Ordinance No. 6140

AN ORDINANCE TO ADOPT REGULATIONS GOVERNING SHORT TERM RENTALS BY ADOPTING AND AMENDING PROVISIONS IN TITLE 17 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, Title 17 of the Rapid City Municipal Code sets forth zoning regulations for the City; and

WHEREAS, bed and breakfast facilities are allowed in residential areas as conditional uses, pursuant to R.C.M.C. Sections 17.08.030 and 17.10.030; and

WHEREAS, new technology has led to a large increase in online listing/booking services for rental of private residences to transient guests; and

WHEREAS, because of this new technology, short term rentals are becoming more widely available within Rapid City, both when the homeowner(s) remains in the residence with the guests and when the guests occupy the entire residence; and

WHEREAS, in light of this expansion of such uses, in April the Common Council directed staff to draft ordinances providing for City review and approval of short term rentals; and

WHEREAS, the Common Council now wishes to adopt regulations governing short term rentals which protect the residential character of neighborhoods while also recognizing the growing likelihood that residences are made available as lodging accommodations for a charge; and

WHEREAS, the Common Council wishes to regulate smaller scale short term rentals as a way to ensure that the facilities comply with state, county, and local regulations and tax requirements; and

WHEREAS, the Common Council wishes to adopt a permitting scheme to allow for administrative review and approval of smaller-scale short term rentals in residential and commercial zoning districts within the City; and

WHEREAS, the Common Council wishes to continue to require a conditional use permit for larger-scale short term rentals in residential and commercial zoning districts; and

WHEREAS, the Common Council believes it to be in the interest of the general health, safety, and welfare of the City and its citizens to adopt these zoning regulations which regulate short term rentals within City limits.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.04.080 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:
17.04.080 Bed and breakfast facility.

**BED AND BREAKFAST FACILITY.** A short term rental in which a private home which is principally a residence dwelling is occupied by an owner or manager while also providing, yet also is used to provide overnight accommodations for a charge to the public, with at most 2 lodging units for up to 8 persons per night and in which no more than 2 family-style meals per day are provided. Bed and breakfast facilities may provide meals.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.04.510 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.04.510 Motel.

**MOTEL.** A building or group of buildings used for the temporary residence of motorists or travelers. A motel does not include a bed and breakfast facility or a vacation home rental.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.04.631 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.04.631 Side load garage

**SIDE LOAD GARAGE.** A garage structure on which the overhead doors do not face a front property line or right-of-way.

**SHORT TERM RENTAL.** Bed and breakfast facilities and vacation home rentals that are available for rental to the same guest(s) for a period not exceeding thirty consecutive days. A short term rental does not include a bed and breakfast facility or a vacation home rental that is available for rent for fourteen or fewer days in a calendar year.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.04.633 of the Rapid City Municipal Code be and is hereby adopted to read in its entirety as follows:

17.04.633 Side load garage.

**SIDE LOAD GARAGE.** A garage structure on which the overhead doors do not face a front property line or right-of-way.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.04.738 of the Rapid City Municipal Code be and is hereby adopted to read in its entirety as follows:

17.04.738 Vacation home rental.
**VACATION HOME RENTAL.** A short term rental in which a private dwelling is rented, leased or furnished in its entirety to the public on a daily or weekly basis for a charge, and where the dwelling is not also occupied by an owner or manager during the time of rental.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.04.700 of the Rapid City Municipal Code be and is hereby deleted in its entirety:

**17.04.700 Tourist home.**

**TOURIST HOME.** A dwelling in which sleeping accommodations in not more than 4 rooms are provided or offered for transient guests for compensation.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.08.020 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

**17.08.020 Permitted principal and accessory uses and structures.**

Property and buildings in the PF park-forest district shall be used only for the following purposes:

A. Detached single-family dwellings, but not including trailer houses or mobile homes;

B. Transportation and utility easements, alleys and rights-of-way;

C. Signs, as regulated by §§ 17.50.080 through 17.50.100;

D. Home occupation as regulated by § 17.50.350; and

E. Hobby beekeeping as regulated by Title 6, in conjunction with a detached single-family dwelling;

F. Short term rentals if authorized pursuant to § 17.50.340.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.08.030 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

**17.08.030 Conditional use permit.**

The following uses may be permitted on review by the Common Council in accordance with provisions contained in § 17.54.030:

A. Public parks and/or playgrounds;

B. Historical monuments or structures;
C. Utility substations;

D. Tree or plant nurseries and sod farms, provided that the only building allowed shall be used for storage necessary and incidental to the primary use of the property. No more than 1,000 square feet of storage structure(s) shall be allowed. All outside storage shall be screened with a 6-foot fence or wall;

E. Cemeteries;

F. Child care centers;

G. Cellular communication and radio television station transmission towers, and minor accessory structures, subject to the following: The uses described in this subdivision shall be permitted on the west side of Skyline Drive in the SW1/4 of Section 2, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota;

H. Golf courses or country clubs, with adjacent grounds of not less than 60 acres, but not including miniature courses and driving tees operated for commercial purposes;

I. Recreational facilities leased from the city with on-sale liquor establishment;

J. Private residential garage which does not meet the definition of private garage subject to the following:

1. That the proposed garage is consistent with the residential character of the property on which it is located and with the surrounding neighborhood;

2. That the proposed garage shall be used only for residential purposes incidental to the principal use of the property;

3. That landscaping or fencing may be required to screen the garage from neighboring properties; and

4. That the applicant submits a site plan and elevation drawings in addition to information on what types of building material will be used for the garage.

K. Churches or similar places of worship, with accessory structures, but not including missions or revival tents.

L. Bed and breakfast facilities with more than two rooms available for a charge as overnight accommodations, subject to the following:

1. Off-street parking shall be provided in accordance with § 17.50.26017.50.270. Parking spaces in a garage and on the parking apron adjacent to a garage may be used to meet parking requirements;
2. Evidence of registration with the state Department of Health, Department of Revenue, and other applicable regulatory agencies shall be provided;

3. The bed and breakfast may display 1 sign not more than 2 square feet in area listing the name of the facility. The sign shall be prepared with earthtone of such colors and shall that complement the neighborhood;

4. Any sign lighting shall be from indirect sources which are shielded or hooded to limit adverse affects to neighborhood properties; and

5. The Council reviewing body may consider the size of the facility, its proximity to commercial services, and any other considerations as set forth by the body in making a determination as to whether or not a bed and breakfast is appropriate; and

6. A short term rental permit must be obtained pursuant to § 17.50.340 prior to operation.

M. Vacation home rentals with more than three rooms available as overnight accommodations for a charge, subject to the following:

1. Off-street parking shall be provided in accordance with § 17.50.270. Parking spaces in a garage and on the parking apron adjacent to a garage may be used to meet parking requirements;

2. Evidence of licensure and/or registration with the state Department of Health, Department of Revenue, and other applicable regulatory agencies shall be provided;

3. The reviewing body may consider the size of the rental, its proximity to commercial services, or any other considerations as set forth by the body in making a determination as to whether or not a vacation home rental is appropriate; and

4. A short term rental permit must be obtained pursuant to § 17.50.340 prior to operation.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.10.020 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.10.020 Permitted principal and accessory uses and structures.

Property and buildings in an LDR district shall be used only for the following purposes:

A. Detached single-family dwellings, but not including trailer houses or mobile homes;

B. Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to the construction work and which buildings shall be removed upon completion or abandonment of the construction work;
C. Transportation and utility easements, alleys and rights-of-way;

D. Accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building;

E. Signs, as regulated by §§ 17.50.080 through 17.50.100;

F. Agricultural crops (not to be sold), including the practice of hobby beekeeping in accordance with Title 6 and in conjunction with detached single-family dwellings only, and not the raising of farm animals or poultry;

G. Home occupation as regulated in § 17.50.350; and

H. Family day care centers; and

I. Short term rentals if authorized pursuant to § 17.50.340.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.10.030 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.10.030 Conditional uses.

The following uses may be permitted as a conditional use by the Common Council in accordance with provisions contained in § 17.54.030 of this title:

A. Churches or similar places of worship, with accessory structures, but not including missions or revival tents;

B. Elementary or high schools, public or private;

C. Child care centers;

D. Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district;

E. Libraries, museums, and historical monuments or structures;

F. Utility substations;

G. Plant nursery in which no building or structure is maintained in connection therewith;

H. Golf courses, or country clubs with adjacent grounds of not less than 60 acres, but not including miniature courses and driving tees operated for commercial purposes;
I. Cemeteries;

J. Planned residential developments as regulated by §§ 17.50.050 through 17.50.100 of this title;

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

L. Group homes, subject to the following:
   1. Provide a detailed program and services plan at the time of application;
   2. Must meet fire, building and health requirements;
   3. The Council may or may not wish to add the following conditions:
      a. Standard hours of operation, such as, standard;
      b. Supervision, such as, type and extent;
      c. Services and program to be provided;
      d. Number of persons;
      e. Proximity to other group homes; and
      f. Any other condition the Council may deem appropriate.
   4. Any significant modification in the program and services plan will require a new application;

M. Bed and breakfast facilities with more than two rooms available for a charge as overnight accommodations, subject to the following:
   1. Off-street parking shall be provided in accordance with § 17.50.260. Parking spaces in a garage and on the parking apron adjacent to a garage may be used to meet parking requirements;
   2. Evidence of registration with the state Department of Health, Department of Revenue, and other applicable regulatory agencies shall be provided;
   3. The bed and breakfast may display 1 sign not more than 2 square feet in area listing the name of the facility. The sign shall be prepared with earthtone of such colors and shall that complement the neighborhood;
   4. Any sign lighting shall be from indirect sources which are shielded or hooded to limit adverse affects to neighborhood properties; and
5. The Council reviewing body may consider the size of the facility, its proximity to commercial services, and any other considerations as set forth by the body in making a determination as to whether or not a bed and breakfast is appropriate; and

6. A short term rental permit must be obtained pursuant to § 17.50.340 prior to operation.

N. Private residential garage which does not meet the definition of private garage subject to the following:

1. That the proposed garage is consistent with the residential character of the property on which it is located and with the surrounding neighborhood;

2. That the proposed garage shall be used only for residential purposes incidental to the principal use of the property;

3. The landscaping or fencing may be required to screen the garage from neighboring properties; and

4. That the applicant submits a site plan and elevation drawings in addition to information on what types of building materials will be used for the garage.

O. Assisted living center that is licensed by the state and contains not more than 16 units.

P. Vacation home rentals with more than three rooms available as overnight accommodations for a charge, subject to the following:

1. Off-street parking shall be provided in accordance with § 17.50.270. Parking spaces in a garage and on the parking apron adjacent to a garage may be used to meet parking requirements;

2. Evidence of licensure and/or registration with the state Department of Health, Department of Revenue, and other applicable regulatory agencies shall be provided;

3. The reviewing body may consider the size of the rental, its proximity to commercial services, or any other considerations as set forth by the body in making a determination as to whether or not a vacation home rental is appropriate; and

4. A short term rental permit must be obtained pursuant to § 17.50.340 prior to operation.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.16.020 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.16.020 Uses permitted.

The following uses shall be permitted in the CB central business district:
1. Retail stores, sales and display rooms and shops;

2. Offices;

3. Hotels and motels without on-sale liquor establishments;

4. Financial institutions;

5. Eating and drinking establishments, except drive-in establishments and on-sale liquor establishments;

6. Personal service establishments;

7. Business service establishments;

8. Commercial, job and newspaper printing;

9. Establishments offering repair services on items brought in by customers;

10. Amusement and recreation establishments, except on-sale liquor establishments;

11. Wholesaling from sample stocks only, provided that no manufacturing or storage for distribution shall be permitted on the premises;

12. Private business schools, studios, vocational schools not involving processes of light or heavy industrial nature;

13. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids, prosthetic appliances, dental appliances and light electronic component assembly, subject to the following:

   a. No more than 20 employees are employed during any work shift;

   b. Any toxic, explosive, flammable, corrosive, etiologic, radioactive or other restricted material shall be stored, used and disposed of in accordance with all applicable building, fire and safety codes; and

   c. The operation shall not generate any offensive noise, smoke, dust or heat noticeable beyond the premises.

14. Clubs and lodges, except on-sale liquor establishments;

15. Parking garages and parking lots;

16. Utility substations;
17. On-premises signs as regulated by §§ 17.50.080 through 17.50.100;

18. Other uses and structures which are customarily accessory and clearly incidental to permitted uses and structures not prohibited under § 17.16.040;

19. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated in the preceding subsections;

20. Apartment units;

21. Single-family and 2-family dwellings shall be permitted only when constructed above the ground floor and within the same building as the other principal use on a lot;

22. Hotel apartment;

23. Microcell wireless communications facilities on buildings as defined in § 17.50.400A; and

24. Other temporary, seasonal, and continuous retail business or structure as defined in § 17.50.230H., I., and J.; and

25. Short term rentals if authorized pursuant to § 17.50.340.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.16.030 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.16.030 Conditional uses.

A. Filling station, repair garages and carwash establishments;

B. Missions, subject to the following:

1. 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;

2. Must meet fire, building and health requirements;

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

4. Missions shall not be located in the downtown historical district.

C. Churches or similar places of worship, but not including missions or revival tents;
D. Child care centers;

E. Planned commercial developments as regulated in §§ 17.50.050 through 17.50.100;

F. Planned unit developments as regulated in §§ 17.50.050 through 17.50.100;

G. Group homes, subject to the following:
   1. Provide a detailed program and services plan at time of application;
   2. Must meet fire, building and health requirements;
   3. The Council may or may not wish to add the following conditions:
      a. Standard hours of operation;
      b. Supervision, i.e., type and extent;
      c. Services and program to be provided;
      d. Number of persons;
      e. Proximity to other group homes; and
      f. Any other condition the Council may deem appropriate.
   4. Any significant modification in the program and services plan will require a new application;

H. Fraternities, sororities and denominational student headquarters;

I. On-sale liquor establishments;

J. Hotels and motels with on-sale liquor establishments;

K. Adult day care centers subject to, but not limited to, the following considerations:
   1. Proximity to major arterial;
   2. Proximity to recreation facilities;
   3. Traffic generated by the center;
   4. Hours of operation of the center;
   5. Existing or potential levels of air and noise pollution in the area;
6. Access from the center to adjacent areas which are used for commercial and industrial purposes;

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

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

9. Any other requirements Council may deem appropriate.

L. Assisted living centers;

M. Libraries;

N. Art centers; and

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

P. Wineries. Facilities for the production of table, sparkling, and sacramental wines or other wines, as defined in SDCL Chapter 35-12, including storage, bottling and distribution and related administrative offices and functions such as on-site tasting facilities subject to the following regulations:

1. The amount of wine the winery is allowed to sell or distribute in 1 year is limited to 150,000 gallons;

2. Authorization under this use shall allow on-off sale of wine as per state law; and

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

Q. Pet stores, subject to, but not limited to, the following conditions:

1. The pet store shall be located within a soundproof, climate controlled building;

2. Veterinary care shall be provided pursuant to local and state requirements;

3. Boarding shall not be allowed unless approved by the Planning Commission;

4. A waste disposal plan shall be provided for review and approval; and

5. A kenneling license shall be obtained.

R. Microbreweries subject to the following considerations:
1. **A Microbrewery** is defined as an establishment which manufactures less than 5,000 barrels of malt beverages a year;

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; and

3. Accessory uses to a microbrewery specifically include, but are not necessarily limited to, the selling of food operation of a restaurant, and/or selling of products associated with the microbrewery or manufacture of beer.

S. Bed and breakfast facilities with more than two rooms available for a charge as overnight accommodations, subject to the following:

   1. Evidence of registration with the state Department of Health, Department of Revenue, and other applicable regulatory agencies shall be provided;

   2. The reviewing body may consider the size of the facility, its proximity to commercial services, or any other considerations as set forth by the body in making a determination as to whether or not a bed and breakfast is appropriate; and

   3. A short term rental permit must be obtained pursuant to § 17.50.340 prior to operation.

T. Vacation home rentals with more than three rooms available for a charge as overnight accommodations, subject to the following:

   1. Off-street parking shall be provided in accordance with § 17.50.260. Parking spaces in a garage and on the parking apron adjacent to a garage may be used to meet parking requirements;

   2. Evidence of licensure and/or registration with the state Department of Health, Department of Revenue, and other applicable regulatory agencies shall be provided;

   3. The reviewing body may consider the size of the rental, its proximity to commercial services, or any other considerations as set forth by the body in making a determination as to whether or not a vacation home rental is appropriate; and

   4. A short term rental permit must be obtained pursuant to § 17.50.340 prior to operation.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.18.020 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

**17.18.020 Uses permitted.**

The following uses shall be permitted in the GC general commercial district:
1. Retail and distribution establishments, including the manufacture, compounding, processing, packaging or treatment of products for human consumption; sales and display rooms and lots, not including yards for storage of new or used building materials, or yards for any scrap or salvage operations, or for storage or display of any scrap, salvage or secondhand materials. The storage, display and sale of used, repossessed or traded-in merchandise incidental to a retail operation engaged primarily in the sale of new merchandise is permitted;

2. Eating establishments, including drive-in establishments and fast-food restaurants;

3. Service and repair establishments, not to include vehicle repair establishments;

4. Personal service establishments, including barber and beauty shops, shoe repair shops, funeral homes, cleaning, dyeing, laundry, medical and/or dental clinics or offices, pressing, dressmaking, tailoring and garment repair shops with processing on the premises;

5. Hotels, motels and manager's residence of motels, rooming and boarding houses, and restaurants;

6. Commercial recreational structures and uses, such as theaters, bowling alleys, poolrooms, but not including miniature golf courses, driving ranges, and similar uses;

7. Commercial parking lots and garages;

8. Offices, studios, clinics and laboratories;

9. Financial institutions;

10. Private clubs and lodges, except on-sale liquor establishments;

11. Utility substations;

12. On-premises signs as regulated by §§ 17.50.080 through 17.50.100;

13. Art galleries and museums;

14. Veterinary establishments; provided that all animals shall be kept inside soundproof, air-conditioned buildings;

15. Building materials sales yard and lumber yards; provided that all outdoor storage shall be screened by a 7-foot fence, wall or mass planting;

16. New and used car, truck, motorcycle, snowmobile and boat sales and rentals. Repair shall be permitted as an accessory use to the establishments, provided that all body and/or mechanical repair work shall be completed within an enclosed area. All inoperable vehicles shall be stored within a side yard or rear yard which is screened with an opaque fence at least 6 feet in
height. The number of inoperable vehicles stored within a screened yard shall not exceed 1 per 400 square feet of building floor area used for vehicle repair. A minimum of 2 inoperable vehicles per establishment shall be permitted to be stored in a screened yard;

17. Public buildings and grounds other than elementary or high schools;

18. Churches;

19. Business and vocational schools not involving operations of an industrial character;

20. Wholesale and distributing centers not involving over 5,000 square feet for storage of wares to be wholesaled or distributed, nor the use of any delivery vehicle rated at more than 1-1/2-ton capacity, nor a total of more than 5 delivery vehicles;

21. Dwelling units above ground floor and dwelling units other than above ground floor to provide residences for managers of motels, and other uses and structures which are customarily accessory to, and clearly incidental to, permitted or permissible uses and structures;

22. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, dust, odor, vibration, blast or traffic than those previously enumerated in this section;

23. Travel parks as permitted by the Rapid City travel park ordinance;

24. Service establishments and filling stations, not to include vehicle repair. Repair shall be permitted as an accessory use to the establishments, provided that all body and/or repair work shall be completed within an enclosed area. All inoperable vehicles shall be stored within a building or within a side or rear yard which is screened with an opaque fence at least 6 feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed 1 per 400 square feet of building floor space used for vehicle repair. A minimum of 2 inoperable vehicles per establishment shall be permitted to be stored in a screened yard;

25. Vehicle repair establishments, provided that all body and/or mechanical repair work shall be completed within an enclosed area. All inoperable vehicles shall be stored within a building or within a side or rear yard which is screened with an opaque fence at least 6 feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed 1 per 400 square feet of building floor area used for vehicle repair. A minimum of 2 inoperable vehicles per establishment shall be permitted to be stored in a screened yard;

26. Hotel apartment;

27. Drop-off centers for household recyclables; such centers do not involve processing;

28. Garden centers, provided that all outdoor storage be screened with a 6-foot fence or wall;

29. Hospitals;
30. Microcell wireless communications facilities on buildings as defined in § 17.50.400A.;

31. Indoor used or secondhand merchandise sales, provided that merchandise that is for sale, stored or displayed cannot be located outside;

32. Pet stores; and

33. Other temporary, seasonal, and continuous retail business or structure as defined in § 17.50.230H., I., and J.; and

34. Short term rentals if authorized pursuant to § 17.50.340.

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 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 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, 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;
   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;
   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 shall deem appropriate;

11. Child care centers;
12. Planned commercial developments as regulated in §§ 17.50.050 through 17.50.100 of this title;

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

14. Fraternities, sororities and denominational student headquarters;

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

16. 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;

17. On-sale liquor establishments;

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

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

20. 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 Council may deem appropriate.
21. 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.

22. Colleges and universities;

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

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

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

26. Piano repair, stripping and refinishing;

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

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

29. 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.
30. Microcell wireless communications facilities on poles as defined in § 17.50.400B.

31. Microbreweries subject to the following considerations:
   a. A microbrewery is defined as an establishment which manufactures less than 5,000 barrels of malt beverages a year;
   b. 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/or selling of products associated with the microbrewery or manufacture of beer.

32. Farm wineries subject to the following regulations:
   a. A farm winery is defined as 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. If the operator of a farm winery intends to sell or serve alcoholic beverages other than the wines produced, the operator must obtain the appropriate city issued retail liquor license;
   e. Accessory uses to a farm winery specifically include, but are not necessarily limited to, the serving of food and/or operation of a restaurant, the selling of glassware, wine literature and accessories, and/or food products.

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

34. 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 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 may deem appropriate.

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

    35. Bed and breakfast facilities with more than two rooms available for a charge as overnight accommodations, subject to the following:

        a. Off-street parking shall be provided in accordance with § 17.50.270. Parking spaces in a garage and on the parking apron adjacent to a garage may be used to meet parking requirements;

        b. Evidence of registration with the state Department of Health, Department of Revenue, and other applicable regulatory agencies shall be provided;

        c. Any sign lighting shall be from indirect sources which are shielded or hooded to limit adverse affects to neighborhood properties;

        d. The reviewing body may consider the size of the facility, its proximity to commercial services, and any other considerations as set forth by the body in making a determination as to whether or not a bed and breakfast is appropriate; and

        e. A short term rental permit must be obtained pursuant to § 17.50.340 prior to operation.

    36. Vacation home rentals with more than three rooms available as overnight accommodations for a charge, subject to the following:

        a. Off-street parking shall be provided in accordance with § 17.50.270. Parking spaces in a garage and on the parking apron adjacent to a garage may be used to meet parking requirements;

        b. Evidence of licensure and/or registration with the state Department of Health, Department of Revenue, and other applicable regulatory agencies shall be provided;

        c. The reviewing body may consider the size of the rental, its proximity to commercial services, or any other considerations as set forth by the body in making a determination as to whether or not a vacation home rental is appropriate; and
d. A short term rental permit must be obtained pursuant to § 17.50.340 prior to operation.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.50.340 of the Rapid City Municipal Code be and is hereby adopted to read in its entirety as follows:

17.50.340 Short term rentals.

A. Administration.

1. The following short term rentals are permissible uses if a short term rental permit is issued and do not require a conditional use permit, except as provided in Subsection 3:

   a. Bed and breakfast facilities with two or fewer guest rooms available for a charge as overnight accommodations; or

   b. Vacation home rentals with three or fewer guest rooms available for a charge as overnight accommodations.

2. Any short term rental which may at some times be used as a bed and breakfast facility and at other times be used as a vacation home rental shall be reviewed as a vacation home rental.

3. A conditional use permit shall also be required pursuant to Section 17.54.030 for any short term rental which includes more guest rooms available for a charge than those rentals described in Subsection A.1. Additionally, the Director of the Community Planning and Development Services Department (“Director”) may require a conditional use permit for any short term rental that falls within Subsection A.1 if he or she determines that the circumstances of the short term rental justify a conditional use permit review. When a conditional use permit is obtained, an annual short term rental permit is also required prior to operation.

B. Permit. Prior to operation, an individual must file a permit application and receive approval by the Community Planning and Development Services Department (“Department”) for the short term rental.

1. Applications for short term rental permits shall contain the following information:

   a. A legal description of the property to be used as a short term rental, including all information necessary to accurately portray the property;

   b. A site plan that describes all structures/development on the property in relation to the lot lines, the location of rooms available as overnight accommodations, fire exits, smoke detectors, off-street parking, signage, fencing, and areas of outdoor use, if any, etc.;

   c. An operations plan, including a description of the proposed use (including any outdoor use), the maximum number of rooms available as overnight accommodations,
the maximum occupancy of the dwelling, the anticipated dates the short term rental will be available for overnight accommodations, etc.;

d. Contact information, including name, address and telephone number, of the individual to be contacted in case of complaint or emergency;

e. An application fee as set by resolution of the Common Council; and

f. Additional or supplemental information as required by Director.

2. An application for a short term rental shall be filed with the Department. The Director shall have the authority to issue short term rental permits. The permit shall be approved or denied by the Director within fourteen business days of receipt of the application.

3. If approved, a permit is valid from the date of approval and expires on December 31 of the same year. A permit may be renewed within thirty days of its expiration, but if a permit holder fails to renew the permit within thirty days of its expiration, he or she must submit a new permit application.

4. A permit may not be transferred to a different location or to a different property owner, manager, or operator.

5. Upon the passage of this ordinance, an existing short term rental shall have 60 days to come into compliance with this Code, or it will be out of compliance and subject to the general penalty provision in Section 1.12.010.

6. A short term rental permit holder must renew the permit on an annual basis in order to continue the short term rental operation. Renewal applications shall include an application fee as set by resolution of the Common Council.

C. Operational requirements. All short term rentals which fall within this Section shall meet the following operational requirements:

1. The operation of the short term rental shall not cause or encourage excess vehicular or pedestrian traffic not ordinarily associated with the zoning district in which the short term rental is located.

2. Guest usage of the short term rental shall be by invitation of the property owner or manager. Any non-resident present on the short term rental property must be approved by the owner or manager.

3. Parking shall be provided in accordance with Section 17.50.270. Parking spaces in a garage and on the parking apron adjacent to a garage may be used to meet parking requirements.

4. All necessary permits required by state, county, or municipal authorities must be obtained.
5. The short term rental must comply with applicable state laws and regulations, including provisions in S.D.C.L. Chapter 34-18.

D. Suspension or revocation of permit.

1. The Director may suspend or revoke any short term rental permit, or refuse to issue a permit, for any of the following grounds:

   a. Failure to adhere to applicable regulations or laws;

   b. Failure to follow the submitted operational plan;

   c. Concerns expressed to the City about the operation of the short term rental, including parking issues, noise complaints, safety concerns, calls for service to the Police Department, or similar complaints;

   d. Commission of fraud or willful misrepresentation in the application for or in obtaining a permit;

   e. Commission, or permitting, aiding, or abetting in the commission of any unlawful act in the short term rental; or

   f. Conduct or practices detrimental to the public health, safety, or welfare.

2. The Director shall provide notice of the intent to suspend or revoke a short term rental permit and the reasons for the suspension or revocation by first class mail to the permit holder’s address on record with the Department. No revocation or suspension shall occur until fourteen days have lapsed since the mailing of the notice.

E. Appeal to Common Council. Anyone aggrieved by Director’s action taken to issue, revoke, or suspend a permit, or by Director’s refusal to issue, revoke or suspend a permit, may appeal the decision to the Common Council. A written notice of appeal shall be filed with the Director within seven working days of the action taken.

F. Penalty. In addition to any administrative actions or remedies authorized by this Section, a violation of this Section shall be subject to the City's general penalty provision in Section 1.12.010. Such penalties include, but are not limited to, operating without a permit and failing to comply with applicable state law.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.50.270 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.50.270 Minimum off-street parking requirements.
A. Duty to provide and maintain off-street parking spaces.

1. It is the duty of the owner or occupant of any real property outside the central business district (CBD), jointly and severally, to provide off-street parking in accordance with the standards established by this chapter. However, any parking that is optionally provided in the central business district must comply with subsection H., Parking for Persons with Disabilities, of this section.

2. Every building, or portion of building hereafter erected, and every initiation or expansion of use involving an existing building, shall be provided with permanently maintained parking space as provided in this chapter.

3. Prior to the issuance of a building permit for a multilevel parking facility, a planned commercial development (PCD) or planned light industrial development (PLID) shall be approved. As a part of the planned development review, pursuant to §§ 17.50.100 and 17.50.105 of this code, the Rapid City planning commission or Rapid Common Council may impose specific design or compatibility standards.

B. Initiation and expansion of use. Every building, structure or use with parking facilities which does not conform to the requirements of this title shall conform with the provisions of this section when a use is initiated or expanded

1. A use is initiated when:

   a. A building or structure is erected;

   b. An existing property, structure, or portion thereof, changes from one Standard Industrial Classification (SIC) 2-digit code classification to another; or

   c. An existing property, structure or portion thereof, other than a single-family or duplex structure, is occupied after an intervening vacancy of at least 1 year.

2. A use is expanded when:

   a. An existing building or structure is enlarged by 20% or more with respect to square feet of gross floor area (SFGFA);

   b. An existing building or structure is modified internally to accommodate an increased occupant load of 20% or more, as determined by the current building codes adopted by the City of Rapid City;

   c. A use is expanded by 20% or more as measured by area, employees, rooms, seats, dwelling units or occupants; or

   d. A garage or carport is added to the structure.
C. *Permit Required.* A building permit is required for the construction or development of an off-street parking facility.

D. *Minimum Required Off-Street Parking Spaces.* The minimum number of off-street parking spaces shall be determined in accordance with the following table of parking spaces required:

**Table 17.50.270 (D)**
**TABLE OF PARKING SPACES REQUIRED**
**(SFGFA-Square Feet Gross Floor Area)**

<table>
<thead>
<tr>
<th>Land Use Building Type</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assembly/Banquet Hall</td>
<td>25.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Auto Repair With Gas Sales</td>
<td>13.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Auto Repair Without Gas Sales</td>
<td>10.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Auto Sales, New or Used</td>
<td>3.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Auto Towing, Body Repair and Painting</td>
<td>4.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Bank/Savings and Loan Office</td>
<td>4.30 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Bank/Savings and Loan (With Drive-Up Teller)</td>
<td>plus 0.30 per drive-through lane^d^</td>
</tr>
<tr>
<td>Bed and Breakfast Facility</td>
<td>2.00 for residential use and 1.00 per guest room</td>
</tr>
<tr>
<td>Carpet Store</td>
<td>2.60 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Child Care</td>
<td></td>
</tr>
<tr>
<td>-Day Care Center</td>
<td>1.00 per full-time equivalent staff plus .1 per child and unloading zone^c^</td>
</tr>
<tr>
<td>-Family Child Care</td>
<td>1.00 per nonresident full-time equivalent staff</td>
</tr>
<tr>
<td>Church/Synagogue</td>
<td>0.25 per each seat or 18&quot; of linear bench</td>
</tr>
<tr>
<td>Cleaners, Retail</td>
<td>1.66 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Cocktail Lounge/Nightclub/Tavern/Bar</td>
<td>10.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Convenience Store With Gas Sales</td>
<td>11.50 per 1,000 SFGFA^d^</td>
</tr>
<tr>
<td>Convenience Store Without Gas Sales</td>
<td>7.50 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Discount Store</td>
<td>4.45 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Drive-through (specialty, film ATM, carwash)</td>
<td>3.00 per drive through lane^d^</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>7.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Category</td>
<td>Rate per 1,000 SFGFA</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Furniture Store</td>
<td>2.60</td>
</tr>
<tr>
<td>Hardware Store/Home Center</td>
<td>3.20</td>
</tr>
<tr>
<td>High Technology Industrial Production Facilities</td>
<td>1.05</td>
</tr>
<tr>
<td>Hospital</td>
<td>2.00 per bed</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>1.00 per room</td>
</tr>
<tr>
<td>Industrial Structures:</td>
<td></td>
</tr>
<tr>
<td>- Less than 100,000 SFGFA</td>
<td>2.10</td>
</tr>
<tr>
<td>- 100,000 to 199,000 SFGFA</td>
<td>1.75</td>
</tr>
<tr>
<td>- 200,000 to 399,000 SFGFA</td>
<td>1.60</td>
</tr>
<tr>
<td>- 400,000 to 499,000 SFGFA</td>
<td>1.80</td>
</tr>
<tr>
<td>- 500,000 and greater SFGFA</td>
<td>2.00</td>
</tr>
<tr>
<td>Laundromat</td>
<td>5.00</td>
</tr>
<tr>
<td>Library</td>
<td>2.20</td>
</tr>
<tr>
<td>Liquor Store (off sale)</td>
<td>4.00</td>
</tr>
<tr>
<td>Lumberyard/Mart</td>
<td>1.60</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>2.10</td>
</tr>
<tr>
<td>Manufacturing, Jewelry</td>
<td>10.00</td>
</tr>
<tr>
<td>Medical Clinic Office</td>
<td>4.00</td>
</tr>
<tr>
<td>Mobile Home Sales, New or Used</td>
<td>5.00</td>
</tr>
<tr>
<td>Museum</td>
<td>3.30</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>0.50</td>
</tr>
<tr>
<td>Office</td>
<td>5.00</td>
</tr>
<tr>
<td>Office, Undivided Common Work Area</td>
<td>8.00</td>
</tr>
<tr>
<td>Pawnshop</td>
<td>4.00</td>
</tr>
<tr>
<td>Public Utility/Sewage Treatment</td>
<td>2.50</td>
</tr>
<tr>
<td>Recreational:</td>
<td></td>
</tr>
<tr>
<td>- Bowling Alley</td>
<td>5.50</td>
</tr>
<tr>
<td>- Miniature Golf</td>
<td>2.00</td>
</tr>
<tr>
<td>- Recreation Center</td>
<td>4.00</td>
</tr>
<tr>
<td>Use</td>
<td>Rate</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Recreation Fad</td>
<td>20.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Roller/Ice Skating Rink</td>
<td>5.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Sports Club/Health Spa</td>
<td>7.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Sports Stadium, Auditorium</td>
<td>0.33 per seat or 18&quot; linear bench</td>
</tr>
<tr>
<td>Swimming Club, Pool</td>
<td>1.00 per 150 square feet water area</td>
</tr>
<tr>
<td>Tennis/Racquet Club</td>
<td>0.40 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Residential Uses:</td>
<td></td>
</tr>
<tr>
<td>Assisted Living Center Room</td>
<td>0.33 per unit</td>
</tr>
<tr>
<td>Assisted Living Center Suite</td>
<td>0.50 per unit</td>
</tr>
<tr>
<td>Apartment Complex</td>
<td>1.50 per dwelling unit</td>
</tr>
<tr>
<td>Condominium</td>
<td>2.00 per dwelling unit</td>
</tr>
<tr>
<td>Dormitory</td>
<td>1.00 per sleeping room</td>
</tr>
<tr>
<td>Duplex</td>
<td>2.00 per dwelling unit</td>
</tr>
<tr>
<td>Elderly Housing</td>
<td>0.50 per dwelling unit</td>
</tr>
<tr>
<td>Fraternity/Sorority</td>
<td>1.00 per member at maximum occupant load</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>2.00 per unit</td>
</tr>
<tr>
<td>Single-Family/Duplex/Townhouse</td>
<td>2.00 per dwelling unit</td>
</tr>
<tr>
<td>Skilled Nursing Home</td>
<td>0.25 per unit plus 1 per shift employee</td>
</tr>
<tr>
<td>Restaurant, Drive-in</td>
<td>11.00 per 1,000 SFGFA plus 01.00 per serving stall</td>
</tr>
<tr>
<td>Restaurant, Fast Food</td>
<td>11.00 per 1,000 SFGFA plus 07.00 per drive-through lane</td>
</tr>
<tr>
<td>Restaurant, Table Service</td>
<td>11.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Retail Sales/Service</td>
<td>5.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Schools</td>
<td></td>
</tr>
<tr>
<td>Preschool</td>
<td>1.40 per employee/staff</td>
</tr>
<tr>
<td>Grade School</td>
<td>1.40 per employee/staff</td>
</tr>
<tr>
<td>Middle School</td>
<td>1.00 per employee/staff, plus 00.04 per student capacity</td>
</tr>
<tr>
<td>Senior High Schools</td>
<td>1.00 per employee/staff plus 00.33 per student capacity</td>
</tr>
<tr>
<td>Junior/Community/Tech College or</td>
<td>0.50 per student capacity</td>
</tr>
<tr>
<td>Commercial Use</td>
<td>Parking Space Requirements</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Shopping Center I and Shopping Center II</td>
<td>4.50 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Supermarket</td>
<td>5.00 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Theaters</td>
<td>1.00 per 4 fixed seats</td>
</tr>
<tr>
<td>Used or Secondhand Sales</td>
<td>3.00 per 1,000 SF of display/storage area including outside display</td>
</tr>
<tr>
<td>Tire Sales and Service Facility</td>
<td>4.00 per 1,000 SFGFA, service bays shall count as a parking space</td>
</tr>
<tr>
<td>Vacation Home Rental</td>
<td>1.00 per guest room</td>
</tr>
<tr>
<td>Warehousing</td>
<td>0.25 per 1,000 SFGFA</td>
</tr>
<tr>
<td>Warehousing, Ministorage</td>
<td>30 feet of circulation aisle width immediately adjacent to area of building(s) with controlled access stalls or locker.</td>
</tr>
</tbody>
</table>

**NOTES TO TABLE:**

a–Numbers include spaces required for employee and staff parking.

b–Parking spaces used for customer and employee parking exclusive of automobile display area.

c–Passenger unloading zones shall not conflict with parking stalls or aisles and shall have adequate ingress and egress.

d–Stacking in drive-through lanes shall count as 1 space per 23 linear feet of striped stacking lane. Service windows or bays shall not be counted as stacking.

e–Square footage shall be the total square footage of the combined usable floors as measured by outside building Dimensions.

f–Automotive repair business indoor and outdoor vehicle storage or repair areas that are not accessible to the public are exempt from the aisle width and access requirements of this chapter. Proposed vehicle storage or repair areas must be designated on the lot site plan and building floor plan.

E. *Parking requirements for uses not specified.*

1. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the planning director. Such determination shall be based upon Parking Generation published by the Institute of Transportation Engineers (ITE).

2. Where new construction is proposed in a commercial or industrial district, but no definite use is specified, parking requirements shall be calculated as follows:

   a. Commercial district: 5 parking spaces per 1,000 square feet gross floor area;

   b. Industrial district: 1¾ parking spaces per 1,000 square feet gross floor area.
3. When a use is to be initiated or changed in any vacant or occupied building or portion thereof the parking required for the combined uses shall be reviewed by the planning department, based upon this title and Parking Generation published by the Institute of Transportation Engineers (ITE). The determination of the planning department shall establish the total number of parking spaces required.

F. General requirements. The following general requirements shall apply to all parking spaces and areas:

1. Size and access. Each off-street parking space shall be rectangular, and not less than 9 feet in width and 18 feet in length regardless of the angle of parking. Each commercial or multiple-family parking space shall be served by an aisle which meets or exceeds the standards set forth in these regulations. When curbs or curb stops are employed, up to 2 feet of the stall length may overhang the curb. Stalls may overhang sidewalks provided 4-foot wide usable sidewalks are retained and public rights-of-way are not encroached upon.

2. Aisle length. Parking lot aisles of over 150 feet in length shall have either an approved method of emergency vehicle egress deemed acceptable by the Rapid City Fire Marshal or a turnaround which will accommodate a 30-foot vehicle with a 42-foot turning radius.

**TABLE 17.50.270F.2.**

<table>
<thead>
<tr>
<th>Parking Angle (Degrees)</th>
<th>Stall Length</th>
<th>Stall Width</th>
<th>Aisle Width (1-way)</th>
<th>Aisle Width (2-way)</th>
</tr>
</thead>
<tbody>
<tr>
<td>90º</td>
<td>18'</td>
<td>9'</td>
<td>26'</td>
<td>26'</td>
</tr>
<tr>
<td>60º</td>
<td>18'</td>
<td>9'</td>
<td>18'</td>
<td>20'</td>
</tr>
<tr>
<td>45º</td>
<td>18'</td>
<td>9'</td>
<td>12'</td>
<td>20'</td>
</tr>
<tr>
<td>30º</td>
<td>18'</td>
<td>9'</td>
<td>10'</td>
<td>20'</td>
</tr>
<tr>
<td>0º (parallel)</td>
<td>22'</td>
<td>9'</td>
<td>10'</td>
<td>20'</td>
</tr>
</tbody>
</table>

NOTE TO TABLE: Exception: Ninety-degree parking immediately off an alley requires 10 feet by 20 feet stalls and the aisle width of 20 feet being provided by the alley.

3. Locations.

a. Off-street parking facilities shall be located outside the public right-of-way and as hereinafter specified.
b. Parking facilities shall either be provided on the same parcel as the use it is to serve or within 300 feet from the building's primary entrance or use it is to serve, using established sidewalks and crossings. Such distance shall be the walking distance measured from the nearest point of the parking facility to the building's primary entrance that such facility is required to serve.

4. **Clear sight triangles.** Parking spaces and areas shall not be allowed which would obstruct the required sight triangle as provided in § 17.50.335 when such parking space or area is being occupied.

5. **Mixed occupancies in a building.** In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for 1 use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for shared use.

6. **Shared parking facilities.**

   a. The building inspection department upon application by the owner or lessee of any property and after review of the application by the planning director, may authorize the shared use of parking facilities under the conditions specified in this section:

      i. Not more than 50% of the parking facilities required by this title will be provided by the shared parking facility;

      ii. No substantial conflict in the operating hours of the buildings or uses for which the shared use of the parking facility is proposed will occur;

      iii. The building or use utilizing the shared parking facilities is located within 300 feet of such parking facility using established sidewalks and crosswalks where available.

   b. Parking using shared off-street parking facilities shall evidence agreement for such shared use by a proper legal instrument approved by the city attorney as to form and content. Copies of such instrument, when approved as conforming to the provisions of this section, shall be filed in the building inspection department and copies thereof filed with the planning department.

G. **Use and maintenance of off-street parking area.** Off-street parking space shall be maintained in accordance with the following specifications:

1. **Entrances and exits.**

   a. Driveways and curb cuts for ingress and egress shall be built in accordance with the engineering division's curb cut policy and as approved by the city engineer or his or her designee and in accordance with the city's off-street parking requirements. Entrances and exits shall in no case be less than 10 feet nor more than 40 feet in width or 14 feet in vertical clearance.
b. Unpaved access to parking facilities is not permitted except for single-family and
duplex uses. All commercial and industrial uses intending to utilize an unimproved access for
parking facilities shall bear the cost of paving the access way to city minimum construction
standards. This requirement is subject to waiver by common Council only in cases where paving
continuity would not be achieved and gravel segments would remain.

2. Circulation. Circulation within a parking area shall be such that a vehicle entering the
parking area need not enter a public right-of-way to reach another aisle and that a vehicle need
not enter a public right-of-way backwards. This provision shall not apply to off-street parking
required for 1- or 2-family dwelling units.

3. Surfacing. Off-street parking areas shall be paved and maintained so as to eliminate dust
or mud. Paved parking facilities shall comply with standards established in Ordinance 1976, as
approved by the common Council on October 9, 1980, as administered by the city engineer, and
on file in the finance office.

4. Dust palliative. All commercial, light industrial and heavy industrial uses which involve
outdoor storage shall apply a dust palliative approved by the city engineer to all unpaved areas
utilized for storage. An approved dust palliative shall be applied annually or as directed by the
engineering division. Vehicle or equipment maneuvering areas and approaches to permanent
loading docks shall be paved as set forth in Minimum Standards for Construction of Parking
Lots, June 16, 1980.

5. Drainage. Off-street parking areas shall be graded and drained as to dispose of all surface
water with drainage directed toward curb cuts when possible. Parking facilities may be designed
to function as metered stormwater detention facilities, when in connection with a master drainage
plan and as approved by the city engineering division.

6. Markings. Except for 1- and 2-family uses, all parking facilities shall be marked with
striping paint as shown on the approved building permit. Aisles, approach lanes, stalls,
handicapped stalls and designated no parking areas shall be clearly marked with direction
arrows, lines and symbols to assure the safe and efficient movement of vehicles. “Clearly
marked” is defined as displaying a visibly-defined edge. Whenever parking lots are re-striped,
any parking facility which does not meet the standards set forth in subsections H.4.–H.6. of this
section shall be made to comply with subsections H.4.–H.6. of this section involving parking for
persons with disabilities.

7. Border, barricades, screening and landscaping. Off-street parking areas shall conform to
the regulations set forth in the landscape ordinance, § 17.50.300. Tree planting in the right-of-
way is permitted as provided in § 12.40.090 of this code, landscape requirements.

a. Every parking area that abuts a public or private sidewalk, public right-of-way, or
building entrance or exit shall be provided with a wheel guard or curbs not less than 6 inches in
height which shall be securely installed and maintained.
b. Every multiple-family or commercial parking area on a lot that abuts a single-family residential lot along a side lot line shall be set back a distance of not less than 12 feet. Not less than 50% of the required landscaping for the subject lot shall be placed within the parking lot or within 20 feet of the parking lot.

c. Every parking area on a lot which abuts the rear lot line of a lot within single-family residential district shall be set back a distance of not less than 15 feet. Fifty percent or more of the required landscaping for the subject lot shall be located in the parking lot or within 20 feet of the parking lot.

d. Landscaping proposed to be located in the right-of-way between the property line and the street section may be applied to the requirements of the landscape ordinance in an amount not to exceed 25% of the total landscaping points required as determined pursuant to the formula in the landscape ordinance.

8. **Lighting.** All parking areas except single-family residential shall be provided with lighting when evening usage is anticipated. The lighting shall be arranged so as to provide security and to reflect light toward the parking area.

9. **Bond for completion.** When the required off-street parking area cannot be paved at the time of issuance of the certificate of occupancy, the chief building official shall require a surety in an amount equal to the estimated cost of paving and improvements which will provide for and secure through an improvements agreement the paving completion within 1 paving season. All bonds and other methods of guarantee shall be approved by the city attorney.

H. **Parking for persons with disabilities.**

1. **Provision of parking.** In addition to the general requirements for parking provided for under subsection G. of this section, accessible parking facilities for persons with disabilities shall be provided in accordance with this subsection. Accessible parking for a particular building must be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. If there are multiple accessible entrances to the building, the accessible spaces must be dispersed and located closest to the accessible entrances. For parking facilities which do not serve a specific use or building, the accessible parking shall be located on the shortest accessible route to the nearest accessible pedestrian entrance to the parking facility. Accessible spaces may be provided off-site in accordance with this chapter as long as accessibility is not jeopardized.

2. **Accessible route.** A minimum of 1 accessible route meeting the requirements of this section must be provided between the building's accessible entrance and the accessible parking spaces, passenger loading zones, and public streets or sidewalks. An accessible route shall meet the following requirements:

   a. To the maximum extent feasible, it shall coincide with the route for the general public;
b. It shall have a minimum clear width of 36 inches. If an obstruction turnaround is required then the minimum clear width must be provided as shown in Figures H.2(b)-1 and H.2(b)-2 of the technical drawings on file in the city Planning Department;

c. Passing spaces are required if the accessible route is less than 60 inches wide. Passing spaces shall be at least 60 inches by 60 inches and spaced at no more than 200-foot intervals. A T-intersection of 2 walks is an acceptable passing space (see Figure H.2(c)-1 of the technical drawings on file in the city Planning Department);

d. A minimum of 80 inches of vertical headroom along the route must be provided. If less than 80 inches of vertical headroom exists in any area adjoining the accessible route, then barriers must be provided to warn blind or visually-impaired individuals (see Figures H.2(d)-1, and H.2(d)-2 of the technical drawings on file in the city planning department);

e. The ground surface of the accessible route shall be stable, firm and slip resistant. The accessible route may not include stairs, steps, or escalators. Changes in level of less than 1/4 inch do not require edge treatment. Changes in level between 1/4 and ½ inch shall be beveled with a slope no greater than 1:2. Changes in level greater than ½ inch shall require a ramp at least 36 inches wide and complying with all other ramp requirements (subsection H.3. of this section). Surface treatments involving carpeting or grating must meet specific ADA requirements;

f. An accessible route with a running slope of greater than 1:20 is a ramp and shall have a maximum slope of 1:12 and a minimum width of 36 inches and shall comply with all other ramp requirements (subsection H.3. of this section). Nowhere along the accessible route shall the cross slope exceed 1:50;

g. Curb ramps must be provided wherever an accessible route crosses a curb. Slope of curb ramps must be the least possible with a maximum slope for new construction of 1:12 and a maximum rise for any run of 30 inches. Curb ramps and exterior ramps to be constructed in areas which preclude the use of a 1:12 slope may have reduced slopes and rises as follows: (a) a slope between 1:10 and 1:12 is allowed for a maximum rise of 6 inches; and (b) a slope between 1:8 and 1:10 is allowed for a maximum rise of 3 inches. A slope steeper than 1:8 is not allowed (see Figures H.2(g)-1 through H.2(g)-4 of the technical drawings on file in the city Planning Department). The minimum clear width of a ramp shall be 36 inches. Ramps shall have level landings at the top and bottom of each ramp and each ramp run. These landings shall: (a) be twice as wide as the ramp run leading to it; (b) landing length shall be at least 60 inches clear; (c) if ramps change directions then the landing size shall be 60 by 60 inches; (d) if a doorway is located at a landing then the area in front of the doorway shall comply with 4.13.6 of ADA. Handrails shall be provided in compliance with 4.8.5 of ADA if a ramp run has a rise greater than 6 inches or a horizontal projection greater than 72 inches.

3. **Ramps.** The least possible slope shall be used for any ramp. The maximum rise for any run shall be 30 inches. The maximum slope for any new ramp shall be 1:12 unless otherwise allowed by this code. Curb ramps and other exterior ramps constructed in areas where space limitations prevent a 1:12 slope may have slopes and rises as follows: (a) a slope between 1:10 and 1:12 is allowed for a maximum rise of 6 inches; (b) a slope between 1:8 and 1:10 is allowed
for a maximum rise of 3 inches. No slope steeper than 1:8 is allowed. The minimum clear width of a ramp shall be 36 inches. Ramps shall have level landings at the top and bottom of each ramp and each ramp run. These landings shall: (a) be twice as wide as the ramp run leading to it; (b) landing length shall be at least 60 inches clear; (c) if ramps change directions then the landing size shall be 60 by 60 inches; (d) if a doorway is located at a landing, the area in front of the doorway shall comply with 4.15.6 of ADA. Handrails shall be provided in compliance with 4.8.5 of ADA if a ramp run has a rise greater than 6 inches or a horizontal projection greater than 72 inches.

4. Spaces required.

a. The following number of off-street parking spaces, based on the total required parking, are to be reserved for exclusive use by persons with disabilities. One in every 8 accessible spaces but always at least 1 space must be van accessible. Parking spaces for persons with disabilities may be counted toward the total number of parking spaces required for the use.

<table>
<thead>
<tr>
<th>Total Parking in Lot</th>
<th>Required Minimum # of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
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<table>
<thead>
<tr>
<th>Total Parking in Lot</th>
<th>Required Minimum # of Accessible Spaces</th>
</tr>
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<tbody>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
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<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of total spaces</td>
</tr>
<tr>
<td>1,001 and over</td>
<td>20 plus 1 for each 100 over 1,000</td>
</tr>
</tbody>
</table>

Notes:
1. The required number of accessible spaces for out-patient medical facilities shall be 10% of the total number of parking spaces.
2. The required number of accessible spaces for facilities that specialize in treatment or services for persons with mobility impairments shall be 20% of the total number of parking spaces.
5. **Signage.** Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility (see Figure H.5-1 of the technical drawings on file in the city Planning Department). Van accessible parking shall include this symbol of accessibility sign plus an additional Van-Accessible sign mounted below the symbol of accessibility sign. (see Figure H.5-2 of the technical drawings on file in the city Planning Department). Such signs must be located so they cannot be obscured by a vehicle parked in the space and so they are visible from the driver's seat of the vehicle parked in the space. Such signs must be located on a permanent supporting post or on an adjacent wall.

6. **Parking spaces.**

   a. **Accessible parking spaces.** Accessible parking spaces must be a minimum of 96 inches in width. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle. Parking spaces may not exceed a 1:50 slope in all directions. Accessible parking spaces may be angled as long as all other requirements specified in this section are met (see Figure H.6a-1 of the technical drawings on file in the city Planning Department). Access aisles adjacent to accessible spaces shall be a minimum of 60 inches in width. The spaces shall be 18 feet in length.

   b. **Van-accessible parking spaces.** Van-accessible spaces shall be a minimum of 96 inches wide and 18 feet in length, and shall be served by an access aisle a minimum of 96 inches wide. The access aisle for a van-accessible space must be located on the driver's right-hand side of the van as it would be parked in the space. The minimum vertical clearance for van-accessible spaces and vehicle routes between van-accessible spaces and the site entrance/exit shall be 98 inches. A sign alerting van users to the presence of the wider aisle is required, but the space is not restricted to vans. Parking spaces may not exceed a 1:50 slope in all directions. Van-accessible parking spaces may be angled as long as all other requirements specified in this section are met (see figure H.6b-2 of the technical drawings on file in the city Planning Department). A van-accessible space and an accessible space may share an access aisle as long as that aisle is at least 96 inches wide.

   c. **Parking access aisles.** Parking access aisles must be part of the accessible route to the building and must comply with the accessible route requirements (subsection H.2. of this section). Vehicle overhang may not reduce the required width of an accessible route.

   d. **Universal parking.** An alternative to the provision of separate van-accessible spaces is the provision of universal parking. Universal parking spaces shall be 132 inches wide, with a 60-inch-wide access aisle. These stalls do not have to be signed separately for van-accessibility, but do need to meet signage requirements set forth in subsection H.5. of this section.

7. **Protruding objects.** Objects projecting from walls, with their leading edges between 27 inches and 80 inches above the finished floor, shall protrude no more than 4 inches into walks, passageways or aisles (see Figure H.7-1 of the technical drawings on file in the city Planning Department). Objects mounted with their leading edges at or below 27 inches above the finished floor may protrude any amount (see Figures H.2d-1 and H.7-1 of the technical drawings on file in the city Planning Department). Freestanding objects mounted on posts or pylons may
overhang a maximum of 12 inches, from 27 inches to 80 inches above the ground or finished floor. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space (see Figure H.7-2 of the technical drawings on file in the city Planning Department).

8. **Passenger loading zones.** Passenger loading zones shall provide an access aisle at least 60 inches wide and 20 feet long, adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with subsection H.3. of this section shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes, not exceeding 1:50 (2%) in all directions. Any loading zone must maintain a minimum of 114 inches of vertical headroom. This 114-inch clearance is also required along at least 1 vehicle route from the passenger loading zone to the site entrance and exit. For purposes of this chapter, valet parking areas shall meet the same requirements as passenger loading zones.

9. **Addition of accessible parking in existing parking lot.** Whenever a parking facility, which does not meet the requirements of subsections H.4., H.5. or H.6. of this section, is re-striped, or when existing parking markings are to be repainted, such parking markings shall be altered to conform to the requirements of subsections H.4., H.5. or H.6. of this section. If the entity providing the parking facility is required to eliminate 1 or more parking spaces to comply with this provision, such elimination shall be permitted without requiring a variance to the parking requirements.

   a. This provision shall apply only to parking facilities providing for 4 or more parking stalls.

   b. Nothing in this section shall be construed to require the reconstructions of any parking lot to achieve the requisite slope required in the construction of a new parking facility.

I. **Residential requirements.** New single-family residential off-street parking shall consist of a driveway, garage, or combination thereof. The parking areas shall be paved to accommodate at least 2 off-street parking spaces of 9 feet by 18 feet each. The hard surface improvements on driveways must begin at the street or curb line, and either extend to the garage or parking slab or a minimum of 50 feet. All portions of the required paving for parking shall be outside of the public right-of-way.

CITY OF RAPID CITY

Attest
Mayor

Finance Officer

(seal)