

ORDINANCE

AN ORDINANCE AMENDING SECTIONS 17.50.050, 17.50.060, 17.50, 070, 17.50.080, 17.50.090, 17.50.100, AND 17.50.105 OF CHAPTER 17.50 OF THE RAPID CITY MUNICIPAL CODE PERTAINING TO PLANNED DEVELOPMENTS.

BE IT ORDAINED by the City of Rapid City that Section 17.50.050 of Chapter 17.50 of the Rapid City Municipal Code be and is hereby amended to read as follows:

17.50.050 Planned developments – Purpose.

A. The purpose of this section and Sections 17.50.060 through 17.50.100 is to provide deviation from conventional zoning and subdivision regulations in order to:

1. Provide optional methods of land development to encourage imaginative urban design;
2. Allow a mix of land uses which are compatible and well integrated, but which would otherwise be discouraged by conventional zoning regulations;
3. Provide an adequate review procedure which will promote the proper development of those areas which may be environmentally sensitive because of facts such as steep slopes and unusual topography;
4. Promote compatibility with adjacent land use and available public facilities in terms of such factors as intensity of use, density and traffic circulation.

B. All planned developments shall have a unified building and site development plan which address desirable design features such as unique use of open and recreational space, environmental preservation, landscaping, architectural design and solar orientation.

C. In order to accomplish these objectives, the standard zoning ~~and subdivision ordinances~~ may be modified. However, all planned developments must be in harmony with the Rapid City comprehensive plan. Where a conflict exists between an approved planned development and the regulations of the underlying zoning district, the approved planned development shall prevail.

D. Planned developments shall have four subcategories including:

1. Planned residential development (PRD): for totally residential planned developments;
2. Planned unit development (PUD): for those planned developments in which a mixture of commercial and residential uses are proposed;
3. Planned commercial development (PCD): for exclusively commercial planned developments;
4. Planned Light Industrial Development (PLID): for exclusively Light Industrial Development.

a. Planned Development Designations. For each of these above four subcategories a planned development designation (PDD) may be created in accordance with the planned development procedures as described in the following sections. A planned development designation is a procedure by which property is officially designated as a potential future PRD, PUD, PCD or PLID prior to approval of an initial or final development plan. The city gives no assurance, however, that a

particular initial or final development plan for a PRD, PUD, PCD or PLID will be granted for property that has been identified as a PDD. Rather, the granting of a PDD simply means that the city acknowledges there are sufficient factors associated with the property that a future PRD, PUD, PCD or PLID may be warranted.

Planned development designations shall have no expiration period. A property is not required to be a PDD prior to submittal of an initial or final development plan. The city may attach stipulations to the granting of a PDD. No building or sign permits may be issued to property included in a PDD until after a final development plan is approved; except that building permits may be issued when the total construction included in all building permits issued for the PDD are less than 2,000 square feet and less than twenty percent of the gross square footage of all structures in the PDD when it was approved and except for sign permits when issued for the replacement of on-premise signage provided no increase in size is proposed. Further, no change from one Standard Industrial Classification Major Group land use to another may occur until an Initial and Final Development Plan has been approved.

Planned development designations should be granted only for property meeting one or more of the following criteria:

- i. When the property is characterized by environmentally sensitive areas or extreme or unusual topography;
- ii. When the location of the property is such that its development may have unusually significant impacts upon public infrastructure or surrounding developed areas; and
- iii. When the property is of unusual importance to the community in terms of its aesthetic, historic, or cultural value.

E. Each subcategory shall have a set of development standards; however, all shall follow the planned development procedures as described in the following sections and fulfill the purposes outlined in this section.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.50.060 of Chapter 17.50 of the Rapid City Municipal Code be and is hereby amended to read as follows:

17.50.060 Planned developments – Procedure.

A. Initial Development Plan. When a petitioner is requesting approval of a planned development or planned development designation, the use on review procedure shall be followed as specified in Section 17.54.030 of this title with the exception of notification requirements. Notice to adjoining property owners within one hundred fifty feet of the property under consideration, exclusive of public right-of-way, shall be required via certified return-receipt mail. Additionally, notices shall be sent to all property owners within the Planned Development via first class mail. Additionally, a sign noting the fact that a Planned Development application is pending shall be posted on the site not less than seven days before the public hearing before the Planning Commission. The sign shall be maintained on the site until the City Council has taken action on the request or the petition is withdrawn. Approved signs shall be secured from the Planning Department who shall require a reasonable deposit sufficient to cover

the cost of replacement of such sign or signs and who shall determine the number and location of the sign or signs to be posted on the site addressed in the petition. Public notice and public hearings conducted by the planning commission and the city council are also required. The required notification and hearings shall occur at the initial and final development plan stage and the planned development designation stage, if applicable. The approved initial development plan shall be filed with the city planning department.

B. Final Development Plan. A final development plan shall be submitted within eighteen months of the date of approval of the initial development plan. Prior to consideration of a building permit for any structures in a planned development, a final development plan shall be approved by the planning commission and the city council. Notice to adjoining property owners within one hundred fifty feet of the property under consideration, exclusive of public right-of-way, shall be required via certified return-receipt mail. Notice is also required via certified mail, return receipt requested first class mail, to all property owners located within the planned development or planned development designation. Additionally, a sign noting the fact that a Planned Development application is pending shall be posted on the site not less than seven days before the public hearing before the Planning Commission. The sign shall be maintained on the site until the City Council has taken action on the request or the petition is withdrawn. Approved signs shall be secured from the Planning Department who shall require a reasonable deposit sufficient to cover the cost of replacement of such sign or signs and who shall determine the number and location of the sign or signs to be posted on the site addressed in the petition. Public notice and public hearings conducted by the planning commission and the city council are also required. The required notification and hearings shall occur at the initial and final development plan stage in addition to the planned development designation stage, if applicable. If the approved final development plan includes a phased development sequence, each successive phase shall be approved as a final plan and the final plan shall be approved prior to issuance of a building permit for any residential, commercial or industrial structures in that phase. In the case of townhouse developments, each group of townhouses shall be located on a platted lot prior to issuance of a building permit.

Final development plan approval shall expire two years from the date upon which it becomes effective if no work has commenced. Upon written request to the planning director and prior to the final development plan approval expiration date, a one year extension for final development plan approval may be granted. Staff will notify the property owner ~~as recorded at the Pennington County register of deeds~~ of the expiration of the planned development.

If and when it is determined that a planned development has expired, rendering it null and void due to the time lapse, no building permit shall be issued until such time as the applicant submits a plan in accordance with the development code.

C. Review Procedure. All proposed planned developments or planned development designations shall be submitted to the city planning department. The planning department shall then solicit input from appropriate departments ~~including the~~ such as the building official, the fire marshal and the public works department.

1. Information Required for Planned Development Designation.

- a. Project name and legal description, name, mailing address and phone number of the developer;
 - b. A written description stating why the planned development designation is being requested; and,
 - c. Other information deemed pertinent to the review of the planned development designation.
- D. Information Required in Initial Development Plan.
- 1. Project name and legal description; name, mailing address and phone number of the developer and the project's design professional;
 - 2. Site plan at a scale no greater than one inch equals fifty feet showing:
 - a. General location of all proposed land uses including the maximum number of dwelling units and/or the maximum square footage and type of nonresidential buildings and square footage,
 - b. Proposed minimum setbacks from the perimeter of the planned development for all structures including accessory buildings,
 - c. Proposed maximum building height for all structures within the planned development,
 - d. Areas proposed for off-street parking facilities and parking ratios to be maintained throughout the development,
 - e. General locations of all sidewalks and bikeways,
 - f. Proposed areas of landscaping or landscape nodes, including general areas of trees, shrubs, sodded or seeded areas, streams, ponds and berms,
 - g. Location and size of all proposed curb cuts other than for single-family detached units,
 - h. General location of all common areas,
 - i. Information on surrounding property including zoning and street names,
 - j. Location of the type of proposed water mains and sanitary sewer mains and disposal systems,
 - k. Approximate location of proposed retaining walls,
 - l. Approximate location of designated open space and amount of overall development to be allocated to open space,
 - m. General location of all proposed recreation areas and amount of overall development to be allocated to recreation areas,
 - n. General locations of any outdoor lights except standard city lighting,
 - o. General location of proposed perimeter fencing,
 - p. General parameters for the location, height and size, and setback dimensions of proposed signs within the planned development,
 - q. Location of proposed lot lines,
 - r. General location, width, grade and proposed improvements to public and private streets,
 - s. Topography at a maximum of five-foot contour intervals, and identification of those areas with slopes which are greater than two to one,
 - t. Storm drainage plan which indicates the general location and types of drainage elements and direction of waterflow throughout the planned development,
 - u. If the project is to be phased, a phasing plan and graphic shall be submitted delineating proposed phasing by area and projected phase development date;

v. Other information deemed pertinent to the review of the initial development plan; and

w. The city council may waive, modify, amend or delay any submission requirement for the planned development.

E. Information Required in the Final Development Plan.

1. Subdivision name, legal description and project name; names, mailing addresses and phone numbers of the developer and design professional;

2. The approved initial development plan;

3. Preliminary plat unless no platting is required. If platting is not required, public facility plans, drawn by a registered professional engineer, shall be submitted;

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

5. Proposed final ground contours at a maximum of two-foot contour intervals;

6. Site plan at a scale no greater than one inch equals fifty feet showing (except for detailed construction plans for public facilities which require scales as shown below):

a. Location of all proposed land uses including the number of dwelling units and/or the number and type of nonresidential buildings and square footage,

b. Proposed setback for all structures including accessory buildings,

c. Proposed building heights,

d. Off-street parking facilities, including all parking spaces, loading spaces and circulation areas, and fire access lanes,

e. Location of all sidewalks and bikeways,

f. Detailed landscaping plans showing specific location and types, sizes and quantities of trees, shrubs, sodded or seeded areas, streams, ponds and berms. If a project is to be phased, a landscaping plan shall be provided for each phase,

g. Location and size of all proposed curb cuts other than for single-family detached units,

h. Location of all common areas,

i. Location and type of existing and proposed water mains, and sewage main and disposal systems drawn at a horizontal scale of one inch equals twenty feet and a vertical scale of one inch equals five feet,

j. Location of proposed retaining walls,

k. Location of designated open space,

l. Location of and description of all proposed recreation areas,

m. Any outdoor lighting, except standard city lighting,

n. Location, height and proposed materials of proposed fencing (including both perimeter and interior),

o. Location, height and size, and setback dimensions of any and all proposed signs to be located within the planned development as well as building materials proposed,

p. Location of proposed lot lines,

q. Name, location, width, grade and proposed improvements to public and private streets drawn at a horizontal scale of one inch equals twenty feet and a vertical scale of one inch equals five feet,

- r. Storm drainage plan and grading plan shown at two-foot contour intervals which indicates the location of proposed storm sewers, drainageways, structures, direction of waterflow throughout the planned development drawn and a permanent and temporary erosion control plan at a horizontal scale of one inch equals twenty feet and a vertical scale of one inch equals five feet, runoff calculations, and detailed on-site and off-site hydrologic and hydraulic calculations,
- s. Building or structure elevation drawings,
- t. Other information deemed pertinent to the review of the final development plan, and
- u. The city council may waive, modify, amend or delay any submission requirement for the planned development;
- 7. Floodplain development permit and certificate (if required) including first floor elevation and minimum opening elevation for any structure located within a floodplain area;
- 8. Final plat unless the planned development is going to be developed in phases or if no platting is required. If platting is not required, all necessary utility, drainage and access easements shall be submitted;
- 9. If a planned development is to be developed in phases, a development schedule shall be submitted in lieu of a final plat. This development schedule shall indicate the proposed sequence of development phases. An eight-and-one-half-inch by eleven-inch scaled map which indicates the location of the development phases shall be submitted for each phase;
- 10. Location of decks and other projections from proposed structures. If the project is to be phased, this requirement shall be met for each phase;
- ~~11. The project planned unit development designation (both written and graphic) in format approved by the city council also to be filed and recorded with the office of the register of deeds as a miscellaneous document.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.50.070 of Chapter 17.50 of the Rapid City Municipal Code be and is hereby amended to read as follows:

17.50.070 Planned Developments - Amendments

A. Major Amendments.

- 1. The following changes in an initial and/or final development plan are considered major amendments:
 - a. Any change in the ~~proposed~~ approved land uses as set forth in Section 17.50.090 (I) Planned Unit Developments, 17.50.100 (D) Planned Commercial Developments, and 17.50.105 (B)(6) Planned Light Industrial Developments; ~~or change in occupancy for commercial land uses;~~
 - b. Any change in the street pattern which would impact adjoining property ;
 - c. Any increase equal to or greater than twenty percent of the ~~in~~ overall density, intensity or area of use within a planned development;
 - d. Any proposed change in the approved phasing plan;
 - e. Any decrease in setbacks;

- f. An increase in height of buildings which exceeds zoning ordinance requirements;
 - g. Any decrease in the size of designated open spaces or recreation areas;
 - h. Any decrease in the number of parking spaces, loading or unloading spaces with does not comply with either the Off-Street Parking Ordinance or a specific stipulation of approval of the development plan;
 - i. Any decrease in the amount of landscaping to be provided;
 - j. Any other proposed change deemed by the planning director to be a major change to the approved planned development; and
 - k. The deletion of a planned development designation.
2. A major amendment procedure shall follow the procedure as specified by Section 17.50.060(A).
- B. Minimal Amendments.
1. The following changes in an initial and/or final development plan are considered to be minimal amendments:
- a. Changes in building height which do not exceed zoning ordinance requirements or those established in the planned development;
 - b. Changes in building setbacks which do not exceed zoning ordinance requirements or those established in the planned development;
 - c. A reduction in density or intensity of use;
 - d. Changes in the location and number of curb cuts;
 - e. Minimal changes in approved street patterns; and
 - f. Changes in items such as location of landscaping, fencing, fire access lanes, signage and sidewalk location which the planning director determines to be insignificant in nature.;
 - g. Any increase that is less than twenty percent of the approved overall density, intensity or area of use within a Planned Development.
 - h. Any decrease in the number of parking spaces, loading or unloading spaces provided the decrease complies with the minimum standards of the Off-Street Parking Ordinance and any specific stipulation of the approved development plan.
2. Minimal amendments shall be submitted to the planning director on an initial/final development plan which shows the requested changes. The planning director may then approve the requested change in writing when deemed appropriate

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.50.080 of Chapter 17.50 of the Rapid City Municipal Code be and is hereby amended to read as follows:

17.50.080 Development standards for planned residential developments (PRD) and planned development designation (PDD).

~~A. No PRD or PDD may be less than one acre in size unless it is determined by the city council that a smaller PRD is appropriate.~~

B. A. A PRD or PDD may be permitted in PF, LDR-1, LDR-2, MDR, HDR and MHR zoning districts.

~~C. B.~~ A PRD may include:

1. Single-family detached units;
2. Townhouses;
3. Two-family dwellings;
4. Recreational facilities;
5. Mobile and Manufactured Homes; and
6. Other uses such as child care centers and temporary sales offices which may be permitted in residential zoning districts.

~~D.~~ C. In the LDR-1 zoning district, no more than thirty percent of the total permitted number of dwelling units in a PRD shall be two-family or multiple-family units.

~~E.~~ D. In the LDR-2 zoning district, no more than thirty percent of the total permitted number of dwelling units shall be multiple-family units.

~~F.~~ E. In the PF zoning district, no more than thirty percent of the total permitted number of dwelling units shall be multiple-family units.

~~G.~~ F. Density shall not be greater than the maximum density of the zoning district in which the PRD is located unless certain criteria are met. In no case shall density exceed one hundred fifteen percent of the maximum density permitted in the zoning district in which the PRD is located. Density bonuses may be awarded if the following criteria are met:

1. One percent bonus for every twenty acres included in the PRD, up to a maximum of five percent;
2. Two percent bonus for every one percent of the project area which is devoted to activity-oriented recreational use, up to a maximum of five percent. This does not include areas designed as passive open space;
3. If a portion or all of the required parking is located within an underground area or within a structure, the following bonuses will be awarded:
 - a. Seven percent for providing seventy-five percent or more in a structure,
 - b. Five percent for providing fifty to seventy-four percent in a structure,
 - c. Three percent for providing twenty-five to forty-nine percent of required parking within a structure.

~~H.~~ G. Recreation facilities proposed in the PRD shall be constructed according to the following schedule:

1. Recreation facilities designed to serve an individual development phase of the PRD shall be constructed or bonded for prior to approval of the final plat for that phase.
2. Central recreation facilities designed to serve the entire PRD shall be completed prior to building permits being issued for more than forty percent of the total number of approved dwelling units.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.50.090 of Chapter 17.50 of the Rapid City Municipal Code be and is hereby amended to read as follows:

17.50.90 Development standards for a planned unit development (PUD) and planned development designation (PDD).

~~A. A PUD or PDD shall consist of a minimum of ten acres.~~

~~B.~~ A. A PUD or PDD may be allowed in LDR-1, LDR-2, MDR, HDR, MHR, NC, OC, GC and CBD zoning districts.

~~C.~~ B. Permitted uses within a PUD include:

1. Single-family detached;
2. Townhouses;
3. Two-family dwellings;
4. Multiple-family dwellings;
5. Mobile home parks;
6. Mobile or manufactured home subdivisions;
7. Commercial development;
8. Recreation/community facilities;
9. Churches;
10. Educational facilities;
11. Other uses such as child care centers and temporary sales offices may be

permitted in residential zoning districts.

~~D.~~ C. No more than twenty percent of land area within a PUD can be devoted to commercial uses if located within residential zoning districts. If located in commercial zoning districts, up to fifty percent may be commercial uses.

~~E.~~ D. In LDR-1 zoning districts, no more than thirty percent of the total permitted number of dwelling units shall be two-family or multifamily dwellings.

~~F.~~ E. In LDR-2 zoning districts, no more than thirty percent of the total permitted number of dwelling units shall be multiple-family dwellings.

~~G.~~ F. Density shall not be greater than the maximum density of the residential zoning district in which the PUD is located unless certain criteria are met. If a PUD is within a commercial zoning district, residential density shall be no greater than that allowed in MDR zoning districts. In no case shall density exceed one hundred fifteen percent of the maximum density permitted in the zoning district in which the PUD is located. Additional density bonuses may be awarded if the following criteria are met:

1. One percent bonus for every twenty acres included in the PUD, up to a maximum of five percent;
2. Two percent bonus for every one percent of the project area which is devoted to activity-oriented recreational use. This does not include those areas designed as passive open space;
3. If a portion or all of the required parking is located within an underground area or within a structure, the following bonuses may be awarded:
 - a. Seven percent for providing seventy-five percent or more in a structure,
 - b. Five percent for providing fifty to seventy-four percent in a structure,
 - c. Three percent for providing twenty-five to forty-nine percent of required parking within a structure.

~~H.~~ G. Recreation facilities proposed in the PUD shall be constructed according to the following schedule:

1. Recreation facilities designed to serve an individual development phase of the PUD shall be constructed or bonded for prior to approval of the final plat for that phase.
2. Central recreation facilities designed to serve the entire PUD shall be completed prior to building permits being issued for more than forty percent of the total number of approved dwelling units.

~~I. H.~~ If a PUD involves both commercial and residential development, the proposed development plan shall demonstrate a compatible mix of land uses which will promote a harmonious living environment

~~I.~~ A PUD shall designate the type of uses approved for the development. Any change in approved land uses varying from one Standard Industrial Classification Major Group to another shall require an amendment to the PUD.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.50.100 of Chapter 17.50 of the Rapid City Municipal Code be and is hereby amended to read as follows:

17.50.100 Development standards for planned commercial developments (PCD) and planned development designations (PDD).

A. Planned commercial developments are designed to make commercial development compatible with adjoining land use to properly address environmental factors such as steep slopes, geologic conditions and drainage, and to mitigate negative impact upon public facilities such as streets and highways, water, sanitary and storm sewer systems. If deemed appropriate, the city may require special precautions to address these issues.

~~B. No PCD or PDD should be less than one acre in size unless it is determined by the city council that a smaller PCD or PDD is appropriate.~~

~~C. B.~~ A PCD or PDD may be permitted in GC, NC, CBD and OC zoning districts.

~~D. C.~~ A PCD shall only contain permitted uses and uses permitted on review for the zoning district in which the PCD is located.

~~E. D.~~ A PCD shall designate the type of uses approved for the development. Any change in approved land uses ~~or changes in occupancy~~ varying one standard industrial classification (SIC) ~~two digit code~~ Major Group classification to another shall require an amendment to the PCD.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.50.105 of Chapter 17.50 of the Rapid City Municipal Code be and is hereby amended to read as follows:

17.50.105 Development standards for planned light industrial development (PLID) districts and planned development designations (PDD).

A. Planned light industrial developments are designed to make light industrial development compatible with adjoining land use, to facilitate zero lot line buildings upon a developmental lot, to properly address environmental factors such as steep slopes, geological conditions and drainage, and to mitigate negative impact upon public facilities such as streets and highways, water, sanitary and storm sewer systems. If deemed appropriate, the city may require special precautions to address these issues.

B. A planned light industrial development shall comply with the following standards:

~~1. A planned industrial development district (PLID) or PDD shall be not less than one acre in size.~~ Developmental lots within a PLID shall be not less than twenty thousand square feet in size. There shall be no minimum lot size requirements for individual lots of record within a PLID developmental lot.

2. A planned light industrial developmental district (PLID) shall only contain light industrial district permitted uses and uses permitted on review.

3. The types of uses or occupancies within PLID structures will dictate the type of firewalls required within the structure, the need for sprinkler systems and the placement of fire hydrants in accordance with the current city building and fire code as adopted. Individual lots of record within a PLID developmental lot shall have legal access to a public street, direct access to public utilities, and shall have parking and loading facilities based on the need represented by the use of that lot.

~~5.~~ 4. Required landscaping shall be based on the PLID developmental lot and shall be established in accordance with light industrial zoning district landscaping requirements.

~~6.~~ 5. Buildings on a PLID developmental lot shall meet light industrial zoning district setback and lot coverage requirements. Buildings or building sections on individual lots of record shall meet light industrial zoning district lot coverage and front and rear setback requirements. Zero lot setbacks may be applied along interior lot lines within a developmental lot.

~~7.~~ 6. A PLID proposal shall designate the type of uses for the development and the developmental lot division lines. Any change in approved land uses ~~or changes in occupancy~~ varying from one standard industrial classification (SIC) ~~two-digit code classification~~ Major Group to another shall require an amendment to the PLID.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: