve the readability of the code. We recommend nesting text below prominent titles and applying consistent indentation. Page numbers, along with a table of contents that references those pages, would be helpful for print versions of the code. (See example above.)

## REORGANIZE CURRENT DEVELOPMENT REGULATIONS AND CONSIDER A UNIFIED ORDINANCE

Although the current Rapid City zoning ordinance follows a general structure of definitions, zone districts, supplementary regulations, and overlay districts, there are several sections that seem out of place in their current location. A reorganization of the code so that similar districts, such as all residential districts or all commercial districts are near each other would be helpful. For example, LDR-1 and LDR-2 are currently separated by many chapters and are located in chapters 17.10 and 17.44 respectively. Additionally, the Business Park and Airport Districts are separated from the other zone districts by the supplementary regulations, non-conforming buildings and uses, and administration and enforcement chapters.

Reorganizing the development regulations, while simple in concept, can often make a considerable difference in the overall readability of a code. The general rule of thumb in organizing codes is to group similar materials, both to minimize repetition and the need to flip between multiple sections to find related provisions.

For example, all administration-related provisions should be grouped together, ideally in the same chapter. The consolidation of all procedures into one chapter can make a substantial difference in the user-friendliness and readability of the code. For the most part this is already the case, as most procedures are described in 17.54, the Administration and Enforcement chapter. However, many additional procedures are scattered through other parts of the ordinance, like the procedure for approval of a townhouse (17.50.040), the procedure for a PUD (17.50.060), and the procedure for approval of a business park (17.56.040). Diagrams, flow charts, and tables that delineate which processes and procedures are required for a particular development would be particularly helpful additions to this dedicated procedures section.

Similarly, all definitions should be in one spot. Currently, there are many definitions included in the regulations which we recommend moving to the dedicated definitions chapter. For example, in General Commercial, a microbrewery is listed as a conditional use and then is defined “as an establishment which manufactures less than 5,000 barrels of malt beverages a year.” This definition should instead be within the definitions chapter for consistency throughout the code, and microbrewery should simply be listed as a conditional use. Other examples found of definitions included outside of the dedicated definitions chapter were:

- Planned Development Overlay District (17.50.050.D) – defines Development Review Team, Planned Development Designation, Initial Planned Development, and Final Planned Development.
- Signage (17.50.080) – Abandoned Sign, Awning, Directional Sign, Marquee, Premises, Wall Sign, and others.
- Sexually-Oriented Businesses (17.50.186) – Adult Entertainment Center, Residential District, and others.
- Landscape Regulations (17.50.300.C) – Accessway, Buffer, Planning Area, Xeriscaping, and others.

Taking the basic concept of reorganization to the next level, many communities around the country have consolidated multiple ordinances that address land development into a unified development ordinance (UDO). This consolidated approach typically involves folding subdivision regulations into the zoning ordinance, but may also integrate ordinances relating to resource protection, use controls, and other issues.

The benefits of a UDO include:

- **More user-friendly:** A UDO allows the reader to quickly compare processes, standards, and procedures for development activities. It also provides for a shorter document in most instances.

- **Greater consistency:** The unified approach would not repeat information from other ordinances, therefore reducing the possibility of inconsistent application. For example, the current Rapid City regulations have definitions within both the zoning and subdivision ordinances which are sometimes inconsistent.
- **Easier to administer:** Many communities that have adopted UDOs believe that they are easier to administer in terms of providing direction to applicants, finding information expeditiously, and enforcement.

The table below summarizes the current basic organization of the Rapid City ordinances and provides initial recommendations for how a unified development ordinance might be implemented. The annotated outline in Part 3 provides additional detail and recommendations for how a new code could be organized.

<b>Rapid City Development Code Organization</b>	
<b>Current Title 16 – Subdivisions</b>	<b>Title 17 - New Unified Development Ordinance</b>
Chapter 4 – General Provisions	Article I – General Provisions
Chapter 8 – Application Procedures	Article II – Administration
Chapter 12 – Specifications for Submittal Documents	<ul style="list-style-type: none"> <li>• Includes approval procedures for zoning and subdivision processes.</li> </ul>
Chapter 16 – Standards for Improvement	Article III – Zoning Districts
Chapter 20 – Definitions	<ul style="list-style-type: none"> <li>• Includes zone district dimensional standards and special requirements.</li> </ul>
Chapter 24 – Application Fees	Article IV – Use Regulations
<b>Current Title 17 – Zoning</b>	<ul style="list-style-type: none"> <li>• Includes permitted uses and use-specific standards, such as sexually-oriented businesses, outdoor storage, mobile homes, and telecommunication facilities.</li> </ul>
Chapter 2 – Short Title and Purpose	Article V – Development Standards
Chapter 4 – Definitions	<ul style="list-style-type: none"> <li>• Includes standards such as parking, landscaping, lighting, fences, and signs.</li> </ul>
Chapter 6 – Zoning Districts and Maps	Article VI – Subdivision Regulations
Chapter 8 through 48 – Zone Districts	<ul style="list-style-type: none"> <li>• Includes design standards and improvements standards for subdivisions.</li> </ul>
Chapter 50 – Supplementary Regulations	Article VII – Nonconformities
Chapter 52 – Nonconforming Buildings and Uses	Article VIII – Definitions
Chapter 54 – Administration and Enforcement	<ul style="list-style-type: none"> <li>• Free-standing article with definitions of all zoning and subdivision terms.</li> </ul>
Chapter 56 through 58 – More Zone Districts	
Chapter 60 through 64 – Overlay Zoning Districts	

## ADDRESS VARIOUS OTHER LANGUAGE ISSUES TO ENSURE CLARITY

Beyond the general issues noted above, we identified a variety of miscellaneous provisions throughout the Rapid City ordinances that may be either obsolete, have errors, or are inconsistent with other regulations. The following issues cited are illustrative and are not all encompassing due to the cursory nature of this review.

- Language should be updated if it no longer is consistent with other parts of the code. In 17.06.010, the code states that “Rapid City is divided into districts of 21 different types,” though there are now 23 districts, 4 overlay districts, as well as PUDs.
- Sections describing the conditional uses of particular zone districts are titled differently. The majority of these are titled “Conditional uses,” but in SC-2 and HM they are titled “Uses permitted on review,” in PF they are titled “Conditional use permit,” and in BP they are titled “Conditional use permits.” These should be titled consistently throughout all districts.
- Some uses are inconsistently titled in different parts of the code. For example, “self-service laundry” is defined in the definitions chapter and is listed as a permitted use in the NC district, but “help-yourself laundry” is listed as a permitted use in the SC-1 district, and “laundromat” is the only comparable use listed in the off-street parking requirements section (17.50.270) of the code.
- References to districts that no longer exist should be removed and rewritten. For instance, “planned commercial districts” are still referenced in many parts of the code (CB, GC, NC, LI, OC, BP, and Airport Districts all reference them), even though they were replaced by the Planned Development Overlay District in 2012.
- Each land use listed in a zone district as a permitted or conditional use should be included in the definitions. Examples of currently undefined uses include “grass skiing,” “caretaker residences,” and “outdoor firewood storage and sales lot.”
- In the MDR district, setback requirements differ based on whether the building exceeds 5 stories, although in the MDR zone buildings are restricted to 3 stories or 35 feet in height.
- There are a few references in the zoning ordinance to building permit activities, which in most communities are described outside the zoning regulations. For example, in 17.50.040, the issuance of a building permit for townhouses is mentioned. Building permitting processes are separate from zoning approvals, and should be treated as such. We recommend removing references to building permitting processes whenever possible.
- Terms that describe when a regulation is to be applied must be defined. In all districts, the setback requirements are based on the lot’s location on “arterial,” “collector,” or “subcollector” street rights-of-way, which are not defined.

Generally, we recommend eliminating inconsistent code provisions and definitions, adding new definitions for terms not currently defined, and removing provisions that are unrelated to zoning or subdivision approvals from Title 16 and 17 of the code.

## THEME 2: UPDATE CURRENT ZONE DISTRICTS AND ALLOWED USES

The core component of any zoning ordinance is the set of zoning districts into which the community is divided, and the land uses allowed within those districts. The Rapid City zoning ordinance currently has 23 established base zoning districts and four overlay districts. In addition, there are several planned developments within the City with their own development standards. The table below lists Rapid City’s current zoning districts.

Current Rapid City Zoning Districts
Base Zone Districts
17.08. Park Forest District (PF)
17.10. Low Density Residential District 1 (LDR-1)
17.12. Medium Density Residential District (MDR)
17.14. High Density Residential District (HDR)
17.16. Central Business District (CB)
17.18. General Commercial District (GC)
17.20. Neighborhood Commercial District (NC)
17.22. Light Industrial District (LI)
17.24. Heavy Industrial District (HI)
17.26. No Use District (NU)
17.28. Flood Hazard District (FH)
17.30. Neighborhood Shopping Center District (SC-1)
17.32. Community Shopping Center District (SC-2)
17.34. General Agricultural District (GAD)
17.36. Hotel-Motel Zoning District (HM)
17.38. Mobile Home Residential (MHR)
17.40. Office Commercial District (OC)
17.42. Mining and Earth Resources Extraction District (ME)
17.44. Low Density Residential District 2 (LDR-2)
17.46. Public District (P)
17.48. Civic Center District (CC)
17.56. Business Park District (BP)
17.58. Airport Zoning District
Overlay or Other Zoning Districts
17.60. Canyon Lake Overlay District
17.62. Fifth Street Overlay District
17.64. M Hill Overlay District
17.50.050. Planned Development Overlay District (PD)
17.50.060. Planned Unit Development Zoning District (PUD)

## GENERALLY EVALUATE THE ZONING DISTRICTS

Our comments on the districts range from the general to the very specific. At the most general level, it is necessary to confirm the lineup of districts and to ensure that it is appropriate to meet the needs of Rapid City now and in the future. It is also very important to evaluate these districts in terms of their sufficiency to implement the draft Comprehensive Plan. This evaluation must start in the short term with a detailed discussion of the existing districts.

For each district, the following questions must be asked:

- Is the intent of the district clear, and does the district name match the intent?
- Is the district currently used, or is it unnecessary/ obsolete?
- Are new districts needed (perhaps to allow more mixed-use development which can be challenging under the current districts)?
- Are any districts so similar in purpose and standards that they overlap and could be consolidated?
- Are dimensional standards for each district (setbacks, density, height) appropriately tailored to the purpose of the district?

Some of the existing Rapid City zoning districts are quite similar in nature with only minor differences between the permitted uses or the allowed density. The City should consider simplifications and possible revisions to zoning districts where it would help Rapid City achieve long-term planning goals and policies. At a cursory level, some opportunities for consolidation and revision presented themselves:

- The Neighborhood Shopping Center District (SC-1) and Community Shopping Center District (SC-2) share identical intent and area regulations. The only differences found between the two districts was that department stores and auto sales are permitted uses in SC-2 but not in SC-1, and that replacement off-premises advertising is a conditional use in SC-2.
- The intent and title of the Park Forest District do not seem to match its permitted uses. It encompasses city parks and preserved open space but also permits very low density residential uses. It is referenced in other parts of the code as a residential district. A different title may better reflect the intent and current utilization of the district. The Future Land Use Plan characterizes these and similar areas as “Forest Conservation” and applies the category more broadly as an alternative to “Rural Residential.”
- The intent of the LDR-2 district is stated to be higher intensity use than LDR-1, since LDR-2 allows duplexes. However, the intensity of use established for LDR-1 and LDR-2 are identical, at 6,500 square feet per dwelling unit if served by a sanitary sewer system or one acre per dwelling unit if not served by such a system. This would imply that a duplex served by a sanitary sewer system would require a 13,000 square foot lot; therefore, there is no difference in intensity of use between the two districts.

The type of analysis above should be done for all districts as part of the early stages of a major code rewrite. Using the Future Land Use Plan and supporting land use categories as a point of comparison will help to evaluate district boundaries and ensure land use categories are supported by underlying regulations. Additional recommendations regarding zoning districts are provided as part of subsequent themes.

## ENSURE ALL DISTRICTS ALLOW APPROPRIATE LAND USES

Closely related to the general evaluation of zoning districts is a review of the land uses allowed within each district. Allowed uses within a zone district should represent the desired mix of land use based on the intent and character of each district. There may be current land uses that are permitted in Rapid City that are inconsistent with the intended character of their respective districts.

We recommend first creating a consolidated use table as mentioned in *Theme 1*, and then evaluating whether or not the permitted uses are aligned with the intent of each district. This analysis might result in a proposal to add

new uses to existing districts, or prohibit some uses in certain districts. In particular, existing commercial districts that apply to areas planned as mixed-use activity centers or revitalization corridors should be reviewed and updated as appropriate.

In addition, particular attention should be paid to conditional uses in each district. If conditional uses are always being approved, they should be considered for a more liberal application in the list of permitted uses for certain zoning districts. We recommend analyzing the history of approved conditional uses to help determine possible reform of permitted uses “by-right.”

### **CONSIDER SIMPLIFICATION OF THE OVERLAY DISTRICTS**

There are currently four overlay districts in Rapid City, including Canyon Lake, Fifth Street, M Hill, and the Planned Development Overlay District. There is a significant amount of repetitive language between the Canyon Lake, Fifth Street, and M Hill districts. For example, all of the area regulations are the same in these overlay districts. In addition, it appears the only notable difference between these overlay districts and their base zoning was a five-foot increase of the front yard setback on a subcollector street.

We recommend consolidating the overlay district provisions as much as possible. Repetition could be reduced by consolidating standards that apply to more than one district, or even converting the overlay standards to generally applicable standards. Restructuring some of these standards as generally applicable residential development standards could eliminate the need for the overlay district and reduce the potential for inconsistency.

This strategy might not be limited to overlay districts. If there is support for design standards in other locations, then they could apply to the underlying base zone districts, thus limiting the use of the overlay districts.

### **THEME 3: SUPPORT A MORE DIVERSE MIX OF USES**

The draft Comprehensive Plan encourages the integration of a more diverse mix of uses—including housing—in mixed-use activity centers and opportunity areas, and along revitalization corridors as a way to promote community vitality, increase the accessibility of services to residents, and promote a more compact pattern of development. While mixed-use development is allowed by-right in the Central Business District (CB) and through the Planned Unit Development (PUD) and Planned Development Overlay districts, existing zoning districts in other activity centers and corridors are geared more towards single use, auto-oriented commercial development. We recommend that the City consider the following potential code updates to support these objectives:

- Clarify intended role of PUD and PD districts and update as appropriate;
- Establish a series of mixed-use zoning districts and design standards; and
- Consider regulator incentives for infill and redevelopment in targeted locations.

### **CLARIFY INTENDED ROLE OF PUD AND PD DISTRICTS AND UPDATE AS APPROPRIATE**

The Planned Unit Development (PUD) Zoning District and Planned Development Overlay Districts (PD) were developed to help provide flexibility needed for projects that would otherwise not be permitted within conventional zoning districts. While these tools provide a viable alternative for some developers or property-owners, or for particularly unique or complex projects, it is not recommended that it be used as the primary set of tools to accommodate mixed-use development. While some developers value the inherent flexibility in PUDs or other similar districts, others may lament their tendency to result in highly unpredictable and potentially lengthy approval processes. Planned developments can also be used as an effective tool to support other City objectives, by adding requirements for developers in order to get approval. Examples are requiring land set asides for affordable housing, park land, regional trails, and other community amenities.

Additional discussion with staff and members of the development community who administer and use these tools is recommended to determine what's working well, and where improvements are needed before determining a specific course of action. One alternative to explore would be to eliminate either the PUD or PD district in conjunction with the creation of new mixed-use zoning districts, as discussed below.

### **ESTABLISH A SERIES OF MIXED-USE ZONING DISTRICTS AND DESIGN STANDARDS**

Update existing Downtown zoning districts and establish a series of mixed-use zoning districts to accommodate by-a more compact, pedestrian-oriented pattern of development in areas where mixed-use development is called for by the Future Land Use Plan. Multiple districts may be required to address the varied intensity, character, and mix of uses desired in different locations; however, they should be based on a common set of design standards, as outlined in Chapter 10 of the Comprehensive Plan. These design principles address considerations such as the relationship of uses to one another (e.g., horizontal vs. vertical mixed-use) and adjacent neighborhoods, the integration of housing, community facilities, parking location and design, pedestrian access and orientation, walkable blocks, and adaptive reuse, among others. In addition, reduced parking requirements or alternative parking scenarios (e.g., shared parking) should be considered for qualifying types of mixed-use development.

### **CONSIDER REGULATORY INCENTIVES FOR INFILL AND REDEVELOPMENT IN TARGETED LOCATIONS**

In addition to establishing mixed-use zoning districts for targeted areas, we recommend that City also consider establishing a series of regulatory incentives for infill and redevelopment, particularly within the Priority Revitalization Corridors identified on the Future Land Use Plan. Many of the revitalization corridors identified present numerous challenges for infill and redevelopment— shallow lot depths, small lot sizes, access limitations, non-conforming buildings and site features, and other physical limitations are all factors affecting the financial viability of a proposed project and its ability to meet the code. Communities seeking to promote infill and redevelopment in targeted areas often choose to develop incentives in the form of alternative development standards to help address the most significant barriers to reinvestment. Potential incentives could include: reduced parking requirements/shared parking allowances for developments that are readily accessible on foot or bike and/or are served by transit, reduced landscaping and screening requirements (e.g., allow use a low ornamental fence to screen surface parking along a constrained corridor instead of wide landscape buffer), and density bonuses for the construction of affordable or workforce housing. Specific incentives should be identified based on discussions with the development community regarding barriers to the types of development the community desires. This concept could be “built in” to mixed-use zoning districts in applicable locations if the City chooses to take that approach, or addressed as part of a separate overlay district. (See also, discussion of existing overlay districts on page 10.)

## **THEME 4: IMPROVE THE QUALITY OF DEVELOPMENT**

Improving the quality of development in Rapid City was identified as a key issue as part of the Comprehensive Plan. In the process of creating the plan, a Community Preference Survey was conducted which revealed certain preferences among participants relating to development quality. In addition, the role of quality neighborhoods, parks and recreational amenities, and a strong downtown were noted by many as important factors in Rapid City's quality of life and economic vitality. We recommend that the City consider the following potential code updates to support this objective:

- Assess historic structure regulations and processes;
- Review, revise, and consider adoption of draft Landscape Ordinance;
- Consider parkland dedication requirement; and
- Align existing development standards with design principles contained in the Comprehensive Plan

## **ASSESS REGULATIONS AND PROCESSES FOR HISTORIC RESOURCES**

Protection of historic resources is a vital component of maintaining the character of existing neighborhoods and was identified as a key goal in the draft Comprehensive Plan. However, community members also cautioned that a balance between economic development and historic preservation goals is necessary. Clarification and further analysis of historic preservation regulations and processes will help to achieve these goals. Currently, there is currently no local historic preservation ordinance or local designation process in Rapid City. While there is a historic preservation review process, it is based on South Dakota statutory authority and is not incorporated into the Rapid City Code of Ordinances. Only the historic sign review process is currently described in the regulations. We recommend that local design review processes for historic properties are incorporated into the development regulations. For example, design guidelines were recently developed for the West Boulevard Historic District but do not have regulatory authority. In addition, potential barriers to the adaptive reuse of historic structures within both the zoning and building code should be explored and addressed, as appropriate. For example, allowances for non-conforming setbacks and parking requirements should be explored. Lastly, the issue of demolition by neglect should be explored more thoroughly. As part of the Comprehensive Plan process, a number of community members expressed concern about the lack of maintenance on some residential rental properties and possible safety concerns for tenants.

## **DEVELOP LANDSCAPE ORDINANCE**

Landscaping standards are mostly contained within Section 17.50.300, Landscape regulations, but other landscaping requirements can be found in other sections, making it difficult to determine the overall applicability of landscaping requirements on a particular lot. Review and revision of the landscaping regulations are recommended in order to best achieve the goals within the Comprehensive Plan. For example, part of the stated intent of the overlay districts are increased landscaping and screening requirements, particularly for multi-family dwellings. As an alternative approach, the City could consider increasing landscaping and screening requirements as a general design standard for all multi-family dwellings. Additionally, in order to align with main strategies in the Comprehensive Plan, standards to address landscaping and appearance of City gateways and entry corridors should also be considered. We recommend that develop a landscape ordinance to address these issues.

## **CONSIDER PARKLAND DEDICATION REQUIREMENT**

Rapid City residents value the quality of the City's parks and recreational facilities; however, gaps in the current system exist and demand is expected to increase as the community grows and resources available to fund improvements and expansion are limited. To help support the ability of the City to both maintain the quality of its existing system and expand it over time, we recommend that the City consider requiring the dedication of land (or cash-in-lieu) for parks and open space purposes for larger developments. As part of this process, size thresholds for specific projects, types of development to which dedication would apply, and variations in requirements by location (e.g., infill vs. greenfield) should be considered.

## **ALIGN EXISTING DEVELOPMENT STANDARDS WITH DESIGN PRINCIPLES CONTAINED IN COMPREHENSIVE PLAN**

The Growth and Reinvestment chapter of the Comprehensive Plan contains a series of design principles to guide the character and form of future development. The design principles reflect community preferences expressed during the planning process with respect to different development types and design characteristics. Design principles for neighborhoods, mixed-use opportunity areas, employment centers, gateways and entrance corridors, and forest conservation areas are provided. Existing development standards in the code should be reviewed and updated to reflect the concepts addressed by the design principles. For example, existing development standards contained in the Business Park (BP) District should be reviewed against the design

principles for employment centers and consolidated into a single set of design standards for employment-oriented districts.

Because site conditions and development projects can vary, design standards should not be overly prescriptive. As new design standards are considered by the community, emphasis should be placed on defining which design features are viewed as non-negotiable (e.g., sidewalk connections) vs. those where a more flexible approach may be appropriate (e.g., building materials). A menu-based approach can help provide flexibility while still helping support the community's objectives. Additional discussion of development quality and design-related issues specific to particular types of development is provided in Theme 3 (mixed-use development) and Theme 5 (residential neighborhoods). Design standards for different types of development could easily be implemented in phases.

## **THEME 5: PROMOTE A VARIETY OF HOUSING TYPES**

As part of the Community Preferences Survey, respondents indicated that a wide variety of housing types fit well with their vision for Rapid City. Single-family detached homes, duplexes, triplexes, fourplexes, and townhomes all received significant support from respondents. Senior or assisted living communities and senior housing or care facilities were also highly supported. The Urban Neighborhood (UN) land use category described in the draft Plan is intentionally broad in the range of housing types permitted and density. It is intended to provide increased flexibility in the design of new neighborhoods and to support increased diversity of housing in established neighborhoods, where appropriate. Existing residential zoning districts lack the flexibility needed to support this objective.

We recommend considering the following potential code updates to increase the variety of housing types and affordability of housing options in Rapid City:

- Update residential zoning districts and establish design standards;
- Remove existing barriers to housing diversity;
- Adopt affordable and workforce housing definition; and
- Consider adopting regulatory incentives/requirements to support the construction of affordable and workforce housing.

## **UPDATE RESIDENTIAL ZONING DISTRICTS AND ESTABLISH DESIGN STANDARDS**

Existing residential zoning districts in Rapid City contain only very basic development standards— setbacks, minimum lot sizes, and building height restrictions. In many new neighborhoods in Rapid City, this lack of standards results in visually monotonous development and very limited variety in the types of housing that are constructed. While market demand will ultimately determine the specific types of housing products that will be built at any given time, residential zoning districts that support a broader array of housing configurations can be an effective way to encourage alternative approaches and promote diversity. Many communities across the country are choosing to adopt form-based or hybrid residential zoning districts to support increased diversity in the types of housing stock being built and to support infill and redevelopment that respects the context of the surrounding neighborhood. Others go so far as to require a minimum density be met in certain zoning districts to help promote housing diversity. With these considerations in mind, we recommend that the City update its existing residential zoning districts and align them with land use categories defined by the Comprehensive Plan to ensure the densities and housing types called for by the plan can be built by-right. Updated zoning districts should include illustrations to visually convey how distinct residential building types relate to the updated development standards.

In addition, we recommend developing and adopting residential design standards that encourage variety, visual interest, and durability in the design of residential development. These standards should offer a menu of options for compliance. Standards should address all types of residential development and encourage a mix of styles and housing types, building on the Neighborhood Design Principles Contained in the draft Plan.

## **REMOVE EXISTING BARRIERS TO HOUSING DIVERSITY**

If a more comprehensive overhaul of the City’s existing residential zoning districts is not feasible or is not desired, at a minimum, the following barriers to housing diversity should be removed through a series of targeted code amendments:

- Allow accessory dwelling units as an affordable housing option in Urban Residential Neighborhoods (in conjunction with clear standards to guide size, occupancy limitations, etc.);
- Reduce the minimum lot size requirements for medium and high-density residential districts. The minimum lot sizes for single family homes in the medium and high-density residential districts are the same as the low-density residential district at 6,500 square feet. This limits the ability for a developer to build smaller and potentially lower cost homes on separate lots without rezoning;
- While exceptions exist for buildings on lots smaller than the zone district minimum lot size, they are inconsistent and should be clarified or updated. The “Dwellings on small lots” exceptions (17.50.250) and “Existing small lots” section (17.52.065) in the Nonconforming Buildings and Uses chapter allow single-family homes to be constructed on lots that do not meet the minimum lot size. However, the two are inconsistent as the former requires a side yard of 4 feet and sum of side yards of 12 feet, and the latter does not have setback requirements and prohibits duplexes or multi-family housing;
- Consider making single family detached units a conditional use in the HDR district;
- Townhouses are listed as both a permitted use and a conditional use in the MDR and HDR districts. Their standards are listed separately in the Supplementary Regulations. Since townhomes were a well-supported building type, we recommend integrating townhouses into the zone districts themselves and allowing them as permitted use; and
- Other potential barriers that emerge from a more extensive code review.

## **ADOPT AFFORDABLE AND WORKFORCE HOUSING DEFINITION**

A key recommendation in the draft Plan is to develop a comprehensive housing strategy for Rapid City to ensure that quality and affordable housing options are accessible to all income levels and household types. Strategy recommendations should include definitions for affordable and workforce housing (e.g., targeted income levels) and specific housing needs for each group. Adopted definitions should be incorporated into the code to reinforce these policies. In addition, the City should consider developing a guide for developers that discusses desirable and feasible housing forms/types, ownership structures (rent vs own), financing programs, and qualify/target rent and sale price ranges for each target housing group identified and defined.

## **CONSIDER ADOPTING REGULATORY INCENTIVES/REQUIREMENTS TO SUPPORT THE CONSTRUCTION OF AFFORDABLE AND WORKFORCE HOUSING**

As part of the comprehensive housing strategy described above, a variety of regulatory incentives and/or requirements to support the construction of affordable and workforce housing should be explored, including, but not limited to:

- Adoption of an inclusionary housing ordinance to support specific housing goals. When coupled with density bonuses (to offset the cost of below market housing) and a fee-in-lieu program, inclusionary zoning can be an effective tool for building and funding affordable and workforce housing.
- Establish density bonus provision in residential districts for construction of housing meeting affordable/workforce definition. This type of incentive would require that a maximum density be established in applicable zoning districts as a baseline that the bonus could be used to exceed.
- Fee waivers for affordable housing
- Requirements for inclusion of affordable housing when requesting major zoning change or PUD

- Minimum density requirements for zone districts or within PUDs

This topic would likely need to be addressed independent of an overall code update process.

# Part 3. Annotated Outline of a New Unified Code

This section provides an overview of what the proposed structure and general content of a new Rapid City code might look like if the overarching recommendations from Part 2 are implemented. The purpose of this outline is to provide general guidance for how a new code might be structured, and should be viewed as a starting point for further dialogue. This suggested outline is tailored for Rapid City, based on best practices from around the country. Each proposed section below indicates which chapters and sections from the current Rapid City code would be folded into the proposed new code sections.

This outline assumes the consolidation of the zoning and subdivision ordinances into a new unified development ordinance. As described previously, a unified development ordinance (UDO) is recommended to make the code more user-friendly, easier to administer, shorter in length, and to prevent the potential for inconsistency with future code updates. In short, a unified development ordinance will help to promote effective and efficient governance, a Core Value of the Comprehensive Plan.

## TITLE 17 UNIFIED DEVELOPMENT ORDINANCE

### CHAPTER 1 – GENERAL PROVISIONS

This chapter would contain general provisions that are relevant to the new UDO as a whole and would be specifically tailored for Rapid City. Chapter 1 provisions would:

- Establish the official title and other terms by which the UDO is known;
- Cite the sources of South Dakota statutory authority for the development regulations;
- State the general purpose and intent of the UDO;
- Clarify the applicability of the UDO;
- Identify City-adopted plans such as the updated Rapid City Comprehensive Plan that serve as a policy guide for the UDO and its implementation;
- Clarify that the stricter provision applies if UDO provisions conflict with other regulations;
- Formally incorporate the Official Zoning Map and zoning district boundaries as part of the UDO and identify how it is maintained;
- Establish rules governing the effect of the UDO on violations of the previous ordinances, development approved under previous ordinances, and development applications still pending a decision on the UDO's effective date; and
- Provide for the continued validity of the remaining UDO provisions if any part is ruled invalid.

Most of these provisions would incorporate and build on existing provisions in the City's current zoning and subdivision regulations. The provision describing city-adopted plans is recommended as a means of emphasizing the role of those plans as guidance to the interpretation of UDO provisions and any future UDO amendments. Current sections of Rapid City's zoning ordinance to be folded into this chapter include:

- 17.02 Short Title and Purpose
- 17.06 Zoning Districts and Maps
- 16.04 General Provisions

## CHAPTER 2 – ADMINISTRATION

The Administration chapter will include provisions described in Part 2 of this assessment report:

- Standard processes and procedures for development applications
- Descriptions of the different boards and commissions
- Clarification of the roles of staff and approval bodies
- Enforcement procedures (including procedures, violations, and penalties)

Many of the procedures would be carried forward from the current Rapid City code, but simplified for readability. As previously mentioned, flowcharts would be included to illustrate the development review procedures. Current sections to be folded into this article include:

- 17.54 Administration and Enforcement
- 17.50.010 Supplementary Regulations: General Provisions
- 17.50.040 Townhouses – Procedure
- 17.50.050 Planned Development Overlay District (processes and procedures)
- 17.50.060 Planned Unit Development (PUD) Zoning District (processes and procedures)
- 17.50.070 Administrative Exceptions
- 16.08 Application Procedures
- 16.12 Specifications for Submittal Documents
- 16.24 Application Fees

## CHAPTER 3 – ZONING DISTRICTS

This chapter includes the base zoning districts, overlay districts, and planned unit development districts. The provisions will include how the districts relate to one another and include summary tables for the district-specific regulations. As discussed in Part 2 of this assessment report, some of the zoning districts might be revised or removed in the new UDO. For example, the common standards within the overlay districts may be incorporated into the base dwelling districts, therefore eliminating the need to retain the overlay district.

Current districts to be folded into this chapter include:

Current Rapid City Zoning Districts	
Base Zone Districts	Overlay or other Zoning Districts
17.08. Park Forest District (PF)	17.60. Canyon Lake Overlay District
17.10. Low Density Residential District 1 (LDR-1)	17.62. Fifth Street Overlay District
17.12. Medium Density Residential District (MDR)	17.64. M Hill Overlay District
17.14. High Density Residential District (HDR)	17.50.050. Planned Development Overlay District (PD)
17.16. Central Business District (CB)	17.50.060. Planned Unit Development Zoning District (PUD)
17.18. General Commercial District (GC)	
17.20. Neighborhood Commercial District (NC)	
17.22. Light Industrial District (LI)	
17.24. Heavy Industrial District (HI)	
17.26. No Use District (NU)	
17.28. Flood Hazard District (FH)	
17.30. Neighborhood Shopping Center District (SC-1)	
17.32. Community Shopping Center District (SC-2)	
17.34. General Agricultural District (GAD)	
17.36. Hotel-Motel Zoning District (HM)	
17.38. Mobile Home Residential (MHR)	
17.40. Office Commercial District (OC)	
17.42. Mining and Earth Resources Extraction District (ME)	
17.44. Low Density Residential District 2 (LDR-2)	
17.46. Public District (P)	
17.48. Civic Center District (CC)	
17.56. Business Park District (BP)	
17.58. Airport Zoning District	

For each zoning district, the applicable intensity and dimensional standards would be included and summarized in tables wherever possible as discussed in Part 2. These standards include:

- Minimum lot size
- Minimum or maximum height
- Minimum or maximum setbacks
- Minimum or maximum density
- Maximum lot coverage

Standards associated with the physical site layout and design of new development will be included in Article V, Development Standards.

## CHAPTER 4 – USE REGULATIONS

The main components of this chapter will include:

- Principal permitted uses
- Accessory uses and structures
- Temporary uses and structures
- Use-specific standards

### PERMITTED USES

This subsection will include a permitted use table as discussed in Part 2 of this report. The use table will summarize permitted uses by zoning district, type of approval (by-right vs. conditional or special use), and will cross-reference to applicable use-specific standards.

### ACCESSORY USES AND STRUCTURES

Accessory uses (such as home occupations), and accessory structures (such as detached garages) will be included in this article. Accessory uses could be included on the permitted use table as an “A” for accessory, or at the end of the table as its own category. This decision will depend largely on whether some permitted uses are allowed by-right in some districts and only as accessory in others. Accessory uses and structures will also be included in the use-specific standards subsection.

### TEMPORARY USES AND STRUCTURES

As with accessory uses and structures, temporary uses and structures would be addressed in this article. Temporary uses (such as Christmas tree sales or construction offices) could be included in the permitted use table as a “T”, most likely as its own category near the end of the table. Temporary structures will also be included in the use-specific standards subsection.

### USE-SPECIFIC STANDARDS

Use-specific standards are drafted for special types of developments such as sexually-oriented businesses, telecommunications facilities, and other uses that have unique impacts or standards associated with them. Several use-specific standards will be pulled from existing definitions and other zone districts and development standards that have identified requirements for particular land uses. Current Rapid City sections to be folded into the use-specific standards subsection might include:

- 17.50.020/030 Townhouses General and Standard Requirements
- 17.50.110 Manufactured Home Parks
- 17.50.120 Cemetery
- 17.50.130 Drive-in Theater
- 17.50.140 Public and Private Utilities and Services
- 17.50.150 Child Care Centers
- 17.40.160 Automobile Wrecking and Junkyards
- 17.50.170 Recreational Fads
- 17.50.180 Motel Complex
- 17.50.185 On-sale Liquor Establishment
- 17.50.186 Sexually Oriented Businesses
- 17.50.350 Home Occupations

- 17.50.400 Microcell Wireless Communication Facilities

When the City analyzes the current list of permitted uses during the code update, it may shed light on the need for additional use-specific standards. Any use with applicable use-specific standards will be referenced in the permitted use table.

## **CHAPTER 5 – DEVELOPMENT STANDARDS**

The Development Standards Article incorporates all of the standards and regulations associated with the physical layout and design of development. This article will consolidate many of the provisions currently located in the current Development Requirements article in the Supplementary Regulations chapter and provisions from several of the other chapters. Development standards typically include provisions for:

- Dimensional standards (general; not covered by individual zoning districts)
- Exceptions and encroachments
- Special standards such as setbacks near protected districts
- Access and circulation
- Parking, loading, and stacking requirements
- Landscaping and tree preservation
- Screening, walls, and fences
- Signs
- Stormwater drainage and erosion control
- Exterior lighting

Current sections to be folded into this article might include:

- 17.50.250 Yard, Building Setback, and Open Space Exceptions
- 17.50.260 Height
- 17.50.270 Minimum Off-Street Parking Regulations
- 17.50.300 Landscape Regulations
- 17.50.310 Lighting
- 17.50.320 Fences and Walls

## **CHAPTER 6 – SUBDIVISION**

This new chapter will consolidate all design standards and requirements relating to land division. The existing structure of the subdivision regulations will remain intact, with procedural requirements moved to the new administration article. Where design and development standards could be applicable to either subdivision or site planning of an existing platted lot, the standards will be relocated to the development standards chapter, with a cross-reference here. In addition, this section will include a clear requirement that subdivision plats must comply with the development standards of the zone district in which they are located. Current sections or articles to be folded into this article include:

- 16.04 General Provisions
- 16.16 Standards for Improvement

## **CHAPTER 7 – NONCONFORMITIES**

This chapter includes provisions for the regulation of nonconformities. This chapter will include provisions for nonconforming uses, nonconforming lots, nonconforming structures, and other specific features like street access and driveways. Current sections to be folded into this article include:

- 17.52 Nonconforming Buildings and Uses

## **CHAPTER 8 – DEFINITIONS AND INTERPRETATIONS**

This chapter is a stand-alone article for all of the terms defined in the UDO. Current sections to be folded into this chapter include:

- 17.04 Definitions
- 16.20 Definitions