

STAFF REPORT  
August 25, 2011

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**No. 110A009 – Ordinance Amendment - An Ordinance reducing the front yard setbacks on certain street classifications in the Mobile Home Residential District by amending Section 17.38.040 of the Rapid City Municipal Code**

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**ITEM 21**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
REQUEST	<b>No. 110A009 – Ordinance Amendment - An Ordinance reducing the front yard setbacks on certain street classifications in the Mobile Home Residential District by amending Section 17.38.040 of the Rapid City Municipal Code</b>
DATE OF APPLICATION	8/8/2011
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION: The Second Floor Review Committee recommends that the Ordinance reducing the front yard setbacks on certain street classifications in the Mobile Home Residential District by amending Section 17.38.040 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS: The Second Floor Review Committee has been reviewing existing ordinances and processes in order to provide recommendations to the Planning Commission and the City Council regarding potential increase in efficiencies in development review actions. Based on their review, it appears that many Planned Residential Development applications have been submitted to reduce front building setback requirements. The Second Floor Review Committee believes that the reduction in front yard setbacks appears to be consistent with recent Planning Commission decisions on Planned Residential Development actions. The proposed changes address setbacks for single family residential structures, duplexes and townhomes. All other residential structure setbacks remain as they currently exist.

The proposed setback changes are identified in underlined bold/red:

**17.38.040 Area regulations.**

All buildings shall be set back from street right-of-way lines and lot lines to comply with the following yard requirements:

A. *Front yard.*

~~1. For dwellings, the minimum depth of the front yard shall be 25 feet and in no case shall an accessory building be located or extend into the front yard.~~

~~2. All other permitted uses shall have a front yard setback of 35 feet.~~

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**1. Arterial Streets.**

**a. Dwellings and detached garages shall be set back not less than 25 feet from the front property line.**

**b. All other main and accessory structures, including churches, shall be set back not less than 35 feet from the front property line.**

**2. Collector Streets.**

**a. Dwellings and detached garages shall be set back not less than 25 feet from the front property line.**

**b. Side loaded garages (attached to the dwelling) shall be set back not less than 20 feet from the front property line.**

**c. All other main and accessory structures, including churches, shall be set back not less than 35 feet from the front property line**

**3. Subcollector Street or Lane/Place Streets**

**a. Dwellings and detached garages shall be set back not less than 20 feet from the front property line.**

**b. Side loaded garages (attached to the dwelling) shall be set back not less than 15 feet from the front property line.**

**c. All other main and accessory structures, including churches, shall be set back not less than 35 feet from the front property line.**

Associated applications have been submitted to reduce the front yard setbacks in all residential zoning districts (#110A004, #110A005, #110A006, #110A007, #110A008 and #110A010) specifying the setback distance along arterial streets, collector streets and sub-collector/lane place streets.

Another associated application has been submitted to define a “side loaded garage” (#110A003).

**STAFF REVIEW:** Staff has reviewed the Ordinance Amendment request reducing the front yard setbacks on certain street classifications in the Mobile Home Residential District by amending Section 17.38.040 of the Rapid City Municipal Code and has noted the following considerations:

On November 10, 2005, the Planning Commission approved a Final Development Plan

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(#05PD074) to allow a front yard setback of 18 feet in front of the garage and a 15 foot front yard setback for each residence. This approval began a trend to decrease other front yard setbacks.

Additional discussion occurred by the Planning Commission on October 23, 2008 and January 22, 2009 wherein it was noted that the members had expressed concern regarding the setback reductions through the Planned Development process noting the inadequate length for vehicular parking necessitating the need to park over the sidewalk in order for the vehicle to fit in the front yard. The Planning Commission also noted concern regarding the effects of reduced front yard setbacks coupled with the reductions in rights-of-way further narrowing the corridor available for utilities, sidewalks without vehicular encroachments, as well as open space.

Staff also reviewed numerous development trends throughout the state and country. Based on this research, it appears that a side load garage may cost slightly more to construct because of the additional pavement for the driveways and sidewalk from the driveway to the front of the house. However, this option provides additional flexibility to the property owner and creates additional resale value. Please note that Section 17.50.270(G)(1)(b) of the Rapid City Municipal Code allows unpaved access to single family and duplex homes, provided the first 50 feet of the driveway is paved as per Section 17.50.270(I).

In January 2011 the Planning Commission based on discussions with the Second Floor Committee representative, suggested that staff move forward with proposed changes to various processes, including the setback reduction.

This Ordinance Amendment will enhance the implementation of smart growth principles by encouraging compact building design as an alternative to land consumptive development thus creating cost saving measures for Rapid City.

The Second Floor Review Committee recommends that the Ordinance Amendment reducing the front yard setbacks on certain street classifications in the Mobile Home Residential District by amending Section 17.38.040 of the Rapid City Municipal Code be approved.