

City of Rapid City, South Dakota

# Development Review Team (DRT) Processes: 2010-2013 Progress Report and Assessment

*Final Report and Recommendations*



Prepared by



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City of Rapid City, South Dakota

## Development Review Team (DRT) Processes: 2010-2013 Progress Report and Assessment

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# Executive Summary

## Findings

### *Positive aspects and opportunities*

- Mayor Kooiker and the City staff have a genuine and fervent commitment to streamlining and improving the effectiveness of development review processes. City staff members are earnest in their roles and thorough.
- The City has made remarkable strides in implementing the most crucial recommendations of the 2010 study.
- The active participation of affected interests on the Second Floor Review Committee demonstrates a heightened awareness of development review issues and a high degree of community and staff support for improvements to the processes.
- The Community Planning & Development Services Department continues to have solid interdepartmental and interagency relations and has outstanding office facilities in close proximity to other departments, which contribute to cooperative working relationship. A one stop permitting system with a cluster of three counters – current planning, building services, and engineering – has been successfully implemented with counter personnel who appear to be courteous and helpful to applicants.
- Public meeting facilities for the Planning Commission are exceptionally equipped with the latest in multi-media technology for public outreach, and extensive public outreach activities extend to the City's website, as well. Planning Commission meeting lengths have sizably decreased since 2010, resulting in reduced burdens on the Commission, applicants, and staff.
- The planning staff makes expert and concise presentations on agenda items that are plainly understandable by the Planning Commission and the general public. The staff makes full use of the City's mature and comprehensive GIS databases that contribute to the depth and ease of understanding Planning Commission agenda issues.
- City staff members have extensive knowledge of regulations and procedures, all of which can be accessed through the City's website and information handouts at the public counters. Open government through public information and participation continue as City priorities. The City's website further enriches public understanding of development review issues with complete information on all cases: agendas, staff reports, maps, digital photos, applicant submissions, etc.

- The City's GIS professionals maintain an outstanding service to all City departments and the public through application of Rapid Map GIS services. This is a rare and valuable commodity that Rapid City freely offers to the public.
- The Development Review Team (DRT) brings together planners, engineers, public utilities representatives, fire prevention professionals, and staff representative of other entities to bring about coordinated and thorough reviews of development proposals.

#### *Negative Aspects and Issues*

- The Planned Development (PD) District overlay is ineffective and does nothing to encourage flexible and creative development proposals. Other zoning tools can be used to better address DRT issues and more fairly balance the support and interests of property owners and developers with the public interests of the City and surrounding properties.
- The automation of permitting is limited to building permit and related applications, and the myriad of DRT applications (rezonings, conditional use approvals, PUDs, subdivision plats, etc.) administered by the Current Planning Division have not been integrated into the automated system. Instead, applications are submitted manually and often require needless information to abide by the letter of the application instructions. Manual processes can result in disjointed reviews and cumbersome application procedures. Multiple actions may be required for the same site; and with the manual processes, reviews are sometimes not conducted concurrently, resulting in needless and excessive delays. Development review processes without full automation can be cumbersome, time consuming, and labor intensive.
- Although the number of Future Land Use Plan classifications has been reduced from over 40 to just six categories, the plan is still used as a super zoning map. Nevertheless, the amendment process has been significantly streamlined.
- Planning staff are not competitively paid in comparison to national averages. Low salaries make it difficult to recruit and maintain qualified planning professionals in nonsupervisory positions. Supervisory planners are likewise paid below national averages. This creates the possibility for frequent turnover of the Director's and Planning Manager positions, as well. Regular salary comparison studies and a reasonable grade and step advancement system are lacking.
- Staff reports to the Planning Commission and City Council are poorly organized and not focused on the most relevant issues and considerations. This results in reports that provide little meaningful guidance to decision makers. Reports tend to be loaded with irrelevant information and unnecessary stipulations.



- Although the staff members that deal with the public on a regular basis are sincere in their helpfulness, customer service and public relations can always be improved with ongoing training in customer relations. An attitude of “you can’t do that” or “let’s say no” is sometimes the public impression.
- Complaints persist of overlay cumbersome and detailed development application requirements, review processes, and approval stipulations. Application requirements and standards established by ordinance are rigidly enforced with little or no flexibility to waive unnecessary information.
- The City’s existing zoning ordinance is dated with hundreds of amendments since it was first enacted in 1962. The City lacks a regular update schedule to remove inconsistencies, evaluate the district land use listings, and clarify zoning provisions. The existing zoning ordinance is not an effective implementation tool for the City’s new comprehensive plan.
- The platting processes are still encumbered by unnecessary public approvals, such as the Preliminary Plan, which could be handled administratively.
- The City’s historic district lacks published design review guidelines. This can create arbitrary actions and hinders the ability of the Historic Preservation Commission and the Historic Sign Review Committee to implement sound design objectives.
- Despite the extensive consolidations of boards and committees, historic preservation design review is still split between two separate bodies.
- Exceptions to the City’s Design Criteria have been shifted to the City Engineer, but the processes for obtaining exceptions are often cumbersome and time consuming. A separate application must be submitted for each exception for a single development proposal.
- A variance application to the Board of Zoning Adjustment first requires denial of a building permit. There is no reasonable explanation for this procedural requirement.
- The City’s Future Land Use Plan map is not included in the Rapid Map GIS database.

## **Recommendations**

- Repeal the Planned Development (PD) Overlay District in its entirety. More effective and fairer methods of land use control can replace the PD, such as the following zoning tools: (1) wider application of the newly-enacted PUD zone; (2) conditional rezoning; (3) supplemental use regulations to manage the compatibility of certain

permitted uses in a given district; (4) a formalized site plan review process for a certain threshold of development; (5) approval stipulations for conditional uses; (6) adding special exception uses for approval, with optional stipulations, by the Zoning Board of Adjustment; and (7) exercising the proper authority of the Zoning Board of Adjustment to grant variances.

- Fully automate all DRT application processes administered by the Current Planning Division and expand and continually upgrade the CRW Systems Land Management Software to its full capabilities. Modules and features should be added to expand the automation capabilities beyond building permits to include all DRT applications (rezonings, conditional use approvals, PUDs, subdivision plats, etc.) and eliminate the need for all paper applications entirely. All applications and development plans should be submitted electronically. The expanded system will require certain items of hardware, including robust computers, laptops, tablets, large-capacity storage, a large format scanner, a large format printer, staff training, etc. A technology fee can be added to existing application fees to eventually return the City's initial investment in software, hardware, and training. The Mayor should appoint an interdepartmental committee to complete a comprehensive needs assessment and program, including cost estimates to upgrade, enhance, and fully implement the CRW Systems Land Management Software.
- Revise formats of staff reports to the Planning Commission and City Council. Staff reports should be concise and highlight the primary issues of concern to decision makers, using variations of the included model reports. The models have very few components and are succinct and to the point. Stipulations should be limited to conditions for approval that are not otherwise required by ordinance or standard administrative procedure. In some cases, a request might be approved without any stipulations. A separate "Staff Advisory Report to the Applicant" should also be prepared. This second report reduces the need for the large number of items typically listed as stipulations in the report to the Planning Commission and Council. Instead, this report directs advisory information to the applicant. As a public document, the Staff Advisory can still be accessed by members of Planning Commission or City Council for their additional background information.
- Establish a competitive salary schedule for planners. A salary survey should be commissioned immediately to maintain nationally competitive salaries for professional planning staff. Further, the 36-step pay schedule should be reduced to a more reasonable number of steps (8 to 12) with the Director given the latitude to hire above the entry steps within a pay grade (in some instances, even at the highest steps) should exceptional qualifications merit a higher starting salary. The Director should be hired on a contractual basis with a negotiated salary anywhere within the assigned grade for the Director's position. These actions should create stability, which is especially important in this Department where so many changes have been brought about in recent years.

- Create a customer friendly atmosphere by improving customer service and staff relations with the general public and applicants. Staff members who regularly interact with the public - the counter staff, in particular - should undergo periodic and regular training in customer relations. Another mechanism for improving customer relations is an Ombudsman that can serve as an advocate for outside businesses that are not accustomed to dealing with Rapid City or even seasoned applicants that need help in getting through some difficult hurdles in the application processes. A “getting to yes” attitude should be instilled among planning staff and pervade throughout the many processes. This is not to say “yes” all of the time; instead, “getting to yes,” means finding solutions to development review obstacles to make “yes” possible. A customer friendly atmosphere is not controlled solely by people, but it extends to the systems in which people administer development review processes. Improvements to technology and automation, professional staffing, reasonableness of regulation, streamlining review, and other actions designed to make development review “*more efficient, effective, and responsive*” all contribute to improved customer service and relations.
- Update the zoning ordinance in accordance with the goals and policies of the City’s new comprehensive plan, and integrate zoning, subdivision, and associated land development ordinances into a Unified Development Code. The City should examine all of its zoning and land development ordinances for modernization that responds to changed land use and development practices. The update and consolidation of ordinances into a Unified Development Code is especially important to the effective implementation of the goals and policies of the City’s new comprehensive plan. The update process must be tightly integrated into the comprehensive planning process and become a logical outgrowth of the City’s new comprehensive plan. Once the new Unified Development Code has been completed and adopted, a regular process of examination should maintain modern and effective land use controls that are clearly designed to implement community goals and policies of the comprehensive plan. A major update of the Code should occur every five years, with annual reviews in the interim period. The update cycle should also examine and update administrative rules and procedures needed for the effective administration and enforcement of the Unified Development Code.
- Perform a detailed examination of all permitted uses by zoning district and make adjustments, as necessary. Begin with a “Table of Permitted Uses,” which charts all land uses and notes how and if each use is permitted within the districts. The City does not have any provisions for a “Special Exception Use,” which is a type of conditional use assigned to the Zoning Board of Adjustment for review and approval. Conditional use approvals by both the Planning Commission and the Zoning Board of Adjustments are typical zoning practices nationwide and should be include in the Rapid City Zoning Ordinance. Once the existing Table of Permitted Uses has been constructed, it should be carefully examined for conflicts and inconsistencies.

Compatibility and appropriateness of each listed use within a district should also be examined. To streamline use approvals, adjustments to the Table of Permitted Uses should result in a reduced need for special approvals. Where the existing use limitations require a Conditional Use Permit, its necessity should be evaluated. In many cases, a use could have compatibility standards built into the Zoning Ordinance. Incorporate ready-made stipulations into the supplementary regulations of the Zoning Ordinance. Finally, all uses listed on the Table should be clearly defined, and special provisions should be created for new and unusual uses that might arise.

- Enact Conditional Zoning. Conditional zoning (or rezoning) has been enacted throughout the country as a tool to better manage the impacts of a zoning change. It permits an applicant to bind the use and development of a property to specific voluntary conditions related to the use and development of a property. The key to successful conditional rezoning provisions is the voluntary nature of the process. The conditions must be offered voluntarily and not forced, although the process should allow for planning staff guidance to the applicant. The process must avoid a legal challenge of “contract zoning,” where the municipality bargains away its police powers by exchanging its powers to rezone for a specific desired development plan outcome.
- Expand administrative approvals of subdivisions to include Preliminary Subdivision Plans. The City should expand the administrative approvals to the full extent permitted by State law and delegate approval authority for Preliminary Subdivision Plans, as well. Administrative approvals further streamline the review and approval processes.
- Streamline procedures for obtaining special exceptions to the City’s design standards and specifications. Multiple applications for a single development should be merged into a single request, with the Engineering DRT committee granted approval authority for expeditious approval of routine requests. Engineering staff should also be allowed to grant administrative waivers of unnecessary application items that are required by ordinance.
- Remove the requirement for denial of a building permit prior to making application for a variance. This is an unnecessary step that encumbers the variance application process.
- Consolidate the Historic Preservation Commission and Historic Sign Review Committee into a single board and enact written guidance to aid their decisions. The Board functions overlap and can be consolidated into one body that addresses all historic preservation review cases. Such a body should have professional guidance in written form with clear illustrations to help guide their actions.

- Implement the Future Land Use components of the City's new comprehensive plan that is now in progress and include the Future Land Use map in GIS. The Future Land Use map proposed for the City's new comprehensive plan does not designate a static end state that limits future development of land to narrowly-defined land use categories (e.g., residential, commercial, industrial, etc.). In place of conventional land use classifications, the plan proposes more flexible mixed use area and activity. This approach to land use planning should prove very helpful in guiding zoning actions and development strategies and should reduce the need for plan amendments. The Future Land Use Plan map, as it currently exists and as adopted in the new comprehensive plan should be made a part of the Rapid Map GIS.
- Encourage pre-application conferences with the DRT and Building Permit TEAM, and invite applicants to attend DRT and TEAM meetings to observe the processes and answer questions that might clarify staff questions. Such conferences are now allowed but uncommon. The trust built between City staff and the development and building communities can be improved tremendously by open communications and continuing dialogue.
- Allow for administrative waivers of unnecessary application information. City ordinances and standards incorporate application requirements that are often unnecessary to a particular project. Information that is not pertinent to the review of an application should be waived, and applicants should be entitled to make such waiver requests.
- Evaluate the Development Review Team organization, authority, and procedures for efficiency and effectiveness. A comparison of how other comparable cities handle similar reviews that are performed by the DRT might reveal improved methods. Visits to select cities by the Planning Director, Current Planning Manager, and DRT members to compare processes first hand could prove valuable.



# **Development Review Team (DRT) Processes: 2010-2013 Progress Report and Assessment**

## **Section 1. Background and Scope of Report.**

On June 14, 2010, Lehe Planning, LLC, issued a report titled “Growth Management Processes Assessment.” That report was commissioned by Rapid City’s previous Mayor Alan Hanks to review the structure and operations of the City’s Growth Management Department and the planning and development review processes. Afterwards, the Mayor organized a group of staff, developers, and consultant representatives, known as the “Second Floor Review Committee” to review the recommendations in the report and implement the necessary changes. Following his election in June 2011, Mayor Sam Kooiker endorsed the Second Floor Review Committee and actively continued its efforts.

By February 2012, the Second Floor Review Committee members completed the implementation of the majority of the recommendations (see Appendix A - Second Floor Review Committee Recognition). Among the Committee’s accomplishments were revisions to several ordinance and policy revisions designed to streamline the development review processes, including the following changes:

- Completed a rewrite of the Subdivision Ordinance;
- Revised the Planned Development Overlay District;
- Created a new Planned Unit Development District;
- Created a new Administrative Exceptions Ordinance;
- Consolidated the City Future Land Use Plan Districts;
- Reviewed changes to the Infrastructure Design Criteria manual;
- Revised the front setback requirements in residential zone districts for garages; and
- Revised various application procedures.

In addition to the Second Floor Review Committee work, the Mayor and staff had completed additional revisions as a result of the recommendations in the 2010 Lehe study, including the following changes:

- Renamed the Department “Community Planning & Development Services” and reorganized the structure and staffing of the Department;
- Performed a consolidation of the Boards, Committees, and Commissions supported by the Department;
- Revised the Administrative and Enforcement section, Supplementary section, signage, fencing, air quality and various other sections of the Municipal Code;
- Adopted the 2009 International Building Codes with amendments;
- Installed new building permit and inspection software;
- Adopted a resolution establishing fees to replace the fees established by the Municipal Code;
- Created the City’s first standardized Development Agreement; and

- Secured a consulting group to prepare a new Comprehensive Plan.

Mayor Kooiker has continued his commitment to make changes and improvements to the processes. In late summer of 2013, he contacted Jim Lehe of Lehe Planning about the need for an update and by September had contracted with his firm to perform this new study. In that first conversation, the Mayor discussed four primary objectives for this 2013 update:

- 1) Validate what has occurred since the 2010 study. Have the results been positive? Has the City accurately taken stock of its progress?
- 2) How should the City move forward? What are the next steps? Is the City making too many changes, or are more warranted?
- 3) How can the City improve customer service? Can we find ways of “getting to yes?” This is not to say that the City should always say yes, but certainly, the City can facilitate development and help find solutions to bottlenecks in the development review processes.
- 4) How can the planning staff reports to the Planning Commission and City Council be improved? Are the reports overwritten? Does the staff “over stipulate” conditions for approval? Is there a better format that is succinct, yet meaningful?

Mayor Kooiker, with the full support of Brett Limbaugh, the Director of the Department of Community Planning and Development Services, and many City staff have been working along with the development community on these new ordinances, policies, and procedures over the last 18 or more months. The time is now ripe to document these changes and evaluate their effects, both positive and negative, on the development review processes. This type of assessment can not only take stock of the City’s progress to date but identify additional ways to streamline and improve the application and development review processes.

This report attempts to answer the questions laid out by the Mayor and chart a new direction over the coming years to further the City’s goal and the Mayor’s primary objectives. The underlying goal from the 2010 study is still relevant and is the same guiding principle of this 2013 assessment:

*Make the planning and development review processes, which directly affect the public, more efficient, effective, and responsive.*

## **Section 2. Status of 2010 Recommendations.**

This section reports on the City’s progress towards the implementation of each of the recommendations presented in the 2010 report. Essentially, this is a report card that validates what has occurred over the previous three years. Each of the recommendations is presented in italics, including a brief synopsis of the proposed action. The status of each is noted as “**Completed**” or “**Not Completed**” with comments added. If a task has not been completed but progress has been made towards completion, the level of progress is noted as “**(significant progress)**” or “**(some progress)**.” At least some progress has been made on all tasks that have not yet been completed.



1. Reorganize the Growth Management Department into a new Department of Planning and Development Services (or other preferred name). *The name change would give a strong public statement of the newly organized growth management processes into a more efficient, effective, and responsive organization. The size of the staff should be readjusted to reflect the better efficiency of this revised organizational structure.*

**Completed.** The department has been reorganized into the newly-named Department of Community Planning & Development Services. The size of the department staff has been readjusted from 35 to 24 full time employees. Eight of the 35 positions were transferred to the Engineering Division of the Public Works Department, including three Subdivision Engineers, three Subdivision Inspectors, one Technician, and one Administrative Secretary. Three positions were eliminated including the Assistant Growth Management Director, one Current Planner, and one Building Inspector. The result is a net reduction of three positions in the current Community Planning & Development Services Department.

- a. *The new department should have three major divisions, each managed by a division head which reports directly to the Department Director without the need for an Assistant Director: Planning, Development Review Coordination, and Building Services.*

**Completed.** The new department has been reorganized into three equivalent divisions: Long Range Planning, Current Planning, and Building Services.

- b. *The Planning Division would be further divided into two sections for Current Planning and Zoning Administration and Comprehensive Planning. All planners performing development review functions would be housed in this section.*

**Completed.** Current planning has been separated into an independent division with comprehensive planning functions reserved for the Long Range Planning Division. Zoning administration of permits is shared between the new Current Planning and Building Services Divisions with zoning enforcement conducted within the Code Enforcement Division of the Department of Community Resources.

- c. *The Development Review Coordination Division would provide administrative services to facilitate development review. It would coordinate development review and building permitting but would not be tasked with performing the actual reviews and permit approvals. A Development Review Coordinator would be supported by clerical staff to ensure completeness of applications and usher them through the review and approval processes. Division would also serve as an intermediary between the applicant and the City staff and review and approval boards, such as the Planning Commission, Zoning Board of Adjustment, or Council, assuring the expediency of review and approval processes. The two*

*counters would be merged into a single counter that serves development review and building permit applications.*

**Completed.** Development review is coordinated through the new Current Planning Division under the direction of the Division Manager, and the Building Services Division maintains responsibility for building permitting under the direction of the Building Official. Two separate counters are maintained directly across from one another. A new counter for the Development Engineers was constructed directly adjacent to the Current Planning counter to provide a single service area for customers with access to Building, Engineering, and Planning Services.

- d. *The Building Services Division would continue to function as it has, except with the full management authority of the Division vested in the Building Official. The Building Official will assign functions within the Division for plans examination, inspections, etc.*

**Completed.** The Building Official now has full management authority over the Building Services Division functions.

2. *Adopt an ordinance that reorganizes the one-stop permitting and permit review process. This ordinance should be drafted in conjunction with the reorganization of the Growth Management Department, which would create a new Development Review Coordination Division. The American Planning Association publishes guidance, including a model ordinance, for creating this process. (See attached APA report on its recommended "Model Unified Development Permit Review Process Ordinance" in Appendix D).*

**Completed.** The City has established a one-stop permitting and permit review process without the need for an ordinance.

3. *Merge all engineering functions from the Growth Management Department into the Public Works Department. This merger would establish a single Engineering organization within the City. The efficiency of this merger should result in additional cost savings with at least one less engineer. All engineering project managers, engineering technicians/inspectors, as well as the stormwater and air quality specialists would function better within the Engineering Division of the Public Works Department. Additional benefits would be realized by the effectiveness of engineering reviews to consider the extensive master plans, specifications, and standards developed and administered by the Public Works Department.*

**Completed.** All engineering functions have been moved to the Engineering Division of the Public Works Department. The Air Quality Specialist position has been moved into the Building Services Division.

4. *Publish a Development Review Handbook.* *This handbook would set forth clear, simple, and consistent guidance to applicants for all development review procedures.*

**Not Completed (some progress).** A handbook has not been published. Instead, individual application packets for each development review process have been compiled as public handouts. The application information is also available on the City website.

5. *Reduce the load on the Planning Commission.* *Over the first five months of 2010, the Planning Commission agendas included over 400 items or over 80 items per month. Planning Commission agendas of comparable cities within the region have on average less than 10 items per month (see Appendix A for comparisons). Moreover, the Rapid City Planning Commission meets twice a month compared to a typical monthly meeting schedule among comparable cities. Preparations for these lengthy meeting agendas are a major effort among Growth Management Department staff.*

**Not Completed (significant progress).** Between 2012 and 9/30 of 2013, the City had processed a total of 566 land use applications for the 21 month period. This is an average monthly load of 27 applications, including administrative approvals. The decrease in applications is the direct result of changes made to the State statutes, City ordinances, plans and policies. For example, a revision made to the State statutes that clarified that an 11-6-19 application process was not necessary for public projects eliminated over 100 cases per year. In addition, changes to the City subdivision ordinance, zoning ordinances, Land Use Plan and internal policies eliminated on average 30 to 60 additional applications per year. What is most significant during this recent period is the public hearing demands. By shifting many of the review processes to administrative approvals, the public hearing demands on the Planning Commission have been reduced to an average of 15 per month or 7.5 per bimonthly meeting. This is a remarkable achievement with further streamlining an ongoing objective. A recent report of land use application activities is included in Appendix B.

*To reduce the load, the following processes would need to be modified, as described:*

- a. *Repeal the Future Land Use Plans.* *The future land use plans may be used as a land use forecasting tool required for utilities planning, hydrology, traffic forecasting, and other purposes, but has no value as a land use planning guidance tool for zoning actions. Future land use designations are overly detailed (with up to 40 or more classifications) and bear little relation to actual future zoning demands. The land use plan should instead be a guide to zoning actions and should be developed as one of many guidance tools developed in a newly-established comprehensive planning process, as described below in paragraph 6. This repeal would considerably reduce the "Plan Amendment" items on the Planning Commission agendas.*

**Not Completed (significant progress).** The multiple future land use plans have been consolidated into a Future Land Use Map, and the 40+ detailed land use classifications have been reduced to five broad categories. The City still requires a plan amendment for a rezoning to maintain consistency with the Future Land Use Map, but the rezoning and plan amendment processes are now completed concurrently with a single application fee. The City is in the process of updating its future land use component of the new comprehensive plan, which is now in progress.

- b. *Modify the Planned Development Regulations. Planned development provisions in a zoning ordinance should be designed to add flexibility and encourage creativity in subdivision and site design for large land parcels. The existing regulations serve only to add additional and maybe arbitrary City land use controls without clear purposes. For example, in a recent Planning Commission meeting, a day care center proposed to occupy a former funeral home building on a single lot went through Planned Residential Development (PRD) approval. Obviously, this is not a true "Planned Residential Development." Providing zoning provisions for true planned developments would further reduce the Planning Commission load.*

**Not Completed (some progress).** The City enacted new Planned Development (PD) Overlay District and Planned Unit Development (PUD) District in April of 2012. Along with these new district provisions, the 2012 ordinance amendments further allows minor modifications to the approved plans in a PD to be handled administratively. The new PUD allows for maximum flexibility to customize zoning standards for a development, but no PUD applications have been submitted since enactment. Although the new PD Overlay District provisions considerably streamline review and approval processes, it still does not facilitate flexibility and creativity of subdivision and site design. The PUD District can be better applied for those purposes.

Unlike planned development regulations in many other cities, which are established to invoke creativity in development, the planned development regulations of the PD Overlay District are used for other purposes. First, the PD is essentially a means to obtain multiple variances, which bypass standard variance procedures handled by the Zoning Board of Adjustment. Second, the PD designation is used as a stipulation for rezoning approval. The rezoning process does not require a site plan, but with the PD designation, development plan approval is required after the rezoning has been approved. In the past, the PD was also used as a means of control over design elements, such as architectural style, landscaping, site layout, etc., that otherwise could not be regulated by the zoning ordinance.

Planned development regulations should promote development that is economically efficient while also encouraging imaginative design that is compatible with adjacent land uses. The City continues to use it as a development control, rather than an incentive for creative development and design. As before the recent PD update, these regulations still do not invite creatively planned developments.

- c. Establish administrative approval authority for subdivision plats. *South Dakota law in Section 11-3-6 permits the City Council to “by resolution designate an administrative official of the municipality to approve plats in lieu of approval by the governing body.” Although Rapid City has given the “Planning Department” authority to approve final plats (Section 16.08.035 of the Rapid City Municipal Code), the extent of approvals could be expanded to include resurvey of lot boundaries and other minor subdivisions. Even approval authority of preliminary plats could be delegated to an administrative official. The Director of the reorganized Growth Management Department (Department of Planning and Development Services), the Public Works Director, or the City Engineer would all be reasonable appointments to assume this approval authority. This delegation of subdivision approval authority would further reduce the size of the Planning Commission agenda.*

**Not Completed (significant progress).** The City Council enacted a new Subdivision Ordinance in February of 2012, as well as a new Design Criteria Manual for Infrastructure, which works in conjunction with the City’s existing specifications for public works construction. The new procedures allow for administrative approvals of most subdivision requests, except Preliminary Plans. These must still be heard by the Planning Commission and approved by the City Council, although the State Code allows for the City Council to delegate approval authority for all subdivision plats (including Preliminary Plan approval). The State Code, however, requires the governing body to reserve approval authority for all public right-of-way vacations; consequently, all applications for public right-of-way vacation plats must be reviewed by the Planning Commission and approved by City Council.

The new ordinance also assigns authority to the City Engineer to approve exceptions to the companion design criteria to the Subdivision Ordinance. This has resulted in a considerable reduction in the Planning Commission and Council caseloads due to the elimination of several of the engineering standards from the subdivision ordinance. In the past, an engineering requirement that was within the Subdivision Ordinance required a separate subdivision variance application. Although the new procedures have eliminated subdivision variance applications through the Planning Commission and City Council, the procedures have increased the load on the City’s engineering staff. The staff now processes exceptions to all engineering criteria administratively. The only remaining role for the City Council is to act on appeals of administrative denials. Council action is done without Planning Commission involvement whatsoever.

- d. Examine and modify the Conditional Use Permit authority of the zoning ordinance. Many of these conditional uses could be permitted by right with conditions presented in the text of the zoning ordinance. “Supplemental Use Regulations” could be added to assure compatibility in design and operations of selected uses. Other conditional uses might be reassigned to the Zoning Board of Adjustment as Special Exception Uses. These uses would be listed in each district as “Special Exception Uses” requiring Board approval. The few remaining uses, if any, would be subject to Planning Commission approval.

**Not Completed (some progress).** No formal action has been taken to change the permitted uses and procedures for approval. The staff, however, has taken initial steps to create a comprehensive table of permitted uses and conditional uses to give a snapshot that can be examined to spot potential modifications to the use listing and approval methods. The “Special Exception Use” by the Zoning Board of Adjustment has never been tried but will be presented as a consideration in the new table of uses.

6. Initiate a meaningful and visionary process of comprehensive planning. A new and reinvigorated process of comprehensive planning would begin with a visionary plan that reflects community values and long term goals for future growth and development, along with infrastructure and facilities required to accommodate future demands. The existing Future Land Use Plans would serve as a basis for developing the City’s comprehensive plans. Examples from other communities, such as Sioux Falls, Lincoln, NE, Manhattan, KS, St. Cloud, MN, Casper, WY, Cheyenne, WY, and select comparable cities should be reviewed to appreciate scope and depth of a meaningful comprehensive plan. Fortunately, South Dakota law does not dictate the methods and content of a comprehensive plan; this allows broad flexibility to fit the comprehensive plan to Rapid City’s unique growth and development needs.

**Completed.** The City kicked off its first comprehensive plan in more than thirty years with a series of community meetings to invoke public participation in the planning process. This series of meetings began in August of 2013 and were scheduled to conclude in January of 2014. The plan should be completed in the spring of 2014.

7. Modernize all land use and development controls into a Comprehensive Unified Development Code. Communities nationwide and throughout the region have been examining their current ordinances and creating more modern and responsive regulations that reflect changing land development practices and land use conventions. Modernization should be tightly integrated into the comprehensive planning process and become a logical outgrowth of the City comprehensive plan. The entire process for creating the plan and ordinance should begin with the quick fixes identified in item 5 above and be scheduled for completion over a three year period. Zoning and land development regulations should be coordinated as plan implementation tools within the comprehensive planning process and be examined from time to time for effectiveness. A regular process of examination could maintain

*modern and effective land use controls that are clearly designed to implement community goals and objectives. A major update should occur every five years, with an annual interim review of the plan and implementation measures. Many communities have adopted a “Uniform Development Code,” which consolidates all zoning, subdivision, flood plain, storm water, air quality, building, and other land development controls into a single, coordinated volume. Such a code should be developed as the final implementation phase of a continuous comprehensive planning process. Likewise, the process must also examine and update administrative rules and procedures needed for the effective administration and enforcement of the Unified Development Code.*

**Not Completed (some progress).** The City anticipates developing its first Unified Development Code as a mechanism for implementation of the new comprehensive plan. The new code will not only consolidate all development-related ordinances but also give the City the opportunity to modernize its land use controls and resolve inconsistencies and archaic standards.

8. *Make full use of the City’s GIS capabilities to support planning, development review, and building inspection services.* *GIS is a valuable tool to support a host of City functions and operations. It is especially useful to the mapping and analysis requirements for developing a comprehensive plan and can also be used to facilitate record keeping and monitoring of development review and permitting processes, as well. Of critical importance is a digital zoning map and GIS database of the City’s records to replace the large paper map fastened to the wall in the Growth Management Department offices.*

**Completed.** All City departments and staff share the use and application of its comprehensive GIS database and mapping system. A digital zoning map has replaced the wall map.

9. *Automate the permitting and development review processes.* *Some progress has been made in creating digital records and management systems for permitting purposes. These efforts need to be supplemented by installing and maintaining a comprehensive permit management software program that is directly linked and integrated into the City’s GIS database. As the system develops over time, an “E-Permits” option could allow public access to file development review and building permit applications on line, monitor the progress of application review and approval, and communicate directly with City review and coordination staff to resolve any application issues. Automation can help processes progress without delay and keep the applicant (and interested community) informed.*

**Not Completed (significant progress).** The City activated its automated permitting system in May of 2012 jointly with Pennington County. CRW Systems TRAKit land management software provides an automated system for permitting, inspections, integrating GIS data, preparing reports, and managing permit-dependent information, among other capabilities. The system is used primarily by the Building Services Division and the Fire Marshall’s office. Additional modules must be added to expand its functions to automate all land use applications. The

City staff has also discussed adding Code Enforcement activities performed by personnel in the Community Resources Department and additional licensing activity performed by the Finance Department to the CRW database.

10. Reorganize the Development Review Team into a Development Review Coordination Team. *The purpose of this team should be to facilitate the development review processes for major developments and coordinate review among City departments, the County and other agencies. It should not be solely a preparation ground for the next Planning Commission cycle of agenda items. The nickname "Dirt" for the DRT acronym should be dropped in favor of a nickname that conveys coordination and facilitation (such as "Coordination Team," "the Facilitators," or simply the "Team"). The reorganized Development Review Coordination Team should be chaired by the head of the newly-established Development Review Coordination Division. The Team should conduct pre-application and other periodic conferences with applicants, as necessary to communicate application requirements and determinations throughout the review processes.*

**Not Completed (some progress).** The DRT ("Dirt") name has remained but does not seem to be an issue after team members experimented with alternative names and acronyms. The DRT meetings and processes are now chaired by the Manager of the newly-established Current Planning Division. Its function includes the coordinated review of all land use applications, including those administrative review items that do not require Planning Commission action. The DRT does not normally conduct pre-application conferences, although applicants are encouraged to do so.

11. Recruit professionally- qualified planners as vacancies occur. *The preferred qualifications for a professional planner should be a graduate planning degree from a recognized planning program. For higher planning positions, certification by the American Institute of Certified Planners (AICP designation) would be preferred. Although South Dakota does not offer degree programs in urban planning, there are schools within the region where relationships could be established to offer internships and assist with City recruiting efforts.*

**Completed.** All planning vacancies filled since the 2010 report have been filled by professional planners holding master's degrees from accredited urban planning programs. The Director actively recruits entry level planners from schools within the region.

12. Maintain competitive salaries for professional planning staff. *Competitive salaries should be maintained to recruit well qualified planners. At the top end of the City's current salary scale is the Director. The upper limit of the Director's salary at \$128,731.00 places it among the top 8% of all planners nationwide and assures the City that it can attract among the nation's top talents should a vacancy occur. The Assistant Director range of \$69,430.00 to \$105,643.00 is likewise very competitive, with only 19% of all planners nationwide earning \$100,000 or more per year. The upper limit of the Planner series is \$71,177, near the \$70,000 average of all*



planners nationwide. The bottom salary, however, of \$36,545 is low with only 4% of all planners earning less than \$40K per year. The Planning Coordinator limit of \$78,561 is above the \$70,000 average with about 36% all planners nationwide earning over \$80,000. These salaries should be revised periodically to maintain a competitive edge in recruiting qualified planners.

**Not Completed (some progress).** All of the job descriptions for the Department were revised in 2012 as a result of the reorganization of the Department. The Planner job descriptions were expanded to include three positions based on the level of education and years of experience (Planner I, Planner II, and Planner III). Each designation has a separate salary range and those salary ranges overlap. The table below indicates that there are significant differences between the compensation levels currently offered by the City when compared to the 2012 National averages compiled by the American Planning Association (APA). More complete APA salary survey results are included in Appendix C.

**Table 2-1. Planning Staff Salary Comparisons**

City & APA Salary Numbers	Planner I	Planner II	Planner III
City Salary Range	\$38,883 - 59,898	\$42,910 - 66,102	\$49,771 - 76,689
City Midpoint Average of Steps II/J	\$48,244	\$53,277	\$61,779
2013 City Actual Pay and (number of positions)	\$38,883 (2)	\$44,538 (2)	\$69,465 (1)
APA 25 <sup>th</sup> Percentile	\$41,800	\$48,000	\$55,000
APA 50 <sup>th</sup> Percentile	\$47,200	\$53,600	\$62,000
APA 75 <sup>th</sup> Percentile	\$55,000	\$60,000	\$73,000

Notes: Both Planner I positions in Long Range Planning resigned in 2013. The Planner II positions in Current Planning and Planner III position in Long Range Planning were the result of promotions in 2013.

Salaries for the Planner I, II, and III positions fall below national averages, which could contribute to high staff turnover for these positions. Moreover, no significant adjustments to these salary ranges have been made since 2010. According to the 2012 APA survey, the national median (50<sup>th</sup> percentile) salary of a staff planner with a master's degree in planning and less than two years' experience was \$47,200. The starting Planner I position with equivalent qualifications currently pays \$38,883, which is \$8,317 below the median, and the Planner II salary begins at \$42,910, which is \$10,690 below the \$53,600 median of a certified planner with a master's degree in planning and three to four years of experience. Likewise, the Planner III salary at the beginning of the scale is much lower than the national average. Planner salaries do not become competitive until the individual reaches the midpoint of the City's salary range, which could take years to attain. Each step within the 36-step compensation schedule requires a one year waiting period. This means attaining the mid-step could take as long as 18 years! There are, however, some exceptions to this constraint for exceptionally qualified candidates: (1) the Director may hire up to a step D (15% above the starting step A) with the Mayor's approval

and above a step D with Council approval, and (2) a Planner I or II may be promoted by the Director to the next level, Planner II or III, when the individual achieves the minimum required years of experience.

**Table 2-2. Supervisory Planner Salary Comparisons**

City & APA Salary Numbers	Division Manager	Department Director
City Salary Range	\$54,927 – 84,629	\$90,000 – 138,670
City Midpoint Average of Steps II/J	\$68,189	\$111,716
2013 City Actual Pay and (number of positions)	\$80,551 and \$82,569 (2)	\$98,146 (1)
APA 25 <sup>th</sup> Percentile	\$88,500	\$93,000
APA 50 <sup>th</sup> Percentile	\$90,500	\$107,800
APA 75 <sup>th</sup> Percentile	\$107,800	\$124,800

The City also revised the Planning Manager and Director job descriptions as part of the 2012 reorganization. The APA table in Appendix C indicates a median salary of \$90,500 for a planner working in a local planning agency serving a jurisdiction with a population between 50,000 and 100,000 persons and supervising 10 to 14 individuals. The two Planning Managers are near the top of their salary scales but earn less than the national median. Should either position be vacated, the City would find its entry salary of \$54,927 a hindrance to hiring a qualified individual. The median salary of \$107,800 for a local planning director with a master’s in planning and AICP, serving a similar-size jurisdiction is \$9,654 above the actual pay of the Planning Director. The Mayor is considering an employment contract for the Planning Director and other Department heads.

### **Section 3. Evaluation of Development Review Team Processes**

This evaluation lays the foundation for recommending continued improvements to Development Review Team Processes. It evaluates each process and identifies both positive aspects, which present opportunities to strengthen efficiency, effectiveness, and responsiveness of existing processes, and also shortcomings, which are issues that hinder the processes.

To conduct a thorough assessment, this Consultant first reviewed extensive background information provided by mail and email by Brett Limbaugh, the Planning Director, Vicki Fisher, the Current Planning Manager, and other current planning staff. A series of telephone interviews and email communications with the Planning Director next ensued. The Director helped the Consultant navigate the City’s website, which presented a wide range of additional materials for review: agendas, staff reports, application forms and procedures, plan documents, ordinances, regulations, and other relevant materials. The Consultant made a considerable effort to review the background materials in depth prior to making an on-site visit.

The on-site assessment was conducted during the entire week of September 23<sup>rd</sup>, beginning early in the mornings and ending late each evening. During this period, the Consultant interviewed 24 individuals, including four public officials (the Mayor, two Council members, and the Planning Commission Chair), 12 City staff from three departments who are directly involved in the development review processes, the Pennington County Planning Director, and seven individuals from private sector interests affected by the review processes, as listed on the following table:

**Table 3-1. Interview Participants**

<b>Name</b>	<b>Position</b>	<b>Sector</b>	<b>Organization</b>
Sam Kooiker	Mayor	Public Official	Office of the Mayor
Brad Estes	City Council Member	Public Official	City Council
Chad Lewis	City Council Member	Public Official	City Council
John Brewer	Planning Commission Chair	Public Official	Planning Commission
Brett Limbaugh, AICP	Director	Staff	Comm. Plng. & Dev. Svcs.
Vicki Fisher	Current Planning Manager	Staff	Comm. Plng. & Dev. Svcs.
Andrea Wolff	Administrative Secretary	Staff	Comm. Plng. & Dev. Svcs.
Carol Campbell	Administrative Secretary	Staff	Comm. Plng. & Dev. Svcs.
Fletcher Lacock	Current Planner II	Staff	Comm. Plng. & Dev. Svcs.
Robert Lacoco	Current Planner II	Staff	Comm. Plng. & Dev. Svcs.
Brad Solon	Building Services Manager	Staff	Comm. Plng. & Dev. Svcs.
Dale Tech, P.E.	City Engineer	Staff	Engineering Division
Ted Johnson, P.E.	Engineering Project Manager	Staff	Engineering Division
Nicole Lecy, P.E.	Project Engineer	Staff	Engineering Division
Brandon Quiett, P.E.	Project Engineer	Staff	Engineering Division
Tim Behlings	Assistant Fire Chief	Staff	Fire Department
Dan Jennissen	Director of Planning	Staff	Pennington County
Keith Carlyle*	Owner/Real Estate Broker	Private	The Real Estate Group
Bill Freytag	Developer	Private	Retired
Jerry Foster, P.E.	Vice President - Civil Engineer	Private	FMG Engineering
Mitch Kertzman, P.E.	Civil Engineer	Private	Renner & Associates
Kale McNaboe, P.E.	Consulting Civil Engineer	Private	Sperlich Consulting
Dave Much, P.E.	Principal - Civil Engineer	Private	Ferber Engineering Co.
Hani Shafai, P.E.	Pres. - Civ. Engr./Developer/Prop. Mgr.	Private	Dream Design Intern.
*Former Mayor			

The Consultant attended meetings during the same week to observe review processes first hand and also participated in other relevant events, as listed on the following table:

**Table 3-2. Meetings and Events**

<b>Meeting or Event</b>
Planning Commission Public Meeting
Current Planning Division Staff Meeting
Engineering Development Review Team Staff Meeting
Development Review Team Meeting
Fire Department Permit Review Staff Demonstration
Field Observances of Planning Commission Agenda Items

The results of these investigations follow.

### **Positive aspects and opportunities**

The Rapid City development review processes have many positive attributes, as described here:

1. City leaders, especially the Mayor and Director of the Community Planning & Development Services, have a genuine and fervent commitment to streamlining and improving the effectiveness of development review processes. This same enthusiasm extends to the City staff who are directly involved with the administration and delivery of these services to the public. City staff members are earnest in their roles and thorough.
2. The City has made remarkable strides in implementing the most crucial recommendations of the 2010 study. Particularly noteworthy are the following accomplishments: (1) the reorganization of the Growth Management Department into the Department of Community Planning & Development Services with three functional divisions; (2) the hiring of a highly qualified planning professional to head up the newly-organized department; (3) moving development review engineers to the Engineering Division of the Public Works Department; (4) the consolidation or elimination of 45 boards, commissions, and committees, which reduced planning staff support to just nine committees; (5) the complete rewrite of the Subdivision Ordinance and the standardized Development Agreement, which creates administrative approval authority for many subdivision applications; (6) a marked decrease in the number of Planning Commission agenda items; (7) a new PUD ordinance that can be used for creative development proposals; (8) the rewrite of job descriptions for the Director, Planning Managers, and the tiered Planners I, II, and III positions, and the recruitment and hiring of degreed urban planning professionals; (9) the replacement of the paper zoning map with a digital map, as well as broadened GIS applications to support development review processes; (10) consolidation of over 40 future land use plan classifications into six broad categories; (11) the launching of a meaningful and visionary comprehensive planning process to effectively guide the City's long term growth and development; (12) activation of the CRW Systems TRAKit software for automated permit management; and (13) the organization of permitting and information counters to facilitate one-stop permitting.
3. The active participation of affected interests on the Second Floor Review Committee demonstrates a heightened awareness of development review issues and a high degree of community and staff support for improvements to the processes.

4. The Community Planning & Development Services Department continues to have solid interdepartmental and interagency relations. Outstanding office facilities in close proximity to the Engineering Division and GIS contribute to the tight bond among City staff and their ability to work cooperatively towards common goals. The City has effectively implemented a one stop permitting system with a cluster of three counters – current planning, building services, and engineering – functioning cooperatively to administer the three-in-one-stop system. Counter staff appear to be courteous and helpful to applicants and often perform considerable hand holding, if necessary, to walk applicants through the many often-complicated processes.
5. As first observed in 2010, public meeting facilities for the Planning Commission are exceptionally equipped with the latest in multi-media technology for public outreach. Extensive public outreach activities extend to the City's website, as well, which broadcasts live meetings to the general public and makes archived meetings available for viewing. The length of these meetings has sizably decreased since 2010. This decreased load results in reduced burdens, not only on the Commission, but also on applicants and staff.
6. The planning staff makes expert and concise presentations on agenda items that are plainly understandable by the Planning Commission and the general public. The staff makes full use of the City's mature and comprehensive GIS databases that contribute to the depth and ease of understanding Planning Commission agenda issues.
7. Also observed in 2010, the City staff members have extensive knowledge of regulations and procedures, all of which can be accessed through the City's website and information handouts at the public counters. Open government through public information and participation continue as City priorities. The City's website further enriches public understanding of development review issues with complete information on all cases: agendas, staff reports, maps, digital photos, applicant submissions, etc.
8. The City's GIS professionals maintain an outstanding service to all City departments and the public through application of Rapid Map GIS services. This is a rare and valuable commodity that Rapid City freely offers to the public.
9. The Development Review Team (DRT) brings together planners, engineers, public utilities representatives, fire prevention professionals, and staff representative of other entities to bring about coordinated and thorough reviews of development proposals.

### **Negative aspects and issues**

Finding solutions to the following negative aspects and issues confronting development review processes is a major focus of this report, as noted here:

1. The Planned Development (PD) District overlay is ineffective and does nothing to encourage flexible and creative development proposals. The PD is, in effect, a combination of variances that circumvent Zoning Board of Adjustment procedures. It is a cumbersome and needless process. Unlike the PUD District, it bears no relationship to a planned development. It can be used as a means for the DRT to control development in the absence of clear criteria and standards otherwise missing from the

development ordinances and often results in a property owner giving up significant controls over a development to the City. Understandably, engineering professionals and developers do not like the PD. One interviewee emotionally expressed his dislike of the process as, “avoid it like the plague.” Other zoning tools, which are discussed in the recommendations section of this report, can be used to better address DRT issues and more fairly balance the support and interests of property owners and developers with the public interests of the City and surrounding properties.

2. The automation of permitting is incomplete, which sustains cumbersome application procedures for DRT processes. The TRAKit system is limited to building permit and related applications. The myriad of applications administered by the Current Planning Division have not been integrated into the automated system. Instead, applications are submitted manually and often require needless information to abide by the letter of the application instructions. Manual processes can result in disjointed reviews and cumbersome application procedures, with much of the required information irrelevant to the review at hand. Multiple copies of design drawings are still required for application submissions at significant costs. Often times, multiple actions are required for the same site and with the manual processes, reviews are sometimes not conducted concurrently, resulting in needless and excessive delays. The development review processes without full automation can be cumbersome, time consuming, and labor intensive for an applicant’s engineer, which in turn can increase engineering fees.
3. Although the number of Future Land Use Plan classifications has been reduced from over 40 to just six categories, the plan has little relevance as a land use guide to rezonings. It is still used as a super zoning map, but the amendment process has been streamlined to allow concurrent applications for a rezoning or other application and a plan amendment.
4. Planning staff are not competitively paid in comparison to national averages documented by the annual APA salary survey (see Appendix C.). As presented in Section 2 above (see response to 2010 recommendation #12), the starting pay of a Planner I is \$8,317 below the median, and the Planner II salary is \$10,690 below the median of a certified planner with a master’s degree in planning and three to four years of experience. Similarly, the Planner III salary at the beginning of the scale falls short of the national average. Although the midpoint of each grade compares to national averages, reaching the midpoint could take many years to attain under the City’s current 36-step salary schedule. Under the current schedule, it could take as long as 18 years for a planner to achieve the midpoint step. Low salaries make it difficult to recruit and maintain qualified planning professionals in nonsupervisory positions. Supervisory planners are likewise paid below national averages. This creates the possibility for frequent turnover of the Director’s and Planning Manager positions, as well. Regular salary comparison studies and a reasonable grade and step advancement system are lacking.
5. Staff reports to the Planning Commission and City Council are poorly organized and not focused on the most relevant issues and considerations. This results in reports that provide little meaningful guidance to decision makers. Reports tend to be loaded with irrelevant information and unnecessary stipulations.
6. Although the staff members that deal with the public on a regular basis are sincere in their helpfulness, customer service and public relations can always be improved with

ongoing training in customer relations. An attitude of “you can’t do that” or “let’s say no” is sometimes the public impression.

7. As was the finding in the 2010 Study, complaints persist among all private sector interviewees of overly cumbersome and detailed development application requirements, review processes, and approval stipulations. Application requirements and standards established by ordinance are rigidly enforced with little or no flexibility to waive unnecessary information.
8. The City’s existing zoning ordinance is dated with hundreds of amendments since it was first enacted in 1962. The City lacks a regular update schedule to remove inconsistencies, evaluate the district land use listings, and clarify zoning provisions. The existing zoning ordinance is not an effective implementation tool for the City’s new comprehensive plan.
9. The platting processes are still encumbered by unnecessary public approvals, such as the Preliminary Plan, which could be handled administratively.
10. The City’s historic district lacks published design review guidelines. This can create arbitrary actions and hinders the ability of the Historic Preservation Commission and the Historic Sign Review Committee to implement sound design objectives.
11. Despite the extensive consolidations of boards and committees, historic preservation design review is still split between two separate bodies.
12. Exceptions to the City’s Design Criteria have been shifted to the City Engineer, but the processes for obtaining exceptions are often cumbersome and time consuming. A separate application must be submitted for each exception for a single development proposal.
13. A variance application to the Board of Zoning Adjustment first requires denial of a building permit. There is no reasonable explanation for this procedural requirement.
14. The City’s Future Land Use Plan map is not included in the Rapid Map GIS database.

## **Section 4. Recommendations**

This section presents recommendations to respond to the issues and opportunities reported in the previous section of this report. These recommendations focus on measures to improve development review processes and are in keeping with the underlying goal of this report to “*make the planning and development review processes, which directly affect the public, more efficient, effective, and responsive.*”

1. Repeal the Planned Development (PD) Overlay District in its entirety. As mentioned in the 2010 study, planned development provisions in a zoning ordinance should be designed to add flexibility and encourage creativity in subdivision and site design for large land parcels. The PD regulations have since been modified by merging a variety of PD districts for specific uses into a single multi-use district, but the same issues

persist; the regulations serve only to add additional and possibly arbitrary land use controls without clearly-defined purposes and approval standards. The property owner often gives up control through the PD process, in exchange for approval of a related proposal, such as a rezoning or conditional use approval.

More effective and fairer methods of land use control can replace the PD, such as the following zoning tools: (1) wider application of the newly-enacted PUD zone; (2) conditional rezoning; (3) supplemental use regulations to manage the compatibility of certain permitted uses in a given district; (4) a formalized site plan review process for a certain threshold of development; (5) approval stipulations for conditional uses; (6) adding special exception uses for approval, with optional stipulations, by the Zoning Board of Adjustment; and (7) exercising the proper authority of the Zoning Board of Adjustment to grant variances. Many of these alternative zoning tools are discussed in other recommendations presented within this section.

The PD zoning provisions have been in place for many years and affect many properties. These previously-approved developments can remain in place and should be grandfathered in after the PD District has been repealed. With a proper grandfathering provision, the previously-approved variances and stipulations would survive the abolishment of the PD Overlay District.

2. Fully automate all DRT application processes administered by the Current Planning Division and expand and continually upgrade the CRW Systems Land Management Software to its full capabilities. The ProjectTRAK and eMARKUP modules, among other modules and features, should be added to expand the automation capabilities beyond building permits to include all DRT applications (rezonings, conditional use approvals, PUDs, subdivision plats, etc.) and eliminate the need for all paper applications entirely. All applications and development plans should be submitted electronically with digital signatures of applicants and design professionals accepted by the City. An expanded system provides for fully coordinated reviews across all participating departments and agencies. Further, the system eliminates the need for multiple and costly paper drawings and manual revisions and allows for real-time interaction among the reviewers and the design professional. Of course, the additional software modules and features will require certain items of hardware, including robust computers, laptops, tablets, large-capacity storage, a large format scanner, a large format printer, staff training, etc. A technology fee can be added to existing application fees to eventually return the City's initial investment in software, hardware, and training.

The Mayor should appoint an interdepartmental committee, co-chaired by Tim Behlings, Assistant Fire Chief/Fire Marshall and Brad Solon, Building Official, to complete a comprehensive needs assessment and program, including cost estimates to upgrade, enhance, and fully implement the CRW Systems Land Management Software.



3. Revise formats of staff reports to the Planning Commission and City Council. Staff reports should be concise and highlight the primary issues of concern to decision makers. The model staff reports in Appendix D have very few components and are succinct and to the point. The first component is the recommendation, listed at the top in bold. Stipulations, if any, would be included in the recommendation, as “Approval with the following stipulations ...,” as shown in the second model for a PD request. Stipulations should be limited to conditions for approval that are not otherwise required by ordinance or standard administrative procedure. In some cases, a request might be approved without any stipulations. Next, the model report includes the “Background and Analysis.” This summarizes the most salient background information for the decision makers’ understanding. A simple map of the location, surrounding zoning and land use, and other relevant information is featured. The final part of the report rates the consistency of the request with the review criteria of the applicable ordinance, or once the City’s new comprehensive plan is in effect, consistency with applicable plan policies and criteria. The ratings of each criterion are few and straightforward: ++ exceeds criterion, + meets criterion, 0 neutral, or NA - does not meet criterion.

A separate “Staff Advisory Report to the Applicant,” as included in Appendix D, should also be prepared. This second report reduces the need for the large number of items typically listed as stipulations in the report to the Planning Commission and Council. Instead, this report directs advisory information to the applicant. As a public document, the Staff Advisory can still be accessed by members of Planning Commission or City Council for their additional background information.

4. Establish a competitive salary schedule for planners. A salary survey should be commissioned immediately to maintain nationally competitive salaries for professional planning staff. Further, the 36-step pay schedule should be reduced to a more reasonable number of steps (8 to 12) with the Director given the latitude to hire above the entry steps within a pay grade (in some instances, even at the highest steps) should exceptional qualifications merit a higher starting salary. The Director should be hired on a contractual basis with a negotiated salary anywhere within the assigned grade for the Director’s position. These actions should create stability, which is especially important in this Department where so many changes have been brought about in recent years.
5. Create a customer friendly atmosphere by improving customer service and staff relations with the general public and applicants. Staff members who regularly interact with the public - the counter staff, in particular - should undergo periodic and regular training in customer relations. One such course offered by local certified trainers is the “DiSC” (Dominance, influence, Steadiness, Conscientiousness) profile training recommended by one of the interviewees. DiSC has been widely used throughout the country and by some large Rapid City businesses “to improve work productivity, teamwork, and communication.”

Another mechanism for improving customer relations is an Ombudsman that can serve as an advocate for outside businesses that are not accustomed to dealing with Rapid City or even seasoned applicants that need help in getting through some difficult hurdles in the application processes.

A “getting to yes” attitude should be instilled by the Mayor and Director among planning staff and pervade throughout the many processes. This is not to say “yes” all of the time; instead, “getting to yes,” means finding solutions to development review obstacles to make “yes” possible.

A customer friendly atmosphere is not controlled solely by people, but it extends to the systems in which people administer development review processes. Improvements to technology and automation, professional staffing, reasonableness of regulation, streamlining review, and other actions designed to make development review “*more efficient, effective, and responsive*” all contribute to improved customer service and relations.

6. Update the zoning ordinance in accordance with the goals and policies of the City’s new comprehensive plan, and integrate zoning, subdivision, and associated land development ordinances into a Unified Development Code. This is a similar recommendation carried over from the 2010 Study, which has not yet been completed. The City should examine all of its zoning and land development ordinances for modernization that responds to changed land use and development practices. The update and consolidation of ordinances into a Unified Development Code is especially important to the effective implementation of the goals and policies of the City’s new comprehensive plan. The update process must be tightly integrated into the comprehensive planning process and become a logical outgrowth of the City’s new comprehensive plan. Once the new Unified Development Code has been completed and adopted, a regular process of examination should maintain modern and effective land use controls that are clearly designed to implement community goals and policies of the comprehensive plan. A major update of the Code should occur every five years, with annual reviews in the interim period. The update cycle should also examine and update administrative rules and procedures needed for the effective administration and enforcement of the Unified Development Code.
7. Perform a detailed examination of all permitted uses by zoning district and make adjustments, as necessary. Begin with a “Table of Permitted Uses,” which charts all land uses and notes how and if each use is permitted within the districts. The table in Appendix F provides a good example, where all uses are listed in the first column and all districts are listed along the top row. A cell is created to signify if and how the use is permitted. The sample table uses the following key:

- P = PERMITTED USE. Use permitted subject to appropriate permits being issued in accordance with this ordinance.*
- S = SPECIAL EXCEPTION USE. Use permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.*
- C = CONDITIONAL USE. Use permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.*
- N = USE NOT PERMITTED.*

The Rapid City Table of Permitted Uses would be similar, except how each use might be permitted would differ. Rapid City now has uses permitted by right (P in the above sample or the letter R could also be used) and conditional uses (C in the sample table) likewise require Planning Commission approval (with appeals to Council).

The City does not have any provisions for a “Special Exception Use,” which is a type of conditional use assigned to the Zoning Board of Adjustment for review and approval (allowed by Section 11-4-4.1 of the South Dakota Code of Laws). Conditional use approvals by both the Planning Commission and the Zoning Board of Adjustments are typical zoning practices nationwide and should be included in the Rapid City Zoning Ordinance.

Once the existing Table of Permitted Uses has been constructed, it should be carefully examined for conflicts and inconsistencies. Compatibility and appropriateness of each listed use within a district should also be examined. The question should be answered – is this an appropriate use within this District? If not, adjustments should be made.

Often a use might be compatible under certain circumstances and should be subject to special review and approvals, as provided for a “Conditional Use” Permit by the Planning Commission or a “Special Exception Use” Permit by the Zoning Board of Adjustment. Uses of potentially major impact might be assigned to the Planning Commission, where appeals can be heard by the City Council, and uses of lesser impact might be assigned to the Zoning Board of Adjustment, with appeals heard by the local court. This is the next question to be asked – which approving authority should make the decision? As it stands, all conditional uses are handled entirely by the Planning Commission, but by splitting responsibility with the Zoning Board of Adjustment, caseloads could be less burdensome for each.

To streamline use approvals, adjustments to the Table of Permitted Uses should result in a reduced need for special approvals. Where the existing use limitations require a Conditional Use Permit, its necessity should be evaluated. Is that special approval really necessary, or is there a way to allow the use by right? In many cases, a use could have compatibility standards built into the Zoning Ordinance. Another way to view this approach is to incorporate ready-made stipulations into the supplementary regulations of

the Zoning Ordinance. This is already done with such uses as Home Occupations but could be expanded to include more uses.

Finally, all uses listed on the Table should be clearly defined, and special provisions should be created for new and unusual uses that might arise.

8. Enact Conditional Zoning. Conditional zoning (or rezoning) has been enacted throughout the country as a tool to better manage the impacts of a zoning change. It permits an applicant to bind the use and development of a property to specific voluntary conditions related to the use and development of a property. The key to successful conditional rezoning provisions is the voluntary nature of the process. The conditions must be offered voluntarily and not forced, although the process should allow for planning staff guidance to the applicant. The process must avoid a legal challenge of “contract zoning,” where the municipality bargains away its police powers by exchanging its powers to rezone for a specific desired development plan outcome. Samples of conditional zoning provisions from North Carolina and Virginia are included in Appendix E. The Roanoke County, Virginia, model is very simple to administer and has been successfully used for decades.
9. Expand administrative approvals of subdivisions to include Preliminary Subdivision Plans. The City’s new procedures enacted since the 2010 study allow for administrative approvals of most subdivision requests, but Preliminary Plans must still be heard by the Planning Commission and approved by the City Council. The City should expand the administrative approvals to the full extent permitted by Section 11-3-6 of the South Dakota Code of Laws and delegate approval authority for Preliminary Subdivision Plans, as well. Administrative approvals further streamline the review and approval processes.
10. Streamline procedures for obtaining special exceptions to the City’s design standards and specifications. Multiple applications for a single development should be merged into a single request, with the Engineering DRT committee granted approval authority for expeditious approval of routine requests. Engineering staff should also be allowed to grant administrative waivers of unnecessary application items that are required by ordinance.
11. Remove the requirement for denial of a building permit prior to making application for a variance. This is an unnecessary step that encumbers the variance application process.
12. Consolidate the Historic Preservation Commission and Historic Sign Review Committee into a single board and enact written guidance to aid their decisions. The Board functions overlap and can be consolidated into one body that addresses all historic preservation review cases. The boards have been operating without clear guidance, which could lead to arbitrary actions. Such a body should have professional guidance in written form with clear illustrations to help guide their actions.

13. Implement the Future Land Use components of the City's new comprehensive plan that is now in progress and include the Future Land Use map in GIS. The Future Land Use map proposed for the City's new comprehensive plan does not designate a static end state that limits future development of land to narrowly-defined land use categories (e.g., residential, commercial, industrial, etc.). In place of conventional land use classifications, the plan proposes more flexible mixed use area and activity. This approach to land use planning should prove very helpful in guiding zoning actions and development strategies and should reduce the need for plan amendments.

The Future Land Use Plan map, as it currently exists and as adopted in the new comprehensive plan should be made a part of the Rapid Map GIS.

14. Encourage pre-application conferences with the DRT and Building Permit TEAM, and invite applicants to attend DRT and TEAM meetings to observe the processes and answer questions that might clarify staff questions. Such conferences are now allowed but uncommon. The trust built between City staff and the development and building communities can be improved tremendously by open communications and continuing dialogue.
15. Allow for administrative waivers of unnecessary application information. City ordinances and standards incorporate application requirements that are often unnecessary to a particular project. Information that is not pertinent to the review of an application should be waived, and applicants should be entitled to make such waiver requests.
16. Evaluate the Development Review Team organization, authority, and procedures for efficiency and effectiveness. A comparison of how other comparable cities handle similar reviews that are performed by the DRT might reveal improved methods. The 2010 Study recommended Sioux Fall be used for comparative purposes, as well as these cities within the mid and western states region with similar populations and growth rates: Ames, IA; Iowa City, IA; Manhattan, KS; St. Cloud, MN; Missoula, MT; Bismarck, ND; Casper, WY; and Cheyenne, WY. Other medium size cities within Colorado might also be compared. Visits to select cities by the Planning Director, Current Planning Chief, and DRT members to compare processes first hand could prove valuable.



# Appendices

- A Second Floor Review Committee Recognition
- B Community Planning & Development Services Applications:  
1/1/2010 - 9/30/2013
- C 2012 Annual Salary Survey of 10,182 Full-Time Planners
- D Model Staff Reports
- E Sample Conditional Zoning Provisions
- F Sample Table of Permitted Uses





**Appendix A –  
Second Floor Review Committee Recognition**





# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

## Growth Management Department

300 Sixth Street

Brett Limbaugh, Director  
Community Planning & Development Services  
city web: [www.rcgov.org](http://www.rcgov.org)

Fax: 605-394-6636  
e-mail: [Brett.Limbaugh@rcgov.org](mailto:Brett.Limbaugh@rcgov.org)

### MEMORANDUM

TO: Chairman and Members of the Public Works Committee

FROM: Brett Limbaugh, Director CPDS

DATE: May 1, 2012

RE: Second Floor Review Committee Recognition

In February the members of the Second Floor Committee determined that they had completed the items identified for their group as within the Lehe Report. The Committee has agreed to formally disband and the City would like to acknowledge the members of this committee and thank them for all of their hard work . The members include:

Janelle Fink  
Bill Freytag  
Ron Kroeger  
Jeff Lage  
Jim Mirehouse  
Jerry Shoener  
Pat Tlustos

Together with City Staff the Second Floor Committee created new ordinances designed to streamline the development review process including:

- A complete re-write of Title 16 Subdivisions;
- Revised the Planned Development Overlay District;
- New Planned Unit Development District;
- New Administrative Exceptions Ordinances;
- Consolidation of the City Future Land Use Plan Districts;
- Reviewed changes to the Infrastructure Design Criteria manual;
- Revised the front setback requirements in residential zone districts for garages; and
- Revised the application procedures.



EQUAL HOUSING  
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Staff has compiled a summary of the recommendations outlined in the Lehe Report shown in **bold** and the progress on these items by the City and the Second Floor Review Committee shown in *italics*.

**Recommendations:**

**The City should reorganize the Growth Management Department into a new Department of Planning and Development Services with three major divisions, each managed by a division head which reports directly to the Department Director without the need for an Assistant Director: Planning, Development Review Coordination, and Building Services with reduced number of staff. Merge all engineering functions from the Growth Management Department into the Public Works Department.**

*The Growth Management Department has been renamed to the Community Planning & Development Services Department. The Assistant Director position and one planning position were eliminated in the 2011 Budget. The Department consists of the following three divisions with a division manager including:*

*Building Services Division - Brad Solon, Building Official*

*Current Planning Division - Vicki Fisher, Division Manager*

*Long Range Planning Division - Patsy Horton, Division Manager*

*The Engineers and Engineering support staff that were included within the Growth Management Department have been transferred to the Engineering Division in the Public Works Department.*

**The new Development Review Coordination Division, established by a permit review process ordinance, would provide administrative services to facilitate development review at a single permit counter, coordinate reviews and approvals, maintain very limited review authority within the Division, basically limited to completeness reviews, and oversee a newly organized Development Review Coordination Team.**

*The Current Planning Division provides the oversight for development review applications and coordinates the activities of the Development Review Team. The Department counters have been re-constructed to provide building, planning, engineering, fire safety, and air quality functions within the same area.*

**The City should publish and maintain a Rapid City Development Review Handbook that sets forth clear, simple, and consistent guidance to applicants for all development review procedures.**

*The Current Planning Staff maintains review procedures sheets for all processes that are available at the counter and on-line. As the new codes and ordinances are adopted the review sheets are modified.*

**The Planning Commission must reduce its load from an average of over 80 items per month to less than 10 per month, which is on par with that of comparable cities. This would, in turn, reduce staff loads and streamline processes. The lengthy Planning Commission agendas, in turn, have a spillover impact to the**

**Council meetings and add unnecessary length to those meetings as well. To accomplish this objective, major changes need to be undertaken, including the following steps:**

- **First, repeal the Future Land Use Plan as a basis for development review decisions but maintain these studies for land use guidance and forecasting purposes only. These plans have evolved into super zoning maps, rather than plan guidance, with overly-detailed and meaningless land use classifications.**

*The land use detail within the various sub-area plans has been consolidated into a single Future Land Use Map. The land use designations have been consolidated into residential, commercial, industrial, public, and flood hazard. A rezoning application that would require a change to the Future Land Use Map is processed concurrently with the rezoning application for a single-fee.*

- **Modify the Planned Development Regulations to be used as methods to add flexibility and encourage creativity in subdivision and site design for large land parcels, rather than adding additional layers of approval and control.**

*The new Planned Development Overlay District, Planned Unit Development District, and Administrative Exceptions Ordinances were adopted by City Council in April 2012. The new Planned Development Overlay District reduces the detail required on the submittal. The process also allows an applicant to skip the Planned Development Designation and Initial Planned Development application processes and proceed to the Final Planned Development application. The a new Planned Unit Development District process allows bulk standards, land uses, and development standards to be tailored to the needs of the developer and approved as a zone district designation rather than merely an overlay district. The Administrative Exception process eliminates the requirement for a variance approval if the modification is less than 20% of the zone district requirement.*

- **Establish administrative approval authority by a designated staff person for all subdivision plat approvals, as authorized by Section 11-3-6 of the South Dakota Code of Laws.**

*The new subdivision ordinance was adopted by City Council in February 2012 and allows all but the Preliminary Subdivision document and Public Right-of-Way Vacation processes to be approved administratively. The Second Floor Committee wanted the Preliminary Subdivision to be reviewed by the Planning Commission and approved by the City Council to provide some assurances prior to the creation of the Final Plat and Development Engineering Plans. The State requires all public right-of-way to be approved by Council so this could not be changed to an administrative approval. The new ordinance also transferred nearly all of the design requirements to Chapters 12 and 13 of the Municipal Code. This transfer will allow the City Engineer to approve an Exception to the design requirement administratively rather than requiring a subdivision variance approval to be reviewed by Planning Commission and approved by City Council.*

- **Modify the Conditional Use Permit authority of the zoning ordinance by granting special exception use approvals to the Zoning Board of Adjustment, allowing some of the conditional uses as permitted uses, subject to supplemental use regulations, allowing the uses as permitted uses, or prohibiting the uses all together. These conditional use listings are unusually long and need to be reduced.**

*Staff is in the process of creating a land use table containing the zone district designation along the top and a list of land uses along the vertical axis. Within the table a particular land use will be labeled as either a use-by-right, conditional use, excluded use or use permitted by exception. This table can be inserted into the revised zoning ordinance and/or distributed by the Department. The first draft of the table is under review.*

**The City should initiate a meaningful and visionary process of comprehensive planning using the existing Future Land Use Plans as a basis for a reinvigorated plan. The new plan should reflect community values and long term goals for future growth and development, along with infrastructure and facilities required to accommodate future demands. The current plan primarily serves as a means of land use control. Continue the new comprehensive planning process with a process to modernize all land use and development controls into a comprehensive Unified Development Ordinance designed to implement the plan goals and objectives.**

*The City will need to prepare an RFP for a consultant to perform the public outreach and preparation of a consolidated Comprehensive Plan. These efforts require intensive staff and public input and can take up to two years to complete. Funding sources for this effort will need to be approved by City Council through the future budgeting process.*

**City planning staff should make full use of GIS capabilities to support planning, development review, and building inspections. Of primary importance is a GIS database of the City's zoning records and a digital zoning map.**

*The City GIS system is available to the public on-line and a more robust version is available to City Staff for use in the development review process. The zoning map has been incorporated into the GIS and is available.*

**The City should fully automate the permitting and development review processes by installing and maintaining a comprehensive permit management software program that is directly linked and integrated into the City's GIS database. As the system develops over time, an —E-Permits|| option could allow public access to file development review and building permit applications on line, monitor the progress of application review and approval, and communicate directly with City staff to resolve any application issues.**

*The City has contracted with CRW to install an automated permit and inspection software system that will be operated by both the City and Pennington County. Staff continues to work with the vendor on the installation and expects the system to be fully implemented by the end of May 2012.*

**The Development Review Team should be reorganized into a Development Review Coordination Team with a mission to coordinate and streamline development application reviews and approvals.**

*The Development Review Team has been reorganized and continues to hold weekly meetings to review land use applications. Staff will be working on an electronic submittal and review process in 2012 to further streamline the referral process and eliminate the need for paper documents and subsequent scanning by Staff.*

**The City should actively recruit and retain professionally qualified planners as vacancies occur and maintain nationally competitive salaries.**

*Over the last several months the City has filled several vacant planning positions with professionally qualified staff. Robert Loroco and Fletcher Lacock have been hired to fill two vacant planner positions in the Current Planning Division. Both Robert and Fletcher have Masters Degrees in Urban Planning from the University of Iowa and University of Wisconsin respectively. The Building Services Division recently filled the vacant Air Quality Specialist position by hiring Kristen Cowan who has worked on Air Quality issues for the Regional Council of Governments in Kansas City. Kristen also has a Masters Degree in Urban Planning from the University of Kansas. The City is in the process of hiring another planner with a Masters Degree in Urban Planning to fill the vacant Transportation Planner position.*





**Appendix B –**

**Community Planning & Development Services Applications:  
1/1/2010 – 9/30/13**



## Community Planning & Development Services Applications

### Building Permit Totals

Permits, Valuation, and Inspections	2010 Actual	2011 Actual	2012 Actual	2013 as of 9/30
<b><i>New units &amp; buildings:</i></b>				
Single-family units	182	157	179	190
valuation	\$32,679,324	\$27,019,631	\$33,496,398	\$35,085,999
Total residential units	192	219	405	604
valuation	\$33,877,324	\$33,809,421	\$65,766,313	\$67,802,124
Industrial buildings	0	0	2	2
valuation	\$0	\$0	\$4,204,829	\$3,888,000
Commercial buildings	19	21	13	14
valuation	\$25,864,341	\$40,983,587	\$16,166,414	\$30,955,501
Public buildings	3	6	4	2
valuation	\$1,020,786	\$23,276,107	\$27,427,360	\$4,074,177
Other buildings	10	15	16	1
valuation	\$3,535,776	\$5,785,091	\$4,356,984	\$30,000
<b>Total new buildings:</b>	<b>\$64,298,227</b>	<b>\$103,854,206</b>	<b>\$117,921,900</b>	<b>\$106,749,802</b>
<b>Total building permits</b>	<b>2,915</b>	<b>5,253</b>	<b>4,861</b>	<b>3,923</b>
<b>Total inspections</b>	<b>11,726</b>	<b>14,362</b>	<b>13,256</b>	<b>9,492</b>
<b>Total permit valuation</b>	<b>\$132,773,559</b>	<b>\$258,990,182</b>	<b>\$207,811,337</b>	<b>\$186,006,764</b>

Note: The Building Services Division began issuing permits for residential and commercial roofing starting in June 2011. Due to catastrophic hail damage the City issued 2,335 roofing permits with a total project valuation of \$18,874,832 in 2011. In 2012 the City issued 1,590 roofing permits with a project valuation of \$13,865,756.

Note: The permit valuation and building totals for the County administration facility issued in 2012 is reflected in the "Public Buildings" line item.

Note: The total permit valuation number for 2013 includes a floodplain grading permit of \$14,193,186 for I-190 reconstruction work.

#### Building Permit Table Summary Categories

Single Family includes:

- Single-family detached
- Single-family attached

Total residential units includes

- Single-family detached and attached
- Two family units
- 3-4 unit
- More than 5 unit

Commercial includes:

- Hotels
- Service Stations
- Office/banks
- Stores

Industrial includes only

- Industrial

Public includes:

- Public Works
- Schools

Other includes

- Other non-residential
- Non-housekeeping
- Amusement
- Churches
- Parking garages
- Hospitals

## Land Use Application Totals

Land Use Applications	2010 Actual	2011 Actual	2012 Actual	Thru 9/30/13
Administrative Exception (1)	-	-	3	6
Annexation	4	2	4	2
Comp. Plan Amendment (2)	46	14	8	14
Conditional Use Permits	39	30	32	25
Determination of Use	1	0	1	0
Fence Height Exception (8)	18	11	0	-
Ordinance Amendment	17	13	14	2
Planned Development (3)	72	51	76	57
Planned Unit Development (3)	-	-	0	0
SDCL 11-6-19 (4)	25	-	-	-
Sidewalk Café (5)	4	3	1	1
Sidewalk Vendor (5)	1	11	10	0
Rezone	59	24	19	26
Road Name Change	4	1	1	0
TIF's creation/dissolution	4	8	7	4
Engineering Development Plans (6)	-	-	13	20
Layout/Preliminary Plat (7)	51	35	7	-
Final (6)	35	26	20	17
Layout Plan (6)	-	-	6	5
Lot Line Adjustment (6)	-	-	28	12
Minor (6)	9	12	9	12
Preliminary Plan (6)	-	-	20	34
Variance to Subdivision (7)	27	21	3	-
Vacation Easement (6)	15	22	13	20
Vacation ROW (6)	8	6	8	2
<b>Other</b>	25	0	1	3
<b>Total Applications</b>	464	290	304	262

- 1) The administrative Exception Ordinance adopted in 2012 permits 20% variance approvals administratively.
- 2) The land use map categories were consolidated in 2012 reducing the total number of Comprehensive Plan applications
- 3) The Planned Development Overlay and Planned Unit Development Ordinances were re-written in 2012. Minor amendments are processed administratively.
- 4) The state statues requiring SDCL 11-6-19 review were repealed and applications were discontinued in 2010.
- 5) The Sidewalk Café and Sidewalk Vendor Ordinances were re-written in 2012 and allow staff to approve these applications administratively.
- 6) The Subdivision Ordinance was re-written in 2012. All applications with the exception of the Preliminary Plan and Vacation of Right-of-Way are now approved administratively.
- 7) Preliminary/Layout Plats and Variances to the Subdivision Ordinance were eliminated in 2012.
- 8) Fence Ordinance moved from Title 15 to Title 17 in 2013 now requires admin exception or BOA variance

### Administrative Reviews included in above totals:

	2013	2012
Administrative Exceptions	6	3
Conditional Use Permit Amendments	7	8
Planned Development Amendments	18	30
Sidewalk Cafe/Sidewalk Vendor	1	11
Engineering Development Plans	20	13
Final Plat	17	20
Layout Plan	6	6
Lot Line Adjustment	12	28
Minor Plat	12	9
Vacation of Easement	20	7
<b>Total Administrative Approvals</b>	<b>119</b>	<b>135</b>

**Appendix C –  
2012 Annual Salary Survey of 10,182 Full-Time Planners**



## 2012 Annual Salary Survey of 10,182 Full-Time Planners

### Nationwide Survey by the American Planning Association/American Institute of Certified Planners

Qualifications	25th Percentile	50th Percentile	75th Percentile
all planners	\$57,400	\$73,000	\$95,200
Planners with master's in planning, 0-2 years' experience	\$41,800	\$47,200	\$55,000
Planners with master's in planning, 3-4 years' experience, AICP	\$48,000	\$53,600	\$60,000
Planners with master's in planning, 5-9 years' experience, AICP	\$55,000	\$62,000	\$73,000
Planners with master's in planning, 10-14 years' experience, AICP	\$62,000	\$74,300	\$92,000
Planners with master's in planning, 15-19 years' experience, AICP	\$68,000	\$82,000	\$101,100
Planners supervising 10 – 24 individuals within local agencies serving population of 50-100,000	\$88,500	\$90,500	\$107,800
Planning directors with master's in planning, AICP, supervising 10 or more individuals within local agencies serving population of 50-100,000	\$93,000	\$105,000	\$124,800

**Notes:**

- (1) 25<sup>th</sup> percentile, 25% of planners earn less than this amount; the 50<sup>th</sup> percentile is the median or average salary where 50% earn more and 50% earn less; at the 75<sup>th</sup> percentile, 75% earn less and 25% earn more.
- (2) Planners with master's degree in planning do not earn more than those with other degrees.
- (3) Planners certified by the American Institute of Certified Planners (AICP) on average earn \$16,000 more annually than planners that are not AICP members - \$78,000 vs. \$62,000.





**Appendix D –  
Model Staff Reports**



STAFF REPORT

September 26 2013

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**No. 13RZ022 - Mountain View Subdivision. REZONING from GAD General Agricultural District to MDR Medium Density Residential District and PLANNED DEVELOPMENT (PD) DESIGNATION.**

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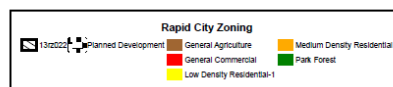
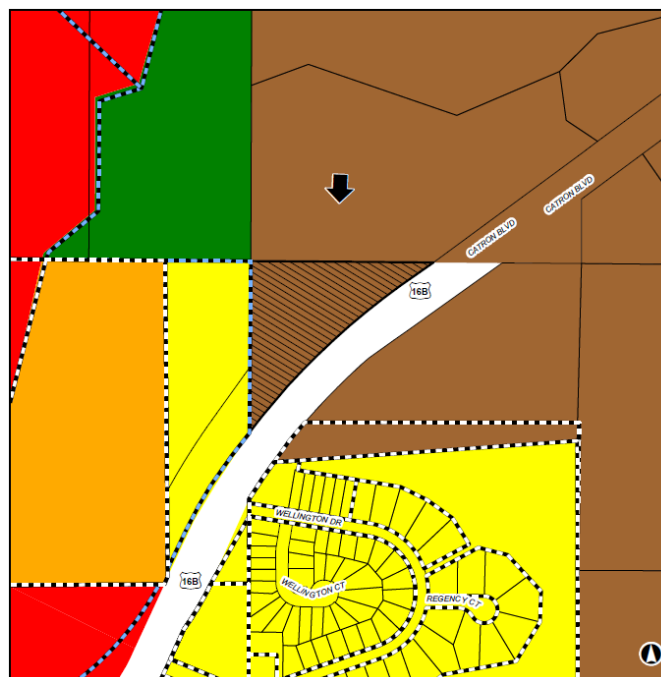
**ITEM 8**

I. **Recommendation. APPROVAL** of rezoning in conjunction with the PD designation.

II. **Background and Analysis.**

This request is made by Doyle Estes, applicant, for the South Dakota Department of Transportation, owner, for rezoning and PD designation of a 5.6 acre undeveloped tract, located on Catron Blvd. near its intersection with Wellington Drive and NE of its Hwy. 16 intersection. The area is served by Rapid City water and sewer.

The subject property is classified Residential on the Future Land Use Plan. Surrounding properties are zoned GAD and LDR (PD) to the north, GAD to the south and east, and LDR (PD) to the west. Predominant land uses in the immediate vicinity are single family residences and undeveloped lands.



The applicant has simultaneously submitted an associated request to rezone approximately 5.2 acres of property from LDR to MDR (No. 13RZ021) on adjacent lands with a PD designation. The applicant has indicated that both properties will be developed for multi-family housing.

**III. Review Criteria.**

#	Rating	Criterion	Comments
1	+	Substantially changed or changing conditions of the area and district affected, or the City in general	In 2012, the South Dakota DOT completed improvements to Catron Blvd. in the vicinity, including utility services, traffic safety improvements, and turn lanes to the residential development on Wellington Drive. The nearby commercial corridor continues to develop.
2	+	Consistent with the intent and purposes of the Zoning Ordinance	GAD zoning has served as a holding zone pending development in the near-term future. The proposed MDR zoning would allow for the planned multi-family residential development, as indicated by the applicant.
3	+	Will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result	The PD designation helps ensure any potential adverse development impacts can be mitigated.
4	+	Consistent with comprehensive plan elements for land use, streets, community facilities, and others.	The future land use plan calls for residential use. Catron Boulevard is a Principal Arterial on the City's Major Street Plan and is capable of handling high traffic volumes that may be generated by multi-family development. Increased volumes from future development, however, will require a traffic impact study by the SD DOT and the City.

Key to ratings:

++ exceeds criterion + meets criterion 0 neutral or NA - does not meet criterion

STAFF REPORT

September 5, 2013

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**No. 13PD034 - Final Planned Development to allow an on-sale liquor establishment as part of a water park and hotel complex** **ITEM 6**

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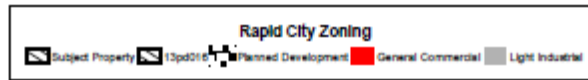
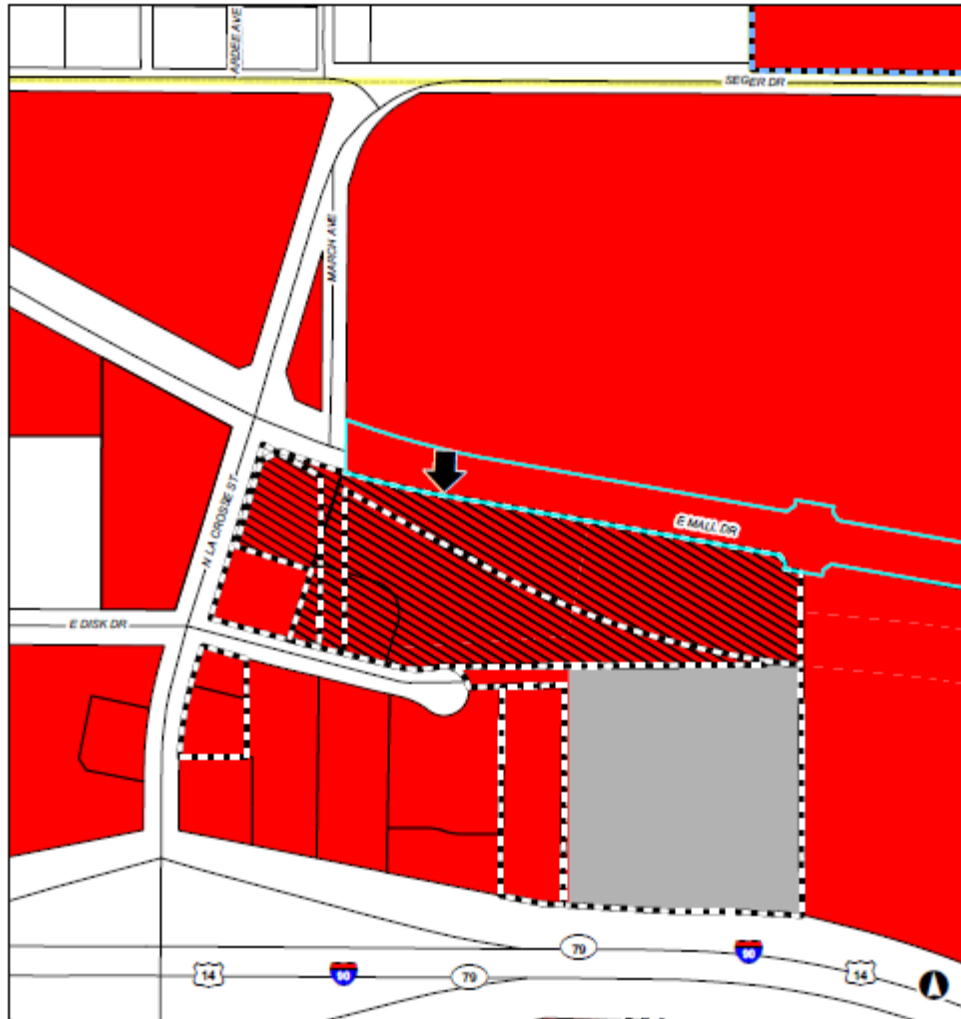
- I. **Recommendation.** APPROVAL of Final PD with the following stipulations:
- a. An on-sale liquor establishment may be permitted as a part of a hotel and water park complex.
  - b. Maximum permitted building height is increased from 45 feet to 76 feet;
  - c. Areas must be reserved for the removal and storage of snow and be shown on plans;
  - d. The required maximum sanitary sewer release rates from the pool, as determined by City staff, will not be exceeded;
  - e. Recommendations for improvements identified in the Traffic Impact Study approved by the City shall be reflected in the final construction plans;
  - f. Documents securing City access to the curb-stop shall be approved by the City and recorded;
  - g. Obtain exception for storm water facility slopes greater than the 4:1 and show stabilization measures on the plans or revise plans to meet the minimum criteria;
  - h. Execute a Parking/Access Agreement with the City or secure a Developmental Lot Agreement which ties the lot to the rest of the development;
  - i. No electronic signage, including LED, is permitted outdoors; and
  - j. A minimum of 510,044 points of landscaping shall be provided.

II. **Background and Analysis.**

This request is made by Robert W. Akers, applicant, for Renee Catron of Renner & Associates, LLC, agent, for Mall Land Company, LLC, owner, for Final Planned Development within a GC General Commercial District to allow an on-sale liquor establishment proposed as part of a water park and hotel complex on a 12.69 acre parcel located at 815 East Mall Drive and 620 East Disk Drive. The area is served by Rapid City water and sewer.

The subject property is classified Commercial on the Future Land Use Plan. Surrounding properties are zoned GC to the north, east, and west, and GC and LI Light Industrial to the south. Predominant land uses in the vicinity are commercial.

13PD034  
815 East Mall Drive & 620 Disk Drive



The applicant is proposing a 100 room hotel, a restaurant, and an approximate 54,000 square foot facility to be known as the “Rippin’ Rapids” water park. Submitted plans show that the hotel currently located on the property, known as the Hilton Garden Inn, and the existing restaurant will remain on the property as a part of the hotel/water park complex. On June 20, 2013, the Planning Commission approved an Initial Planned Development (File #13PD016) to allow a water park and hotel complex in the General Commercial District. The applicant did not propose to sell alcohol as a part of the Initial Planned Development. The applicant has now submitted the Final Planned Development for the proposed water park and hotel complex to serve alcohol on the premises.

As a part of the Initial Planned Development, the applicant requested and obtained an Exception to increase the permitted height of the building from 45 feet to 76 feet to allow for a seven story hotel as well as architectural features within the water park. No additional Exceptions have been requested as a part of the Final Planned Development.

One of the stipulations of approval for the Initial Planned Development requires that prior to submittal of a Final Planned Development, easements must be vacated where construction is proposed. On August 19, 2013, a Vacation of Easement application (File #13VE019) was approved vacating all easements located where construction is proposed on the site. On August 23, 2013, a Lot Line Adjustment application (File #13PL088) was submitted to relocate a lot line between the two lots to the east side of the development. The existing lot line separates the existing restaurant property from the property to the north. Proposed construction crosses the existing lot line. The requested adjustment will put the existing Hilton Garden Inn on a separate lot from the rest of the proposed construction. The application is currently under review.

The proposed development is comprised of three separate properties under the same ownership. Currently, one property is developed as a restaurant, one property is developed as a Hilton Garden Inn, and the third property remains undeveloped.

The original PD approved for the property (File #1121A) was revoked at the request of the property owner on December 16, 1996. Existing development on the property meets all the requirements of the General Commercial District. A Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a full service restaurant was approved for Tract H on April 3, 2000 (File #00UR006). The approved Initial PD did not include an on-sale liquor use but may be submitted as a part of the Final PD or a Major Amendment to the PD.

III. Review Criteria.

#	Rating	Criterion	Comments
1	-	<i>Certain conditions related to size, shape or topography of the property exist</i>	There are no certain conditions pertaining to this particular piece of property due to its size shape, or topography.
2	-	<i>The application of regulations to this particular piece of property would create a particular difficulty or undue hardship</i>	The application of these regulations does not create a practical difficulty or undue hardship.
3	+	<i>Exceptions to the underlying zoning district, if granted, would not create undue hardship to the public good or impair the purposes and intent of these regulations</i>	.A variance to increase the maximum permitted height from 45 feet to 64 feet 1 inch was approved for the north side of the Hilton Garden Inn located immediately east of the proposed construction at 815 East Mall Drive. The Hilton Garden Inn will become a part of this water park/hotel complex through this Planned Development. No other Exceptions to the land area regulations of the General Commercial District have been requested.
4	-	<i>A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed</i>	The future land use plan calls for residential use. Catron Boulevard is a Principal Arterial on the City's Major Street Plan and is capable of handling high traffic volumes that may be generated by multi-family development. Increased volumes from future development, however, will require a traffic impact study by the SD DOT and the City.
5	+	<i>Any adverse impacts will be reasonably mitigated</i>	Stipulations assure mitigation of potentially adverse impacts.

Key to ratings:

++ exceeds criterion + meets criterion 0 neutral or NA - does not meet criterion



**STAFF ADVISORY REPORT TO APPLICANT**  
**September 5, 2013**

**No. 13PD034 - Final Planned Development to allow an on-sale liquor establishment as part of a water park and hotel complex**

1. A building permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy;
2. Prior to issuance of a building permit, all redlined comments shall be addressed. All redlined comments shall be returned to Community Planning and Development Services;
3. Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional engineer shall be submitted. In particular, plans shall show that handicap accessibility is being provided for all areas requiring accessibility at all times. In addition plans shall be revised to show the location of all areas reserved for the removal and storage of snow;
4. Prior to issuance of a building permit, plans shall be submitted showing that the required maximum sanitary sewer release rates from the pool, as determined by City staff, will not be exceeded;
5. Prior to issuance of a building permit, the Traffic Impact Study shall be approved by Public Works staff and recommendations for improvements identified in the approved Traffic Impact Study shall be reflected in the final construction plans;
6. Prior to issuance of a building permit, plans shall be revised to include structural calculations signed and sealed by a registered professional engineer for all retaining walls over 4 feet in height;
7. Prior to issuance of a building permit, documents securing City access to the curb-stop shall be recorded. A copy of the recorded access document shall be submitted for review and approval;
8. Prior to issuance of a building permit, an Exception shall be obtained for storm water facility slopes greater than the 4:1 ratio as per the Infrastructure Design Criteria Manual or plans shall be revised showing that the slopes meet the minimum criteria as identified in the Infrastructure Design Criteria Manual. If the Exception is approved, plans shall be revised showing that additional stabilization measures are being installed as necessary;
9. Prior to issuance of a building permit, a Parking/Access Agreement shall be entered into which includes the City as party to the agreement or a Developmental Lot Agreement which developmentally ties the lot to the rest of the development shall be secured. A copy of the signed Parking/Access Agreement or the recorded Developmental Lot Agreement shall be submitted to Community Planning and Development Services;
10. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved. In addition, all parking and landscaping shall be installed. Hard surfacing shall be provided for all parking at all times, including temporary occupancy and temporary events/uses;
11. Prior to issuance of a building permit, all necessary approvals shall be obtained for existing signage. All signage shall comply with the submitted sign package and the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit shall be required for each sign;

12. A minimum of 695 parking spaces shall be provided. A minimum of 14 of the parking spaces shall be handicap accessible. A minimum of 2 of the handicap accessible parking spaces shall be "van accessible". All parking shall comply with the requirements of the Rapid City Parking Ordinance and the submitted site plan;
13. A minimum of 510,044 points of landscaping shall be provided. All landscaping shall be installed and maintained in compliance with the submitted landscaping plans and the Rapid City Landscaping Ordinance;
14. All lighting shall be designed and installed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to traffic or constitute a nuisance of any kind;
15. All provisions of the International Fire Code shall be maintained;
16. All provisions of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment, and;
17. This Final Planned Development will allow an on-sale liquor establishment as a part of a hotel and water park complex. Any change in use permitted in the General Commercial District shall be permitted with an approved building permit and contingent upon the provision that sufficient parking can be provided. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Final Planned Development.

**Appendix E -  
Sample Conditional Zoning Provisions**



# Town of Waxhaw, NC, Conditional Zoning Ordinance Provisions

## Waxhaw Unified Development Ordinance Amended 11.22.11 5-1

### SECTION 5 CONDITIONAL ZONING AND CONDITIONAL USE DISTRICTS

It will be noticed that a Conditional Zoning District (bearing the designation CD) and a Conditional Use District (bearing the designation CU) corresponds to each of the other primary districts authorized in this Ordinance.

#### 5.1 CONDITIONAL ZONING DISTRICTS

##### 1. Purpose

Conditional zoning districts provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the general district has insufficient standards to mitigate the site-specific impact on surrounding areas. Uses which may be considered for a conditional zoning district are restricted to those uses permitted in the corresponding general zoning district. Conditional Zoning Districts are established on an individualized basis, only in response to a petition by the owners of all the property to be included. Zoning of a conditional zoning district is not intended for securing early or speculative reclassification of property.

##### 2. General Requirements

###### A. Application

Rezoning to a conditional zoning district shall only be considered upon written request or written consent of all the owners of the property being rezoned.

###### B. Minimum Standards

With a conditional zoning district, all standards and requirements of the corresponding general zoning district shall be met, except to the extent that the conditions imposed are more restrictive than those standards.

##### 3. Uses within the District

Conditional zoning districts shall be "parallel" to general districts. Uses allowed in the corresponding general district shall be permitted in CD districts, provided that they meet all additional conditions associated with the conditional zoning district.

##### 4. Conditions

In approving an application for a rezoning request to a conditional zoning district the Board of Commissioners, upon receiving comments and/or recommendations from the Planning Board, Staff, and public, may specify the location on the property of the proposed Use, the number of units per square footage, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public purposes, public dedications, and other such matters as the Applicant and the Board of Commissioners find appropriate. The Applicant will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial of the application by the Board of Commissioners. In no instance shall any of these conditions be less restrictive than any requirements that would pertain to that particular development found

elsewhere in a similar general zoning district. **All conditions must be mutually agreed upon by both the Board of Commissioners and the applicant for the rezoning to take effect, otherwise the proposed rezoning is invalid and the existing zoning shall remain in effect.**

#### **5. Non-compliance to District Conditions**

Any violation of a use or condition included in the approval of a Conditional Zoning District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the District Regulations, for the reason that any Use permitted in a Conditional Zoning District is permitted only subject to the specified conditions.

#### **6. Procedure**

Information on and procedures for conditional zoning districts can be found in Section 16.2.

### **5.2 CONDITIONAL USE DISTRICTS**

#### **1. Purpose**

It is recognized that certain types of Zoning Districts would be inappropriate at particular locations in the absences of special conditions. Where the applicant for rezoning desires property to be rezoned to such a District in such situations, the Conditional District is a means by which such special conditions can be imposed in the furtherance of the purpose of this Ordinance.

#### **2. General Requirements**

##### **A. Application**

Rezoning to a Conditional Use District is subject to the limitations set forth in Section 5.2.7. Conditional use permit applications for property with existing Conditional Use zoning will continue to be considered in accordance with the terms and provisions of this UDO.

##### **B. Minimum Standards**

Within a Conditional Use District, all standards and requirements of the corresponding Zoning District shall be met, except to the extent that the conditions imposed are more restrictive than those standards.

#### **3. Uses within the District**

Within a Conditional Use District, only those uses listed as permitted or conditional uses in the corresponding Zoning District shall be allowed. No use, however, shall be allowed except pursuant to a Conditional Use Permit authorized by the Board of Commissioners as provided herein.

#### **4. Conditions**

In addition to the limitation of the Use or Uses that may be authorized, any Conditional Use Permit issued as part of the Conditional Use zoning process may further specify the location on the property of the proposed Use, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public purposes, and other such matters as the applicant may propose or the Board of Commissioners finds appropriate. The

applicant will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial of the application by the Board of Commissioners. In no instance shall any of these conditions be less restrictive than any requirements that would pertain to that particular development found elsewhere in a similar general zoning district.

#### **5. Non-compliance to District Conditions**

Any violation of a Use or condition included in the approval of conditional Use District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a Use not permitted under the District Regulations, for the reason that any Use permitted in a Conditional Use District is permitted only subject to the specified conditions.

#### **6. Procedure**

Information on and procedures for conditional use permits can be found in Section 14.

#### **7. New Conditional Use Zoning Districts**

Conditional Use zoning (referred to as CU) will not be applied to any new zoning requests upon the adoption date (11/10/2009) of this amendment. All parcels zoned CU prior to the amendment adoption date may go through the conditional use process or the owner/applicant may apply for a Conditional District (referred to as CD) rezoning.





## Roanoke County, VA, Conditional Zoning Provisions

### SEC. 30-15. - CONDITIONAL ZONING; GENERALLY.

1. In accordance with the authority granted to Roanoke County per section 15.2-2298 of the Code of Virginia, as amended, the owner of property for which an amendment is requested may voluntarily proffer in writing reasonable conditions, in addition to the applicable regulations for the requested zoning district. All proffered conditions must be signed by the owner of the property.
2. Roanoke County's acceptance of proffers pursuant to this authority shall be in accord with the procedures and standards contained in section 15.2-2298 of the Code of Virginia, as amended.
3. All conditions proffered by the owner shall meet the following standards:
  - a. The rezoning itself must give rise for the need for the conditions.
  - b. The conditions shall have a reasonable relation to the rezoning.
  - c. The conditions shall be in conformity with the comprehensive plan.
  - d. The conditions must be clearly understood and enforceable.
  - e. The conditions must not require or allow a design or standard that is less restrictive than the general provisions of this ordinance.
4. Any such conditions should be submitted prior to the start of the commission's public hearing on the amendment. All conditions shall be submitted prior to the start of the board's public hearing, and shall also be submitted in accord with any adopted board policy pertaining to the submittal of proffers. The board may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal. If proffered conditions which substantially modify the nature or impact of the proposed use, are made by the owner after the commission's recommendation on the amendment, the administrator shall recommend to the board that the amendment be referred back to the commission for further review and action. The commission shall have the authority to schedule a new public hearing for any request so referred. The applicant shall be responsible for all advertising costs associated with the new public hearing.
5. The commission and the board shall not be obligated to accept any or all of the conditions made by the property owner.

*(Ord. No. 042799-11, § 1f., 4-27-99; Ord. No. 042208-16, § 1, 4-22-08)*

### Sec. 30-15-1. - Enforcement of Conditions.

1. The administrator shall be vested with all necessary authority on behalf of the board to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:

- a. The ordering in writing of the remedy of any noncompliance with such conditions.
  - b. The bringing of legal action to insure compliance with such conditions.
  - c. Requiring a guarantee, satisfactory to the administrator in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements, and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the administrator upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.
2. Failure of a property owner to meet all conditions accepted by the board shall constitute cause to deny approval of a site development plan, or deny issuance of a zoning permit, building permit, or certificate of zoning compliance, as may be appropriate.

**Sec. 30-15-2. - Records of Conditions.**

The zoning map shall show by an appropriate symbol on the map the existence of conditions attached to the zoning on the map. The administrator shall keep and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating the conditions in addition to the regulations provided for in a particular zoning district or zone.

**Sec. 30-15-3. - Review of Administrator's Decisions.**

Any zoning applicant, or any other person aggrieved by a decision of the administrator made pursuant to the provisions of Section 30-15, may petition the board for the review of the decision of the administrator. All such petitions for review shall be filed with the administrator within thirty (30) days from the date of the decision for which review is sought. All such petitions shall specify the grounds upon which the petitioner is aggrieved.

**Sec. 30-15-4. - Amendments and Variations of Conditions.**

1. Any request by an applicant to amend conditions that were voluntarily proffered and accepted by the board shall be considered an amendment to the zoning ordinance, and shall be reviewed pursuant to the provisions contained in Section 30-14
2. There shall be no amendment or variation of conditions created pursuant to the provisions of this ordinance until after a public hearing by the commission and board advertised pursuant to the provisions of section 15.2-2204 of the Code of Virginia, as amended. However, where an amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing. The cost of all public advertisements shall be the responsibility of the applicant.

*(Ord. No. 042799-11, § 1a., 4-27-99; Ord. No. 052411-9, § 1, 5-24-11)*

**Appendix F -  
Sample Table of Permitted Uses**



## City of Jasper, AL, Table of Permitted Uses

### Sec. 50. - Table of permitted uses.

1. Unless otherwise provided, all uses, as defined by *Section 334, Uses defined*, shall be permitted as listed in *Table I. Table of Permitted Uses*. Accessory and combined uses and structures may be permitted subject to *Section 42, Accessory and combined uses*, and similar uses to those listed may be permitted subject to *Section 43, Classification of uses*.
2. The key to abbreviations used in the Table of Permitted Uses is as follows:

*P* = *PERMITTED USE*. Use permitted subject to appropriate permits being issued in accordance with this ordinance.

*S* = *SPECIAL EXCEPTION USE*. Use permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

*C* = *CONDITIONAL USE*. Use permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.

*N* = *USE NOT PERMITTED*.

*AG* = *AGRICULTURAL DISTRICT*.

*R-1* = *SINGLE FAMILY RESIDENCE DISTRICT*.

*R-2* = *SINGLE FAMILY RESIDENCE DISTRICT*.

*R-3* = *AFFORDABLE HOUSING DISTRICT*.

*R-P* = *PLANNED RESIDENTIAL DEVELOPMENT DISTRICT*.

*R-4* = *URBAN DWELLING DISTRICT*.

*R-5* = *MULTI-FAMILY DWELLING DISTRICT*.

*B-T* = *TRANSITION BUSINESS DISTRICT*.

*B-1* = *NEIGHBORHOOD CENTER DISTRICT*.

*B-2* = *COMMUNITY SERVICE DISTRICT*.

*B-3* = *DOWNTOWN BUSINESS DISTRICT*.

*B-4* = *I-22 BUSINESS CORRIDOR DISTRICT*.

*M-1* = *LIGHT INDUSTRIAL DISTRICT*.

*M-2* = *HEAVY INDUSTRIAL DISTRICT*.

*M-3* = *INDUSTRIAL PARK DISTRICT*.

\* = *SUBJECT TO SUPPLEMENTAL USE REGULATIONS*. Refer to *Division 3, Supplemental Use Regulations* within this article.

**Table I. Table of Permitted Uses**

USE CLASSIFICATION	ZONING DISTRICT														
	A G	R 1	R 2	R 3	R P 4	R 5	B T	B 1	B 2	B 3	B 4	M 1	M 2	M 3	
<i>Agricultural Uses</i>															
*Farm	P	N	N	N	N	N	N	N	N	N	N	N	N	N	
*Hobby farm	P	P	P	N	N	N	N	N	N	N	N	N	N	N	
*Kennel	P	S	S	S	S	S	S	N	N	P	N	N	N	N	
<i>Residential Uses</i>															
*Accessory apartment	S	S	S	S	S	S	S	N	N	N	N	N	N	N	
*Accessory cottage	S	S	S	S	S	S	S	N	N	N	N	N	N	N	
*Accessory manufactured home	S	N	N	S	N	N	N	N	N	N	N	N	N	N	
Combination dwelling	S	S	S	S	S	S	S	S	S	S	C	S	S	P	
Duplex	P	N	N	P	N	P	P	P	N	N	P	N	N	N	
*Emergency care home	S	N	N	P	N	P	P	C	N	N	N	N	N	N	
*Family care home	S	N	N	P	N	P	P	C	N	N	N	N	N	N	
*Garden apartment	N	N	N	N	N	N	P	P	P	N	P	N	N	N	
*Manufactured home, class A	P	N	N	P	N	N	N	N	N	N	N	N	N	N	
*Manufactured home, class B	S	N	N	P	N	N	N	N	N	N	N	N	N	N	
*Manufactured home park	C	N	N	P	N	N	N	N	N	N	N	N	N	N	
*Multiplex	N	N	N	P	N	P	P	P	N	N	P	C	N	N	
*Multi-story apartment	N	N	N	N	N	N	N	N	N	N	P	C	N	N	
*Patio home	N	N	N	P	P	P	P	P	N	N	N	N	N	N	
*Planned residential development	N	N	N	N	P	N	N	N	N	N	N	N	N	N	
Single family residence	P	P	P	P	P	P	P	P	N	N	P	N	N	N	
*Townhouse	N	N	N	P	P	P	P	P	N	N	P	N	N	N	
Upper-story apartment	N	N	N	N	N	N	N	N	N	N	P	C	N	N	
<i>Institutional Uses</i>															
Airport	C	N	N	N	N	N	N	N	N	N	N	C	P	P	

USE CLASSIFICATION	ZONING DISTRICT														
	A G	R 1	R 2	R 3	R P	R 4	R 5	B T	B 1	B 2	B 3	B 4	M 1	M 2	M 3
Animal shelter	P	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Boarding house	N	N	N	P	N	N	C	N	P	P	P	N	N	N	N
*Cemetery	P	N	N	P	N	P	P	N	P	P	P	N	N	N	N
Community center	N	N	N	N	N	N	N	C	P	P	P	C	N	N	N
Community service club	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N
Country club	P	N	N	N	N	N	N	P	P	P	N	C	N	N	N
Day care center	N	N	N	N	N	N	N	C	P	P	P	N	N	N	N
Day care home	P	C	C	P	C	P	P	C	P	N	P	N	N	N	N
Domiciliary care facility	N	N	N	P	N	N	C	C	P	P	P	C	N	N	N
Home instruction	P	P	P	P	P	P	P	P	P	N	P	N	N	N	N
Hospital	N	N	N	N	N	N	N	N	N	P	P	C	N	N	N
Military installation	P	N	N	N	N	N	N	N	N	P	P	N	P	P	P
Nursing care facility	N	N	N	N	N	N	C	C	P	P	P	C	N	N	N
Park	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P
Penal institution	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Place of worship	P	C	C	P	C	P	P	P	P	P	P	C	N	N	N
Public assembly center	P	N	N	N	N	N	N	N	P	P	P	C	N	N	N
Public facility	P	C	C	C	C	C	C	P	P	P	P	C	P	P	P
Public utility facility	S	S	S	S	S	S	S	S	S	S	S	C	S	P	P
Public utility service	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P
Rehabilitation facility	C	N	N	N	N	N	C	C	P	P	P	N	N	N	N
School	P	C	C	P	C	P	P	P	P	P	P	C	N	N	N
<i>Commercial Uses</i>															
Animal hospital	P	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Auto body repair facility	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N
*Bank or financial service	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P
Broadcast studio	N	N	N	N	N	N	N	P	P	P	P	C	P	P	P
Business or professional office	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P

USE CLASSIFICATION	ZONING DISTRICT														
	A G	R 1	R 2	R 3	R P 4	R 5	B T	B 1	B 2	B 3	B 4	M 1	M 2	M 3	
Business support service	N	N	N	N	N	N	N	P	P	P	P	P	P	P	
*Campground	C	N	N	N	N	N	N	N	N	N	C	N	N	N	
Car wash	N	N	N	N	N	N	N	C	P	P	C	N	N	N	
*Climate controlled storage facilities	N	N	N	N	N	N	N	N	P	C	N	P	P	P	
Clinic	N	N	N	P	N	P	P	P	P	P	C	N	N	N	
Commercial parking	N	N	N	N	N	N	N	C	P	P	P	C	P	P	
Commercial school	N	N	N	N	N	N	N	C	P	P	P	C	P	P	
*Convenience store	N	N	N	N	N	N	N	C	P	P	P	P	N	N	
Entertainment, indoor	N	N	N	N	N	N	N	N	P	P	P	P	N	N	
Entertainment, outdoor	C	N	N	N	N	N	N	N	C	P	C	N	N	N	
Farm support business	C	N	N	N	N	N	N	N	P	P	C	P	P	P	
Garden center or nursery	N	N	N	N	N	N	N	C	P	P	P	C	N	N	
General retail business, enclosed	N	N	N	N	N	N	N	N	P	P	P	P	N	N	
General retail business, unenclosed	N	N	N	N	N	N	N	N	N	P	P	N	N	N	
Funeral home	N	N	N	N	N	N	N	C	P	P	P	C	N	N	
*Home occupation	P	P	P	P	P	P	P	P	P	N	P	N	N	N	
Home improvement center	N	N	N	N	N	N	N	N	N	P	P	P	P	P	
Hotel or motel	N	N	N	N	N	N	N	N	N	P	P	P	N	N	
Laundry service	N	N	N	N	N	N	N	N	P	P	P	C	N	N	
Liquor lounge	N	N	N	N	N	N	N	N	C	C	P	P	N	N	
*Livestock sales	P	N	N	N	N	N	N	N	N	N	N	N	N	N	
*Manufactured building sales	N	N	N	N	N	N	N	N	N	N	N	P	N	N	
*Manufactured home sales	N	N	N	N	N	N	N	N	N	N	N	P	N	N	
Medical support service	N	N	N	N	N	N	N	P	P	P	P	P	N	N	
*Mini-warehouse	N	N	N	N	N	N	N	N	N	P	N	P	P	P	
*Open air market	S	N	N	N	N	N	N	N	C	C	N	N		N	
Personal service	N	N	N	N	N	N	N	C	P	P	P	P	N	N	



USE CLASSIFICATION	ZONING DISTRICT														
	A G	R 1	R 2	R 3	R P	R 4	R 5	B T	B 1	B 2	B 3	B 4	M 1	M 2	M 3
Pet cemetery	P	N	N	N	N	N	N	N	N	P	N	N	N	N	N
*Pet grooming shop	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N
Recreation, indoor	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N
Recreation, outdoor	N	N	N	N	N	N	N	N	N	P	P	C	N	N	N
Restaurant, standard	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N
Restaurant, fast food	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Shopping center, community or regional	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Shopping center, neighborhood	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N
*Specialty retail center	N	N	N	N	N	N	N	C	P	P	P	P	N	N	N
*Specialty retail establishment or service	N	N	N	N	N	N	N	C	P	P	P	P	N	N	N
Stable	P	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Studio	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P
Tourist home or bed and breakfast inn	N	N	N	N	N	N	N	C	P	P	P	C	N	N	N
Vehicle repair service	N	N	N	N	N	N	N	N	N	P	P	C	P	P	P
Vehicle sales or rental	N	N	N	N	N	N	N	N	C	P	P	C	N	N	N
Vehicle service station	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N
<i>Industrial Uses</i>															
Construction service	N	N	N	N	N	N	N	N	N	C	P	N	P	P	P
Heavy industry	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P
Maintenance service	N	N	N	N	N	N	N	N	N	P	P	N	P	P	P
Manufacturing, general	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
*Manufacturing, light	N	N	N	N	N	N	N	N	N	N	N	C	P	P	P
*Recycling collection center	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N
Research lab	N	N	N	N	N	N	N	N	N	N	P	C	P	P	P
Resource extraction	C	N	N	N	N	N	N	N	N	N	N	N	N	C	P
Salvage yard	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P
Sanitary landfill	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N

USE CLASSIFICATION	ZONING DISTRICT														
	A G	R 1	R 2	R 3	R P	R 4	R 5	B T	B 1	B 2	B 3	B 4	M 1	M 2	M 3
Transmission tower	S	N	N	N	N	N	N	S	S	P	P	C	P	P	P
Vehicle and equipment re-pair, major	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Vehicle and equipment sales, major	N	N	N	N	N	N	N	N	N	P	P	C	P	P	P
Warehousing, wholesaling and distribution, enclosed	N	N	N	N	N	N	N	N	N	N	P	C	P	P	P
Warehousing, wholesaling and distribution, open	N	N	N	N	N	N	N	N	N	N	N	N	S	P	P
<i>Temporary Uses</i>															
*Garage or yard sales	P	P	P	P	P	P	P	P	N	N	P	N	P	P	P
Seasonal sales	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Special event	S	S	S	S	S	S	S	S	S	S	S	P	S	S	P

