

Ordinance No. 6231

**AN ORDINANCE TO AMEND SECTION 17.50.050 OF THE
RAPID CITY MUNICIPAL CODE TO ALLOW FOR ADMINISTRATIVE
DISSOLUTION OF PLANNED DEVELOPMENTS**

WHEREAS, the City of Rapid City has adopted a zoning ordinance in Title 17 of the Rapid City Municipal Code (R.C.M.C.) to promote the safety, health, morals, convenience and general welfare; and

WHEREAS, R.C.M.C. 17.50.050 establishes the Planned Development Overlay to permit greater flexibility and to promote development that is more economically efficient while also being compatible with adjacent land uses than would otherwise normally be allowed by the underlying zoning district; and

WHEREAS, the City of Rapid City desires to create the Urban Commercial District as part of implementation of the Downtown Area Master Plan adopted by the Common Council in October of 2016; and

WHEREAS, multiple properties within the Urban Commercial boundary have used a Planned Development Overlay in the General Commercial District for the reasons established in R.C.M.C. 17.50.050.B; and

WHEREAS, the creation of the Urban Commercial District may create instances where a property is in compliance with the new zoning district regulations or a property is redeveloped in such a way that meets the Urban Commercial District requirements, eliminating the need for a Planned Development; and

WHEREAS, it is beneficial to have a streamlined process in place to dissolve Planned Developments when development meets the standards of the current zoning district; and

WHEREAS, a Department name change from Community Planning and Development Services to Community Development Department has occurred; and

WHEREAS, the City of Rapid City wishes to amend R.C.M.C. 17.50.050 to amend the process for dissolving planned developments when they are no longer necessary and to incorporate the name change for the Community Development Department.

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

17.50.050 Planned Development Overlay District (PD).

A. *Purpose.* The Planned Development Overlay shall replace the following Planned Development Ordinance designations in effect prior to May 11, 2012:

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

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

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

C. *General provisions.*

1. All provisions of any existing PDD, PRD, PUD, PCD, PLID and/or PID approved by the eCity prior to May 11, 2012 shall remain in effect.
2. Any major amendment to an approved PRD, PUD, PCD, PLID and/or PID shall follow the procedures outlined in § Section 17.50.050F.
3. Property owners may request and be granted a revocation of any PDD approved prior to May 11, 2012 by the Community Development Director of the Community Planning and Development Services provided it was not approved in conjunction with a rezoning application. Revocation of a PDD approved in conjunction with a rezoning application may be approved by the Planning Commission following the procedures outlined in Section 17.50.050F.
4. A request for a conditional use may be included within the submittal of a final planned development application. When requesting a conditional use within a planned development application the more restrictive requirements shall apply.

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

D. *Definitions.*

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

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

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

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

E. *Planned development designation application requirements.*

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

- a. A completed application signed by the owner of record;
- b. A written letter of intent stating why the planned development designation is being requested;
- c. Project name, legal description, and contact information for the land owner and developer;

- d. A floodplain development permit may be submitted but is not required; and
- e. Other information deemed pertinent to the review of the planned development designation by the Director of ~~Community Planning and Development Services~~.

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

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

1. *Information required in initial development plan.*

- a. A completed application signed by the owner of record including the project name, legal description, and contact information for the land owner, developer and design professional(s) and fee;
- b. A written letter of intent stating why the initial planned development is being requested;
- c. A floodplain development permit may be included but is not required;
- d. Other information in order to meet city, county, state and federal rules and regulations shall be submitted for approval when required; and
- e. A site plan drawn at a suitable scale including:
 - i. Proposed conditional uses including the maximum number of dwelling units and/or the maximum square footage and type of nonresidential buildings;
 - ii. Proposed minimum setbacks from the perimeter of the planned development for all structures, including accessory buildings;
 - iii. Any proposed deviations from the minimum, maximum, or location criteria listed in the underlying zoning district standards including but not limited to setbacks, development density, floor area, lot coverage, lot area, building height, parking ratios, landscaping, signage,

fencing, lighting, pedestrian and bicycle facilities, curb cut, driveway, drive aisle, and deck projections;

iv. General location of parking and loading areas except for single-family, 2-family, and townhouse units;

v. Location and size of all proposed curb cuts other than for single-family, 2-family and townhouse units;

vi. Location of existing and proposed water mains, sanitary sewer mains and disposal systems;

vii. General location of proposed recreation areas and open spaces;

viii. General locations of any outdoor lighting except for public lighting and lighting for single-family, 2-family, and townhouse units;

ix. Location of proposed lot lines as applicable;

x. General location, width, and grade of existing and proposed improvements to public and private streets;

xi. Topography at no greater than 5-foot contour intervals;

xii. General location of proposed storm drainage facilities; and

xiii. General phasing plan if applicable.

2. *Information required in the final development plan.*

a. A completed application signed by the owner of record including project name, legal description, subdivision name (when applicable), and contact information for the land owner, developer and design professional(s) and fee;

b. A written letter of intent stating why the final planned development is being requested;

c. If new construction is proposed, all necessary utility, drainage and access easements shall be submitted along with public facility plans drawn by a registered professional engineer;

d. When applicable, documentation of ownership and continuing perpetual maintenance responsibility for common open space, structures, facilities, private streets, drainage and utility easements, via either a deed to the homeowners association, a joint ownership agreement or other legal binding agreement;

e. Other information in order to meet city, county, state and federal rules and regulations shall be submitted when required; and

- f. A site plan drawn at a suitable scale including:
 - i. Proposed conditional uses, including the maximum number of dwelling units and/or the maximum square footage and type of nonresidential buildings;
 - ii. Proposed setback for all structures including accessory buildings;
 - iii. Proposed building heights;
 - iv. Off-street parking facilities including parking spaces, loading spaces, circulation areas and fire access lanes;
 - v. Location of all pedestrian and bicycle facilities;
 - vi. Detailed landscaping plans showing specific location and types, sizes and quantities of trees, shrubs, sodded or seeded areas, streams, ponds and berms, except for single-family, 2-family, and townhouse units;
 - vii. Location and size of all proposed curb cuts except for single-family, 2-family and townhouse units;
 - viii. Location and type of existing and proposed water mains, sewage mains and disposal systems drawn at a horizontal scale of 1 inch equals 20 feet and a vertical scale of 1 inch equals 5 feet;
 - ix. Location and description of proposed recreation areas, common areas, and open spaces;
 - x. Location of any outdoor lighting except for public lighting and lighting for single-family, 2-family, and townhouse units;
 - xi. Location, height and materials of proposed fencing except for single-family, 2-family, and townhouse units;
 - xii. Location, height, size, and setback dimensions of proposed signs including building material specifications;
 - xiii. Location of proposed lot lines as applicable;
 - xiv. Name, location, width, grade of proposed improvements to public and private streets drawn at a horizontal scale of 1 inch equals 20 feet and a vertical scale of 1 inch equals 5 feet;
 - xv. Proposed final ground contours at no greater than 2-foot contour intervals;

xvi. Storm drainage plan and grading plan, shown at 2-foot contour intervals, indicating the location of proposed storm sewers, drainage ways, structures, the direction of water flow, and a permanent and temporary erosion control plan drawn at a horizontal scale of 1 inch equals 20 feet and a vertical scale of 1 inch equals 5 feet with runoff calculations and detailed on-site and off-site hydrologic and hydraulic calculations;

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

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

xix. Location of decks and other projections from proposed structures.

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

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

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

- a. There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;
- b. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;
- c. Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;
- d. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;
- e. Any adverse impacts will be reasonably mitigated; or
- f. The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.

G. *Initial and final planned development amendments.*

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

2. Minor amendments shall be submitted to the ~~Community Planning and Development Services~~ Director on a revised initial or final planned development plan showing the requested changes. Minor amendments that may be approved administratively by the Director of ~~Community Planning and Development Services Department~~ include:

- a. An increase in overall density, intensity or area of use less than 20%;
- b. Any proposed change in the approved phasing plan;
- c. A decrease in setbacks less than 20%;
- d. An increase in height of buildings less than 20%;
- e. A decrease in the size of designated open spaces or recreation areas less than 20%;
- f. A decrease in the number of parking, loading, or unloading spaces less than 20%;
- g. A decrease in the amount of landscaping less than 20%;

- h. A change in the street pattern which would not adversely impact adjacent property;
- i. Changes in the location and number of curb cuts;
- j. Changes in items such as location of landscaping, fencing, fire access lanes, parking, loading, or unloading spaces, trash and service areas, signage and sidewalk location which the Director determines to be insignificant in nature; and
- k. Any other proposed change deemed by the Director to be a minor change to the approved planned development.

H. Administrative Dissolution of Planned Developments

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

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

(Ord. 5882, 2013: Ord. 5812, 2012)

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading: _____

Second Reading: _____

Published: _____

Effective: _____