

ORDINANCE NO. 5676

AN ORDINANCE AMENDING THE TEMPORARY USE REGULATIONS IN CHAPTER 17.50 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 17.50 identifies the temporary, seasonal and continuous retail uses; and

WHEREAS, changes to the language in Chapter 17.50 will clarify and improve the regulations for the public; and

WHEREAS, the City of Rapid City deems it to be in the City's best interest to amend Section 17.50 of the Rapid City Municipal Code by amending the temporary use regulations.

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that Section 17.50 of the Rapid City Municipal Code be and hereby is amended to read as follows:

17.50.220 General regulations.

The regulations contained in this article are necessary to govern the operation of certain transitory or seasonal uses, nonpermanent in nature. Any tent or similar structure used as a temporary use shall be regulated as in the [Uniform International Fire Code](#), ~~Article 32~~.

17.50.225 Temporary overnight recreational vehicle parking.

- A. Areas where temporary overnight recreational vehicle parking facilities may be allowed.
 1. Temporary overnight recreational vehicle parking facilities are allowed as a conditional use or as part of a planned commercial development in the general commercial shopping center I and shopping center II zoning districts as an accessory use to an existing legal use.
 2. Temporary overnight recreational vehicle parking facilities are only allowed in parking lots with more than 100 off-street parking spaces in accordance with all provisions of Chapter 17.50 of the Rapid City zoning ordinance.
 3. Not more than 10% of the off-street parking spaces may be designated and utilized for temporary overnight recreational vehicle parking facilities.

4. All off-street parking spaces designated for use as temporary overnight recreational vehicle parking facilities shall be located a minimum of 600 feet from any property utilized for residential purposes and 300 feet from any property utilized for commercial purposes.

B. Standards for use of temporary overnight recreational vehicle parking facilities.

1. A recreational vehicle may be parked in the temporary overnight recreational vehicle parking facilities on a property for not more than 24 hours and shall be removed from the site for a minimum of 5 days following. In no case shall a recreational vehicle utilize the temporary overnight recreational vehicle parking facilities on a site for more than 7 days in any calendar year.

2. All recreational vehicles shall fully be contained. No connections to electric, wastewater or water facilities shall be allowed. No generators shall be utilized on this site.

3. No dumping of wastewater or gray water shall be allowed on the site.

4. The temporary overnight recreational vehicle parking facilities shall continually be maintained in a litter-free condition.

17.50.230 Designated Uses.

The following uses are deemed to be temporary uses and shall also be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

A. *Carnival, circus, or tents.* Carnival, ~~or~~ circus, or tents associated with a carnival, circus or public event that exceeds size requirements in subsections H., I., and J. of this section. In any nonresidential district, a temporary use permit may be issued for a carnival, circus, or tent associated with that use but such permit shall be issued for a period not longer than 14 days. Such a use shall set back from all residential districts a distance of not less than 100 feet.

B. *Christmas tree sale.* In any district, a temporary use permit may be issued for the display and open-lot sales of Christmas Trees, but such permit shall be issued for a period of time commencing no earlier than November 1 and ending prior to January 10 of the following year.

C. *Temporary contractor's buildings.* In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such office or shed shall not contain sleeping or cooking accommodations. Such permit shall be valid for the duration of the construction period. Such office or shed shall be removed upon completion of the construction of the structure(s).

D. *Real estate sales office.* In any district, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved in accordance with the regulations of Rapid City. Such office shall contain no sleeping or cooking accommodations. Such permit shall be valid for that specific office only and any change in temporary office structure shall require a new permit. Such permit shall be otherwise valid for 2 years, but may be renewed upon expiration thereof. Such temporary sales office shall be

required to maintain a 20-foot clear zone on all sides of the office free from any structure, temporary or permanent.

E. *Mobile home sales office.* In any district permitting mobile home sales, a temporary use permit may be used for a temporary sales office on such sales area. Such office shall contain no sleeping or cooking accommodations. Such permit shall be valid for that specific office only and any change in temporary office structure shall require a new permit. Such permit shall be otherwise valid for 2 years, but may be renewed upon expiration thereof. Such temporary sales office shall be required to maintain a 20-foot clear zone on all sides of the office free from any structure, temporary or permanent.

F. *Temporary trailer parks or campgrounds.*

1. In any nonresidential or general agricultural district, a temporary use permit may be issued for a period not to exceed 30 days for a temporary trailer park or campground provided such use is required to serve a special event and the following requirements are met:

- a. A minimum area of 1,000 square feet of area per campsite will be provided;
- b. Sanitary facilities will be provided at a ratio of 1 toilet for every 10 campsites;
- c. Approved dumpsters or trash receptacles for the collection and removal of trash shall be provided;
- d. There will be no open fires;
- e. Full emergency vehicle access to all portions of the campground or trailer park shall be maintained;
- f. One 24-hour security guard shall be provided for every 50 campsites, or fraction thereof, in campgrounds or trailer parks which exceed 25 campsites.

2. For purposes of this subsection, a special event shall be defined as any event occurring within the city, county or a neighboring county which the Common Council recognizes as such by resolution.

3. A permit shall be required whenever a gathering of 15 or more persons for a period exceeding 36 hours is proposed. The permit fee shall equal \$75.

4. A campsite shall contain a maximum of 10 persons.

G. *Seasonal greenhouse or garden shop.* In any nonresidential zoning district, a temporary use permit may be issued for a seasonal greenhouse or garden shop, but such permit shall be issued for a period of not longer than ~~90~~ 120 days. Seasonal greenhouses and garden shops are exempt from any maximum floor area requirement. Seasonal greenhouses or garden shops shall conform to the clear sight triangle, setback and parking requirements of subsection I. of this section.

H. *Other temporary retail business or structure.* In shopping center 1 (SC-1), shopping center 2 (SC-2), general commercial (GC), ~~and~~ neighborhood commercial (NC) and central business (CB), and civic center (CC) zoning districts licenses may be issued to the operator of a 14-day temporary business in accordance with the following provisions:

1. Temporary structures may not exceed 200 square feet in floor area nor exceed 15 feet in height.

2. All temporary businesses or structures must provide proof that the requirements of the Rapid City Municipal Code, South Dakota Department of Revenue, South Dakota Department of Health, South Dakota Electrical Code and the South Dakota State Plumbing Code for licensing, plumbing and electrical are being met.

3. An individual temporary use ~~or structure~~ may occupy a development lot property for not more than 14 days and shall vacate the ~~lot property~~ lot property for a period of 180 days.

4. The fee for a temporary ~~business or~~ use permit ~~is~~ shall be \$50. ~~Businesses participating in a craft fair or festival or a flea market regulated under Chapter 5.32 of this code are exempt from the temporary use license fee.~~ In the case of an event, only one temporary use permit shall be required notwithstanding the number of businesses or vendors.

5. All temporary structures shall contain approved toilet facilities or shall have contracted with the owners of permanent toilet facilities within 300 feet for employee access to the facilities. Operations that include prepared foods or beverages shall provide or have contracted for access to approved toilet facilities by customers of the business.

6. All temporary structures and displays shall be located outside of clear sight triangles at streets, alleys and driveways. ~~The leg of a clear sight triangle along a public street shall be 70 feet in length. The leg of a clear sight triangle along an alley or driveway shall be 25 feet in length.~~

7. All temporary structures and displays shall be located outside of the front yard setbacks.

8. All temporary business operators shall provide a minimum of 2 off-street parking spaces. Additional parking may be required upon review by the planning Growth Management ~~d~~Director in accordance with § 17.50.270 E. of this code. Access to and circulation upon the site shall be subject to review. The temporary use or parking may not occupy an area required for parking for another use.

9. Each temporary business may display 1 sign to advertise the business. The sign shall be in compliance with the Rapid City sign code, except that the sign may be no larger than 8 square feet.

I. *Other seasonal retail business or structure.* In central business district (CB) and in properties with 25,000 square feet of paved parking zoned shopping center 1 (SC-1) district, ~~and~~ shopping center 2 (SC-2) district, ~~and on or~~ general commercial (GC) district, ~~developmental lots with a minimum of 25,000 square feet of paved parking,~~ licenses may be issued to the operator of a seasonal retail business or structure, ~~following the approval of a~~

~~conditional use~~. A seasonal retail business or structure may occupy ~~a developmental lot~~ the property for not more than ~~3 months~~ 120 days in accordance with the following provisions:

1. Seasonal retail structures may not exceed 200 square feet in floor area nor exceed 15 feet in height.

2. All seasonal retail businesses or structures must provide proof that the requirements of the Rapid City Municipal Code, South Dakota Department of Revenue, South Dakota Department of Health, South Dakota Electrical Code and the South Dakota State Plumbing Code for licensing, plumbing and electrical are being met.

3. An individual seasonal retail business ~~or structure~~ shall occupy a ~~developmental lot~~ property for not more than ~~90~~ 120 days and shall vacate the ~~lot~~ property for a period of ~~180~~ 120 days.

4. The fee for an individual seasonal retail business or structure permit ~~is~~ shall be ~~\$50~~ \$150.

5. All seasonal retail businesses or structures shall contain approved toilet facilities or shall have contracted with the owners of permanent toilet facilities within 300 feet for employee access to the facilities. Operations that include prepared food or beverages shall provide or have contracted for access to approved toilet facilities by customers of the business.

6. All seasonal retail structures and displays shall be located outside of clear sight triangles at streets, alleys and driveways. ~~The leg of a clear sight triangle along a public street shall be 70 feet in length. The leg of a clear sight triangle along an alley or driveway shall be 25 feet in length.~~

7. All seasonal retail structures and displays shall be located outside of the front yard setbacks.

8. All seasonal retail business or structure operators shall provide a minimum of 2 off-street parking spaces. Additional parking may be required upon review by the planning Growth Management ~~and~~ Director in accordance with § 17.50.270E. of this code. Access to and circulation upon the site shall be subject to review. The seasonal retail business or structure or parking may not occupy an area required for parking for another use.

9. Each seasonal retail business or structure may display 1 sign to advertise the business. The sign shall be in compliance with the Rapid City sign code, except that the sign may be no larger than 8 square feet.

J. *Other continuous retail business or structure.* In central business district (CB) and in properties with 25,000 square feet of paved parking zoned shopping center 1 (SC-1) district, and shopping center 2 (SC-2) district, and on or general commercial (GC) district, ~~developmental lots with a minimum of 25,000 square feet of paved parking,~~ licenses may be issued to the operator of a year-round retail business or structure not able to meet the current building codes, as adopted by the City of Rapid City, ~~following the approval of a conditional use~~. A continuous retail business or structure may occupy a ~~developmental lot~~ property in accordance with the following provisions:

1. Structures may not exceed 200 square feet in floor area nor exceed 15 feet in height.

2. All continuous retail businesses or structures must provide proof that the requirements of the South Dakota Department of Revenue, South Dakota Department of Health, South Dakota Electrical Code and the South Dakota State Plumbing Code for licensing, plumbing and electrical are being met.

3. The fee for a continuous retail business or structure permit ~~is~~ shall be \$50 \$250.

4. All continuous retail businesses or structures shall contain approved toilet facilities or shall have contracted with the owners of permanent toilet facilities within 300 feet for employee access to the facilities. Operations that include prepared food or beverages shall provide or have contracted for access to approved toilet facilities by customers of the business.

5. All continuous retail structures and displays shall be located outside of clear sight triangles at streets, alleys and driveways. ~~The leg of a clear sight triangle along a public street shall be 70 feet in length. The leg of a clear sight triangle along an alley or driveway shall be 25 feet in length.~~

6. All continuous retail businesses shall be located outside of the front yard setback.

7. All continuous retail structures shall be anchored to safeguard against movement from high winds or floodwaters in accordance with plans prepared by a professional engineer and approved by the city building official.

8. All continuous retail business or structure operators shall provide a minimum of 2 off-street parking spaces. Additional parking may be required upon review by the planning Growth Management eDirector in accordance with § 17.50.270E. of this code. Access to and circulation upon the site shall be subject to review. The continuous retail business or structure or parking may not occupy an area required for parking for another use.

9. Each continuous retail business or structure may display 1 sign to advertise the business. The sign shall be in compliance with the Rapid City sign code, except that the sign may be no larger than 8 square feet.

10. ~~The conditional use for a~~ A continuous retail business shall be valid for a period of 2 years. At the conclusion of the second year of operation the continuous retail business shall either come into full compliance with the current building codes adopted by the City of Rapid City or cease operation and vacate the ~~developmental~~ lot property.

K. *Farmer's market.* A farmer's market, as defined in § 17.04.263 may be conducted in any nonresidential zoning district subject to such conditions and limitations as the Council may direct in designating such farmer's market as a community activity.

L. *Temporary Uses in Public Parks in all Zoning Districts.* Temporary uses in public parks may be public or private events that may be held for a period not to exceed 14 days. A Special Event Permit shall be obtained from the Parks Department.

M. Temporary Uses in Flood Hazard Zoning District. Temporary uses located in the Flood Hazard Zoning District may be held for a period not to exceed 14 days following the approval of a Conditional Use Permit and a Flood Plain Development Permit from the Public Works Department. A Conditional Use Permit may be approved for a complete master plan of an identified property.

N. Temporary Community Activities in the Public Right-of-way in all Zoning Districts. Temporary community activities located in the public rights-of-way may be held for a period not to exceed 3 days after obtaining a Permit from the Police Department in accordance with Chapter 12.28 of the Rapid City Municipal Code.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Effective:

