

## ORDINANCE NO. 4054

### AN ORDINANCE TO MODIFY THE NOTIFICATION REQUIREMENTS FOR A PLANNED DEVELOPMENT DESIGNATION (PDD) BY AMENDING SECTION 17.50.060 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City requires applicants seeking a planned development designation (PDD) to provide notice to property owners surrounding the area being considered for a PDD; and

WHEREAS, the City of Rapid City deems it to be in the City's best interest to amend certain provisions of Section 17.50.060 to change the notice requirements for requesting a PDD.

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

#### **17.50.060 Planned developments – Procedure**

A. Planned Development Designation. An applicant may obtain a planned development designation by providing to the Department of Growth Management the information required in sub-section E of this Section. Upon confirmation that the required information has been received and that the planned development designation does not violate any other provisions of the Rapid City Municipal Code or state law, the Director of Growth Management shall approve the planned development designation within 13 working days. No notice or hearing shall be required prior to the planned development designation being approved. A denial of the Planned Development Designation application may be appealed to the Planning Commission within seven working days of the denial. The Planning Commission's decision may be appealed to the City Council in accordance with the provisions of 17.54.030 (F).

~~A.~~ B. Initial Development Plan. When a petitioner is requesting approval of an initial development plan ~~planned development~~, the conditional use procedure shall be followed as specified in Section 17.54.030 of this title with the exception of notification requirements. Public notice and a hearing in front of the Planning Commission is required for approval of an initial development plan. The Planning Commission's decision on an initial development plan may be appealed to the City Council in accordance with the provisions of Section 17.54.030.(F). The applicant shall provide Nnotice to property owners within two hundred fifty feet of the property under consideration, inclusive of public right-of-way, by certified letter, return receipt requested, no less than seven days prior to the public hearing before the Planning Commission meeting, ~~shall be required~~. Notice is also required via first class mail, to all property owners located within the planned development ~~and~~ and/or the planned development designation. Additionally, a sign noting the fact

that a ~~Planned Development application~~ 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 time for appeal to the city council has expired or until the city council's action on an appeal is final or the petition is withdrawn. Approved signs shall be provided by the Growth Management Department. The Growth Management Department shall require a reasonable deposit sufficient to cover the cost of replacement of such sign or signs and shall determine the number and location of the sign or signs to be posted on the site addressed in the petition. ~~Public notice and a public hearing conducted by the Planning Commission is 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 Growth Management Department.

~~B. C.~~ C. Final Development Plan. An application for a final development plan shall be submitted within eighteen months of the date of approval of the initial development plan unless a specific phased development sequence has been approved as part 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 or an approval of an appeal by the city council. An applicant seeking approval of a final development plan shall provide N~~notice to adjoining property owners within two hundred fifty feet of the property under consideration, inclusive of public right-of-way by certified letter, return receipt requested, no less than seven days prior to the Planning Commission hearing, shall be required.~~ Notice is also required via 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 ~~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 time for appeal to the city council has expired or until the city council's action on an appeal is final or the petition is withdrawn. Approved signs shall be provided by the Growth Management Department. The Growth Management Department shall require a reasonable deposit sufficient to cover the cost of replacement of such sign or signs and shall determine the number and location of the sign or signs to be posted on the site addressed in the petition. Public notice and a public hearing conducted by the Planning Commission is also required. The decision of the Planning Commission may be appealed in accordance with the provisions of Section 17.54.030 (F). ~~Public notice and a public hearing conducted by the planning commission is 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.~~

Each phase of development shall be approved as a final development plan and the final development 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 Growth Management 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.~~ D. Review Procedure. All proposed initial and final planned developments or planned development designations applications shall be submitted to the city Growth Management Department. The Growth Management Department shall then solicit input from appropriate departments, including the building official, the fire marshal and the public works department.

~~4.~~ E. Information Required for a Planned Development Designation. A completed application shall be submitted on a form provided by the Growth Management Department and signed by the owner of record including the following information:

- 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 by the Growth Management Director.

~~D.~~ F. Information Required in Initial Development Plan. A completed application shall be submitted on a form provided by the Growth Management Department and signed by the owner of record including the following information:

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.~~ G. Information Required in the Final Development Plan. A completed application shall be submitted on a form provided by the Growth Management Department and signed by the owner of record including the following information:

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. Location of 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. Other information deemed pertinent to the review of the final development plan, and

t. 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;