

Ordinance No. 6228

**ORDINANCE AMENDMENT TO TITLE 17 OF THE
RAPID CITY MUNICIPAL CODE BY ADDING CHAPTER 17.66,
URBAN COMMERCIAL DISTRICT**

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 Rapid City Council adopted the Downtown Area Master Plan in October of 2016 to guide growth and development in the downtown area; and

WHEREAS, the Downtown Area Master Plan established five core values for the downtown area comprised of Livable (an emerging neighborhood), Prosperous (hubs for jobs and innovation), Active (lively districts and public space), Welcoming (inclusive and safe), and Connected (a walkable, bikeable, intuitive place); and

WHEREAS, one of the priority initiatives from the Downtown Area Master Plan was to prepare zoning code updates to encourage mixed-use and housing development throughout Downtown and address the regulation challenges east of 5th Street; and

WHEREAS, the Downtown Area Master Plan outlines Zoning Revision Recommendations to achieve community goals for downtown; and

WHEREAS, the Zoning Revision Recommendations in the Downtown Area Master Plan were understood to go through a further public process that may result in adjustments and refinements; and

WHEREAS, City staff has worked alongside downtown stakeholders to further adjust and refine these regulations.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 17.66 of the Rapid City Municipal Code is hereby created to read in its entirety as follows:

CHAPTER 17.66: URBAN COMMERCIAL DISTRICT

- 17.66.010 District Intent
- 17.66.020 Uses
- 17.66.030 Applicability
- 17.66.040 Exemptions
- 17.66.050 Area Regulations
- 17.66.060 Development Standards
- 17.66.070 Supplemental Regulations
- 17.66.080 Flood Fringe Building District

17.66.010 District Intent.

This mixed-use District is similar to the Central Business District in that it exists to encourage a live-work-play setting that is pedestrian friendly, accommodates multiple modes of transportation, and supports infill and redevelopment of Community and Regional Activity Centers as identified in the City's Comprehensive Plan and Downtown Area Master Plan. Automobile access, off street parking, and setbacks for development are minimized to support the objectives of this District.

17.66.020 Uses

Table 17.66.020 lists all permitted and conditional uses in the Urban Commercial District.

- A. "P" means the use is permitted in the District.
- B. "C" means the use is allowed as a Conditional Use in the District, in compliance with all applicable standards as identified in 17.54.030.
- C. "P/C" means the use is permitted if the listed criteria are met, and conditional if those criteria are not met.
- D. The Supplemental Regulations column shows where additional criteria found in Section 17.66.070 shall be met to address specific land uses, be they conditional or permitted. Where requirements are identified in other Chapters of the Municipal Code, the Section is listed.
- E. Uses and structures that are not permitted or conditional within this Chapter are prohibited.

Table 17.66.020

Use	Permitted/ Conditional	Supplemental Regulations
Adult Day Care Center	C	17.66.070.A
Antique and Used Furniture	P	17.66.070.B
Artisan Distillers	C	17.66.070.C
Art Centers	P	
Assisted Living Centers	C	17.66.070.D
Auto Service and Repair	C	17.66.070.E
Business and Vocational Schools	P	17.66.070.F
Business Service Establishments	P	17.66.070.G
Carwashes	C	17.66.070.H
Child Care Centers	C	17.50.150
Churches	P	
Civic Organizations, Clubs, and Lodges	P	
Colleges and Universities	P	
Commercial, Job and Newspaper Printing	P	
Dwelling Units in Mixed – Use Buildings	P	
Dwelling Units, Multifamily	P	17.66.070.I
Dwelling Units, Live-Work	P	
Eating and Drinking Establishments, not including Drive-Throughs	P	
Establishments offering repair services on items brought in by customers, excluding automobiles	P	
Financial Institutions	P	17.66.070.J
Fraternities, Sororities, and Denominational Student Headquarters	C	
Fueling Stations	C	17.66.070.K
Group Homes	C	17.66.070.L
Hospitals	C	
Hotels and Motels	P	
Indoor Craft and Flea Market	P	17.66.070.M
Innovation Centers	P/C	17.66.070.N
Libraries	P	
Limited Production and Processing	P/C	17.66.070.O
Microbreweries	C	17.66.070.P
Microcell Wireless Communications Facilities on buildings as defined in Section 17.50.400A	P	
Microcell Wireless Communication Facilities on poles as defined in Section 17.50.400B	C	
Missions	C	17.66.070.Q
Mixed Use Development	P	
Offices, Studios, Clinics, and Laboratories	P	
Off-premises Signs	C	17.50.080 – 17.50.100
On-premises Signs	P	17.50.080 – 17.50.100
On-sale Liquor Establishments	C	5.12.030; 17.50.185
Other Temporary, Seasonal, and Continuous Retail Businesses or Structures	P	17.50.230 H-J
Other uses and structures which are customarily accessory and clearly incidental to permitted uses	P	
Parking Garages, principal or accessory use	C	17.66.060
Parking Lots, principal use	C	17.66.060
Personal Service Establishments	P	
Pet Stores	C	17.66.070.R
Planned Development Overlay	C	17.50.050

Use	Permitted/ Conditional	Supplemental Regulations
Public Buildings and Grounds	P	
Radio, television, and cellular communication station and transmission towers	C	17.50.400
Retail stores, sales, and display rooms and shops	P	17.66.070.S
Sign contractor shop	P	17.66.070.T
Utility substations	P	
Veterinary establishments	C	17.66.070.U
Wineries	C	17.66.070.V

17.66.030 Applicability.

In order to fulfill the District intent of a pedestrian friendly built environment, and to support infill and redevelopment within this District, the regulations within this Chapter are applicable as follows upon the adoption of this ordinance [DATE]:

A. **Uses.** Any new use or change in use following the adoption date of this ordinance requires conformance with Table 17.66.020 and any supplemental regulations.

B. **New construction.** All structures erected following the adoption date of this ordinance shall be subject to the regulations of this Chapter.

C. **Existing structures.**

1. Expansion: The Area Regulations and Development Standards within this Chapter shall apply to cumulative expansion greater than 40 percent of the square foot gross floor area of a building as of the adoption date of this ordinance on [DATE]. In this District, Section 12.08.050 of the Rapid City Municipal Code, Sidewalks, shall apply to building expansion greater than 40 percent of the building square footage as of the adoption date of this ordinance.

2. Change in use: Within this District a change in use of an existing structure does not require conformance with the Area Regulations and Development Standards of this Chapter with the following exception; in this District, a change in use from commercial to residential use requires conformance with the parking requirements in Section 17.66.060 (B).

3. Facade alterations: Where a building permit is required to alter a street-facing facade, removal or change in material of 40 percent or more of the square footage of a street-facing facade requires compliance with Section 17.66.060A.1-4 for all street-facing facades.

17.66.040 Exemptions.

Contributing properties in historic districts and structures listed individually on the State or National Register of Historic Places are exempt from exterior building alterations otherwise required in this Chapter where those exterior alterations would damage, destroy, or encroach upon Historic Property.

17.66.050 Area Regulations.

The following regulations shall apply to all uses permitted in this District:

- A. **Height.** The maximum height of any structure is eight (8) stories or one hundred feet at the finished roof line, whichever is higher. One story buildings constructed after the adoption of this ordinance shall have a minimum height of fifteen feet.
- B. **Graduated Height Setbacks.**
 - 1. Buildings not located on Pedestrian Oriented Streets: Graduated height setbacks are required for new buildings greater than three (3) stories. Above the third story, the setback shall be 20 feet from the property line.
 - 2. Building located on Pedestrian Oriented Streets: Graduated height setbacks are required for new buildings greater than five (5) stories. Above the fifth story, the setback shall be 20 feet from the property line.
- C. The building height of new construction, and alterations to the height of existing buildings, may be subject to historic review as required by the Rapid City Municipal Code and state law, including RCMC 17.54.080 and SDCL 1-19A-11.1.
- D. **Setbacks.** Buildings shall be set back a minimum of zero (0) feet and a maximum of ten (10) feet from the front property line. A corner lot shall accommodate sight triangles in accordance with RCMC 17.50.335. Setbacks shall be measured from the building face, covered portion of an entryway, alcove, roof overhang, balcony, column, or edge of a seating area or other public space that is permanently fenced or covered. Exceptions may be granted by the Community Development Director where a larger setback provides public space, outdoor cafes, or other amenity that meets the intent of the District. There is no minimum side or rear yard setback.
- E. **Maximum Lot Coverage.** Maximum lot coverage shall be 90 percent.

17.66.060 Development Standards.

To fulfill the District Intent and support the vision of the City's Comprehensive Plan and Downtown Area Master Plan, the following Development Standards shall apply:

A. **Pedestrian Oriented Development.** To ensure that all new development in the District is pedestrian and bicycle friendly while encouraging creativity and allowing a wide range of choice, the following standards shall be met:

1. Ground Floor Windows: Blank walls on the ground level of buildings are limited in the District in order to connect activities occurring within a structure to the adjacent sidewalk area, encourage surveillance of the street, and avoid a monotonous pedestrian environment. Street-facing facades on the ground level of buildings shall meet the following standards:
 - a. The required amount of ground floor window area shall be 45 percent or more of the wall area measured between two (2) and eight (8) feet in height above the finished grade. The windows shall be transparent.
 - b. On lots with more than one street frontage, the standard shall be met on the frontage of the street that has the highest classification to the Rapid City Major Street Plan. If two or more streets have the same classification as per the Infrastructure Design Criteria Manual, the applicant may choose on which street to meet the standard in subsection a.
2. Building Face Variation: The setback and/or materials of street-facing building facade shall vary substantially every 50 feet. Change in material color is not considered a substantial change. The same material used in a different pattern is not considered a substantial change. Columns, pilasters, or other building articulation constituting a substantial change shall be greater than 12 inches in depth to be considered a substantial change.
3. Location of the Main Entrance: The main entrance shall face the street lot line. Where there is more than one street lot line, the entrance may face either street lot line or the corner.
4. Lighting: Four (4) or more fixtures of downtown, pedestrian-scale lighting shall be provided on the primary building frontage or front yard per each 50 feet of building frontage. On a corner lot, all yards that abut a street may be used to meet this standard. Fixtures shall be adequately spaced to create even light distribution.
5. Other Pedestrian Elements: Two of the following additional pedestrian elements shall be provided on the parcel on the primary building frontage or front yard. On a corner lot, all yards that abut a street may be used to meet these standards:
 - a. Ground floor windows of 66 percent or greater on the street-facing first floor of building face.

- b. Secured bench/es or café table/s with chairs, accessible from the public right-of-way per each 50 feet of building frontage.
- c. One (1) bike rack per 50 feet of building frontage.
- d. On a development that extends an entire block face, a publicly accessible, well-lit interior or exterior passageway that grants access through the block.
- e. Two (2) street trees. This option may be located in public right of way instead of private property if approved by the City.
- f. 12 square horizontal feet of irrigated planter boxes or hanging baskets per 50 feet of building frontage.
- g. 20 square feet of vertical trellised wall area with adequate irrigated planting area to support plant coverage of the trellis per 50 feet of building frontage.
- h. Other art or design elements approved for alternative compliance by the Community Development Director.

B. Parking. To ensure a well distributed long term supply of parking that is compatible with the intent of this District, the following standards shall apply:

1. Off-Street Parking. The following off-street parking requirements in the Urban Commercial District shall apply:
 - a. New construction of residential dwelling units shall provide one (1) space for a one (1) bedroom unit and an additional 0.5 spaces for each additional bedroom. Studio apartments shall provide 0.75 spaces per unit.
 - b. Converting an existing structure of non-residential use to a residential use shall require 0.5 spaces per unit.
 - c. All non-residential uses shall provide (2) spaces per 1,000 square feet of gross floor area.
 - d. For all uses, a reduction of one (1) required space may be allowed for every five (5) secured bicycle parking spaces, up to a total reduction of two (2) parking spaces, or 10 percent of the total parking requirement, whichever is greater.

- e. The on-street parking spaces located adjacent to a development may be counted towards the parking requirement. These on-street parking spaces are not granted for exclusive use by the development.
2. Surface parking lot design. When surface parking is provided on site the following development standards shall apply:
- a. Parking lots shall be located to the rear of the primary building.
 - b. Parking lots may be located to the side of the primary building upon approval of the Community Development Director when a demonstrated hardship exists.
 - c. No more than 25 percent of any individual lot frontage may consist of parking lot.
 - d. Parking lots along a primary street frontage, a Pedestrian Oriented Street, and parking lots facing Low Density Residential District zoned parcels shall be buffered with landscaping consisting of a combination of solid (walls) and permeable (plantings) materials to provide a filtered screen and physical separation.
 - e. Rear or alley loading and delivery access is required. In the case of demonstrated hardship, alternative compliance may be approved by the Community Development Director.

3. Parking garage design.

- a. The design of a parking structure shall minimize large expanses of blank walls and horizontal banding of the structure. The design should balance solids (walls) to voids (openings) to mimic the facades of adjacent structures.
- b. Automobile access shall be from the side streets and alleys, not the primary block face.
- c. The functions of the parking garage, including ramps and ticketing, shall be located within the structure and not visible from the street.

C. Landscaping. To allow for an urban development intensity and adaptive reuse, while ensuring an appealing downtown environment, the following standards shall be met:

- 1. The required amount of landscaping shall be in accordance with Section 17.50.300 with the following deviations:

- a. Urban landscaping elements of the Pedestrian Elements in Section 17.66.060.A above may be counted toward the landscaping requirement.
- b. Landscaped buffers for parking lots and outdoor storage may be counted toward the landscaping requirement.
- c. For new construction or expansion of an existing building, in the case of demonstrated hardship, the Community Development Director may approve alternative compliance for all or a portion of the landscaping requirement through the provision of non-irrigated planters, hanging baskets, or similar landscape design items.
- d. Existing street trees and nodes located within the right of way adjacent to development may be counted towards landscaping requirements.
- e. On existing buildings, vegetation may encroach on the sidewalk so long as a five (5) foot pedestrian clearance zone is maintained.

D. Signage. In order to allow for attractive and creative signage that advertises a variety of tenants and is oriented toward the street, the signage regulations in Sections 17.50.080 to 17.50.100 shall apply.

E. Screening. Dumpsters shall not occupy the front yard area. Dumpsters shall be located at least ten (10) feet from the side yard and screened with a minimum six (6) foot high opaque fence or wall. Chain link fencing is not permitted. These requirements may be waived by the Community Development Director in cases of demonstrated hardship.

F. Storage. Where supplemental regulations for specific uses prohibit outdoor storage, the standards for outdoor storage noted in this Section shall not apply. In all other cases, the following standards shall apply to storage:

- 1. Outdoor storage shall be allowed as an accessory use only, and shall be limited to a maximum of 10 percent of the lot area.
- 2. In order to support the intent of this District related to Pedestrian Oriented Development, indoor storage facing Pedestrian Oriented Streets shall not obstruct or be located adjacent to the transparency requirements as identified in Section 17.66.060.A.1.
- 3. Outdoor storage shall be located to the rear of the building.
- 4. Outdoor storage areas shall be paved and shall be enclosed by a minimum 6 foot high opaque fence or wall. Stored items shall not be stacked above the

height of the fence or wall. Non-stacked items that exceed the fence height (such as vehicles, equipment, or large components) are allowed.

17.66.070 Supplemental Regulations. Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for uses in this Chapter are applicable to uses as specified by Table 17.66.020 in Section 17.66.020. All conditional uses shall comply with the regulations in 17.54.030.

A. Adult Day Care Center. Uses of this nature are subject to, but not limited to, the following for conditional use approval:

1. Proximity to an arterial street;
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 not be less than 42 inches in height; and
8. Type of vehicular traffic common to the area.

B. Antique and Used Furniture. Uses of this nature are subject to the following requirements:

1. No permanent outside storage or display of merchandise is allowed; and
2. Any non-permanent display of merchandise is allowed on sidewalks that are at least 15 feet wide. The display items shall leave a five (5) foot pedestrian clearance zone.

C. Artisan Distillers: Uses of this nature are subject to the following for conditional use approval:

1. In addition to the distiller's license required by SDCL 35-13-2 the distiller shall obtain the appropriate city-issued retail liquor license if it intends to sell its product directly to the public; and

2. Accessory uses to a distillery specifically include, but are not necessarily limited to, the selling of food, operation of a restaurant, and/or selling of products associated with the distillery or manufacture of alcoholic beverages.

D. Assisted Living Centers. Uses of this nature are subject to the following for conditional use approval:

1. 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
2. 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 percent of the open space requirement shall be met with common interior spaces limited to community rooms, central dining areas, and craft rooms.

E. Auto Service and Repair. Uses of this nature are subject to the following for conditional use approval:

1. Auto sales are prohibited;
2. All body and/or mechanical work shall be completed within an enclosed area;
3. All inoperable vehicles shall be stored within a building or within a side rear yard which is screened with an opaque fence at least 6 feet height;
4. 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;
5. Building form that is compatible with the District; and
6. Appropriate landscaping and screening is provided.

F. Business and Vocational Schools. Uses of this nature are subject to the following requirements:

1. 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

2. The programming shall not generate any offensive noise, odor, vibration, smoke, dust, blast, or heat noticeable beyond the premises.

G. Business Service Establishments. Uses of this nature are subject to the following requirements:

1. Such uses may not produce noise, odor, vibration, smoke, dust, blast, heat, or traffic that would be incompatible with the intent of the District.

H. Carwashes. Uses of this nature are subject to the following for conditional use approval:

1. Adequate egress and ingress;
2. Appropriate landscaping and screening; and
3. Appropriate drainage plan.

I. Dwelling Units, Multifamily. Uses of this nature are subject to the following requirements:

1. Multifamily dwelling units located along Pedestrian Oriented Streets shall be designed to enhance both the pedestrian experience and the livability of dwellings. They shall deliver active ground floor uses and encourage interaction at the street edge through means such as:
 - a. Modulating facades to express individual ground floor residences;
 - b. Set back frontages to create usable transition space between the street and the dwelling;
 - c. Raise the residential floor level;
 - d. Define setbacks with landscaping that augment privacy and create visual connection to the sidewalk; and
 - e. Shared activity or amenity areas such as leasing offices, fitness clubs, game rooms, or similar areas shall be located on street facing first floor areas.

J. Financial Institutions: Uses of this nature are subject to the following requirements:

1. All drive through stations shall be located behind the structure; and

2. Curb cuts over pedestrian streets will be minimized.

K. Fueling Stations. Uses of this nature are subject to the following for conditional use approval:

1. Building form that is compatible with the District;
2. Appropriate landscaping and screening; and
3. Traffic circulation that balances the needs of vehicles and pedestrians.

L. Group Homes. Uses of this nature are subject to the following for conditional use approval:

1. Provide a detailed program and services plan at time of application;
2. Shall 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. Type and extent of the supervision to be provided;
 - c. Services and programs to be provided;
 - d. Number of persons;
 - e. Proximity to other group homes; and/or
 - f. Any significant modification in the program and services plan will require a new application

M. Indoor Craft and Flea Market, including used or secondhand merchandise sales. Uses of this nature are subject to the following:

1. No permanent outside storage or display of merchandise is allowed; and
2. Any non-permanent display of merchandise is allowed on sidewalks that are at least 15 feet wide. The display items shall leave a five (5) foot pedestrian clearance zone.

N. Innovation Centers: Uses of this nature are Permitted Uses if criteria 1-4 are met. Uses of this nature are Conditional Uses if any of criteria 1-4 are not met.

1. Innovation Center facilities are compatible with a mixed use, pedestrian-oriented environment and are no greater than 50,000 square feet in size.
2. Any toxic explosive, flammable, corrosive, etiologic, radioactive or other restricted material is stored, used and disposed of in accordance with all applicable building fire, and safety codes and is conducted within an enclosed structure.
3. The effects of noise, odor, smoke, dust, vibration, heat, and air and water pollution are controlled through the use of clarifiers, screening, setbacks, orientation or other mitigation techniques as approved by the Community Development Director.
4. Adequate loading/unloading zones are provided as per the parking requirements of this Section.

O. Limited Production and Processing: Uses of this nature are Permitted Uses if criteria 1-4 are met. Uses of this nature are Conditional Uses if any of criteria 1-5 are not met:

1. Wholesale or production uses are accompanied with retail trade or other public interaction/activity such as gallery and display areas, classes, etc. that support district activity.
2. Any toxic explosive, flammable, corrosive, etiologic, radioactive or other restricted material is stored, used and disposed of in accordance with all applicable building fire, and safety codes.
3. The effects of noise, odor, smoke, dust, vibration, heat, and air and water pollution are controlled through the use of clarifiers, screening, setbacks, orientation or other mitigation technique as approved by the Community Development Director.
4. Facility size is no greater than 15,000 square feet.
5. Adequate loading/unloading zones are provided as per the parking requirements of this Section.

P. Microbreweries. Establishments which manufacture malt beverages in an amount less than the yearly maximum allowed in SDCL Chapter 35 are subject to the following for conditional use approval:

1. In addition to the malt beverage manufacturer's license required by SDCL 35-4-2 (14), the operator of a microbrewery shall obtain the appropriate city-issued retail liquor license if it intends to sell its product directly to the public; and

2. 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.

Q. Missions. Missions and uses of this nature are subject to the following for conditional use approval:

1. Shall 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. Shall meet fire, building, and health requirements;
3. Any significant modification in the program and services plan shall require a new application; and
4. Outdoor firewood storage and sales are permitted only as an accessory use once authorized by the City Council.

R. Pet Stores. Uses of this nature are subject to the following for conditional use approval:

1. The pet store shall be located within a sound proof, 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.

S. Retail stores, sales, and display rooms and shops. Uses of this nature are subject to the following requirement:

1. The use shall not produce noise, odor, dust, vibration, blast, or traffic that would be incompatible with the intent of the District.

T. Sign contractor shop. Uses of this nature are subject to the following requirement:

1. All outdoor storage shall be screened by a 6-foot high opaque fence.

U. Veterinary establishments. Uses of this nature are subject to the following for conditional use approval:

1. All animals shall be kept inside a soundproof, air-conditioned building.

V. *Wineries*. Uses of this nature are subject to the following considerations for approval:

1. Wineries shall operate in accordance with South Dakota Codified Law Chapter 35-12 concerning farm wineries;
2. If the operator of a farm winery intends to sell or serve alcoholic beverages other than the wine produced, the operator must obtain the appropriate city issued retail liquor license;
3. 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.

17.66.080 Flood Fringe Building District.

Any land that is within the flood fringe building district as provided for in Chapter 15.32 of this Code shall comply with the additional requirements of that District.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
Effective: