

ORDINANCE NO. 3963

AN ORDINANCE ESTABLISHING TEMPORARY ZONING CONTROLS BY ADDING TITLE 100 TO THE RAPID CITY MUNICIPAL CODE TITLED TEMPORARY AIRPORT ZONING DISTRICT.

WHEREAS South Dakota Codified Law 9-4-14 authorizes a municipality that operates an airport outside their corporate limits to annex that airport; and,

WHEREAS Rapid City intends to annex the Rapid City Regional Airport and must rezone the property upon annexation; and,

WHEREAS the Rapid City Municipal Codes do not have a current zoning designation for airports; and,

WHEREAS Rapid City in good faith intends to develop a permanent zoning district for airports in order to classify and regulate uses related to matters of property in those airports; and,

WHEREAS it is necessary to protect the health, safety and general welfare of the citizens of Rapid City while the permanent zoning ordinance is developed and approved; and,

WHEREAS Rapid City has held at least one public hearing, pursuant to legal public notice of the Council's intent to adopt temporary zoning controls including a temporary zoning map;

NOW, THEREFORE, BE IT ORDAINED by the City of Rapid City that the Rapid City Municipal Code is hereby amended to include a new title to implement temporary zoning controls designated Title 100, "Temporary Airport Zoning District."

BE IT FURTHER ORDAINED that Title 100 of the Rapid City Municipal Code shall read as follows:

TITLE 100

Temporary Airport Zoning District

Sections:

- 100.01 General Description
- 100.02 Airport Zoning Map
- 100.03 Permitted uses
- 100.04 Conditional uses
- 100.05 Area regulations
- 100.06 Off-street parking
- 100.07 Nonconforming uses

- 100.08 Airport Encroachment Area
- 100.09 Height regulations
- 100.10 Use Regulations

Section 100.01 General description

This airport district is established to provide regulations for the safe operation of aircraft into and out of the Rapid City Regional Airport.

Section 100.02 Airport zoning map

The city hereby adopts an official airport zoning map, included in the official zoning maps of the city.

Section 100.03 Permitted uses

Property and buildings in the Temporary Zoning District shall be used only for the following purposes:

- A. Agriculture;
- B. Airport terminals and hangers;
- C. Airport runways, including approach-departure areas, and helipads;
- D. Fire stations;
- E. Transportation and utility easements and rights-of-way;
- F. Accessory uses and buildings, provided such uses are incidental to the principal use;
- G. Signs, as regulated by Chapter 15.28 of this code;
- H. Government buildings and uses incidental to the principal use;
- I. Private terminals and accessory buildings;
- J. Car rental;
- K. Commercial parking lots;
- L. South Dakota Air National Guard and accessory uses

Section 100.04 Conditional uses

- A. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100 of this title;
- B. Wholesale and distribution centers not otherwise authorized by Section 100.03 of this code;
- C. Retail business or structure not otherwise authorized by Section 100.03 of this code;
- D. Seasonal retail business or structure;
- E. Off-premise signs as regulated by Chapter 15.28 and in accordance with the requirements of Section 17.50.380

Section 100.05 Area regulations

The following shall apply to all uses permitted in this district:

- A. Front Yard. All buildings shall set back a minimum of twenty-five feet from the front property line.
- B. Side Yard. No side yard is required except that the width of a side yard which abuts a residential district shall not be less than twenty-five feet.
- C. Rear Yard. Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty feet in depth. The depth of a rear yard which abuts a residential district shall be not less than fifteen feet. In all other cases no rear yard is required.
- D. Set Back from Section Lines. Principal and accessory buildings and structures shall be set back no less than fifty-eight feet from any section line. No set back is required from any legally vacated section line; however, if the vacated section line forms a property line, the applicable side, rear or front yard setbacks shall be observed.

Section 100.06 Off-street parking

As regulated in Section 17.50.270.

Section 100.07 Nonconforming uses

No preexisting nonconforming structure, tree, or use shall be replaced, rebuilt, altered, allowed to grow higher or replanted so as to constitute a greater airport hazard than it was on the date the ordinance from which this article derives was adopted.

Section 100.08 Airport encroachment area

There is hereby created an airport encroachment area which consists of runway area zones, approach-departure zones, transition zones, horizontal zone, and conical zone, which are adopted by the Airport Improvement Plan and defined in the Federal Aviation Regulation Part 77.25 and includes the following zones:

- A. Runway area zones. Runway area zones are established along the runways.
- B. Approach departure zones. Approach-departure zones are established beyond and outward from the landing thresholds and departure limits of the runways.
- C. Transition zones. Transition zones are established along both sides of all runways and approach-departure zones.
- D. Horizontal zone. A horizontal zone is established which has as its outer boundary a line beyond the airport property line.
- E. Conical zone. A conical zone is established as the land lying under the approach surface. The conical zone commences at the periphery of the horizontal zone and extends outward and upward at a slope of 20 to 1 for a horizontal distance of 4,000 feet as set forth in Section 77.25 of the Federal Aviation Regulations.

Section 100.09 Height regulations

No structure, tree or other use of land shall be permitted which exceeds the height limit established by each of the Encroachment zones.

Section 100.10 Use Regulations

Notwithstanding any other provisions of this article, no use may be made of any land within any runway area zone, approach-departure zone, horizontal zone, conical zone or transition zone in any manner as to create electrical interference with the radio or radar communication or navigation aids between the airport and aircraft; make it difficult for air crews to distinguish between airport lights and others; result in glare in the eyes of air crews using the airport; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft within these zones.

BE IT FURTHER ORDAINED by the City of Rapid City that temporary zoning controls and temporary zoning map shall remain in full force until August 18, 2004, or until such time as permanent zoning ordinances and zoning maps are enacted, whichever comes first; and,

BE IT FURTHER ORDAINED that adoption of such temporary zoning controls constitutes an emergency and shall be effective immediately.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective:

Prepared By: CITY ATTORNEY'S OFFICE