

## **ORDINANCE No. 5216**

### **AN ORDINANCE TO ESTABLISH THE FIFTH STREET OVERLAY ZONING DISTRICT BY ADDING CHAPTER 17.61 TO TITLE 17 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, pursuant to SDCL 11-4-1, the City of Rapid City has the authority to regulate and restrict the height, number of stories, size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes; and

WHEREAS, the area generally bounded on either side of Fifth Street for approximately one block beginning at Kansas City Street and extending south to Fairmont Street, as more particularly described in Exhibit A to this Ordinance is to be commonly referred to as the "Fifth Street Overlay District"; and

WHEREAS, Fifth Street is designated as a "Principal Arterial Street" in the Major Street Plan, and Fifth Street has seen significant increases in traffic volumes over the past few years; and

WHEREAS, the current residences located in the Fifth Street Overlay District are predominately single family residences; and

WHEREAS, the vast majority of land within the Fifth Street Overlay District is zoned as Medium Density Residential; and

WHEREAS, multiple family structures are a permitted use in a Medium Density Residential District; and

WHEREAS, the introduction of multiple family structures into an environment consisting primarily of single family residences can have a potentially negative impact on the existing neighborhood and result in conflict; and

WHEREAS, the adoption of additional zoning regulations that minimize the impact of new development in existing neighborhoods can minimize the negative impact of new development and help to mitigate conflict; and

WHEREAS, the City of Rapid City deems it to be in the City's best interest to amend Title 17 of the Rapid City Municipal Code by adding Chapter 17.61.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Title 17 of the Rapid City Municipal Code be amended by adding Chapter 17.61 to read as follows:

#### **Chapter 17.61**

#### **FIFTH STREET OVERLAY ZONING DISTRICT**

##### **Sections:**

<b>17.61.010</b>	<b>General description.</b>
<b>17.61.020</b>	<b>Boundaries.</b>
<b>17.61.030</b>	<b>Area set back regulations.</b>
<b>17.61.040</b>	<b>Landscaping.</b>

<b>17.61.050</b>	<b>Screening.</b>
<b>17.61.060</b>	<b>Density.</b>
<b>17.61.070</b>	<b>Lighting.</b>
<b>17.61.080</b>	<b>Parking.</b>
<b>17.61.090</b>	<b>Streets.</b>
<b>17.61.100</b>	<b>Snow removal areas.</b>
<b>17.61.110</b>	<b>Garbage removal areas.</b>
<b>17.61.120</b>	<b>Planned residential development.</b>

**17.61.10 General description.**

The Fifth Street Overlay Zoning District is added as an overlay district to the existing zoning for this area. All provisions of the underlying district zoning are applicable. If the Fifth Street Overlay Zoning District imposes a greater restriction than the underlying zoning district regulations, the Fifth Street Overlay Zoning District shall control. This district is intended to preserve and enhance the unique character of the area the district encompasses by establishing special standards that address access, site development, screening, landscaping and parking.

**17.61.20 Boundaries.**

The boundaries of the Fifth Street Overlay District are generally described as follows:

Generally, the Fifth Street Overlay District is located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and more particularly describe as:

Blocks 105-107, the west 1.2 of vacated Third Street right-of-way adjacent to Lot 1 of Block 107, Blocks 115-117, Block 125, vacated alley in Block 125, ½ of vacated Sixth Street lying adjacent to Block 125, Block 126, vacated alley in Block 126, and Block 127; all located in the Original Town of Rapid City; and

Lot A, B, C D and Lots 1, 2 and 3 of Lot E all of Subdivision of Lots 1-8, Block 25, Boulevard Addition; and

Lots 1-4 of Tract P and Lots A-C of Tract N of Hillcrest Addition No. 2; and

Lots A-C of Subdivision of Tract M and Lots D and E of Hillcrest Addition No. 4; and

Block 1, vacated alley in Block 1, Blocks 2, 3 and 4, Block 7, vacated alley in Block 7, Block 12, vacated Fairview Street abutting Lot 1 of Block 12, Block 13, 10 foot vacated Sixth Street adjacent to Lots 18 and 19 of Block 18, Blocks 19, 22, and 23, 10 foot vacated Sixth Street adjacent to Lots 18 and 19 of Block 28, Blocks 29, 32, and 33, Lot A of Block 34, Block 36 and Tract X; all located in Flormann Addition;

all located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota: and

the following described property located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota:

Blocks 2 and 3, 10 foot vacated Sixth Street adjacent to Lots 18 and 19 of Block 3, Block 8, 10 foot vacated Sixth Street adjacent to Lots 18 and 19 of Block 8, Bocks 9, 12, and 13, 10 foot

vacated Sixth Street adjacent to Lots 18 and 19 of Block 13, Block 18, 10 foot vacated Sixth Street adjacent to Lots 18 and 19 of Block 18, Block 19, vacated alley in Block 19, Blocks 22 and 23, 10 foot vacated Sixth Street adjacent to Lots 18 and 19 of Block 28, Blocks 29, 32, and 33, and 10 foot vacated Sixth Street adjacent to Lots 18 and 19 of Block 33; all located in South Boulevard Addition; and

Balance of Lot 2 of the NW1/4 SW1/4; and

Tracts A, B and C of Perpetual Help Subdivision;

All located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

### **17.61.30 Area setback regulations.**

All buildings shall be set back from street right-of-way lines and lot lines as follows:

#### **A. Low Density Residential Districts:**

1. Front yard: Dwellings and detached garages shall be set back not less than twenty-five feet from the front property line.
2. Side yard: For a single-story dwelling, located on interior lots, side yards shall be not less than eight feet in width. For dwellings of two stories or more, there shall be a side yard requirement of not less than twelve feet. When a structure is determined to be one story for a minimum distance of twelve feet from the sidewall an eight-foot-side yard shall be allowed. Lots having frontage on more than one street shall provide the required front yards along those streets.
3. Rear yard: For main buildings, there shall be a rear yard of not less than twenty-five feet.

#### **B. Medium Density Residential Districts:**

1. Front yard: Single or double family dwellings shall have the same front yard regulations as Low Density Residential Districts. For multi-family structures of three or more units, the front yard setback shall be set back not less than twenty-five feet from the front property line.
2. Side yard: Single or duplex family dwellings shall have the same side yard regulations as Low Density Residential Districts. For a single story multi-family structure of three or more units, there shall be a side yard setback of not less than eight feet. For multi-family dwellings of three or more units of two stories, there shall be a side yard requirement of not less than fifteen feet. For multi-family structures of three or more units with more than a two-story building, the side yard setback shall be the mandatory setback for a two-story building plus one extra foot of setback per extra three feet in building height.
3. Rear yard: Single or duplex family dwellings shall have the same rear yard regulations as Low Density Residential Districts. For multi-family dwellings of three or more units, the rear yard setback shall be not less than twenty-five feet.

#### **C. Public District:**

1. Front yard: All buildings shall be set back a minimum of twenty-five feet from the front property line.

2. Side yard: No building shall be located closer than twenty-five feet to the side lot line.
3. Rear yard: No building shall be located closer than twenty-five feet to the rear lot line.

D. Neighborhood Commercial District:

1. Front yard: All buildings shall be set back from the street right-of-way lines not less than twenty-five feet.
2. Side yard: On the side of a lot adjoining a residential district there shall be a side yard of not less than twenty-five feet. There shall be a side yard setback from an intersection street of not less than twenty-five feet.
3. Rear yard: There shall be a rear yard, alley, service court or combination thereof, of not less than thirty feet in depth, and all of the service areas of all buildings shall be completely screened from public view with permanent ornamental screening materials.

E. Office Commercial District:

1. Front yard: All buildings shall be set back a minimum of twenty-five feet from the front property line.
2. Side yard: No building shall be located closer than twenty-five feet to a side property line, except when the side lot line abuts a commercial district.
3. Rear yard: No building shall be located closer than twenty-five feet to the rear lot line, except when the rear lot line abuts a commercial district.

F. General Commercial District:

1. Front yard: All buildings shall be set back a minimum of twenty-five feet from the front property line.
2. Side yard: No side yard is required except that the width of a side yard, which abuts a residential district shall not be less than twenty-five feet.
3. Rear yard: Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty feet in depth. The depth of a rear yard, which abuts a residential district shall be not less than fifteen feet.

**17.61.40 Landscaping.**

- A. For single family and two family structures, no landscaping is required.
- B. For multi-family structures of three or more units located adjacent to single family/duplex/townhouse dwellings, landscaping shall be provided as per Section 17.50.300 of the Rapid City Municipal Code. Landscaping shall be maintained in a live vegetative state.
- C. For any multi-family structures of three or more units, a streetscape-landscaping buffer of ten feet in the front yard setback shall be required to include a minimum of 10% of the required landscaping points.
- D. All other structures shall meet the landscaping required in the respective zoning districts.

**17.61.050 Screening.**

- A. For any multi-family dwelling of three or more units, a six-foot screening fence shall be placed along the side and rear yards located adjacent to single family/duplex/townhouse dwellings. The finished side shall face the adjacent single family/duplex/townhouse

property. The screening fence shall be maintained in good condition and shall consist of an opaque fence not to include chain link fencing with slats. The six-foot screening fence shall not be located in the front yard or street side setback.

- B. For any multi-family structure of three or more units, heating and cooling systems are to be screened if adjacent to single-family dwellings. Screening may consist of shrubs, berms, fences or other appropriate materials.

**17.61.060 Density.**

For any multi-family dwelling of three or more units, the lot size for each additional unit shall be 2000 square feet per dwelling unit.

**17.61.070 Lighting.**

- A. All outdoor lighting shall be reflected within the property boundaries to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.
- B. There shall be no lit signage for residential uses and no internally lit signs for all other uses.

**17.61.080 Parking.**

All multi-family dwelling units shall provide a minimum of two off street parking spaces per dwelling unit. For multi-family dwelling units of four and above, there shall be additional spaces for guest parking as provided in the following chart:

Dwelling units	Guest Parking Spaces
4-7	1
8-11	2
12-15	3
16-19	4
20-23	5
24-27	6
28 +	1 additional space per dwelling unit.

**17.61.90 Streets.**

For any multi-family dwelling of three or more units, the street providing access to the project shall comply with the Street Design Criteria Manual.

**17.61.100 Snow removal areas.**

For any multi-family dwelling of three or more units, a snow removal area shall be designated that will not interfere with the normal requirements for parking, sight triangles or landscaping.

**17.61.110 Garbage collection areas.**

For any multi-family dwelling of three or more units, a garbage collection area shall be designated. The designated garbage area must be screened. Screening shall be in accordance with Section 17.60.050(B).

**17.61.120      Planned residential development.**

A Planned Residential Development shall be submitted for review and approval in accordance with Section 17.50.050 for any multi-family dwelling structure of three or more units.

**17.61.130      Planned commercial development.**

A Planned Commercial Development shall be submitted for review and approval in accordance with Section 17.50.050 for any multi-family dwelling structure of three or more units.