

City of Crooks  
Ordinance #240

**An ordinance of the city of Crooks, South Dakota, amending ordinance #167 (“2009 Crooks revised zoning ordinance”), section 11 by inserting a zoning classification for a planned unit development district, and reassigning chapter numbers 11 through 19.**

**Be it ordained by the city of Crooks that:**

**The following text shall be inserted for section 11:**

“11 - PUD: Planned Unit Development District

**11.01 INTENT COMPLIANCE WITH COMPREHENSIVE PLAN.**

- (A) It is the intent of this district to provide flexibility from conventional zoning regulations with increased public review for planned unit development district projects in order to:
- (1) Encourage well-planned, efficient urban development.
  - (2) Allow a planned and coordinated mix of land uses which are compatible and are harmonious, but previously discouraged by conventional zoning procedures.
  - (3) Encourage more creative, higher quality and more ecologically sensitive urban design with special consideration given to projects which incorporate desirable design features, including but not limited to underground parking, orientation or design to take advantage of solar energy, environmental preservation, historic preservation, handicapped accessible structures, unique use of open spaces or other desirable design features.
  - (4) Improve communication and cooperation among the city, land developers, and interested residents in the urbanization of new lands and the renewal of existing deteriorated areas.
- (B) The developments within the planned unit development district shall comply with the policies and design standards of the City of Crooks Comprehensive Plan. The development shall be mutually compatible with adjacent projected developments.

**11.02 PROCEDURE.**

- (A) *Initial development plan.*
- (1) When a petitioner wants to request a rezoning to the Planned Unit Development District, it shall be submitted to the Director of Planning Zoning, showing the information specified in, 11.03 INITIAL DEVELOPMENT PLAN, a minimum of 30 days prior to the Planning Commission meeting at which consideration is desired. After the planned unit development request has been reviewed, the Planning Commission shall make a recommendation to the City Council on the

requested rezoning. The City Council shall then act to approve or deny the request.

- (2) This request for rezoning is subject to the requirements for amendment of the zoning regulations specified in 17.01 of the 2009 Revised Crooks Zoning Regulation. 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 unit development, the petitioner shall present a final development plan showing the information specified in 11.04 FINAL DEVELOPMENT PLAN, to the Planning Commission, who shall have the sole authority to approve, deny, or amend the plan.
- (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 7 days immediately prior to any public hearing held by the Planning Commission or City Council to consider any final development plan. The signs shall be furnished by the Zoning Administrator and posted by the applicant in the numbers and locations prescribed by the Zoning Administrator.
- (4) Before any action shall be taken by the Planning Commission, the applicant shall first file with the Zoning Administrator a certificate verifying that the signs have been posted at the proper location before the time specified by this section.

(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 11.05. AMENDMENTS.
- (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 the hearing shall be given by the posting of not less than 2 signs provided by the Zoning Administrator. Before any action shall be taken by the Planning Commission, the applicant shall first file with the Zoning Administrator a certificate verifying that the signs have been posted at the proper location and for the time specified.

- (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 amendments shall be shown as a change from the initial development plan on the final development plan, and further these changes shall be made on the initial development plan on file with the County Register of Deeds.
- (3) *Minimal Amendments.* Minimal amendments to the final development plan shall be submitted to the Zoning Administrator on a reproducible development plan showing the requested changes. The Zoning Administrator may then approve the change in writing if he/she deems it appropriate.

### **11.03 INITIAL DEVELOPMENT PLAN.**

Upon application for rezoning to the Planned Unit Development District, the petitioner shall present an initial development plan to the Planning Commission for review, and to the City Council, for their approval showing the following information:

- (A) Project name and legal description.
- (B) A preliminary subdivision plan in compliance with Article 4 of the City of Crooks Subdivision Regulations.
- (C) The proposed development scheme showing the following information:
  - (1) 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 nonresidential buildings and their square footage.
  - (2) 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.
  - (3) 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 the setbacks undesirable.
  - (4) 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 the heights undesirable.
  - (5) Proposed design features illustrating compatibility to the surrounding environment and neighborhood.
  - (6) Anticipated subarea development sequence.
- (D) In addition, the developer shall provide an 8" x 11 scaled rendering on mylar of the approved initial development plan showing each of the subareas.

#### **11.04 FINAL DEVELOPMENT PLAN**

- (A) Prior to construction on any lots in the Planned Unit Development Zoning District, the petitioner shall present a final development plan to the Planning Commission for their approval. When a subarea is proposed by the developer for only single-family detached homes or 2-family attached units, a final development plan will not be required.
- (B) Final development plan approval shall expire 1 year from the date upon which it becomes effective if no work has commenced. Upon written request to the Zoning Administrator and prior to the final development plan approval expiration date, a time extension for the final development plan approval may be granted.
- (C) The final development plan shall show the following information:
  - (1) The subdivision name, the legal description and the individual project name (if any).
  - (2) Boundaries of the subarea or subareas submitted for approval superimposed on the map of the initial development plan.
  - (3) A subdivision plat of the subarea or subareas submitted for approval in compliance with Article V of the Subdivision Ordinance.
  - (4) A scale drawing showing the following information will be required:
    - (a) Size and location of proposed structures including height and number of units.
    - (b) Calculated floor area for each structure and a generic listing of the uses within the structure.
    - (c) Off-street parking lot arrangement designating all parking spaces, off-street loading spaces and any outdoor trash container.
    - (d) Any sidewalks, bikeways or other paths.
    - (e) Any outdoor lighting, type and location, except for standard street lights provided by the city.
    - (f) 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.
    - (g) All existing and proposed utilities, drainage ways, water courses and location of above ground existing utilities on adjacent property.
    - (h) Proposed final ground contours.
    - (i) Curb cuts and all private drives.
    - (j) Adjacent, existing and proposed uses.

- (k) First floor elevation for any structure located in a flood hazard area.
- (l) Accurate building elevation of all proposed structures.
- (m) Documentation of the ownership and maintenance responsibility of any common open spaces, structures or facilities, including private streets.
- (n) Any subareas proposed for multiple residential development will be required to provide an open area for recreation. The open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.
- (o) Proposed parking and loading spaces which shall be in conformance with 11.04 of the 2009 Revised Crooks Zoning Regulation, except where unique physical, environmental or design characteristics make the requirements undesirable.
- (p) 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-2 Residential District.

#### **11.05 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 should follow a rezoning process detailed in 17.01 of the 2009 Revised Crooks Zoning Regulation.
  - (2) An increase in density above that provided for in division (B)(5) below should follow a rezoning process detailed in 17.01 of the 2009 Revised Crooks Zoning Regulation.
- (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:

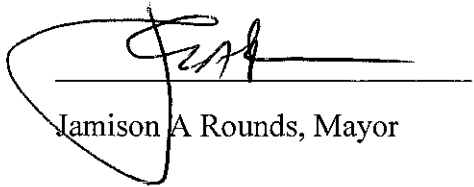
- (a) Less than 25% for a subarea with less than 8 units.
  - (b) Less than 15% for a subarea with between 9 and 20 units.
  - (c) Less than 8% for a subarea with 21 units or more.
- (6) Any change in the number of parking spaces.
  - (7) Any minor change to on-premise signage.
  - (8) Any major change 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-premise signage.”

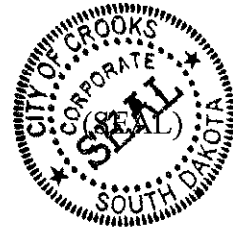
**The following chapters numbers are reassigned and changed as followed:**

- “11 – Additional Use Regulations” shall read as “12 – Additional Use Regulations”
- “12 – Adjustments to Yard Regulations” shall read as “13 – Adjustments to Yard Regulations”
- “13 – Non-conforming uses” shall read as “14 – Non-conforming uses”
- “14 – Administration and Enforcement shall be read as “15 – Administration and Enforcement”
- “15 – Building Permits and Fees” shall read as “16 – Building Permits and Fees”
- “16 – Board of Adjustment” shall read as “17 – Board of Adjustment”
- “17 – Amendments and Change of Zone” shall read as “18 – Amendments and Change of Zone”
- “18 – Conditional Use Permits” shall read as “19 – Conditional Use Permits”
- “19 – Definitions” shall read as “20 – Definitions”


Council members voted as follows:

- Henning: \_\_\_\_\_
- Kringen: \_\_\_\_\_
- Maras: \_\_\_\_\_
- Richardson: \_\_\_\_\_

  
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Jamison A Rounds, Mayor



Attest:

  
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Tobias Schantz, Finance Officer

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