

COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset
12160 Slouland Dr., Summerset, SD 57710

Phone: (805) 710-9858

Fax: (805) 710-9803

Web: www.summerset.us

APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment

- Subdivision
 - Layout Plan
 - Preliminary Plat
 - Minor Boundary Change
 - Final Plat
 - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacallon
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING SW1/4 of Section 32, T3N, R7E, BHM, Meade County, SD

PROPOSED NA

LOCATION The SW1/4 of Section 32, T3N, R7E, BHM, Meade County, SD - generally located east of Norman Ranch Road

Size of Site-Acres 160 +/- Square Footage 6,969,600 +/- Proposed Zoning R3

DESCRIPTION OF REQUEST: Annexation into the City of Summerset

Utilities: Private / Public
Water Black Hawk WD
Sewer City of Summerset

APPLICANT

Name Norman Ranch Subdivision, LLC Phone _____
Address 1624 Concourse CT E-mail _____
City, State, Zip Rapid City, SD 57703

PROJECT PLANNER - AGENT

Name Norman Ranch Subdivision, LLC Phone _____
Address 1624 Concourse CT E-mail _____
City, State, Zip Rapid City, SD 57703

OWNER OF RECORD (if different from applicant)

Name Norman Ranch Subdivision, LLC Phone _____
Address 1624 Concourse CT E-mail _____
City, State, Zip Rapid City, SD 57703

Property Owner Signature _____ Date 12/14/2023
Property Owner Signature _____ Date _____

Signature _____ Date 12/17/2023
Signature _____ Date _____

Print Name: Forrest Thompson
Title*: President

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING	
Current	
North	
South	
East	
West	
Planner	
File No.	
Comp Plan	
Received By:	

- Sewer Utility
- Fire Department
- Public Works
- Planning
- Building Inspector
- Engineering
- City Code Enforcement
- Police
- City Attorney
- BHP&L
- Finance Officer
- Register of Deeds
- County - Planning
- SD DOT
- SD DENR
- Auditor - Annexation
- Drainage
- Parks & Recreation

- Diamond D Water
- Black Hills Water
-
- Other: _____
- Other: _____
- Other: _____
- Other: _____

Planning and Zoning Meeting Date: _____
Commission Meeting Date: _____
Date Paid: _____

Payment Type: Cash Check Credit Card

**CITY OF SUMMERSET
NOTICE OF PUBLIC HEARINGS
LAND / ZONING DESIGNATION**

You are hereby notified that there will be additions to the Summerset Zoning Ordinances, and the Summerset Zoning Map, considered at public hearings to be held by the Summerset Planning and Zoning Commission and the Summerset Board of Commissioners. The proposed zoning addition will create a zoning district and pertain to the real property recently annexed by the City of Summerset as follows:

Southwest Quarter (SW1/4) of Section 32, Township 3 North, Range 7 East
of the Black Hills Meridian, City of Summerset, Meade County, South
Dakota.

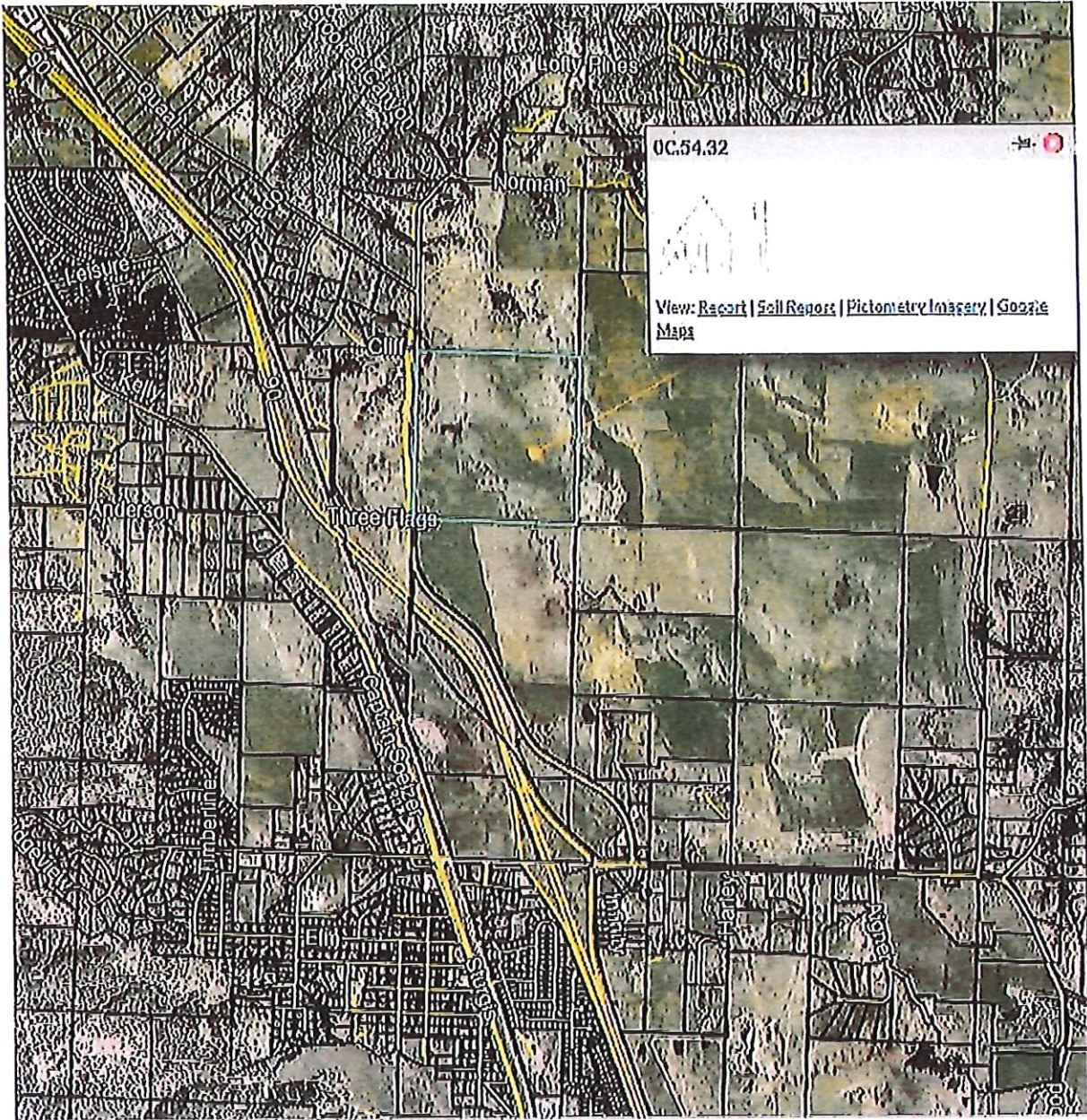
A public hearing will be held by the Summerset Planning and Zoning Commission on April 8th, 2024, at 6:00 p.m., and by the Summerset Board of Commissioners on April 18th, 2024, at 6:00 p.m., both of such public hearings to be held at the Summerset City Administration building, at 7055 Leisure Lane, Summerset, South Dakota.

This Notice of Public Hearing concerns the zoning designation to be given the property recently annexed by the City of Summerset. The legal description and a map of the recently annexed property is located at the Summerset City Administration building, and available for inspection on request.

This hearing is open to the public and interested parties are encouraged to attend. Any person having any objections to any proposed zoning designations may appear before the Planning and Zoning Commission and the City Board of Commissioners on the above said dates for the public hearings and show cause why the proposed zoning should not be approved. Written protest against the proposed zoning may be filed with the office of the City of Summerset, at 7055 Leisure Lane, Summerset, South Dakota.

Dated: March 21st, 2024.

Lisa Schieffer
Summerset City Administrator



0C.54.32



View: [Report](#) | [Sell Report](#) | [Pictometry Imagery](#) | [Google Maps](#)

****RETURN TO****
1ST AMERICAN
F4 149575



Doc #21005307 Recording Fee \$30.00
MEADE COUNTY REGISTER OF DEEDS
Miscellaneous Book 942 Page 1614 thru 1617 4 Pages
Recorded 07/15/2021 at 8:54 AM
Lana Anderson, Register of Deeds

Prepared by:
Talbot J. Wieczorek
Gunderson, Palmer, Nelson & Ashmore, LLP
P.O. Box 8045
Rapid City, SD 57709-8045
(605) 342-1078

DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration is made by the Declarants, Joseph Norman and Thomas Norman, Owners of the real property subject to these Covenants and benefitted by these Covenants.

WHEREAS, the real property restricted by these Covenants is described as follows:

Southwest Quarter (SW1/4) of Section 32 in Township 3 North of Range 7 East of the Black Hills Meridian, Meade County, South Dakota

(Restricted Property).

WHEREAS, the Declarants will be selling the Restricted Property and as part of the sales arrangement the Buyer has agreed to only develop single family residential lots on the property and,

WHEREAS, the restrictions to develop single family residential property is to the benefit of the Declarants and Declarants' other neighboring property described as follows:

S1/2 of NE1/4 and the N1/2 of the SE1/4 less platted parts and right-of-ways of Section 5 Township 2 North Range 7E of the Black Hills Meridian, Meade county; and

Government Lots 3 and 4 and the S1/2 of the NW1/4 of Section 4 Township 2 North Range 7E of the Black Hills Meridian, Meade County.

(Benefitted Property).

WHEREAS, it is the intent of the Declarants to retain their personal right to enforce the restrictions on the Restricted Property and for Declarants and their successors and assigns of the Benefitted Property to also have the right to enforce restrictions on the Restricted Property.

WHEREAS, the Declarants hereto desire to provide for the preservation of the values and amenities of the Restricted Property and to provide for the benefit of the Benefitted Property and for each owner thereof and shall inure to the benefit of and pass with the Restricted Property, and each and every Lot thereof, and shall apply to and bind the successors in interest of any owner thereof; and

NOW, THEREFORE, the Declarants hereto declare that all the Restricted Property and any Lot of the Restricted Property is and shall be held, transferred, sold, conveyed and occupied subject to these Covenants hereinafter set forth.

Definitions

It is anticipated that the Restricted Property may be sold or subdivided in the future. For the purposes of these Covenants, the term "Lot" shall mean any portion of the Restricted Property that has been conveyed to a party that is not the Declarants by the Declarants or subsequently by future purchasers whether the Lot be described by general legal description or by platted lot.

Residential Restrictions

Section 1.01. All Lots in the Restricted Property shall be used exclusively for private residential purposes. No dwelling erected or maintained within the Lot shall be used or occupied for any purpose other than for residential purposes and only single family dwellings are permitted. No business, profession or other activity conducted for economic gain shall be carried on or within any lot or dwelling that unjustly increases traffic.

Section 1.02. For purposes of this Declaration, "single family dwelling" shall mean a constructed dwelling or building designed to house a single family including townhouses that have an independent legal description for each townhouse following final platting, which can be sold or mortgaged independently, including townhomes that share a single wall. Townhomes with an independent legal description which share more than a single wall shall not be excluded, but shall be limited to no more than 5% of the total acreage of the Restricted Property.

Section 1.03. None of the Restricted Property shall be used for commercial activity with the exception that a home business, which is defined as a business conducted from the home primarily by the use of mail, telephone, computer, internet or other communications device that requires no special equipment that would be otherwise prohibited by the Covenants and where customers and clients do not come to the house as a matter of course, may be allowed. No advertising or signage of any kind shall be visible on the exterior of any building or on the Restricted Property advertising the home business.

Section 1.04. Single family dwellings may be constructed on the property and rented for the purposes of residential or domestic use only. Any leases of any Restricted Property including residences must be a minimum of twenty-eight (28) days in duration. Leases of a shorter duration will be deemed commercial activity and are prohibited.

Covenants Run With the Land

Section 2.01. These Covenants shall run with the land and shall be binding upon each Lot and upon each person or entity hereafter acquiring ownership or any right, title and interest in any Lot in the Restricted Property.

Section 2.02. These Covenants shall also run for enforcement purposes for the Benefitted Property.

Section 2.03. These Covenants shall not restrict the Benefitted Property. The Benefitted Property is described herein only for the purposes of establishing parties that can enforce the Covenants on the Restricted Property. The owners of the Restricted Property shall have no right to enforce any covenants or restrictions on the Benefitted Property as the Benefitted Property is not restricted in use in any way by these Covenants.

Invalidation

Section 3.01. Invalidation of any one or more of these Covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

Right to Enforce Covenants

Section 4.01. These Covenants are for the benefit of, jointly and severally, the Declarants, Declarants' successors or assigns or owners of the Benefitted Property and may be enforced by action for damages, suit for injunotion, mandatory and prohibitive, and other relief, and by any other appropriate legal remedy, instituted by Declarants, Declarants' successors or assigns or owners of the Benefitted Property. All costs, including reasonable attorneys' fees incurred by in connection with any successful enforcement proceeding initiated by Declarants or owners of the Benefitted Property shall be paid by the party determined to have violated the Covenants.

Duration of Covenants

Section 5.01. These Covenants shall run with the land and bind the land and shall inure to the benefit of and be enforceable by for a term of thirty-five (35) years from the date these Covenants are recorded and then, terminate.

Revisions and Covenant

Section 6.01. Declarants expressly reserves the right to terminate or modify the Covenants on any of the Restricted Property that Declarant reacquires after selling the Restricted Property. Any such termination will be accomplished by the filing of a document listing the land



that was reacquired and set forth the termination or modifications of these Covenants. These Covenants may not be amended in any other way.

Non-exclusivity

Section 7.01 These Covenants are non-exclusive and shall not prevent owners of the Restricted Property from adopting and recording additional Covenants upon the Restricted Property to be enforceable as designated in those later recorded Covenants.

IN WITNESS WHEREOF, the party hereto has executed the Covenants this 14 day of July, 2021.

Thomas W. Norman
Thomas W. Norman

Joseph F. Norman
Joseph F. Norman

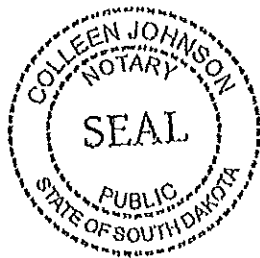
STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF PENNINGTON)

On this the 14 day of July, 2021, before me, the undersigned officer, personally appeared Thomas W. Norman and Joseph F. Norman, known to me or proven to be the persons whose names are subscribed to the foregoing document, and acknowledged that they executed the foregoing document in the capacity and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Colleen Johnson
Notary Public, South Dakota
My Commission Expires:

(SEAL)



My Commission Expires
April 16, 2024

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

§ 155.055 GENERAL DESCRIPTION.

This district is intended to be used for single-family residential development with low population densities and such supportive community facilities as parks, playgrounds, schools, libraries, and churches normally required to provide the basic elements of a balanced and attractive residential area. It is intended that this district provide protection for those areas existing as, or planned for, single-family neighborhoods.

(Ord. passed 2-3-2011, § 2.10.010)

§ 155.056 USES PERMITTED.

Property and buildings in an R-1 District shall be used only for the following purposes:

- (A) Detached single-family dwellings;
- (B) Utility facility, neighborhood, transportation, and utility easements, alleys, and rights-of-way;
- (C) Accessory buildings and uses customarily incidental to the above uses when located on the same lot;
- (D) Signs;
- (E) Home day care; and
- (F) Home occupation.

(Ord. passed 2-3-2011, § 2.10.020)

§ 155.057 CONDITIONAL USES.

After the provisions of §§ 155.335 through 155.341 relating to conditional uses have been fulfilled, the Planning and Zoning Board may permit as permitted conditional uses:

- (A) Assisted living center which contains not more than 12 units;
- (B) Bed and breakfast facility;
- (C) Boarding houses and rooming houses;
- (D) Cemeteries;
- (E) Places of worship;
- (F) Colleges and universities;
- (G) Convalescent, nursing, and rest homes;
- (H) Day care, family;
- (I) Group home;
- (J) Golf courses and country clubs;
- (K) Governmental services;
- (L) Public recreational and park facilities;
- (M) Radio, television, and telecommunication or wireless communication towers;

(N) Utility facility, public;

(O) Elementary, middle, and high schools, public or private; and

(P) Other uses may be allowed, provided they are not found to be contrary to intended uses of the district.

(Ord. passed 2-3-2011, § 2.10.030)

§ 155.058 AREA REGULATIONS.

All setbacks shall be measured from the owner's property line as follows:

(A) *Front setback.* All structures: 25 feet;

(B) *Side setback.*

(1) All structures: eight feet; and

(2) Exception for portable accessory buildings: two feet.

(C) *Rear setback.*

(1) Primary uses: 25 feet;

(2) (a) Unattached buildings of accessory use: eight feet; and

(b) Exception for portable accessory buildings: two feet.

(D) *Lot width.* There shall be a minimum lot width of 75 feet at the front building line;

(E) *Minimum lot size.* Eight thousand and five hundred square feet; for any non-residential use and their accessory buildings, 30,000 square feet; and

(F) *Maximum lot coverage.* Thirty five percent.

(Ord. passed 2-3-2011, § 2.10.040; Ord. passed 2-16-2017)

§ 155.059 HEIGHT REGULATIONS.

Principal structures shall not exceed two and one-half stories or 35 feet. Accessory structures shall not exceed 15 feet.

(Ord. passed 2-3-2011, § 2.10.050)

§ 155.060 OTHER REGULATIONS.

Development within the Single-Family Residential District (R-1) shall be regulated in conformance with the provisions of §§ 155.175 through 155.183, 155.255 through 155.257, 155.270 through 155.280, and 155.295 through 155.304.

(Ord. passed 2-3-2011, § 2.10.060)

R-2 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT

§ 155.075 GENERAL DESCRIPTION.

This is a residential district to provide for medium population density. The principal uses of land is for single-family and two-family residential uses and such supportive community facilities as parks, playgrounds, schools, libraries, and churches normally required to provide the basic elements of a

balanced and attractive residential area. It is intended that this district provide protection for those areas existing as, or planned for, single-family neighborhoods.

(Ord. passed 2-3-2011, § 2.12.010)

§ 155.076 USES PERMITTED.

Property and buildings in an R-2 Residential District shall be used only for the following purposes:

- (A) Any use permitted in an R-1 Single-Family Residential District;
- (B) Two-family dwelling; and
- (C) Townhouses.

(Ord. passed 2-3-2011, § 2.12.020)

§ 155.077 CONDITIONAL USES.

After the provisions of §§ 155.335 through 155.341 relating to conditional uses have been fulfilled, the Planning and Zoning Board may permit as permitted conditional uses any conditional uses in and subject to all the same requirements as in an R-1 district.

(Ord. passed 2-3-2011, § 2.12.030)

§ 155.078 AREA REGULATIONS.

All setbacks shall be measured from the owner's property line as follows:

- (A) *Front setback.* All structures: 25 feet;
- (B) *Side setback.*

- (1) All structures: eight feet;
- (2) Unattached buildings of accessory use: eight feet; and
- (3) Portable accessory building: two feet.

- (C) *Rear setback.*

- (1) Primary uses: 25 feet;
- (2) Unattached buildings of accessory use: eight feet; and
- (3) Portable accessory building: two feet.

(D) *Lot width.* There shall be a minimum lot width of 65 feet at the front building line, except for townhouses which shall have a minimum of 35 feet at the front building line.

- (E) *Minimum lot size.*

(1) For each single-family dwelling, served by a sanitary sewer system, there shall be a lot area of not less than 7,000 square feet;

(2) For each two-family dwelling, there shall be a lot area of not less than 9,500 square feet;

(3) For townhouse and assisted living structures, there shall be a lot area of not less than 4,500 square feet plus an additional 2,500 square feet for each townhouse unit which shall not exceed two units or assisted living unit; and

(4) For places of worship and other main and accessory buildings and their accessory buildings, 30,000 square feet.

(F) *Maximum lot coverage.* Forty percent.

(Ord. passed 2-3-2011, § 2.12.040; Ord. passed 2-16-2017)

§ 155.079 HEIGHT REGULATIONS.

Dwellings shall not exceed two and one-half stories or 35 feet. Accessory structures shall not exceed 15 feet.

(Ord. passed 2-3-2011, § 2.12.050)

§ 155.080 OTHER REGULATIONS.

Development within the One- and Two-Family Residential District (R-2) shall be regulated in conformance with the provisions of §§ 155.175 through 155.183, 155.255 through 155.257, 155.270 through 155.280, and 155.295 through 155.304.

(Ord. passed 2-3-2011, § 2.12.060)

R-2 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT

§ 155.075 GENERAL DESCRIPTION.

This is a residential district to provide for medium population density. The principal uses of land is for single-family and two-family residential uses and such supportive community facilities as parks, playgrounds, schools, libraries, and churches normally required to provide the basic elements of a balanced and attractive residential area. It is intended that this district provide protection for those areas existing as, or planned for, single-family neighborhoods.

(Ord. passed 2-3-2011, § 2.12.010)

§ 155.076 USES PERMITTED.

Property and buildings in an R-2 Residential District shall be used only for the following purposes:

- (A) Any use permitted in an R-1 Single-Family Residential District;
- (B) Two-family dwelling; and
- (C) Townhouses.

(Ord. passed 2-3-2011, § 2.12.020)

§ 155.077 CONDITIONAL USES.

After the provisions of §§ 155.335 through 155.341 relating to conditional uses have been fulfilled, the Planning and Zoning Board may permit as permitted conditional uses any conditional uses in and subject to all the same requirements as in an R-1 district.

(Ord. passed 2-3-2011, § 2.12.030)

§ 155.078 AREA REGULATIONS.

All setbacks shall be measured from the owner's property line as follows:

- (A) *Front setback.* All structures: 25 feet;
- (B) *Side setback.*
 - (1) All structures: eight feet;
 - (2) Unattached buildings of accessory use: eight feet; and
 - (3) Portable accessory building: two feet.
- (C) *Rear setback.*
 - (1) Primary uses: 25 feet;
 - (2) Unattached buildings of accessory use: eight feet; and
 - (3) Portable accessory building: two feet.

(D) *Lot width.* There shall be a minimum lot width of 65 feet at the front building line, except for townhouses which shall a minimum of 35 feet at the front building line.

(E) *Minimum lot size.*

(1) For each single-family dwelling, served by a sanitary sewer system, there shall be a lot area of not less than 7,000 square feet;

(2) For each two-family dwelling, there shall be a lot area of not less than 9,500 square feet;

(3) For townhouse and assisted living structures, there shall be a lot area of not less than 4,500 square feet plus an additional 2,500 square feet for each townhouse unit which shall not exceed two units or assisted living unit; and

(4) For places of worship and other main and accessory buildings and their accessory buildings, 30,000 square feet.

(F) *Maximum lot coverage.* Forty percent.

(Ord. passed 2-3-2011, § 2.12.040; Ord. passed 2-16-2017)

§ 155.079 HEIGHT REGULATIONS.

Dwellings shall not exceed two and one-half stories or 35 feet. Accessory structures shall not exceed 15 feet.

(Ord. passed 2-3-2011, § 2.12.050)

§ 155.080 OTHER REGULATIONS.

Development within the One- and Two-Family Residential District (R-2) shall be regulated in conformance with the provisions of §§ 155.175 through 155.183, 155.255 through 155.257, 155.270 through 155.280, and 155.295 through 155.304.

(Ord. passed 2-3-2011, § 2.12.060)

R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

§ 155.095 GENERAL DESCRIPTION.

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas appropriate by location and character for occupancy by high-density, multiple-family dwellings. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy housing conditions.

(Ord. passed 2-3-2011, § 2.14.010)

§ 155.096 USES PERMITTED.

Property and buildings in an R-3 Multi-Family Residential District shall be used only for the following purposes:

- (A) Any use permitted and as regulated in R-1 and R-2 Districts; and
- (B) Multi-family dwelling units.

(Ord. passed 2-3-2011, § 2.14.020)

§ 155.097 CONDITIONAL USES.

After the provisions of §§ 155.335 through 155.341 relating to conditional uses have been fulfilled, the Planning and Zoning Board may permit as permitted conditional uses:

- (A) Any conditional uses in and subject to all the same requirements as in any R-1 and R-2 districts; and
- (B) Manufactured home parks.

(Ord. passed 2-3-2011, § 2.14.030)

§ 155.098 AREA REGULATIONS.

All setbacks shall be measured from the owner's property lines as follows:

(A) *Front setback.*

- (1) Twenty-five feet for single-family, two-family, and multi-family dwellings not exceeding two and one-half stories;
- (2) Thirty-five feet for multiple-family dwellings more than two and one-half stories;
- (3) Unattached buildings of accessory use: 25 feet; and
- (4) Places of worship and their accessory buildings: 35 feet.

(B) *Side setback.*

- (1) Single- and two-family residential dwellings: eight feet;
- (2) Multi-family dwellings: 12 feet;
- (3) For each additional story above two stories: one foot additional side setback;
- (4) Unattached buildings of accessory use: eight feet; and
- (5) Places of worship and their accessory buildings: 35 feet.

(C) *Rear setback.*

- (1) Primary uses of two stories in height and less: 25 feet; and
- (2) For all primary uses of three stories and more in height: 30 feet.

(D) *Lot width.*

- (1) There shall be a minimum lot width of 65 feet at the front building line, except for townhouses and multi-family dwellings; and
- (2) There shall be a minimum lot width of 75 feet at the front building line for all other dwellings except townhouses.

(E) *Minimum lot size.*

- (1) For each single-family dwelling, there shall be a lot area of not less than 7,000 square feet;
- (2) For each two-family dwelling, there shall be a lot area of not less than 9,500 square feet;
- (3) For multi-family structures, townhouses, and assisted living structures, there shall be a lot area of not less than 4,500 square feet plus an additional 2,500 square feet for each dwelling unit or assisted living unit; and
- (4) For places of worship and other main and accessory buildings their accessory buildings: 30,000 square feet.

(F) *Maximum lot coverage.* Thirty percent.

(Ord. passed 2-3-2011, § 2.14.040)

§ 155.099 HEIGHT REGULATIONS.

There shall be a maximum of five stories or 60 feet, and a maximum 15 feet for unattached accessory buildings.

(Ord. passed 2-3-2011, § 2.14.050)

§ 155.100 OTHER REGULATIONS.

Development within the Multi-Family Residential District (R-3) shall be regulated in conformance with the provisions of §§ 155.175 through 155.183, 155.255 through 155.257, 155.270 through 155.280, and 155.295 through 155.304.

(Ord. passed 2-3-2011, § 2.14.060)

§ 155.101 USEABLE OPEN SPACE.

For all multi-family uses of land, useable open space shall be provided as follows.

<i>Dwelling Height Open Space per Dwelling Unit</i>	
Two-story	400 square feet
Three- to five-story	300 square feet

(Ord. passed 2-3-2011, § 2.14.070)

§ 155.102 REQUIRED PLAY AREA.

(A) For all multi-family uses of land, a designated and defined play area for children shall be provided, based on the formula of 50 square feet per dwelling unit.

(B) Square footage of the play area shall be computed as part of usable open space.

(C) The requirements of this section shall not apply to multi-family developments exclusively restricted to the elderly.

(Ord. passed 2-3-2011, § 2.14.080)

PLANNED DEVELOPMENT DISTRICT

§ 155.155 GENERAL DESCRIPTION.

(A) The purpose of the Planned Development District (PD) is to allow development of undeveloped parcels of land that, by virtue of their visually and/or environmentally unique location, lend themselves to a blend of diverse yet compatible uses, innovative layouts, or sensitive designs.

(B) Development of such parcels shall be accomplished while meeting public requirements, including preservation, promotion, and protection of open space, scenic vistas, and natural resources, by the application of extra administrative controls.

(C) All final plans in the Planned Development District shall be recommended by the Planning and Zoning Board and approved by the Board of Commissioners under the procedure set forth in § 155.159. Final approval by the Board of Commissioners is deemed to be an administrative act not subject to referendum.

(Ord. passed 2-3-2011, § 2.24.010)

§ 155.156 USES PERMITTED.

Unless expressly prohibited in § 155.157, the following uses are permitted:

(A) Any permitted and conditional use in the AG-Agricultural District;

(B) Any permitted and conditional use in the R-1 Single-Family Residential, R-2 One- and Two-Family Residential, and R-3 Multi-Family Residential Districts; and

(C) Any permitted and conditional use in the C-1 General Commercial District.

(Ord. passed 2-3-2011, § 2.24.020)

§ 155.157 USED PROHIBITED.

The following uses are prohibited:

(A) New and used vehicle or machinery sales and service;

(B) Manufactured home sales;

(C) Building material sales;

(D) Truck terminals, stand-alone warehouse facilities;

(E) Use requiring unscreened outside storage;

(F) Industrial uses; and

(G) Off-premises signs unless already located on the property.

(Ord. passed 2-3-2011, § 2.24.030)

§ 155.158 MINIMUM REQUIREMENTS FOR IMPROVEMENTS AND DESIGN.

(A) *General.* Minimum requirements for improvements and design are not subject to modification by the procedure outlined in § 155.159. Projects that exceed the minimum requirements are encouraged.

(B) *Area regulations.*

(1) Front, side, and rear setbacks and lot width and size are governed by the minimum requirements for parking and open space as described per divisions (C) and (F) below.

(2) Height restrictions are as follows:

- (a) Commercial uses: five stories or 60 feet;
- (b) Residential uses: five stories or 60 feet; and
- (c) All other uses: five stories or 60 feet.

(C) *Parking.* For individual uses or approved as a comprehensive parking plan for integrated uses or for the overall development.

(D) *Lighting.* All lighting shall be fully shielded, 85% full cut-off fixtures.

(E) *Signs.* As regulated for individual uses, or approved as a comprehensive signage plan for the overall development when evaluated as a whole, all illuminated signage shall be down-lighted or back-lighted;

(F) *Open space.*

(1) *Common open space.* A minimum total area of 10% of the land included in the application shall be comprised of common open space, which shall be used for amenity or active or passive recreational use. Open space containing natural features may be left unimproved. Designated amenities including parks, playgrounds, and the like shall be installed immediately or bonded.

(2) *Individual lot open space.* Commercial: 20%; all other uses: 30%.

(G) *Landscaping.*

(1) Each application shall include a comprehensive landscaping plan showing the location and species of all plant materials and an irrigation plan, meeting the minimum requirements of the §§ 155.295 through 155.304.

(2) Additional requirements in the form of berms, open yard buffer areas, landscape islands, and live and/or constructed screening are encouraged and may be imposed as conditions of landscape plan approval.

(H) *Transportation system.* Each application shall include a transportation plan showing points of ingress and egress, circulation pattern, and integration with the system to which it relates.

(1) All streets, sidewalks, pedestrian ways, and rights-of-way to be dedicated to the city shall conform to the minimum requirements of the regulations of the city's ordinances, as adopted and in effect when the plan is approved.

(2) All streets, sidewalks, pedestrian ways, and rights-of-way to remain private shall be subject to approval as part of the overall development plan.

(Ord. passed 2-3-2011, § 2.24.040)

§ 155.159 PROCEDURE.

(A) *Initial development plan.* When a petitioner wants to request rezoning to the Planned Development District, he or she shall submit his or her request to the Planning Department, showing the information specified in § 155.160, a minimum of 20 days prior to the Planning Commission meeting at which consideration is desired. After the planned development request has been reviewed, the Planning Commission shall make a recommendation to the Board of Commissioners on the requested rezoning. The Board of Commissioners shall then act to approve or deny said request. This request for rezoning is subject to the requirements for amendment of the ordinance specified in §

155.358. No building permit shall be issued within the development until the final development plan is approved and the plat is filed.

(B) *Final development plan.*

(1) Prior to construction on any lots in the planned development, the petitioner shall present a final development plan showing the information specified in § 155.161 below to the Planning Commission, who shall make a recommendation to the Board of Commissioners on the requested rezoning. The Board of Commissioners shall then act to approve or deny said request. This request for rezoning is subject to the requirements for amendment of § 155.358.

(2) The final development plan may be submitted in conjunction with the initial development plan for concurrent approval on any subareas the developer is ready to commit to a final plan. All the information required for both an initial and final development plan must be shown for the area submitted for concurrent approval, except that the developer may reference the requirements of one of the traditional zoning districts as the development standard for a particular subarea.

(3) Signs shall be posted on the property for a continuous period of seven days immediately prior to any public hearing held by the Planning Commission or Board of Commissioners to consider any final development plan. Said signs shall be furnished by the city and posted by the applicant in the numbers and locations prescribed by the Administrator.

(C) *Amendments.*

(1) *Major amendments.* Major amendments to the initial and/or final development plan shall be required to be approved with a public hearing in the same manner as provided for in § 155.357.

(2) *Minor amendments.*

(a) Minor amendments to the initial and/or final development plan shall be required to be approved by the Planning Commission. Notice of such hearing shall be given by the posting of not less than four signs provided by the city.

(b) Minor amendments to the initial development plan may also be made by the submission and approval of a final development plan which is changed from the approved initial development plan. Any such amendments shall be shown as a change from the initial development plan on the final development plan.

(3) *Minimal amendments.* Minimal amendments to the final development plan shall be submitted to the Administrator on a reproducible development plan showing the requested changes. The Planning Director may then approve such change in writing if she or he deems it appropriate.

(Ord. passed 2-3-2011, § 2.24.050)

§ 155.160 INITIAL DEVELOPMENT PLAN.

Upon application for rezoning to Planned Development District, the petitioner shall present an initial development plan to the Planning Commission for review and to the Board of Commissioners for its approval showing the following information:

(A) Project name and legal description;

(B) A preliminary subdivision plan in compliance with Chapter 151; and

(C) (1) The proposed development scheme showing the following information:

(a) The proposed land uses, including the number and type of proposed residential buildings, the proposed number of dwelling units per building, the number and type of any proposed non-residential buildings, and their square footage;

(b) The proposed maximum density of the development, which shall not exceed the density allowed in the traditional zoning districts for similar uses, except where unique physical, environmental, or design characteristics make such densities undesirable;

(c) The proposed minimum setbacks which shall be no less than those required in the traditional zoning districts for similar uses, except where unique physical, environmental, or design characteristics make such setbacks undesirable;

(d) The proposed maximum height which shall be no greater than that required in the traditional zoning districts for similar uses, except where unique physical, environmental, or design characteristics make such heights undesirable;

(e) Proposed design features illustrating compatibility to the surrounding environment and neighborhood; and

(f) Anticipated subarea development sequence.

(2) In addition, the developer shall provide an eight and one-half by 11-inch scaled rendering on Mylar of the approved initial development plan showing each of the subareas.

(Ord. passed 2-3-2011, § 2.24.060)

§ 155.161 FINAL DEVELOPMENT PLAN.

(A) Prior to construction on any lots in the Planned Development Zoning District, the petitioner shall present a final development plan to the Planning Commission for review, and to the Board of Commissioners for its approval showing the following information:

(B) (1) Final development plan approval shall expire one year from the date upon which it becomes effective if no work has commenced. Upon written request to the Administrator and prior to the final development plan approval expiration date, a time extension for the final development plan approval may be granted.

(2) The final development plan shall show the following information:

(a) The subdivision name, the legal description, and the individual project name (if any);

(b) Boundaries of the subarea or subareas submitted for approval superimposed on the map of the initial development plan;

(c) A subdivision plat of the subarea or subareas submitted for approval in compliance with Chapter 151; and

(d) A scale drawing showing the following information will be required:

1. Size and location of proposed structures including height and number of units;

2. Calculated floor area for each structure and a generic listing of the uses within said structure;

3. Off-street parking lot arrangement designating all parking spaces, off-street loading spaces, and any outdoor trash container;

4. Any sidewalks, bikeways, or other paths;

5. Any outdoor lighting, type, and location, except for standard street lights provided by the city;

6. Landscaping plans showing the type and location of any walls or fences, the placement, size, and species of any trees or shrubs, and berms in areas that will be sod or seeded;

7. All existing and proposed utilities, drainage ways, watercourses, and location of above ground existing utilities on adjacent property;
8. Proposed final ground contours;
9. Curb cuts and all private drives;
10. Adjacent, existing, and proposed uses;
11. First floor elevation for any structure located in a flood hazard area;
12. Accurate building elevation of all proposed structures;
13. Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities, including private streets;
14. Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve;
15. Proposed parking and loading spaces which shall be in conformance with §§ 155.255 through 155.257, except where unique physical, environmental, or design characteristics make such requirements undesirable; and
16. Unless otherwise specified on the final development plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as a part of the final development plan. For example, townhouses on block X shall be developed in conformance with the requirements of the R-1 Residential District.

(Ord. passed 2-3-2011, § 2.24.070)

§ 155.162 AMENDMENTS.

(A) *Major amendments.* The following changes in an initial and/or final development plan are considered major amendments:

- (1) Any change in the proposed land uses shall follow a rezoning process; and
- (2) An increase in density above that provided for in division (B)(5) below shall follow a rezoning process.

(B) *Minor amendments.* The following changes in an initial and/or final development plan are considered minor amendments:

- (1) Any adjustment in the size or shape of the building envelope (increasing the height or reducing the building setback);
- (2) Any change in the number or location of curb cuts;
- (3) Any decrease in the size of required open areas;
- (4) A minor change in the street pattern;
- (5) Any increase in density of a subarea:
 - (a) Less than 25% for a subarea with less than eight units;
 - (b) Less than 15% for a subarea with between nine and 20 units; and
 - (c) Less than 8% for a subarea with 21 units or more.
- (6) Any change in the number of parking spaces;

(7) Any minor change to on-premises signage; and

(8) Any major change in the street pattern.

(C) *Minimal amendments.* The following changes in an initial and/or final development plan are considered minimal amendments:

(1) Any adjustment of a building within a previously established building envelope;

(2) A reduction in density and scale;

(3) Any minimal change in the street pattern;

(4) Any minimal change in the parking and loading requirements;

(5) Any minimal change to on-premises signage; and

(6) Any adjustment in the size or shape of the building envelope by reducing the building setback by one foot or less.

(Ord. passed 2-3-2011, § 2.24.080)