

ORDINANCE NO. 5812

AN ORDINANCE REPEALING SECTIONS 17.50.050 THROUGH 17.50.105 REGARDING PLANNED DEVELOPMENTS AND ADOPTING NEW PLANNED DEVELOPMENT OVERLAY DISTRICT, PLANNED UNIT DEVELOPMENT ZONING DISTRICT, AND ADMINISTRATIVE EXCEPTION REGULATIONS.

WHEREAS, pursuant to SDCL 11-4, the City of Rapid City has the power to regulate planning and zoning within its territorial jurisdiction; and

WHEREAS, further pursuant to State law, the City of Rapid City has adopted a Comprehensive Plan; and

WHEREAS, pursuant to SDCL 11-6-26 and 11-6-27, the adoption of a Comprehensive Plan along with a Major Street Plan requires the City to approve the subdivision of land within its jurisdiction and adopt regulations governing the subdivision of land; and

WHEREAS, planning and zoning, and subdivision regulations promote the harmonious development of the municipality and its environs, ensure coordination of streets within a subdivision and with other existing or planned streets, provide adequate open spaces for traffic, recreation, light and air, and provide for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity; and

WHEREAS, the City commissioned a study, commonly known as the Lehe Report, to review the performance and processes of the City's Growth Management Department; and

WHEREAS, one of the Lehe Report recommendations was to change the name of the Growth Management Department, which name has been changed by ordinance to the Community Planning and Development Services Department; and

WHEREAS, the Lehe Report recommended that other changes be made, including the manner in which the City regulated and processed planning and developments; and

WHEREAS, the City appointed a committee, commonly known as the Second Floor Committee (the "Committee") to review the City's planning and development review process and make recommendations regarding the implementation of the Lehe Report; and

WHEREAS, the Committee and City staff have reviewed the City's current planning and zoning regulations and are recommending that the planned development regulations be updated and changed in a manner consistent with the recommendations which were made in the Lehe Report; and

WHEREAS, the City Council of Rapid City has reviewed the recommendations of the Committee and has determined it is in the best interests of the City to adopt the recommendations of the committee and amend the planned development regulations by repealing Sections

17.50.050 through 17.50.105 of the Rapid City Municipal Code, and replacing the same with new Sections 17.50.050, 17.50.060, and 17.50.070.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City, that Sections 17.50.050 through 17.50.105 of the Rapid City Municipal Code are hereby repealed and Sections 17.50.050, 17.50.060, and 17.50.070 are added to read as follows:

~~17.50.050 Planned developments Purpose.~~

~~—A.— The purpose of this section and §§ 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; and~~

~~——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 4 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; and~~

~~——4.— Planned light industrial development (PLID): for exclusively light industrial development.~~

~~_____ a. *Planned development designations.* For each of these above 4 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 PDD 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 PDD may be warranted.~~

~~_____ b. *No expiration period.* 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 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 20% of the gross square footage of all structures in the PDD when it was approved and except for sign permits when issued for the replacements of non-premise signage provided no increase in size is proposed. Further, no change from 1 standard industrial classification major group land use to another may occur until an initial and final development plan has been approved.~~

~~_____ c. *Granting designations.* Planned development designations should be granted only for property meeting 1 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.~~

~~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 subsection 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 7 working days of the denial. The Planning Commission's decision may be appealed to the City Council, in accordance with the provisions of 17.54.030F.

~~—B.— *Initial development plan.* When a petitioner is requesting approval of an initial development plan, the conditional use procedure shall be followed, as specified in § 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 § 17.54.030F. The applicant shall provide notice to property owners within 250 feet of the property under consideration, inclusive of public right of way, by certified letter, return receipt requested, no less than 7 days prior to the public hearing before the Planning Commission meeting. Notice is also required, via first class mail, to all property owners located within the planned development and/or the 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 7 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 the 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. The approved initial development plan shall be filed with the city Growth Management Department.~~

~~—C.— *Final development plan.* A final development plan shall be submitted within 18 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 appeal shall be approved by the City Council. An applicant seeking approval of a final development plan shall provide notice to adjoining property owners within 250 feet of the property under consideration, inclusive of public right of way, by certified letter, return receipt requested, no less than 7 days prior to the Planning Commission hearing. 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 is pending shall be posted on the site not less than 7 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 the 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 § 17.54.030F.~~

~~—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 2 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 1 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.~~

~~—D. *Review procedure.* All proposed planned developments or planned development designations 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.~~

~~—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:~~

~~—— 1. Project name and legal description, name, mailing address and phone number of the developer;~~

~~—— 2. A written description stating why the planned development designation is being requested; and~~

~~—— 3. Other information deemed pertinent to the review of the planned development designation by the Growth Management Director.~~

~~—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 1 inch equals 50 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 5-foot contour intervals, and identification of those areas with slopes greater than 2 to 1;~~

~~_____ t. Storm drainage plan which indicates the general location and types of drainage elements, and the 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.~~

~~— 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 2-foot contour intervals;~~

~~_____ 6. Site plan, at a scale no greater than 1 inch equals 50 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 1 inch equals 20 feet and a vertical scale of 1 inch equals 5 feet;~~
- ~~_____ j. Location of proposed retaining walls;~~
- ~~_____ k. Location of designated open space;~~
- ~~_____ l. Location 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 1 inch equals 20 feet and a vertical scale of 1 inch equals 5 feet;~~
- ~~_____ r. Storm drainage plan and grading plan, shown at 2-foot contour intervals, which indicates the location of proposed storm sewers, drainageways, structures, the direction of waterflow throughout the planned development, 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, 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 8-1/2 inch by 11 inch sealed map, which indicates the location of the development phases, shall be submitted for each phase; and~~

~~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.~~

~~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 approved land uses as set forth in §§ 17.50.090I., Planned unit developments, 17.50.100D., Planned commercial developments, and 17.50.105B.6., Planned light industrial developments;~~

~~b. Any change in the street pattern which would impact adjacent property;~~

~~c. Any increase 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 § 17.50.060A.~~

~~— 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 20% of the approved overall density, intensity or area 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 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.~~

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

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

~~—B.— A PRD may include:~~

~~—— 1. Single family detached units;~~

~~—— 2. Townhouses;~~

~~—— 3. Two family dwellings;~~

~~—— 4. Recreational facilities;~~

~~—— 5. Mobile and manufactured homes;~~

~~—— 6. Other uses, such as child care centers and temporary sales offices, which may be permitted in residential zoning districts; and~~

~~—— 7. Multiple family dwellings.~~

~~—C.— In the LDR-1, LDR-2 and PF zoning districts, no more than 30% of the total permitted number of dwellings units in a PRD shall be 2-family or multiple-family units.~~

~~—D.— 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 115% 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 20 acres included in the PRD, up to a maximum of 5%;~~

~~—— 2. Two percent bonus for every 1% of the project area devoted to activity-oriented recreational use, up to a maximum of 5%. 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 75% or more in a structure;~~

~~—— b. Five percent for providing 50% to 74% in a structure; and~~

~~—— c. Three percent for providing 25% to 49% of required parking within a structure.~~

~~—E.— 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 40% of the total number of approved dwelling units.~~

~~17.50.090 Development standards for a planned unit development (PUD) and planned development designation (PDD).~~

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

~~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; and~~

~~11. Other uses such as child care centers and temporary sales offices may be permitted in residential zoning districts.~~

~~C. No more than 20% 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 50% may be commercial uses.~~

~~D. In LDR 1 zoning districts, no more than 30% of the total permitted number of dwelling units shall be 2 family or multifamily dwellings.~~

~~E. In LDR 2 zoning districts, no more than 30% of the total permitted number of dwelling units shall be multiple family dwellings.~~

~~—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 115% 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 20 acres included in the PUD, up to a maximum of 5%;~~

~~—— 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 75% or more in a structure;~~

~~—— b. — Five percent for providing 50% to 74% in a structure; and~~

~~—— c. — Three percent for providing 25% to 49% of required parking within a structure.~~

~~—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 40% of the total number of approved dwelling units.~~

~~—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.~~

~~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 adjacent 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 1 acre in size unless it is determined by the Common Council that a smaller PCD or PDD is appropriate.~~

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

~~—D. A PCD shall only contain permitted uses and conditional uses for the zoning district in which the PCD is located.~~

~~—E. 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) 2-digit code classification to another shall require an amendment to the PCD.~~

~~17.50.105 Development standards for planned industrial development (PID) districts and planned development designations (PDD).~~

~~—A. Planned industrial developments are designed to make light industrial development compatible with adjacent 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 industrial development shall comply with the following standards:~~

~~——1. A planned industrial development district (PID) or PDD shall be not less than 1 acre in size. Developmental lots within a PID shall be not less than 20,000 square feet in size. There shall be no minimum lot size requirements for individual lots of record within a PID developmental lot.~~

~~——2. A planned industrial developmental district (PID) shall only contain light industrial district permitted uses and uses conditional uses.~~

~~——3. The types of uses or occupancies within PID 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 PID 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.~~

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

~~5. Buildings on a PID 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.~~

~~6. A PID 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 one Standard Industrial Classification (SIC) 2-digit code classification to another shall require an amendment to the PLID.~~

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 City 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 17.50.050. F.

3. Property owners may request and be granted a revocation of any PDD approved prior to May 11, 2012 by the Director of the Community Planning & 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 17.50.050. F.
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 & 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 & Development Services prior to approval of an Initial or Final Planned Development. A PDD indicates that the city 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 & 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 & Development Services 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 & 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:
 - 1) Proposed Conditional Uses including the maximum number of dwelling units and/or the maximum square footage and type of nonresidential buildings;

- 2) Proposed minimum setbacks from the perimeter of the planned development for all structures, including accessory buildings;
- 3) 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;
- 4) General location of parking and loading areas except for single-family, two-family, and townhouse units;
- 5) Location and size of all proposed curb cuts other than for single-family, two-family and townhouse units;
- 6) Location of existing and proposed water mains, sanitary sewer mains and disposal systems;
- 7) General location of proposed recreation areas and open spaces;
- 8) General locations of any outdoor lighting except for public lighting and lighting for single-family, two-family, and townhouse units;
- 9) Location of proposed lot lines as applicable;
- 10) General location, width, and grade of existing and proposed improvements to public and private streets;
- 11) Topography at no greater than 5-foot contour intervals;
- 12) General location of proposed storm drainage facilities; and
- 13) 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:
 - 1) Proposed Conditional Uses, including the maximum number of dwelling units and/or the maximum square footage and type of nonresidential buildings;
 - 2) Proposed setback for all structures including accessory buildings;
 - 3) Proposed building heights;

- 4) Off-street parking facilities including parking spaces, loading spaces, circulation areas and fire access lanes;
 - 5) Location of all pedestrian and bicycle facilities;
 - 6) 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, two-family, and townhouse units;
 - 7) Location and size of all proposed curb cuts except for single-family, two-family and townhouse units;
 - 8) 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;
 - 9) Location and description of proposed recreation areas, common areas, and open spaces;
 - 10) Location of any outdoor lighting except for public lighting and lighting for single-family, two-family, and townhouse units;
 - 11) Location, height and materials of proposed fencing except for single-family, two-family, and townhouse units;
 - 12) Location, height, size, and setback dimensions of proposed signs including building material specifications;
 - 13) Location of proposed lot lines as applicable;
 - 14) 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;
 - 15) Proposed final ground contours at no greater than 2-foot contour intervals;
 - 16) Storm drainage plan and grading plan, shown at 2-foot contour intervals, indicating the location of proposed storm sewers, drainageways, 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;
 - 17) 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;
 - 18) Floodplain development permit and certificate, as applicable, including first floor elevation and minimum opening elevation for any structure located within a floodplain area; and
 - 19) 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 & 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 certified letter, return receipt requested, 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. 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 & 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 & 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 & 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.

17.50.060 Planned Unit Development (PUD) Zoning District.

- A. Purpose. The purpose of the Planned Unit Development (PUD) Zoning District is to provide a process for the creation of a zoning district that allows for a mix of land uses and development standards that would not otherwise be permitted within the conventional zoning districts of this chapter. Once approved by City Council a PUD secures the land use and development standards for the property as a separate and unique zoning district. A PUD may be approved for a range of project sizes including but not limited to large scale projects with multiple lots and a mix of land uses or for a small-scale single lot project which requires flexibility because of unique circumstances or to promote unique design.
- B. Intent. The intent of the Planned Unit Development (PUD) regulations is to permit greater flexibility of use and, consequently, more creative and imaginative design for development than generally is possible under conventional zoning regulations. It is further intended:
 1. To promote more economical and efficient use of land;
 2. To provide flexible zoning entitlements for projects that may be subdivided and developed in multiple phases;

3. To establish a method for providing future connections between existing and proposed developments in order to achieve an integrated community with common open space, transportation, transit, and public services networks; and
4. To allow for innovative development projects.

C. 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 PUD application. The Director of Community Planning & 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 PUD applications to the selected members for review and comment.
2. Planned Unit Development (PUD). A zoning district designation for a tract of land controlled by one or more landowners, which is developed under a plan for either residential, commercial/retail, industrial, public, agricultural, open space, or recreation uses or a combination thereof.
3. PUD Concept Plan. A preliminary development plan submittal to be reviewed by the Development Review Team prior to the preparation and submittal of a PUD Zoning Document. The PUD Concept Plan is designed to aid the City and applicant in preparing a complete PUD Zoning Document application.
4. PUD Zoning Document. A zoning entitlement document to be reviewed by the Planning Commission and approved by the City Council. The PUD Zoning Document is not an overlay district and once approved is the official zoning district designation for the property. An approved PUD Zoning Document is recorded at the County Register of Deeds and is used to guide the future subdivision and development of the property.

D. PUD Concept Plan Application Requirements and Approval Process.

1. PUD Concept Plan Submittal Requirements. A completed application form shall be submitted with the PUD Concept Plan. The PUD Concept Plan shall be submitted on a single sheet at a suitable scale and contain the following information:
 - a. Perimeter property lines with measurements;
 - b. Existing and platted streets within or adjacent to the proposed development with right-of-way dimensions and street names;
 - c. Proposed collector or arterial streets within or adjacent to the proposed development with right-of-way dimensions and street names;
 - d. Land use and zoning district designations for adjacent properties;
 - e. The Development areas or parcels within the property shall be labeled with the proposed land use(s), total acres and square feet, development density by dwelling units per acre and/or floor area ratio, and maximum area to be used for outdoor storage and large vehicle parking;

- f. Location and type of existing and proposed vehicle access points along the perimeter of the property;
- g. Location of existing irrigation ditches, flood plains, drainage courses, parks, trails, storm water facilities, culverts, easements and underground utilities, existing buildings to remain, wooded areas, wetlands and other significant natural features;
- h. Locations of proposed storm detention and/or retention facilities;
- i. Topography at no greater than 5-foot contour intervals; and
- j. A title box with the name of Planned Unit Development; name, address, and phone numbers of the landowner(s); applicant, if different from landowner(s), and any entity charged with the preparation of the PUD Concept Plan; and date of submission with provisions for dating revisions.

2. PUD Concept Plan Approval Process.

- a. The applicant shall submit the PUD Concept Plan to the Department of Community Planning & Development Services for referral to DRT.
- b. The DRT shall have 13 working days to review the PUD Concept Plan. Comments from Development Review Team are collected by the Department of Community Planning & Development Services and returned to the applicant. The applicant may choose to revise the PUD Concept Plan and submit for an additional review. There is no formal approval by the City of a PUD Concept Plan. All comments from the DRT are designed to assist the applicant in the development of the PUD Zoning Document application.

E. PUD Zoning Document Application Requirements and Approval Process.

1. PUD Zoning Document Application Requirements. The PUD Zoning Document application shall include the following:

- a. A completed application form and fee;
- b. Proof of ownership;
- c. A letter of consent to file the PUD Zoning Document application signed by the land owner(s) if that owner is not the applicant;
- d. An accurate legal description for the property;
- e. Preliminary drainage report and preliminary drainage plan (if required by the Director of the Department of Public Works);
- f. Traffic Study (if required by the Director of the Department of Public Works);
- g. Copies of the PUD Zoning Document at a suitable scale and sheet size to be determined by the Department of Community Planning & Development Services. Each sheet shall be numbered and contain a title box with the name of Planned Unit Development; name, address, and phone numbers of the landowner(s); applicant, if different from landowner(s); and any entity charged with the preparation of the PUD document; and date of submission with provisions for dating revisions. In most cases the PUD Zoning Document will consist of multiple sheets and shall be formatted as follows:

- 1) Section 1 Cover Sheet.
 - a) Vicinity map at a suitable scale showing all roadways within ½ mile of the property;
 - b) Legal description;
 - c) Signature blocks in accordance with City standards; and
 - d) Table of contents for all sheets within the PUD Zoning Document.

- 2) Section 2 Land Plan Sheet(s).
 - a) North arrow and scale (written and graphic) on all sheets at a suitable scale. If it is not possible to contain the entire development on the first sheet at this scale then the first sheet in this section shall contain a composite drawing showing the entire development with match lines and designated sheet numbers;
 - b) Perimeter property lines with measurements;
 - c) Existing and platted streets within or adjacent to the proposed development with right-of-way dimensions and street names;
 - d) Proposed collector or arterial streets within or adjacent to the proposed development with right-of-way dimensions and street names;
 - e) Land use and zoning district designations for adjacent properties;
 - f) The Development areas or parcels within the property shall be labeled with the proposed land use(s), total acres and square feet, development density by dwelling units per acre and/or floor area ratio, and maximum area to be used for outdoor storage and large vehicle parking;
 - g) Location and type of existing and proposed vehicle access points along the perimeter of the property;
 - h) Location of existing irrigation ditches, flood plains, drainage courses, parks, trails, storm water facilities, culverts, easements and underground utilities, existing buildings to remain, wooded areas, wetlands and other significant natural features;
 - i) Locations of proposed storm detention and/or retention facilities; and
 - j) Topography at no greater than 5-foot contour intervals.

- 3) Section 3 Building Bulk Standards and Site Development Standards.
 - a) A building bulk standards table including the proposed development parcels and building type(s) permitted within the parcel (i.e. single-family detached, townhouse, commercial, industrial) along the vertical axis (rows) and the proposed standards (i.e. lot size, lot frontage, building setback, building height, floor area, dwelling unit area, lot coverage, parking and loading) along the horizontal axis (columns). Additional tables may be added for landscaping requirements and signage or a statement shall be added that the City development standards as adopted and amended shall apply.
 - b) A section may be added granting the Director of Community Planning & Development Services the authority to approve variances to the bulk standards

and site development standards provided there is a specific maximum percentage or amount that can be approved administratively. All other administrative approvals shall be subject to those permitted by Section 17.50.060. F. of this ordinance.

4) Section 4 Land Use Schedule.

- a) A land use table including the proposed development area(s) along the horizontal axis (columns) and a list of specific land uses along the vertical axis (rows). The table shall indicate whether a specific land use is a use-by-right, conditional use, accessory use, temporary use, or excluded use within each proposed development area.

5) Section 5 Public and Private Improvements.

- a) A narrative description and/or graphic plan detailing landscape standards for public and private parks, open spaces, and drainage facilities within the property as applicable.
- b) Street cross section design for all streets within and along the perimeter of the property.

6) Section 6 Design Standards.

- a) A narrative description and/or graphic drawings defining the character of the buildings and site development improvements to be constructed in each development parcel including the color, type, and percentage of materials used in construction of the proposed buildings, building massing, roof line slope and type, and other specific architectural features that may be provided or a statement shall be added that the City development standards as adopted or amended shall apply.
- b) A narrative of architectural elements or building materials that the applicant may want to prohibit within the PUD Zoning Document may be added.

- 2. PUD Zoning Document Approval Process. The PUD Zoning Document approval process shall follow the City rezoning procedure in Section 17.54.040.

F. PUD Zoning Document Amendments.

- 1. An amendment to the PUD Zoning Document shall follow the City rezoning procedure as set forth in Section 17.54.040. Minor amendments to the PUD Zoning Document, that do not require the applicant to follow the City rezoning procedure as set forth in Section 17.54.040, can be approved administratively by the Director of Community Planning & Development Services including:

- a. An increase or decrease in building lot coverage, housing density or floor area ratio less than 20%;
- b. An increase or decrease in lot frontage, lot depth, and lot area less than 20%;
- c. An increase or decrease in building setback or building height less than 20%;
- d. An increase or decrease in the size of a PUD Zoning Document parcel less than 20%;
- e. An increase or decrease in overall density, intensity or area of use less than 20%;
- f. An increase or decrease in the size of designated open spaces or recreation areas less than 20%;
- g. An increase or decrease in the number of parking, loading, or unloading spaces less than 20%;
- h. An increase or decrease in the amount of landscaping less than 20%;
- i. An increase or decrease in width of a proposed street section, right-of-way, or easement less than 20%;
- j. A change in the street pattern which would not adversely impact adjacent property;
- k. Changes in the location, number or classification of curb cuts or street intersections;
- l. Changes in items such as location of landscaping, fencing, fire access lanes, parking, loading, trash and service areas, signage and sidewalk location which the Director determines to be insignificant in nature;
- m. Any proposed change in an approved phasing plan; and
- n. Any other proposed change deemed by the Director to be a minor change to the approved Planned Unit Development.

G. Minor PUD Zoning Document Amendment Application Requirements and Approval Process.

1. Application requirements. A Minor PUD Zoning Document Amendment application can be filed for all or a portion of the land area within an approved PUD Zoning Document. Minor exceptions, modifications, or variances for individual lots shall follow Section 17.50.070 Administrative Exceptions or Section 17.54.020 Variances as applicable. The application for a Minor PUD Zoning Document Amendment shall be submitted to the Department of Community Planning & Development Services and include the following:
 - a. An application form signed by the property owner or authorized representative;
 - b. A written narrative explaining and justifying the request;
 - c. A revised PUD Zoning Document sheet(s) with the revisions clearly documented including signature blocks for recording as determined by the Community Planning & Development Services Department.
2. Minor PUD Zoning Document Approval Process. The Community Planning & Development Services Department shall review the application for completeness within seven (7) working days of submission. Incomplete or improper applications will be returned to the applicant. Within ten (10) working days of receipt of a completed application, the Director shall approve the application; approve the application with conditions; or deny the application.

3. Documentation of a Minor PUD Zoning Document Amendment. The Director of Community Planning & Development Services shall note any terms of the approved amendment directly on the Minor PUD Zoning Document Amendment sheet(s) and affix his signature and the date of approval. As applicable, such amended plans shall be recorded.

17.50.070 Administrative Exceptions

- A. Purpose. The purpose of the administrative exception process is to allow for the administrative approval of minor deviations from the zoning district standards, development standards, and area regulations within all zoning districts. An administrative exception is a form of relief granted to a landowner when the strict application of a particular regulation would result in peculiar, exceptional, or practical difficulties upon the property owner. Such relief shall only be granted provided there will be no substantial detriment to the public health, safety, and welfare of the present and future inhabitants of the City.
- B. Intent. The intent of the administrative exception process is to allow the Director of the Community Planning & Development Services Department to approve minor variations from the zoning ordinance. It is further intended that minor variations to the code may be approved to address:
 1. A property constraint such as lot configuration or lot area;
 2. A topographic, geological, hydrological, or environmental factor;
 3. A non-conforming issue for pre-existing structures;
 4. A new construction issue caused by survey or construction error; and
 5. A new construction proposal that is innovative and/or would not cause substantial detriment to the public good or significantly impair the purposes and intent of these regulations.
- C. General Provisions. The Director of Community Planning & Development Services is authorized by the City Council to approve minor exceptions provided the application complies with the process outlined within this section. In no circumstance shall the Director approve a minor modification that results in a change in permitted land uses that would require the approval of a conditional use permit or rezoning of the property.
 1. The Director is authorized to grant deviations of up to twenty percent (20%) of any minimum or maximum zoning district standards, development standards, and area regulations including but not limited to:
 - a. Development density or intensity;
 - b. Building lot coverage;
 - c. Lot frontage, lot depth, and lot area;
 - d. Building floor area, setback and height;
 - e. Parking, loading and unloading spaces;

- f. Landscape standards; and
 - g. Fence height and setback.
2. The Director is also authorized to grant deviations from any specific location and/or material requirements prescribed in this chapter including but not limited to:
- a. A change in the requirement for screen fence and/or open style fence;
 - b. A building material type or amount;
 - c. Location and height of fencing;
 - d. Location of landscaping and landscape buffer;
 - e. Location of trash and service areas;
 - f. Location of parking areas, access lanes, and loading stalls;
 - g. Location of sidewalk, pedestrian and bicycle facilities;
 - h. Location of utility cabinets and appurtenances; and
 - i. Any other location and/or building material requirement which the Community Planning & Development Services Director determines to be insignificant in nature.
- D. Application requirements. To initiate an application for an administrative exception, an application shall be submitted to the Department of Community Planning & Development Services and include the following:
- 1. An application form signed by the property owner or authorized representative and fee;
 - 2. A written narrative explaining and justifying the request;
 - 3. A site plan drawn to scale showing all property lines with dimensions, location of buildings and other structures, north arrow, street numbers, lot and/or parcel number, locations of setback lines or other dimensional requirements from which the administrative exception is sought.
- E. Approval process. Upon receipt of a complete application and the required information, the Director shall have 7 working days from receipt of the application to complete the review and to recommend approval, denial, or suspension of the application. If the Director determines that the application does not contain the specified and required information, the review timeline shall be suspended and the applicant shall be notified of the deficiency. When complete and sufficient information is provided by the applicant, the review timeline shall be re-engaged, with an additional three (3) working days added to the remaining balance of the review timeline. The Director shall approve the application, approve the application with conditions, or deny the application. An administrative exception may be approved by the Director upon determination that one or more of the following findings exists:
- 1. There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;

2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;
 3. Exceptions, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;
 4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;
 5. Any adverse impacts will be reasonably mitigated; or
 6. The requested exception is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.
- F. Appeals. The decision of the Director to approve the application with conditions or deny any application under the administrative exception review process may be appealed to the Board of Adjustment following the application procedures in Section 17.54.020.
- G. Documentation of Approval. The Director of Community Planning & Development Services shall note the terms of the approved exception directly on the amended plan and affix his signature and the date of approval.

17.50.080 RESERVED

17.50.090 RESERVED

17.50.100 RESERVED

17.50.105 RESERVED

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: