

ORDINANCE NO. 5858

**AN ORDINANCE TO AMEND THE REQUIREMENTS
FOR CONDITIONAL USE PERMITS FOR OVERSIZED GARAGES
BY AMENDING SECTION 17.10.030 OF THE RAPID CITY MUNICIPAL CODE
IN THE LOW DENSITY RESIDENTIAL DISTRICT 1**

WHEREAS, the City of Rapid City has adopted municipal ordinance 17.04.315 which concerns private garages; and

WHEREAS that ordinance sets the allowable size for a private garage and provides that a private garage shall not be used for commercial purposes; and

WHEREAS, Rapid City Municipal Code 17.10.030 governs applications for conditional use permits to allow oversized private garages within Low Density Residential district 1 areas; and

WHEREAS the Common Council of the City of Rapid City deems it to be in the best interests of the City of Rapid City to amend Ordinance 17.10.030 to remove the requirement that the applicant file a notice with the Register of Deeds limiting the use of the oversized garages to residential purposes only.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 17.10.030 of the Rapid City Municipal Code is hereby amended to read as follows:

The following uses may be permitted as a conditional use by the Common Council in accordance with provisions contained in § 17.54.030 of this title:

- A. Churches or similar places of worship, with accessory structures, but not including missions or revival tents;
- B. Elementary or high schools, public or private;
- C. Child care centers;
- D. Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district;
- E. Libraries, museums, and historical monuments or structures;
- F. Utility substations;
- G. Plant nursery in which no building or structure is maintained in connection therewith;
- H. Golf courses, or country clubs with adjacent grounds of not less than 60 acres, but not including miniature courses and driving tees operated for commercial purposes;

- I. Cemeteries;
- J. Planned residential developments as regulated by §§ 17.50.050 through 17.50.100 of this title;
- K. Planned unit developments as regulated in §§ 17.50.050 through 17.50.100 of this title;
- L. Group homes, subject to the following:
 - 1. Provide a detailed program and services plan at the 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, such as, standard;
 - b. Supervision, such as, type and extent;
 - c. Services and program to be provided;
 - d. Number of persons;
 - e. Proximity to other group homes; and
 - f. Any other condition the Council may deem appropriate.
 - 4. Any significant modification in the program and services plan will require a new application;
- M. Bed and breakfast facility, subject to the following:
 - 1. Off-street parking shall be provided in accordance with § 17.50.260;
 - 2. Evidence of registration with the state Department of Health shall be provided;
 - 3. The bed and breakfast may display 1 sign not more than 2 square feet in area listing the name of the facility. The sign shall be prepared with earthtone colors and shall complement the neighborhood;
 - 4. Any sign lighting shall be from indirect sources which are shielded or hooded to limit adverse affects to neighborhood properties; and
 - 5. The Council may consider the size, proximity to commercial services in making a determination as to whether or not a bed and breakfast is appropriate.

N. Private residential garage which does not meet the definition of private garage subject to the following:

1. That the proposed garage is consistent with the residential character of the property on which it is located and with the surrounding neighborhood;

2. That the proposed garage shall be used only for residential purposes incidental to the principal use of the property;

3. The landscaping or fencing may be required to screen the garage from neighboring properties; and

4. That the applicant submits a site plan and elevation drawings in addition to information on what types of building materials will be used for the garage; ~~and~~

~~5. That the applicant shall file a notice with the register of deeds indicating that the garage only be used for residential purposes.~~

O. Assisted living center that is licensed by the state and contains not more than 16 units.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: