AN ORDINANCE TO AMEND THE REGULATIONS FOR THE GENERAL COMMERCIAL ZONING DISTRICT BY AMENDING CHAPTER 17.18 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has adopted comprehensive zoning regulations; and

WHEREAS, one of the zoning districts adopted by the City is the General Commercial Zoning District; and

WHEREAS, the Common Council wishes to update the regulations of the General Commercial Zoning District.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 17.18.030 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.18.030 Conditional uses.
   1. Grass skiing;
   2. Water slides;
   3. Miniature golf courses;
   4. Driving ranges;
   5. Laboratories and establishments for production and repair of jewelry, eye glasses, hearing aids, prosthetic appliances and dental appliances. Retail trade of these activities must accompany the wholesale or production process;
   6. Missions, subject to the following:
      a. Provide a detailed program and services plan at time of application, including but not limited to, hours of operation, and type and extent of supervision;
      b. Must meet fire, building and health requirements; and
      c. Any significant modification in the program and services place will require a new application.
   7. Sign contractor shop, subject to the following:
      a. All outdoor storage shall be screened by a 6-foot fence, wall or mass planting. Such screening plans shall be approved by the Planning Commission and the Common Council; and
      b. Any other conditions the Council Planning Commission shall deem appropriate.
   8. Travel parks or recreational vehicle parks less than 5 acres as regulated by Title 12 of this code;
   9. Carwashes subject to, but not limited to, the following considerations:
      a. Adequate egress and ingress;
      b. Appropriate landscaping and screening;
      c. Drainage plan; and
      d. Any other requirements the Council Planning Commission may deem appropriate.
   10. Mini-warehousing for storage services, primarily for personal effects and household goods, subject to the following:
       a. Plans shall be submitted showing ingress and egress, width of driveways, location of buildings, architectural elevations of all buildings indicating height and type of materials to be
used, landscaping, screening and security fence and outdoor storage areas. No conditional uses may be granted until the Common Council Planning Commission, at its sole discretion, approves the plan submitted by applicant;

b. Exterior building material shall be masonry, concrete or wood or metal simulated wood siding;

c. Landscaping shall be required, based on the point system and criteria of Rapid City’s landscape regulations as regulated in § 17.50.300;

d. Security fencing and screen fencing shall not exceed 6 feet in height, and shall be constructed of wood, decorative block, or chain link fence with slats, as approved by the Common Council Planning Commission;

e. Outdoor storage yards shall be screened from view of surrounding properties;

f. A local manager shall be required and shall be responsible for maintaining the property and the operation of the facility in conformance with the conditions of approval. This shall not be construed to release the property owner from the ultimate responsibility for maintaining the operation of the facility in conformance with the conditions of approval; and

g. Any other conditions the Council Planning Commission shall deem appropriate;

110. Child care centers as regulated in § 17.50.150;

112. Planned commercial developments as regulated in §§ 17.50.050 through 17.50.100 of this title;

123. Planned unit developments as regulated in §§ 17.50.050 through 17.50.100 of this title;

134. Fraternities, sororities, and denominational student headquarters;

145. Manufacturing of sculptures or other artwork in conjunction with an art gallery, art studio or art school;

156. Dwelling unit, as part of the principal structure, to be used in conjunction with a permitted use or conditional use; however, a detached caretaker’s residence may be permitted as a conditional use in conjunction with a facility when the lot area exceeds 5 acres, provided the unit meets all setbacks required for a residence. A manufactured home may be used as the caretaker’s residence; provided it meets all the City of Rapid City requirements for manufactured homes;

167. On-sale liquor establishments;

178. Wholesale and distribution centers not otherwise authorized by § 17.18.020(20) of this code;

189. Radio, television and cellular communication station and transmission tower;

2019. Adult day care centers subject to, but not limited to, the following considerations:

a. Proximity to major arterial;

b. Proximity to recreation facilities;

c. Traffic generated by the center;

d. Hours of operation of the center;

e. Existing or potential levels of air and noise pollution in the area;

f. Access from the center to adjacent areas which are used for commercial and industrial purposes;

g. Appropriateness of outdoor recreation areas. If outdoor recreational areas are permitted, fencing shall be not less than 42 inches in height;

h. Type of vehicular traffic common to the area; and

i. Any other requirements Common Council Planning Commission may deem appropriate.
Assisted living centers subject to, but not limited to, the following considerations:
   a. A lot area of not less than 5,000 square feet plus an additional 1,500 square feet for each assisted living suite or room. For those structures which provide all required off-street parking within the main structure, the lot area required may be reduced to 280 square feet per unit; and
   b. There shall be usable open space provided for each suite/room of not less than 170 square feet. Open space does not include drives, parking, and service areas. Not more than 50% of the open space requirement shall be met with common interior spaces limited to community rooms, central dining areas and craft rooms.

Colleges and universities;

Antique and used furniture, including stripping and refinishing, provided there is no outside storage or display of merchandise;

Indoor craft and flea markets, provided there is no outside storage or display of merchandise;

Retail plumbing sales and service, provided all outside storage is screened by a minimum-7-foot-high fence or wall;

Piano repair, stripping and refinishing;

Off-premises signs as regulated by §§ 17.50.080 through 17.50.100 and in accordance with the requirements of § 17.50.090;

Outdoor firewood storage and sales lot, provided that no power equipment is used in processing the firewood;

Monument sales and engraving subject to, but not limited to, the following considerations:
   a. Actual engraving work to be done in an enclosed area;
   b. Provide detailed plan showing intended type of services and work to be done on site prior to approval;
   c. No outdoor displays, inventory or sales;
   d. No outdoor cranes or equipment used to load or unload monuments;
   e. Any noise, dust or vibrations shall be completely confined within an enclosed building; and
   f. Any other requirements the Planning Commission may deem appropriate.

Microcell wireless communications facilities on poles as defined in § 17.50.400B.

Microbreweries subject to the following considerations:
   a. A MICROBREWERY is defined as any manufacturer located in this state producing malt beverages, as defined in SDCL 35-15-1(2) an establishment which manufactures less than 5,000 barrels of malt beverages a year;
   b. The operator of a microbrewery must obtain the malt beverage manufacturer’s microbrewery license required by SDCL 35-15-2 in addition to the malt beverage manufacturer’s license required by SDCL 35-4-2 (14), the operator of a microbrewery must obtain the appropriate city issued retail liquor license if it intends to sell its product directly to the public;
   c. Accessory uses to a microbrewery specifically include, but are not necessarily limited to, the selling of food, operation of a restaurant, and/sor selling of products associated with the microbrewery or manufacture of malt beveragesbeer; and
   d. If the operator of a microbrewery intends to sell or serve alcoholic beverages other than the malt beverages produced, the operator must obtain a Conditional Use Permit and the appropriate alcoholic beverage licenses.

Farm wineries subject to the following regulations:
a. **A FARM WINERY** is defined as any manufacturer located in this state producing **wine**, as defined in SDCL 35-12-13, any winery owned or operated by the owner of a South Dakota farm and producing table, sparkling, or sacramental wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in South Dakota;

b. **TABLE, SPARKLING, AND SACRAMENTAL WINES** are defined as any beverage made without rectification or fortification and containing not more than 18% alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey;

c. The amount of wine the farm winery is allowed to sell in 1 year is limited to 50,000 gallons;

d. The operator of a farm winery must obtain the license required by SDCL 35-12-14;

dc. If the operator of a farm winery intends to sell or serve alcoholic beverages other than the wines produced, the operator must obtain a Conditional Use Permit and the appropriate city issued retail liquor alcoholic beverage licenses;

ded. Accessory uses to a farm winery specifically include, but are not necessarily limited to, the serving of food, and/or operation of a restaurant, and or the selling of glassware, wine literature and accessories, and or food products.

323. Non-overnight accessory dog kennels and horse corrals for transitory animals in a Planned Commercial Development (PCD).

334. Group homes, subject to the following:

a. Applicant shall provide a detailed program and services plan at the time of application;

b. Must meet fire, building and health requirements;

c. The Council-Planning Commission may add the following conditions:

1. Standard hours of operation;

2. Type and extent of the supervision to be provided;

3. Services and program to be provided;

4. Number of persons;

5. Proximity to other group homes; and

6. Any other condition the Council-Planning Commission may deem appropriate.

d. Any significant modification in the program and services plan will require a new application.

345. Artisan Distillerys operated in compliance with South Dakota law, including SDCL Chapter 35-13-13 subject to the following considerations:

a. An ARTISAN DISTILLER is defined as any manufacturer located in this state producing, rectifying, or blending distilled spirits, as defined in SDCL Chapter 35-13-13(1);

b. The operator of an artisan distillery must obtain the license required by SDCL 35-13-14;

c. Accessory uses to an artisan distillery specifically include, but are not necessarily limited to, the sale of food, operation of a restaurant, and sale of products associated with the artisan distiller or manufacture of spirits;

d. If the operator of an artisan distillery intends to sell or serve alcoholic beverages other than the spirits produced, the operator must obtain a Conditional Use Permit and the appropriate alcoholic beverage licenses.

35. Microcidery subject to the following considerations:

a. A MICROCIDERY is defined as any manufacturer located in this state producing cider, as defined in SDCL 35-14-1(2);

b. The operator of a microcidery must obtain the microcidery license required by SDCL 35-14-2;
c. Accessory uses to a microcidery specifically include, but are not necessarily limited to, the sale of food, operation of a restaurant, and sale of products associated with the microcidery or manufacture of cider;

d. If the operator of a microcidery intends to sell or serve alcoholic beverages other than the cider produced, the operator must obtain a Conditional Use Permit and the appropriate alcoholic beverage licenses.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.18.040 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

**17.18.040 Temporary uses.**

A. The Common Council Planning Commission shall have discretion to issue temporary use permits for a period not to exceed 1 year to allow a use permitted in light industrial zoning districts provided the Council Planning Commission finds that the following criteria are met:

1. The structure for which the temporary use permit is to be granted is vacant and is expected to remain vacant if the temporary use permit is not granted;
2. All area, setback and parking requirements of general commercial and light industrial zoning districts are met without the granting of a variance;
3. The proposed use does not produce more noise, dust, odor, vibration, blast or traffic than uses specifically permitted in general commercial zoning districts; and
4. The granting of a temporary use permit is in the best interests of the city.

B. Temporary use permits issued under this section shall not be renewed more than twice.

C. The procedure for granting temporary use permits under this section shall be the same procedure as for authorizing conditional uses as established under § 17.54.030.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 17.18.090 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

**17.18.090 Landscaping.**

When a general commercial zoning district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. When adjacent to a residential district, at least fifty percent of the plant material shall be visible from the residential district whenever possible.

CITY OF RAPID CITY

Attest Mayor

________________________________________
Finance Director

(seal)