

ORDINANCE NO. 5681

AN ORDINANCE AMENDING THE SC2 NEIGHBORHOOD SHOPPING CENTER ZONING DISTRICT BY ADDING “OTHER TEMPORARY, SEASONAL, AND CONTINUOUS RETAIL BUSINESS OR STRUCTURE” AS A PERMITTED USE TO CHAPTER 17.32.020 AND REMOVING “SEASONAL AND CONTINUOUS RETAIL BUSINESS OR STRUCTURE” AS A CONDITIONAL USE IN CHAPTER 17.32.030 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, pursuant to the authority granted to it by Chapter 11-4 of the South Dakota Codified Laws, Rapid City has adopted zoning regulations identifying uses permitted in all zoning districts; and

WHEREAS, Chapter 17.50 of the Rapid City Municipal Code identifies the regulations for temporary uses; and

WHEREAS, Chapter 17.32.020 identifies the uses permitted in the SC2 Neighborhood Shopping Center Zoning District; and

WHEREAS, Chapter 17.32.030 identifies the conditional uses in the SC2 Neighborhood Shopping Center Zoning District; and

WHEREAS, the addition of “Other temporary, seasonal and continuous retail business or structure” as a permitted use will allow these uses to be permitted in the SC2 Neighborhood Shopping Center Zoning District; and

WHEREAS, “Seasonal and continuous retail business or structure” as a conditional use will be removed; and

WHEREAS, the City of Rapid City deems it to be in the City’s best interest to amend Chapter 17.32.020 of the Rapid City Municipal Code by adding, “Other temporary, seasonal and continuous retail business or structure”, as a permitted use and to amend Chapter 17.32.030 of the Rapid City Municipal Code by removing “Seasonal and continuous retail business or structure” as a conditional use.

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that Chapter 17.32.020 and Chapter 17.32.030 of the Rapid City Municipal Code be and hereby is amended to read as follows:

17.32.020 Uses permitted.

A. Property and buildings in an SC-2 neighborhood shopping center district shall be used only for the uses enumerated in subsection B. of this section; provided, however, that, these uses shall be located in a unified shopping center which shall have not less than 5 nor more

than 20 shops and stores, at least one of which will typically be a supermarket of not less than 10,000 square feet of gross floor area.

The shops and stores of the shopping center shall have a combined total gross floor area of not less than 20,000 square feet.

B. Any of the following uses may be permitted:

1. Stores and shops:

- a. Antique shop;
- b. Apparel store, family, children, men or women;
- c. Appliance store;
- d. Artist supplies;
- e. Automobile parking lot;
- f. Automobile sales and display area;
- g. Bakery goods store;
- h. Bank;
- i. Barbershop;
- j. Beauty shop;
- k. Book or stationery store;
- l. Camera shop;
- m. Candy store;
- n. Catering establishment;
- o. Cleaning and pressing collection station;
- p. Curio shop;
- q. Dairy products or ice cream store;
- r. Delicatessen;
- s. Department store;

- t. Drugstore or fountain;
- u. Dry goods store;
- v. Florist shop;
- w. Furniture store;
- x. Garden centers;
- y. Gift shop;
- z. Grocery store;
- aa. Hardware store;
- bb. Help-yourself laundry;
- cc. Jewelry store;
- dd. Meat market;
- ee. Medical facility;
- ff. Music store;
- gg. Newspaper or magazine sales;
- hh. Notions store;
- ii. Office supply store;
- jj. Off-sale liquor and beer;
- kk. Optometrist sales and service;
- ll. Paint and decorating shop;
- mm. Pharmacy;
- nn. Photographer studio;
- oo. Radio and television sales and service;
- pp. Restaurant;
- qq. Sewing machine sales and service;

- rr. Shoe store or repair shop;
- ss. Sod farms;
- tt. Specialty shop for women;
- uu. Sporting goods sales;
- vv. Supermarket;
- ww. Tailor shop;
- xx. Theaters;
- yy. Toy store; ~~and~~
- zz. Variety store; and

[aaa. Other temporary, seasonal, and continuous retail business or structure as defined in Chapters 17.50.230.H, I, and J.](#)

2. Offices;

3. Gasoline service or filling stations which shall be planned as an integral part of the center, but may be constructed in advance of the remainder of the center. The area covered by the gasoline service or filling stations will not be considered as part of the 25% site area limitation listed in § 17.32.040B, however, the stations must not decrease the off-street parking requirements listed in § 17.32.060;

4. Business signs relating to the shopping center, the stores and shops therein and products sold therein. All business signs and structures shall be designed as an integral part of the shopping center development and shall be harmonious with the other design features of the center;

5. Accessory buildings and uses customarily incidental to the uses listed in this section;

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

7. Other uses similar in character to those listed in this section and in conformity with the general description of the district mentioned in § 17.32.010 and which in the opinion of the Common Council will not be injurious to the district.

C. No material or goods offered for sale or stored in connection with the operation of the shopping center shall be stored or displayed outside of a building; provided, however, that, new material or goods which are actively being offered for sale may be temporarily displayed outside of a building; provided, that, it shall not be displayed on a public street or sidewalk or in an off-street parking area.

17.32.030 Uses permitted on review.

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.~~2. Replacement off-premises advertising, subject to the following:

a. **REPLACEMENT OFF-PREMISES ADVERTISING** means new off-premises advertising structures that replace off-premises advertising structures, which are presenting 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 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 10 years, unless the location, construction, use, and operation of the replacement off-premises sign is permitted.

5. Child care centers; and

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

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Effective:

