

ISSUE BRIEF- Sioux Falls Area Chamber of Commerce

Shape Places

DRAFT- May 2018

Background

In 2008, the update for the Shape Places Zoning Ordinance (SPZO) was launched beginning with a survey of approximately 1,500 citizens. Survey results provided direction for the Land Use and Development Review Committee to create specific policies to incorporate into the Shape Places Comprehensive Plan, which was adopted in December of 2009. Subsequently, five study groups (landscape, signage, parking, Minnesota Avenue and Zoning Districts) were formed to determine recommendations for changes to the Zoning Ordinance based on the Shape Sioux Falls plan.

Prior to the SPZO, the zoning laws were enacted in 1983. As a result of work on the Shape Places Comprehensive Plan, the Sioux Falls City Council enacted new zoning laws in March of 2013., These were scheduled to go into effect in April of that year, however, "Save Our Neighborhood", a group also concerned about a proposed Walmart near 85th Street and Minnesota Avenue, collected enough signatures to place the issue on the City's April 2014 ballot.

Shape Places Intended Purpose

The intended outcome of Shape Places is to improve the Sioux Falls zoning ordinance by simplifying and reducing the rules and regulations, and providing for more development options as well as new, innovative site planning options.

Proponents of Shape Places have outlined the following benefits of implementation:

- *Effectively manages land uses of different intensities
- *Provides seamless and smooth transitions from one use to another
- *Offers more development options and new or innovative site planning options
- *Enhances user-friendliness (would reduce current Zoning Ordinance with its 127 different uses that are in one or several different zoning districts, to 35 forms in 9 categories)
- *Streamlined zoning process--reduction of conditional-use permits, which require appearing before the planning commission, city council and allowance for public input

Opponents of Shape Places have outlined the following reasons of concern:

- *Unfair signage restrictions placed upon businesses, certain professions and homeowners
- *Reduction/elimination of conditional-use permits marginalize public input as properties are considered for development or redevelopment

2013 Issue and Advocacy Survey

Nearly 59 percent of respondents to the 2013 Sioux Falls Area Chamber of Commerce Issue and Advocacy Survey feel that the Chamber should endorse a YES vote on Shape Places, while approximately 8 percent feel the Chamber should endorse a NO vote. Just over 21 percent are undecided and nearly 13 percent remain neutral whether the Chamber should take a position.

Update: 5-Year Shape Places Ordinance Changes

In April of 2018, the Sioux Falls Area Chamber of Commerce's Issues Management Council (IMC) had the opportunity to hear a 5-year update on the Shape Places Ordinance by the City Planning Department. Here is an overview of what has changed since the ordinance was implemented.

The Shape Places Zoning Ordinance (Ordinance No. 9-13) was passed by City Council in March 2013. However, a petition was circulated that put the Shape Places Zoning Ordinance to a public vote. On April 8, 2014, referred Law 3 was on put on the election ballot. Sixty-five percent of the ballots casted voted yes for the Shape Places Zoning Ordinance and the implementation began shortly thereafter on April 16, 2014.

Since the initial implementation in 2014, rezoning applications have increased every single year reaching an all-time high in 2017 with 80 applications. Preliminary plans have almost doubled since 2014 while conditional uses have significant decreased—46 in 2014 to only 25 in 2017.

Additionally, this ordinance has helped keep applications costs down and competitive amongst comparable communities in our region. It has also allowed for a straightforward time frame with a quick turnaround.

A few specific changes this ordinance has created include:

- Moves non-residential uses, such as nursing homes and day care centers from single-family residential districts to office or multi-family zoning districts.
- Requires a buffer yard between commercial and residential districts
- Creates four different classifications of commercial zoning that determine the size of any commercial structure
- Provides for final land use decisions that are set by the zoning classification placed on the property and separation distance to residential areas.

Other additional changes are as follows:

RS Single Family/Conditional Uses

- 2014—RT1 Bed and Breakfast
- 2015—RT2 Accessory off street parking
 - RS Elementary school in a church
- 2016—RT1 in home day care
 - RS in home day care
 - RS electronic message sign at a church
 - RT1 electronic message sign at a church
- 2017—RT1 for a home day care
 - RS election message sign a church
 - RS accessory unit in side yard
 - RD non-conforming sign
 - RS electronic message sign at a church

Sources:

Issue and Advocacy Survey. Sioux Falls Area Chamber of Commerce. 2013.

Saveourneighborhood.info

“Shape Places-Zoning Ordinance”. City of Sioux Falls.

<http://www.siouxfalls.org/planning-building/planning/shape-places-zoning-ord.aspx>.

Wischmeyer, Beth. “Opponents of Walmart site steer changes to a vote, say deliberate process worthwhile.” ArgusLeader.com. 7 May 2013.

<http://www.argusleader.com/article/20130507/NEWS/305070016>.