

ORDINANCE NO. 5097

AN ORDINANCE ALLOWING WIRELESS COMMUNICATION FACILITIES IN CERTAIN ZONING DISTRICTS BY AMENDING SECTIONS 17.12.030, 17.14.030, 17.16.020, 17.16.030, 17.18.020, 17.18.030, 17.20.030, 17.22.020, 17.22.030, 17.24.020, 17.24.030, 17.30.030, 17.32.030, 17.34.020, 17.34.030, 17.36.020, 17.36.040, 17.40.030, 17.42.025, 17.46.020, 17.46.030, 17.48.020, 17.48.030, 17.56.020, 17.56.030 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, pursuant to the authority granted to it in SDCL 11-4-1, the City of Rapid City has adopted a zoning ordinance identifying uses permitted in all zoning districts; and,

WHEREAS, the installation and mounting of microcell wireless antennas on existing utility poles, telephone poles, light poles, and utility facilities is not currently allowed under the City's zoning ordinance in any of the zoning districts; and,

WHEREAS, the City of Rapid City deems it to be in the City's best interest to improve wireless communication services to the public by increasing the locations where microcell wireless antennas are allowed to be placed and mounted under the City's zoning ordinance.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Sections 17.12.030, 17.14.030, 17.16.020, 17.16.030, 17.18.020, 17.18.030, 17.20.030, 17.22.020, 17.22.030, 17.24.020, 17.24.030, 17.30.030, 17.32.030, 17.34.020, 17.34.030, 17.36.020, 17.36.040, 17.40.030, 17.42.025, 17.46.020, 17.46.030, 17.48.020, 17.48.030, 17.56.020, 17.56.030 of the Rapid City Municipal Code be amended to read as follows:

17.12.030 Conditional Uses.

The following uses may be allowed as a conditional use permit by the city council in accordance with provisions contained in Section 17.54.030:

- A. Any conditional use in an LDR low density residential district;
- B. Fraternities, sororities and denominational student headquarters;
- C. Mobile home parks, subject to the requirements set forth in Section 17.50.110;
- D. Nursing home or home for the aged;
- E. Child care centers;
- F. A planned residential development as regulated in Sections 17.50.020, 17.50.030 and 17.50.040;
- G. Single-family attached dwellings and single-family semidetached dwellings as regulated in Sections 17.50.050 through 17.50.100;
- H. Motel complexes, existing as of the date of the ordinance codified in this title, subject to the requirements set forth in Section 17.50.180;
- I. 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, i.e., standard,
 - b. Supervision, i.e., type and extent,
 - c. Services and program to be provided,
 - d. Number of persons,
 - e. Proximity to other group homes,
 - f. Any other condition the council may deem appropriate,
4. Any significant modification in the program and services plan will require a new application;
- J. Retail business may be conducted in apartment buildings only, for the convenience of the occupants of the building, provided there shall be no entrance to such place of business except from the inside of the building.
- 1. The retail business type shall be limited to those which are listed in Section 17.50.350,
 - 2. The building inspection department will be consulted with regard to code requirements,
 - 3. No outdoor signage shall be allowed;
- K. Townhouses as regulated in Sections 17.50.020, 17.50.030 and 17.50.040;
- L. Planned residential developments as regulated in Sections 17.50.050 through 17.50.100;
- M. Planned unit developments as regulated in Sections 17.50.050 through 17.50.100;
- N. Hotel apartment;
- O. Drop off centers for household recyclables; said centers do not involve processing.
- P. Microcell wireless communications facilities on poles as defined in Section 17.50.400.B

17.14.030 Conditional Uses.

The following uses may be allowed as conditional uses by the city council in accordance with provisions contained in Section 17.54.030:

- A. Any in an LDR or MDR district;
- B. Retail business may be conducted in apartment buildings only, for the convenience of the occupants of the building, provided, there shall be no entrance to such place of business except from the inside of the building;
- C. For multiple-family, group homes and assisted living centers, identification signs, not to exceed nine square feet in area, shall be permitted. Such signs shall indicate nothing other than the name and/or address of the premises and the name of the management. Such signs shall be flush with the principal building and may have indirect illumination;
- D. Professional offices;
- E. 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, i.e., standard;
 - b. Supervision, i.e., type and extent;
 - c. Services program to be provided;
 - d. Number of persons;
 - e. Proximity to other group homes;
 - f. Any other condition the council may deem appropriate;
 - 4. Any significant modification in the program and services plan will require a new application;
- F. Parking lots;

1. Such facilities shall be paved;
2. Such facilities shall in no way be exempted from any of the requirements of this zoning district including, but not limited to, screening, landscaping and signage requirements;
3. Such facilities shall be permitted only in conjunction with a contiguous use by right or conditional use permit;
- G. Townhouses as regulated in Sections 17.50.020, 17.50.030 and 17.50.040;
- H. Planned residential developments as regulated in Sections 17.50.050 through 17.50.100;
- I. Planned unit developments as regulated in Sections 17.50.050 through 17.50.100.
- J. Microcell wireless communications facilities on buildings as defined in Section 17.50.400.A
- K. Microcell wireless communications facilities on poles as defined in Section 17.50.400.B.

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 twenty 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,
 - 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 chapter 15.28 of this code;
18. Other uses and structures which are customarily accessory and clearly incidental to permitted uses and structures not prohibited under Section 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 two-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 section 17.50.400.A .

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,

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 Sections 17.50.050 through 17.50.100;

F. Planned unit developments as regulated in Sections 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,

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 forty-two inches in height,

8. Type of vehicular traffic common to the area,

- 9. Any other requirements council may deem appropriate;
- L. Assisted living centers;
- M. Libraries;
- .
- O. Art centers.
- P. Microcell wireless communication facilities on poles as defined in Section 17.50.400.B.

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 Chapter 15.28 of this code;
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 seven-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 such establishments providing 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 six feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed one per four hundred square feet of building floor area used for vehicle repair. A minimum of two 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 five thousand square feet for storage of wares to be wholesaled or distributed, nor the use of any delivery vehicle rated at more than one and one-half ton capacity, nor a total of more than five 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 such establishments providing 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 six feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed one per four hundred square feet of building floor space used for vehicle repair. A minimum of two in-operable 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 six feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed one per four hundred square feet of building floor area used for vehicle repair. A minimum of two inoperable vehicles per establishment shall be permitted to be stored in a screened yard;
26. Hotel apartment;
27. Drop off centers for household recyclables; said centers do not involve processing;
28. Garden centers, provided that all outdoor storage be screened with a six foot fence or wall;
29. Hospitals;
30. Microcell wireless communications facilities as defined on buildings in Section 17.50.400.A ;
31. Indoor used or second-half merchandise sales provided that merchandise that is for sale, stored or displayed cannot be located outside;
32. Pet stores.

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,
 - 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 six-foot fence, wall or mass planting. Such screening plans shall be approved by the planning commission and the common council.
 - b. Any other conditions the council shall deem appropriate;
8. Travel parks or recreational vehicle parks less than five 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,
 - 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 six 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,
 - g. Any other conditions the council shall deem appropriate;
11. Child care centers;
12. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100 of this title;
13. Planned unit developments as regulated in Sections 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 use permitted on review; however, a detached caretaker's residence may be permitted as a conditional use in conjunction with a facility when the lot area exceeds five acres, providing the unit meets all setbacks required for a residence;
17. On-sale liquor establishments;
18. Wholesale and distribution centers not otherwise authorized by Section 17.18.020(20) of this code;
19. Seasonal retail business or structure on a developmental lot with more than twenty-

five thousand square feet of paved parking;

20. Continuous retail business or structure on a developmental lot with more than twenty-five thousand square feet of paved parking;

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

22. 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 forty-two inches in height,

h. Type of vehicular traffic common to the area,

i. Any other requirements council may deem appropriate;

23. Assisted living centers subject to, but not limited to, the following considerations:

a. A lot area of not less than five thousand square feet plus an additional one thousand five hundred 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 two hundred eighty square feet per unit,

b. There shall be usable open space provided for each suite/room of not less than one hundred seventy square feet. Open space does not include drives, parking, and service areas. Not more than fifty percent of the open space requirement shall be met with common interior spaces limited to community rooms, central dining areas and craft rooms;

24. Colleges and universities;

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

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

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

28. Piano repair, stripping and refinishing;

29. Off-premises signs as regulated by Chapter 15.28 and in accordance with the requirements of Section 17.50.380;

30. Outdoor firewood storage and sales lot, provided that no power equipment be used in processing the firewood.

31. 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;

f. Any other requirements the planning commission may deem appropriate.

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

17.20.030 Conditional uses.

A. New, used and rental car sales:

1. All such facilities shall be paved,
2. Such facilities shall in no way be exempted from any of the requirements of this zoning district, including, but not limited to, screening, landscaping and signage requirements;

B. Child care centers;

C. Liquor sales for consumption off the premises; however, if denied, no further application shall be made for the same property within twelve months;

D. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100;

E. Planned unit developments as regulated in Sections 17.50.050 through 17.50.100;

F. Establishments which prepare food for take-out by customers and/or for delivery. This shall not include drive-in restaurants. Food consumption on the premises shall be permitted providing that the customer eating areas do not exceed seven hundred forty-nine square feet. Such establishments shall be designed to serve primarily the population of the immediate area;

G. Recreation establishments, including electronic video game arcade and poolrooms which would intend to serve primarily juvenile and young adult customers;

H. Drop off centers for household recyclables; said centers do not involve processing;

I. Other uses which meet the intent of the district as determined by the planning commissions. A site plan shall be submitted and approved by the planning commission which includes the following, as applicable:

1. Type of use proposed,
2. Parking and circulation plan,
3. Landscaping plan,
4. Screening plan,
5. Other information which the planning commission may deem necessary to make a determination.

J. Off-premises signs in accordance with Chapter 15.28 and in accordance the requirements of Section 17.50.380.

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

17.22.020 Uses permitted.

Property and buildings in the LI light industrial district shall be used only for the following purposes:

A. A retail or service use only when it directly serves or is auxiliary to the needs of industrial plants or employees thereof;

B. No residential use shall be permitted in the LI light industrial district;

C. Any of the following uses:

1. On-premises sign as regulated in Chapter 15.28 of this code,
2. Building material sales yard and lumberyard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, including a concrete batch plant of a transit mix plant,
3. Contractor's equipment storage yard or plant, or rental of equipment commonly used

by contractors,

4. Freighting or trucking yard or terminal,
5. Outdoor storage facilities for class III combustible liquids, coal, coke, building materials, sand, gravel, stone, lumber, open storage of construction contractor's equipment and supplies shall be screened by seven-foot obscuring fence, wall or mass plantings, or otherwise so located as not to be obnoxious to the orderly appearance of the district,
6. Public utility service yard or electrical receiving or transforming station,
7. Auction house, except for sale of livestock,
8. Tire recapping or retreading,
9. New and used car, truck, motorcycle, snowmobile and boat sales and rentals. Repair shall be permitted as an accessory use to such establishments providing 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 six feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed one per four hundred square feet of building floor area used for vehicle repair. A minimum of two inoperable vehicles per establishment shall be permitted to be stored in a screened yard,
10. Farm implement and machinery new and used sales,
11. Mobile home sales and services,
12. Prefabricated and shell house sales,
13. Mini-warehousing storage facilities where security fencing and screen fencing shall not exceed six feet in height and shall be constructed of wood, decorative block or chain link fence with slats, outdoor storage yards shall be screened from view from surrounding properties, landscaping shall be in accordance with the city's landscaping ordinance,
14. Retail and distribution establishments including sales, display and show rooms and lots,
15. Carwashes,
16. Commercial parking lots and garages,
17. Offices, studios, clinics and laboratories,
18. Financial institutions,
19. Printing and secretarial services,
20. Mail and parcel services,
21. The manufacture and retail sale of firearms and ammunition, provided, that the operation in compliance with the fire code as adopted,
22. Garden centers and sod farms,
23. Manufacture of ammunition and retail sale of firearms and ammunition,
24. Commercial indoor recreational uses including gymnasiums, ice skating rinks and similar establishments,
25. Construction plan review center,
26. Crematorium;
27. Holding rooms with no overnight detention.

D. The following uses when conducted within a completed enclosed building:

1. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries and food products,
2. The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, rubber, textiles, tin, iron, steel, wood (excluding

- saw mill), yard, and paint not involving a boiling process,
3. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas,
 4. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like,
 5. The manufacture of musical instruments, toys, novelties, and rubber and metal stamps,
 6. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing,
 7. The sale, storage and sorting of junk, waste, discarded or salvaged materials, machinery or equipment, but not including processing,
 8. Blacksmith shop and machine shop,
 9. Foundry casting, lightweight nonferrous metal not causing noxious fumes or odors,
 10. Planing mill,
 11. Wholesale or warehouse enterprise,
 12. Veterinary establishments; provided, that all animals shall be kept inside soundproof, air-conditioned buildings;
- E. Other uses of the same general character as those previously listed deemed appropriate by the city council;
- F. Buildings, structures and uses accessory and customarily incidental to any of the previously mentioned uses;
- G. Service establishments and filling stations, not to include vehicle repair. Repair shall be permitted as an accessory use to such establishments providing 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 six feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed one per four hundred square feet of building floor space used for vehicle repair. A minimum of two inoperable vehicles per establishment shall be permitted to be stored in a screened yard;
- H. 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 six feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed one per four hundred square feet of building floor area used for vehicle repair. A minimum of two inoperable vehicles per establishment shall be permitted to be stored in a screened yard.
- I. Microcell wireless communications facilities on buildings as defined in Section 17.50.400.A

17.22.030 Conditional uses.

A. Single-family residences subject to the following:

1. Only one dwelling unit shall be permitted on each light industrial site under one ownership and/or management,
2. The residential use shall be incidental to the light industrial use and for the purpose of providing security therefore;

B. Animal kennels;

C. 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;

D. Child Care Centers. In order to be considered for a conditional use in the light industrial zoning district, a child care center must be included, incidental to, or associated with a permitted principal use which is located in close proximity to the proposed child care center site;

E. Churches and similar places of worship, subject to the following:

1. Services, classes and other similar activities involving groups of more than fifty persons shall not be conducted on a regular basis between seven a.m. and five p.m. on any weekday, Monday through Friday,

2. Youth classes and other similar activities shall not be conducted on a regular basis between seven a.m. and five p.m. on any weekday, Monday through Friday,

3. No dormitory or residence shall be maintained on the subject property, provided, however, a single caretaker apartment may be permitted within the principal structure,

4. Such church or similar place of worship shall only occupy existing structures; no substantial new construction shall be undertaken to accommodate such church or place of worship,

5. All church parking requirements as to number and size of stalls and paving shall be met,

6. The applicant for a conditional use for a church or similar place of worship shall file with the planning department a detailed program of its services and activities, including hours of operation and methods of separating on-lot industrial traffic from church traffic and parking. The applicant shall further demonstrate that use of the proposed site for such purposes will not significantly conflict with the use of other property located in the zoning district or in adjacent areas;

F. Business and vocational schools;

G. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100;

H. Community corrections facility;

I. Planned industrial developments as regulated in Sections 17.50.050 through 17.50.105;

J. Off-premises signs in accordance with Chapter 15.28 and in accordance with the requirements of 17.50.380;

K. Wind energy conversion systems according to the requirements of Section 17.50.215.

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

17.24.020 Uses permitted.

Property and buildings in the HI heavy industrial district shall be used only for the following purposes:

A. Any use permitted in the LI light industrial district;

B. Any of the following uses:

1. Acetylene gas manufacture or bulk storage,

2. On-premises signs as regulated by Chapter 15.28 of this code,

3. Alcohol manufacture,

4. Ammonia, bleaching powder or chlorine manufacture,

5. A retail or service use only when it serves directly or is auxiliary to the needs of

industrial plants or employees thereof,

6. Asphalt manufacture or refining,
 7. Boilerworks,
 8. Brick, tile or terra cotta manufacture,
 9. Chemical manufacture,
 10. Concrete or cement products manufacture,
 11. Freight, terminal (railroad),
 12. Iron, steel, brass or copper foundry or fabrication plant,
 13. Paint, oil, shellac, turpentine, varnish or enamel manufacture,
 14. Plastic manufacture,
 15. Powerplant,
 16. Quarry or stone mill,
 17. Railroad repair shops,
 18. Rolling mills,
 19. Soap manufacture,
 20. Tar distillation or tar productions manufacture,
 21. Stationary tank storage of class I or II flammable or combustible liquids, flammable gases and liquefied petroleum gases, subject to the proper precautions as to location to prevent fire and explosion hazards;
- C. In general, those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like, and not allowed in any other district; provided, however, that any use not specified herein shall be approved by the city council;
- D. Buildings, structures and uses accessory and customarily incidental to any of the previously listed uses.
- E. Microcell wireless communications facilities on buildings as defined in Section 17.50.400.A

17.24.030 Conditional uses.

A. The following uses shall be allowed as conditional uses:

1. Acid manufacture,
2. Blast furnace or coke oven,
3. Cement, lime, gypsum or plaster of paris manufacture,
4. Distillation of bones,
5. Drop-forge industries manufacturing forging with power hammers,
6. Explosives, manufacture or storage,
7. Fat rendering, except as an incidental use,
8. Fertilizer manufacture,
9. Garbage, offal or dead animals reduction or dumping,
10. Glue manufacture,
11. Ore reduction,
12. Paper and pulp manufacture,
13. Processing of junk (junkyard), waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking or dismantling, as regulated in Section 17.50.160,
14. Refuse dumps,
15. Rock, sand or gravel or earth excavation, crushing or distribution,
16. Saw mill,
17. Slaughter of animals, including poultry killing or dressing,

18. Smelting of tin, copper, zinc or iron ores,
 19. Stockyards or feeding pens,
 20. Tannery or the curing or storage of raw hides,
 21. Animal kennels,
 22. 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,
 - c. Any significant modification in the program and services plan will require a new application,
 23. Single-family dwelling units and mobile homes subject to the following:
 - a. Only one dwelling unit or mobile home is allowed for each industrial site under one ownership and/or management,
 - b. The use is incidental to the industrial use and used only for security purposes or as a caretaker residence,
 - c. Approval of the incidental use is obtained by all applicable emergency service organizations,
 - d. A conditional use will not be granted when another principal or accessory use, with a high hazard industrial occupancy (as defined by the NFPA) is located on the property. A high hazard industrial occupancy includes structures or facilities where there are processes involving highly combustible, highly flammable or explosive materials, or structures where materials are likely to burn with extreme rapidity or to produce poisonous fumes or gases. Also included are industrial facilities where flammable liquid are routinely handled, used or stored in large quantities, or those facilities where explosive dust from grain, wood, flour, plastic, aluminum, magnesium or similar materials are produced;
- B. All other similar uses which the city council declares to be special uses.
 C. On-premises signs as regulated by chapter 15.28 of this code.
 D. Microcell wireless communications facilities on poles as defined in Section 17.50.400.B

17.30.030 Conditional uses.

- A. The following uses shall be allowed only as conditional uses :
1. On-sale liquor establishments;
 2. Seasonal retail business or structure;
 3. Continuous retail business or structure;
 4. Child care centers.
 5. Microcell wireless communications facilities on poles as defined in Section 17.50.400.B

17.32.030 Conditional uses.

- A. The following uses shall be allowed only as conditional uses :
1. On-sale liquor establishments;
 2. Seasonal retail business or structure;
 3. Continuous retail business or structure;
 4. Replacement off-premises advertising subject to the following:
 - a. "Replacement off-premises advertising" means new off-premises advertising structures which replace off-premises advertising structures which are present in the shopping center-2 zoning district as a lawful pre-existing nonconforming use.

- b. Any replacement off-premises advertising shall conform in all respects with the sign code as adopted and in effect at the time of the issuance of the conditional use permit.
- c. Any replacement off-premises advertising shall not be larger, higher, or more extensive than the off-premises advertising structure which it replaces.
- d. A conditional use permit may be issued only if the council finds that it is probable that the existing nonconforming use will continue for more than ten years unless the location, construction, use, and operation of the replacement off-premises sign is permitted.
- 5. Child care centers.
- 6. Microcell wireless communications facilities on poles as defined in Section 17.50.400.B

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 homes;
- B. Churches;
- C. Public schools, or a school 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 forty acres, the raising of hogs shall be prohibited, and on all other tracts of forty acres or more, the number of hogs shall not exceed twenty grain-fed or three garbage-fed hogs. Hogs shall not be located closer than two hundred feet from the property line of the tract on which they are located;
- F. All of the following uses:
 - 1. Country club without on sale liquor establishment,
 - 2. Golf course,
 - 3. Home occupation,
 - 4. Municipal use,
 - 5. Park or playground,
 - 6. Garden centers and sod farms,
 - 7. Public service or utility use;
- G. Signs, as regulated by Chapter 15.28 of this code;
- 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;
- I. Microcell wireless communications facilities on buildings as defined in Section 17.50.400.A.

17.34.030 Conditional Uses

The following may be permitted as a conditional use by the city council in accordance with the provisions contained in Section 17.54.030:

- A. Lodge hall, veterans organization, service organization;
- B. Public parks and/or playgrounds;
- C. Airplane landing field;

- D. Cemetery;
- E. Kennel;
- F. Radio and television station and transmission tower;
- G. Stable, public;
- H. Private day nurseries and kindergartens as regulated in Section 17.50.150;
- I. Historical monuments or structures;
- J. Community corrections facility;
- K. Country clubs with on-sale liquor establishments;
- L. Veterinary clinics;
- Microcell wireless communications facilities on poles as defined in Section 17.50.400.B.

17.36.020 Permitted principal and accessory uses and structures are as follows:
Permitted principal and accessory uses and structures are as follows:

- A. Hotels;
- B. Motels;
- C. Recreational facilities including, but not limited to, tennis courts, swimming pools, children's play areas;
- D. Microcell wireless communications facilities on buildings as defined in Section 17.50.400.A .

17.36.040 Conditional Uses

The following uses shall be allowed as conditional uses:

- A. Efficiency apartments;
- B. On-sale liquor establishments;

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17.40.030 Conditional Uses.

Conditional uses are as follows:

- A. Parking lots:
 1. Such facilities shall be paved,
 2. Such facilities shall in no way be exempted from any of the requirements of this zoning district including, but not limited to, screening, landscaping and signage requirements,
 3. Such facilities shall be permitted only in conjunction with a contiguous use by right or use permitted on review.
- B. Child care centers as defined in Chapter 17.04 of this code and as a regulated by Section 17.50.150;
- C. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100;
- D. Planned unit developments as regulated in Sections 17.50.050 through 17.50.100;
- E. Hotel apartment;
- F. Medium density residential uses on review as listed in Section 17.12.030;
- G. Photographic studios;
- H. Hospitals and sanitariums;

I. Recreational facilities.

J. Microcell wireless communications facilities on commercial buildings only and not on multifamily dwellings as defined in Section 17.50.400.A.

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

17.42.025 Conditional Uses .

The following uses shall be allowed as conditional uses:

1. Wind energy conversion systems according to the requirements of Section 17.50.215.

2. Microcell wireless communications facilities on buildings as defined in Section 17.50.400.A

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

17.46.020 Uses Permitted.

Uses permitted:

A. Fire station;

B. Police station;

C. Library;

D. Elementary and secondary schools, public or private;

E. Technical schools, public or private;

F. Water treatment, purification, storage and pumping facilities;

G. Transportation and utility easements and rights-of-way;

H. Parks, playgrounds, playfields;

I. Stormwater detention facilities;

J. Public transit facilities;

K. Microcell wireless communications facilities on buildings as defined in Section 17.40.500.A .

17.46.030 Conditional Uses .

A. The following uses shall be allowed as conditional uses:

1. Colleges and universities;

2. Auditoriums;

3. Convention centers;

4. Fairgrounds;

5. Airports;

6. Museums;

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

8. Art or music centers;

9. Utility substations;

10. Child care centers;

11. Jails and detention facilities;

12. Animal shelters;

13. Above ground fuel storage;
14. Solid waste disposal sites;
15. Sanitary sewer lift stations;
16. Fish hatcheries;
17. Gun or archery ranges;
18. Communication towers;
19. Recreational centers and swimming pools;
20. Military camps or installations;
21. Carnivals, festivals and trailer camps;
22. Driving ranges and golf courses;
23. Public office buildings;
24. Caretaker residences;
25. Other public buildings and uses;
26. Drop off centers for household recyclables; said centers do not involve processing;
27. Microcell wireless communications facilities on poles as defined in Section 17.50.400.B.

17.48.020 Uses permitted.

Uses permitted are as follows:

1. Auditoriums;
2. Convention center;
3. Convention hotels and related retail uses;
4. Boys and girls clubs;
5. Sports domes;
6. Meeting rooms;
7. Ice skating rinks;
8. Football fields;
9. Baseball fields;
10. Softball fields;
11. City buildings;
12. County buildings;
13. Running tracks;
14. Senior citizen centers;
15. Business office space for public and quasi-public entities;
16. Schools, and related activities;
17. Bus facilities;
18. Taxi facilities;
19. Parking lots and parking structures;
20. Theaters;
21. Ballrooms;
22. Museums;
23. Public buildings;
24. Band shells and amphitheaters;
25. Youth centers;
26. Parks and other public recreational facilities exclusive of those generating dust, noise or odor;
27. Vendors of food and of paraphernalia for special events;
28. Outdoor and indoor swimming pools;
29. Outdoor theaters and outdoor concert facilities;

- 30. Temporary buildings and tents for special events;
- 31. Temporary amusement facilities such as carnivals, circuses, etc.;
- 32. Other uses and structures which are customarily accessory and clearly incidental to permitted uses;
- 33. Microcell wireless communications facilities on buildings as defined in Section 17.50.400.A .

17.48.030 Conditional Uses.

The following uses shall be allowed as conditional uses:

- A. On-sale liquor establishments.

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17.56.020 Uses permitted.

The following uses shall be permitted in the BP, business park district:

- A. Administrative offices;
- B. Research and development laboratories;
- C. Financial institutions;
- D. Printing and secretarial services;
- E. Mail and parcel services;
- F. Microcell wireless communications facilities on buildings as defined in Section 17.50.400.A .

17.56.030 Conditional use permits.

Conditional Use Permits are as follows:

- A. The assembly or compounding of goods or products for distribution. Retail outlets for sale to the general public shall not be permitted;
- B. Packaging;
- C. The warehousing of supplies, product components, finished product or products accessory to the assembly process. Storage shall take place within a building identified on the approved site plan. Trucks and temporary storage structures may not be used for storage purposes;
- D. Child care centers for the exclusive use of employees of the business park;
- E. Business and vocational schools not involving operations of an industrial nature;
- F. Telecommunication services;
- G. Utility substations;
- H. Heliport;
- I. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100.
- J. Microcell wireless communications facilities on poles as defined in Section 17.50.400.B.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: