

## **ORDINANCE NO. 5683**

### **AN ORDINANCE TO ESTABLISH THE M HILL OVERLAY ZONING DISTRICT BY ADDING CHAPTER 17.64 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 bounded by I - 90 on the North, Omaha Street on the South and I-190 on the East, and by the hogback ridge known as M Hill (or Cowboy Hill) on the west is commonly known as the M Hill Neighborhood; and

WHEREAS, the current residences located in the M Hill Neighborhood are predominately single family residences; and

WHEREAS, the land within the general vicinity of M Hill Neighborhood is predominately zoned as medium density residential; and

WHEREAS, multiple family structures are a permitted use in a medium density residential zoning 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 already existing neighborhood and result in conflict; and

WHEREAS, the adoption of additional zoning regulations that minimize the impact of new development in already 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 17.64.

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 17.64 to read as follows:

#### **Chapter 17.64**

#### **M HILL OVERLAY ZONING DISTRICT**

##### **Sections:**

**17.64.010 General description.**

**17.64.020 Boundaries.**

- 17.64.030 Area set back regulations.**
- 17.64.040 Landscaping.**
- 17.64.050 Screening.**
- 17.64.060 Density.**
- 17.64.070 Lighting.**
- 17.64.080 Parking.**
- 17.64.090 Streets.**
- 17.64.100 Snow removal areas.**
- 17.64.110 Garbage removal areas.**
- 17.64.120 Planned residential development.**

**17.64.010 General description.**

The M Hill Overlay Zoning District is added as an overlay district to the existing Low Density Residential District, Medium Density Residential District, High Density Residential District, Park Forest District, Flood Hazard District, General Agriculture District, Office Commercial District and General Commercial District. All provisions of the underlying district are applicable. If the M Hill Overlay Zoning District imposes a greater restriction than the underlying zoning district regulations, the M Hill Overlay Zoning District shall control. This district is intended to preserve and enhance the unique residential character of the M Hill Neighborhood by establishing special standards that address access, site development, landscaping and parking.

**17.64.020 Boundaries.**

The M Hill Overlay Zoning District is generally described as the area bounded by I - 90 on the North, Omaha Street on the South and I-190 on the East, and by the hogback ridge known as M Hill (or Cowboy Hill) on the west is commonly known as the M Hill Neighborhood and is legally described as follows:

All of the SE1/4NW1/4 lying south of Interstate 90 Highway right-of-way less Tract 5 of Harmony Heights, all of the S1/2NE1/4 lying south of Interstate 90 Highway right-of-way, all of the E1/2SW1/4, and all of the SE1/4 lying west of Interstate 190 Highway right-of-way, all located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

All of the E1/2NW1/4; all of the NE1/4 lying west of Interstate 190 Highway right-of-way, all of the NE1/4SW1/4, all of the N1/2SE1/4 lying west of Interstate 190 Highway right-of-way, Tract 18 of Rapid City Greenway Tract, Tract 18A of Rapid City Greenway Tract, Tract 18B of Rapid City Greenway Tract, and all of Riverside Addition lying north of Omaha Street right-of-way, all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.

**17.64.030 Area set back 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 25 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 8 feet in width. For dwellings of two stories or more, there shall be a side yard requirement of not less than 12 feet. When a structure is determined to be one story for a minimum distance of 12 feet from the side wall an 8 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 25 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 multifamily structures of three or more units, the front yard setback shall be not less than 25 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 multifamily structure of three or more units, there shall be a side yard setback of not less than 8 feet. For multifamily dwellings of three or more units of two stories or more, there shall be a side yard requirement of not less than 15 feet. For multifamily structures of three or more 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 3 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 multifamily dwellings of three or more, the rear yard setback shall be not less than 25 feet.
- C. High Density Residential District:
1. Front yard: For single, two family and multiple family and assisted living centers not exceeding five stories or 45 feet in height, the minimum depth of the front yard shall be 25 feet. For multiple family and assisted living centers having a greater height than five stories or 45 feet, the minimum depth of the front yard shall be 35 feet.
  2. Side yard: Single story dwellings shall have the same side yard requirements as Medium Density Residential Districts. For multiple family and assisted living centers not exceeding five stories or 45 feet in height, there shall be a side yard of not less than 15 feet. For multiple family and assisted living centers exceeding five stories or 45 feet in height, there shall be a side yard of not less than 20 feet.
  3. Rear yard: for single, two family, multiple family and assisted living centers not exceeding five stories or 45 feet in height, the minimum depth of the rear yard shall be 25 feet. For multiple family structures and assisted

living centers having a greater height than five stories or 45 feet, the minimum depth of the rear yard shall be 30 feet.

D. Park Forest District:

1. Front yard: Dwellings and detached garages shall be set back not less than 25 feet from the front property line.
2. Side yard: For a single-story dwelling, located on interior lots, side yards shall not be less than 30 feet in width.
3. Rear yard: For main buildings there shall be a rear yard of not less than 50 feet.

E. Flood Hazard District:

1. Structures shall not be for human habitation.

F. General Agriculture District:

1. Front yard: All buildings shall be set back a minimum of 25 feet from the front property line.
2. Side yard: No building shall be located closer than 25 feet to the side lot line.
3. Rear yard: No building shall be located closer than 25 feet to the rear lot line.

G. Office Commercial District:

1. Front yard: All buildings shall be set back a minimum of 25 feet from the front property line.
2. Side yard: No building shall be located closer than 25 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 25 feet to the rear lot line, except when the rear lot line abuts a commercial district.

H. General Commercial District:

1. Front yard: All buildings shall be set back a minimum of 25 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 25 feet.
3. Rear yard: The depth of a rear yard which abuts a residential district shall be not less than 15 feet, provided, however, that 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 30 feet in depth.

**17.64.040 Landscaping.**

- A. For single family and two family structures, no landscaping is required.
- B. For multifamily structures of three or more units located adjacent to single family/duplex/townhouse dwellings, landscaping shall be provided as per Chapter 17.50.300 of the Rapid City Municipal Code. Landscaping shall be maintained in a live vegetative state.
- C. For any multifamily structures of three or more units, a streetscape landscaping buffer of 10 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.

**17.64.050 Screening.**

- A. For any multi-family dwelling of three or more units, a 6 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 6 foot screening fence shall not be located in the front yard or street side setback.
- B. For any multifamily 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.

**17.64.060 Density.**

For multi-family structures of three or more units, there shall be a lot area of not less than 5,000 square feet plus an additional 2,000 square feet for each multiple-family unit or assisted living suite or room.

**17.64.070 Lighting.**

- A. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-ways 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.

**17.64.080 Parking.**

- A. 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 guest parking space 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 per 4 dwelling units

- B. For multi-family structures of three or more units surface parking lots shall not be allowed in the front yard setback.

**17.64.090 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.

**17.64.100 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.

**17.64.110 Garbage collection areas.**

For any multi-family dwelling of three or more units, a garbage collection area shall be designated. The designated garbage collection area shall be screened. Screening may consist of shrubs, berms, fences or other appropriate materials.

**17.64.120 Planned residential development.**

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

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer  
(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective: