

### **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 associated with a carnival, circus or public event.* Carnival, 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 for not more than 14 days and shall vacate the lot 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 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 ~~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 ~~d~~Director 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 Distircts.* 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.

### **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 20 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; and
  - 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 § [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 2-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; ~~and~~
23. Microcell wireless communications facilities on buildings as defined in § [17.50.400A](#); ~~and~~
24. Other temporary, seasonal, and continuous retail business or structure as defined in Chapters 17.50.230.H, I, and J.

#### **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 7-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 the 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 side yard or rear yard which is screened with an opaque fence at least 6 feet in height. 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. A minimum of 2 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 5,000 square feet for storage of wares to be wholesaled or distributed, nor the use of any delivery vehicle rated at more than 1-1/2-ton capacity, nor a total of more than 5 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 businessservice 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 the establishments, provided 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 6 feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed 1 per 400 square feet of building floor space used for vehicle repair. A minimum of 2 inoperable 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 6 feet in height. 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. A minimum of 2 inoperable vehicles per establishment shall be permitted to be stored in a screened yard;
26. Hotel apartment;
27. Drop-off centers for household recyclables; such centers do not involve processing;
28. Garden centers, provided that all outdoor storage be screened with a 6-foot fence or wall;
29. Hospitals;
30. Microcell wireless communications facilities on buildings as defined in § [17.50.400A.](#);
31. Indoor used or secondhand merchandise sales, provided that merchandise that is for sale, stored or displayed cannot be located outside; ~~and~~
32. Pet stores; ~~and~~

33. Other temporary, seasonal, and continuous retail business or structure as defined in Chapters 17.50.230.H, I, and J.

**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; and
  - 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 6-foot fence, wall or mass planting. Such screening plans shall be approved by the Planning Commission and the Common Council; and
  - b. Any other conditions the Council shall deem appropriate.
8. Travel parks or recreational vehicle parks less than 5 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; and

- 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 6 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; and
    - g. Any other conditions the Council shall deem appropriate;
  11. Child care centers;
  12. Planned commercial developments as regulated in §§ [17.50.050](#) through [17.50.100](#) of this title;
  13. Planned unit developments as regulated in §§ [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 conditional use; however, a detached caretaker's residence may be permitted as a conditional use in conjunction with a facility when the lot area exceeds 5 acres, provided the unit meets all setbacks required for a residence. A manufactured home may be used as the

caretaker's residence; provided it meets all the City of Rapid City requirements for manufactured homes;

17. On-sale liquor establishments;

18. Wholesale and distribution centers not otherwise authorized by § [17.18.020](#)(20) of this code;

~~19. Seasonal retail business or structure on a developmental lot with more than 25,000 square feet of paved parking;~~

~~20. Continuous retail business or structure on a developmental lot with more than 25,000 square feet of paved parking;~~

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

20.22. 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 42 inches in height;
- h. Type of vehicular traffic common to the area; and
- i. Any other requirements Council may deem appropriate.

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

- a. 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

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

~~22.24.~~ Colleges and universities;

~~23.25.~~ Antique and used furniture, including stripping and refinishing, provided there is no outside storage or display of merchandise;

~~24.26.~~ Indoor craft and flea markets, provided there is no outside storage or display of merchandise;

~~25.27.~~ Retail plumbing sales and service, provided all outside storage is screened by a minimum-7-foot-high fence or wall;

~~26.28.~~ Piano repair, stripping and refinishing;

~~27.29.~~ Off-premises signs as regulated by [Chapter 15.28](#) and in accordance with the requirements of § [17.50.380](#);

~~28.30.~~ Outdoor firewood storage and sales lot, provided that no power equipment is used in processing the firewood;

~~29.31.~~ 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; and
- f. Any other requirements the Planning Commission may deem appropriate.

~~30.32.~~ Microcell wireless communications facilities on poles as defined in § [17.50.400B](#).

~~31.33.~~ Microbreweries subject to the following considerations:

- a. A microbrewery is defined as an establishment which manufactures less than 5,000 barrels of malt beverages a year;
- b. In addition to the malt beverage manufacturer's license required by SDCL 35-4-2-(14), the operator of a microbrewery must obtain the appropriate city issued retail liquor license if it intends to sell its product directly to the public;
- c. 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.

~~32.34.~~ Farm wineries subject to the following regulations:

- a. A farm winery is defined as any winery owned or operated by the owner of a South Dakota farm and producing table, sparkling, or sacramental wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in South Dakota;
- b. Table, sparkling, and sacramental wines are defined as any beverage made without rectification or fortification and containing not more than 18% alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey;
- c. The amount of wine the farm winery is allowed to sell in 1 year is limited to 50,000 gallons;
- d. If the operator of a farm winery intends to sell or serve alcoholic beverages other than the wines produced, the operator must obtain the appropriate city issued retail liquor license;
- e. 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.

~~33.35.~~ Non-overnight accessory dog kennels and horse corrals for transitory animals in a Planned Commercial Development (PCD).

**17.20.020 Uses permitted.**

Property and buildings in an NC neighborhood commercial district shall be used only for the following purposes:

1. Living and/or sleeping quarters shall be permitted only when constructed above the ground floor. No living and/or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot to the rear of any other building;
2. Food markets including specialty foods such as:



- a. Bakery goods;
  - b. Delicatessen goods; and
  - c. Meat market.
3. Drugstores or fountains including:
    - a. Book and reading matter;
    - b. Stationery;
    - c. Tobacco;
    - d. Vanity goods; and
    - e. Pharmacy.
  4. Bakeries whose products are sold only at retail and on the premises;
  5. Banks;
  6. Barbershops and/or beauty shops;
  7. Cleaning and pressing collection stations;
  8. Gift shops;
  9. Self-service laundries;
  10. Service or filling stations;
  11. Shoe repair and shoeshine services;
  12. Professional and business offices;
  13. Beer sales for consumption off the premises;
  14. Nameplate and sign, as regulated in [Chapter 15.28](#) of this code;
  15. Accessory buildings and uses customarily incidental to the preceding uses;
  16. Hardware or home improvement retail establishments, provided all storage is within the enclosed retail structure; **and**
  17. Rental of video cassette equipment and tapes; **and**

18. Other temporary retail business or structure as defined in Chapters 17.50.230.H,

**17.30.020 Uses permitted.**

A. Property and buildings in an SC-1 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. Antique shop;
2. Apparel store, family, children, men or women;
3. Appliance store;
4. Artist supplies;
5. Automobile parking lot;
6. Bakery goods store;
7. Bank;
8. Barbershop;
9. Beauty shop;
10. Book or stationery store;
11. Camera shop;
12. Candy store;
13. Catering establishment;
14. Cleaning and pressing collection station;
15. Curio shop;
16. Dairy products or ice cream store;

17. Delicatessen;
18. Drugstore or fountain;
19. Dry goods store;
20. Florist shop;
21. Furniture store;
22. Garden centers;
23. Gift shop;
24. Grocery store;
25. Hardware store;
26. Help-yourself laundry;
27. Jewelry store;
28. Meat market;
29. Medical facility;
30. Music store;
31. Newspaper or magazine sales;
32. Notions store;
33. Office supply store;
34. Off-sale liquor and beer;
35. Optometrist sales and service;
36. Paint and decorating shop;
37. Pharmacy;
38. Photographer studio;
39. Radio and television sales and service;

40. Restaurant;
41. Sewing machine sales and service;
42. Shoe store or repair shop;
43. Sod farms;
44. Specialty shop for women;
45. Sporting goods sales;
46. Supermarket;
47. Tailor shop;
48. Theaters;
49. Toy store;
50. Variety store;
51. Offices;

52. 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 § [17.30.040B.](#), however, the stations must not decrease the off-street parking requirements listed in § [17.30.060](#);

53. 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;

54. Accessory buildings and uses customarily incidental to the uses listed in this section;
55. Drop-off centers for household recyclables; such centers do not involve processing;

~~and~~

56. Other uses similar in character to those listed in this section and in conformity with the general description of the district mentioned in § [17.30.010](#) and which in the opinion of the Common Council will not be injurious to the district-; ~~and~~

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

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.

### **17.30.030 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;~~

~~2.4.~~ Child care centers; and

~~3.5.~~ Microcell wireless communications facilities on poles as defined in § [17.50.400B](#).

### **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](#).

#### **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 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 and the like;

32. Other uses and structures which are customarily accessory and clearly incidental to permitted uses; ~~and~~

33. Microcell wireless communications facilities on buildings as defined in § [17.50.400A](#); ~~and~~

34. Other temporary retail business or structure as defined in Chapters [17.50.230.H](#).