

Ordinance No. 6220

**AN ORDINANCE TO AMEND THE ZONING CODE TO ADOPT THE  
TITLE OF COMMUNITY DEVELOPMENT DEPARTMENT  
AND TO CLARIFY CERTAIN USE PROVISIONS IN ZONING DISTRICTS  
BY AMENDING TITLE 17 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted zoning regulations in Title 17 of the Rapid City Municipal Code (R.C.M.C.) to regulate uses and property within the various zoning districts; and

WHEREAS, the City wishes to rename the Department of Community Planning and Development Services as the Community Development Department; and

WHEREAS, therefore, an amendment to Section 17.54.010 is appropriate to clarify the proper name of the Community Development Department; and

WHEREAS, the City has adopted regulations governing residential uses by adopting ordinances establishing the Park Forest District in Chapter 7.08, the LDR-1 Low Density Residential District in Chapter 17.10, and the General Agricultural District in Chapter 17.34;

WHEREAS, from time to time the City has made additions and amendments to the permitted and conditional uses within these residential districts in a way that results in inconsistencies from district to district; and

WHEREAS, the City wishes to clarify the provisions concerning uses in residential districts to make the districts more consistent and to ensure that the ordinances are clear to the citizens and property owners; and

WHEREAS, the City wishes to amend some references to Council approval of conditional uses to address situations where the Planning Commission, not Council, approves the conditional use permit; and

WHEREAS, the Common Council believes it to be in the best interests of the health, safety, and welfare of its citizens to adopt amendments to Title 17 to rename the department and to clarify the permitted and conditional uses in residential districts.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.54.010 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

**17.54.010 Organization.**

A. *Administration.* The provisions of this title shall be administered by the city's Building Official and the eCity's Community ~~Planning and Development Services~~ Department.

1. The eCity's Building Official shall:
  - a. Issue all building permits and make and maintain records thereof;
  - b. Issue all certificates of occupancy and make and maintain records thereof;
  - c. Issue and renew where applicable all temporary use permits and make and maintain records thereof;
  - d. Conduct inspections as prescribed by this title and such other inspections as are necessary to ensure compliance with the various provisions of the title; and
  - e. Prepare reports and recommendations for applications to be reviewed by the Board of Adjustment.
  
2. The Director of the Community ~~Planning and Development Services~~ Department (Director) shall:
  - a. Maintain and keep current zoning maps and records of amendments thereto;
  - b. Maintain and keep current the comprehensive plan and amendments thereto;
  - c. Direct Department staff and Development Review Team to prepare reports and recommendations for applications to be reviewed by the Planning Commission and City Council; and
  - d. Perform the review and approval of applications for minor amendments and other administrative procedures as prescribed by this title.
  
3. The Development Review Team (DRT) is composed of city staff and representatives of outside agencies that have an interest in or would be affected by a proposed application. The Director of Community ~~Planning and Development Services~~ shall maintain a list of current members and may revise the list. The Director or designee within the department will select members from the DRT list and forward applications to the selected members for review and comment. Copies of the DRT list are available for inspection in the office of the Director.
  
4. All generic references in this Title to "Department" shall signify the Community Development Department unless another department is specified. References in this Title to the Department of Community Planning and Development Services or to Growth Management shall be interpreted to denote the Community Development Department.

B. *Board of Adjustment.*

1. *Established.* The Planning Commission as set forth in subsection D. below shall serve as the Board of Adjustment.

2. *Rules of conduct—meetings.* All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. It shall have power to call on any other eCity departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render all such assistance as may be reasonably required.

3. *Powers of the Board of Adjustment.* The Board has the authority to compel the attendance of witnesses at hearings and to administer oaths and in furtherance of their duties shall have the following powers:

a. *Appeal.* The Board shall have the power to hear and decide appeals wherein it is alleged there is an error in any order, requirement, decision or determination made by an administrative official pursuant to this title;

b. *Special exception.* To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the zoning map; and

c. *Variance.* Where there are practical difficulties or unnecessary hardship of carrying out the strict letter of this title, in any way, the Board shall have the power, in passing upon appeals, to authorize the variance from the terms of this title as will not be contrary to the public interest and so that the intent of the tTitle shall be observed and substantial justice done.

4. *Voting.* Pursuant to state law, the concurring vote of at least 2/3 of the members of the Board is necessary to decide in favor of the applicant on an appeal, special exception, or variance. Accordingly, no such action may be taken unless 2/3 of the members of the Board are in attendance at the public hearing.

5. The Board shall not have any oversight or review of historic preservation procedures within this Code.

C. *Common Council.* The Common Council shall:

1. Establish such rules of procedure as are necessary to the performance of its functions hereunder;

2. Review and decide all applications for amendments to the city zoning map and comprehensive planning documents in accordance with §Section 17.54.040;

3. Study and report on all proposed amendments to this tTitle; further, to review annually this tTitle and, on the basis of the review, suggest amendments thereto;

4. Hear appeals for denials by the Planning Commission of conditional use permits and planned development overlay districts, or other provisions of this tTitle as applicable; and

5. Participate in procedures for historic preservation as provided in §Section 17.54.080.

D. *Planning Commission.*

1. The Planning Commission shall:

a. Review and approve conditional use permits, planned development overlay districts, and any other provisions designated by this €Title;

b. Review and make recommendations to the City Council on preliminary subdivision plans, zoning applications, zoning ordinance revisions, subdivision ordinances and amendments to the city comprehensive plan; ~~and~~

c. Provide direction for the orderly growth of the €City as prescribed by Chapter 2.60 of the Municipal Code; and

d. Serve as the Zoning Board of Adjustment, pursuant to SDCL 11-4-13.

2. The Planning Commission shall not have any oversight or review of historic preservation procedures within this €Code.

E. *Historic Preservation Commission.*

1. *Established.* The establishment of the Rapid City Historic Preservation Commission, hereinafter referred to as Commission, is authorized in accordance with SDCL 1-19B-2.

2. *Powers and duties.* The Commission shall take actions necessary and appropriate in order to accomplish a comprehensive program of historic preservation that promotes the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of citizens of Rapid City and the state, consistent with SDCL Chapters 1-19A and 1-19B. These actions include, but are not limited to, the following responsibilities:

a. To conduct surveys of local historic properties;

b. To participate in planning and land use processes undertaken by the city that affect historic properties and historic areas;

c. To participate in historic preservation review as provided in this code;

d. To cooperate and contract with local, state or federal governments with the approval of the Common Council to further the objectives of historic preservation;

e. To promote and conduct an educational and interpretive program on historic properties and issues within the €City;

f. To provide information for the purposes of historic preservation to the Common Council;

g. To notify the Director of Equalization of the designation of any historic property by the city or by the U.S. Department of the Interior;

h. With consent of the owner, to assist owners of historic property and buildings and structures in Historic Districts in preserving their buildings;

i. When requested, to assist in the review of projects on which review by the State Historic Preservation Office is required under SDCL 1-19A-11.1;

j. To attend informational and educational programs covering the duties of the Commission and current developments in historic preservation;

k. To preserve, restore, maintain and operate historic properties under the ownership or control of the Commission, including historical easements, and to lease, sell, or otherwise dispose of such historic properties; and

1. To further the objectives of historic preservation as allowed under these ordinances and state law.

3. *Members.* The Commission shall be composed of 6 members who are legal residents of the city or who own historic property. The members shall serve without pay. The Commission members shall be selected as follows:

a. *Professional members.* Two members and 1 alternate of the Commission shall be professionals within 1 of the following fields: history, architectural history, architecture, planning, urban planning, historic preservation, archaeology, American studies, American civilization, cultural geography, cultural anthropology, law, or construction.

b. *Downtown representatives.* Two members and 1 alternate shall be stakeholders in the Rapid City Historic Commercial District, such as property owners, merchants, business owners, developers, investors, active members of a downtown organization such as Destination Rapid City, and others with a direct stake in the vitality of downtown Rapid City.

c. *West Boulevard representatives.* Two members and 1 alternate shall be resident owners of homes within the Rapid City West Boulevard Historic District or stakeholders in the neighborhood, such as active members of the West Boulevard Neighborhood Association, neighborhood property owners, residents of the West Boulevard neighborhood, and others with a direct stake in the conservation of this historic neighborhood.

4. *Alternate members.* An alternate member may participate and vote at the meeting only when there is an absence at the meeting of 1 of the regular members in the class from which the alternate was appointed.

5. *Appointment—terms—vacancies.* Upon passage of this section, 6 members and 3 alternates as provided above shall be appointed. In these appointments, due regard shall be given to proper representation of such fields as history, architecture, urban planning, archaeology, paleontology, and law. Commission membership shall be appointed by the Mayor with the approval of the Common Council. Each member shall be appointed for a term of 3 years; provided that, the Mayor may recommend appointments for shorter terms for the purpose of establishing a rotational pattern whereby the terms of 1 or more members expire on October 1 of each year. Members shall serve until expiration of their terms or until the members shall have resigned or been removed for cause; any member whose term has expired shall continue to serve until the appointment and qualification of a successor. In case of any vacancy in membership of the Commission due to death, resignation, or otherwise, a successor shall be appointed to fill the unexpired portion of the term. The Common Council may, after a public hearing, remove any member of the Commission for cause, which cause shall be stated in writing and made a part of the record of the hearing.

6. *Officers—rules of procedure—annual report.* The Commission shall elect from its membership the officers it may deem necessary. The Commission may adopt its own bylaws and rules of procedures, consistent with this code and the laws of the State of South Dakota. The Commission shall make an annual report to the Common Council on or before July 1 of each year, and at such other times as the Council may direct.

7. *Voting.* A quorum of the Commission consists of 4 or more members. A motion shall pass upon majority vote of the Commission members in attendance at the meeting. In the event of tie vote, the motion fails.

(Ord. 6032 (part), 2015; Ord. 6031, 2015; Ord. 5886 (part), 2013; Ord. 3760 (part), 2001: prior code Appendix A, Art. VII (§ 1))

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~~ mobile manufactured 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 occupations as regulated by §Section 17.50.350 and associated signage as regulated by Sections 17.50.080 through 17.50.100; and~~

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

D. Accessory uses and buildings, provided such uses comply with Sections 17.50.190 to 17.50.210 and do not include any activity commonly conducted as a business.

(Ord. 6013 (part), 2015: prior code Appendix A, Art. IV (§ 1 (B)))

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:

**17.08.030 Conditional use permit.**

The following uses may be permitted ~~on review~~ as a conditional use by the Planning Commission or Common Council in accordance with provisions contained in §Section 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, T1N, 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 eCity with on-sale liquor establishment;
- J. Private residential garages which does not meet the definition of private garages 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, subject to the following:

1. Off-street parking shall be provided in accordance with §Section 17.50.270;

2. Evidence of registration with the state Department of Health 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 colors and shall 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 Planning Commission or Common Council, as applicable, may consider the size, proximity to commercial services in making a determination as to whether or not a bed and breakfast is appropriate.

(Ord. 6065, 2015: Ord. 5859, 2012: Ord. 3872 (part), 2002: Ord. 3760 (part), 2001: Ord. 3644, 2001: Ord. 3360 (part), 1997: Ord. 2964 (part), 1992: Ord. 2962 (part), 1992: Ord. 2895, 1991: prior code Appendix A, Art. IV (§ 1 (C)))

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 mobile~~manufactured 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 comply with Sections 17.50.190 to 17.50.210 and 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 occupations as regulated in §Section 17.50.350 and associated signage as regulated by Sections 17.50.080 through 17.50.100; and~~

~~H. Family day care centers.~~

(Ord. 6013 (part), 2015: Ord. 2899 (part), 1991: prior code Appendix A Art. IV (§ 2 (B)))

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 Planning Commission or Common Council in accordance with provisions contained in §Section 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, middle, 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~~nurseries 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. ~~Must p~~Provide a detailed program and services plan at the time of application;
  2. Must meet fire, building and health requirements;
  3. The Planning Commission or Common Council, as applicable, may ~~or may not wish to~~ add the following conditions:
    - ~~— a. Standard hours of operation, such as, standard;~~
    - ~~b~~a. Supervision, such as, type and extent;
    - ~~e~~b. Services and program to be provided;
    - ~~d~~c. Number of persons;
    - ~~e~~d. Proximity to other group homes; and/or
    - ~~f~~e. Any other condition the Planning Commission or Common Council, as applicable, may deem appropriate.
  4. Any significant modification in the program and services plan will require a new application;
- M. Bed and breakfast facility, subject to the following:
  1. Off-street parking shall be provided in accordance with §Section 17.50.260;

2. Evidence of registration with the state Department of Health 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 colors and shall 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 Planning Commission or Common Council, as applicable, may consider the size, proximity to commercial services in making a determination as to whether or not a bed and breakfast is appropriate.

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.

(Ord. 5858, 2012: Ord. 3872 (part), 2002: Ord. 3760 (part), 2001: Ord. 3198 (part), 1995: Ord. 2964 (part), 1992: Ord. 2899 (part), 1991: prior code Appendix A, Art. IV (§ 2 (C)))

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.34.020 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

**17.34.020 Uses permitted.**

Property and buildings in a general agricultural district shall be used only for the following purposes:

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

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

C. Public schools, or ~~a schools~~ offering general educational courses similar to those ordinarily given in the public schools and having no rooms regularly used for housing or sleeping;

D. Agricultural crops;

E. The raising of farm animals, but not the operation of commercial feed pens for livestock. On all tracts of land containing less than 40 acres, the raising of hogs shall be prohibited. And on all other tracts of 40 acres or more, the number of hogs shall not exceed 20 grain-fed or 3 garbage-fed hogs. Hogs shall not be located closer than 200 feet from the property line of the tract on which they are located;

F. ~~All of the following uses:~~

~~1. Country clubs without on-sale liquor establishment;~~

~~2G. Golf courses;~~

~~3H. Home occupations as regulated in Section 17.50.350 and associated signage as regulated by Sections 17.50.080 through 17.50.100;~~

~~4I. Municipal uses;~~

~~5J. Parks or playgrounds;~~

~~6K. Garden centers and sod farms; and~~

~~7. Public service or utility use.~~

~~G. Signs as regulated by §§ 17.50.080 through 17.50.100;~~

~~H. Accessory buildings which are not a part of the main building, including barns, sheds and other farm buildings, private garages, and accessory buildings which are a part of the main building; and~~

~~M. Microcell wireless communications facilities on buildings as defined in §Section 17.50.400A.~~

(Ord. 5097 (part), 2005: Ord. 3734 (part), 2001: Ord. 3360 (part), 1997: Ord. 2931 (part), 1992: prior code Appendix A, Art. IV (§ 16 (B)))

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.34.030 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

**17.34.030 Conditional uses.**

The following may be permitted as conditional uses by the Planning Commission or City Council, in accordance with the provisions contained in §Section 17.54.030:

- A. Lodge halls, veterans organizations, service organizations;
- B. Airplane landing fields;
- C. Cemeteries;
- D. Kennels;
- E. Radio and television station and transmission towers;
- F. Stables, public;
- G. Child care centers ~~Private day nurseries and kindergartens~~ as regulated in §Section 17.50.150;
- H. Historical monuments or structures;
- I. Community corrections facilities;
- J. Country clubs with on-sale liquor establishments;
- K. Veterinary clinics; ~~and~~
- L. Microcell wireless communications facilities on poles as defined in §Section 17.50.400B;
- M. Banquet halls with on sale liquor establishments;
- N. Race tracks with on-sale liquor establishments;
- O. Planned developments as regulated in ~~§§ 17.50.050 through 17.50.105~~ this Title;
- P. Temporary quarries or mines for construction aggregate and rock to be processed and used in construction, subject to the following:
  - 1. The property and/or lot(s) is at least 40 acres.
  - 2. Any application for a conditional use permit must include the following additional items:
    - a. Documentation that all necessary state and/or federal permits and licenses have been obtained, as applicable;

- b. Site plan showing the area to be mined/quarried and including the location of temporary structures, parking, access and utilities;
- c. Written operation plan which identifies the type of material to be mined/quarried, the estimated quantity of material to be displaced, and the anticipated volume of truck traffic;
- d. Master plan;
- e. Phasing plan;
- f. Haul road route plan;
- g. Reclamation plan, including a cost estimate, and a surety for reclamation of the site;
- h. Stormwater management plan; and
- i. Air quality compliance plan.

3. Upon receipt of an application for a conditional use permit under this section, ~~Community Planning and~~ Development Staff will notify the Mayor and the Common Council of the application at least 10 business days before the Planning Commission meeting at which the application will be considered.

4. Prior to the initiation of the conditional use, the temporary quarry or mine must obtain all required city and county permits, licenses, and agreements, as well as any state and federal permits or licenses. Failure to obtain and possess a necessary permit or license may result in revocation of the conditional use permit.

5. The temporary quarry or mining complies with all laws, ordinances and regulations related to permits, operation, and reclamation, including but not limited to SDCL Chapter 45-6, SDCL Chapter 45-6B, and SDCL Chapter 45-6C.

6. The maximum period of time for any conditional use permit issued to a temporary quarry or mining is 36 months. The permit holder may apply for a major amendment to the conditional use permit to extend the time the conditional use is permitted, but under no circumstance may the conditional use be permitted for more than 5 years, including time spent on reclamation of the site.

(Ord. 5850, 2012; Ord. 5627, 2010; Ord. 5442, 2008; Ord. 5431, 2008; Ord. 5361, 2008; Ord. 5313, 2007; Ord. 5097 (part), 2005; Ord. 3734 (part), 2001; Ord. 3103, 1994; Ord. 2931 (part), 1992; Ord. 2893 (part), 1991; prior code Appendix A, Art. IV (§ 16 (C)))

CITY OF RAPID CITY

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Mayor

ATTEST

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Finance Officer

(seal)

First Reading:

Second Reading:

Published:

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