

ORDINANCE NO. 3760

AN ORDINANCE AMENDING CHAPTER 8.04.150, 12.44.090, 15.44.060, 17.04.315, 17.08.030, 17.10.030, 17.10.040, 17.12.030, 17.12.040, 17.14.030, 17.18.030, 17.18.040, 17.20.030, 17.20.040, 17.22.030, 17.24.030, 17.28.030, 17.28.040, 17.32.020, 17.40.020, 17.40.030, 17.44.040, 17.50.020, 17.50.040, 17.50.060, 17.50.100, 17.50.105, 17.50.150, 17.50.230, 17.50.350, 17.54.010, 17.54.030, 17.56.030, AND 17.56.040 OF THE RAPID CITY MUNICIPAL CODE CHANGING THE NAME OF "USE ON REVIEW" AND "USE PERMITTED ON REVIEW" TO "CONDITIONAL USE" OR "CONDITIONAL USE PERMIT"

BE IT ORDAINED by the City of Rapid City that Chapter 8.04 of the Rapid City Municipal Code be amended by amending Section 8.04.150 as follows:

Play area.

A. Play space of not less than thirty-five square feet per child shall be provided. Play space shall not include floor space used for permanent and stationary equipment, storage, halls, bathrooms, offices and kitchens. Not more than half of the space occupied by cribs shall be used in determining total square feet of play space.

B. A fenced-in play area of not less than fifty square feet per child shall be provided. The fence shall have a minimum height of forty-two inches. If an outdoor play area is not provided, play space provided shall not be less than seventy square feet per child. Any outdoor area in which children are permitted to play shall be fenced. The height and location of existing fences of family day care homes currently operating under an approved ~~use on review~~ **conditional use permit** as of the effective date of the ordinance codified in this chapter are deemed to meet the requirements of this subsection.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 12.44 of the Rapid City Municipal Code be amended by amending Section 12.44.090 as follows:

Area.

No parcel of land containing less than five acres may be used for the purpose permitted as a travel park or recreational vehicle park. Parcels containing less than five acres and more than three acres may be allowed as a ~~use on review~~ **conditional use permit** in accordance with Section 17.54.030 and all other provisions of this article.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 15.44 of the Rapid City Municipal Code be amended by amending Section 15.44.060 as follows:

Contingent building permits for footings and foundations.

A. A building permit may be issued by the building official, with the approval of the planning director and the director of public works, or their respective designees, to allow the construction of footings and foundations only, pending the completion of approval by the city of a rezoning, variance, plat, ~~use on review~~ **conditional use permit**, planned development permit, code revision, or other similar matter, subject to the following:

1. The applicant has provided all information and materials required or requested and has paid all required fees;
2. The planning director and the director of public works anticipate that within a reasonably short time the necessary approvals will be made;

3. There is no known objection by any affected party;
 4. The applicant and property owner have executed an agreement satisfactory to the building official recognizing that construction of footings and foundations are done at the risk of the property owner and agreeing that if the necessary approval is not granted, the property owner at his/her own expense will remove all footings and foundations constructed pursuant to the contingent permit including all necessary restoration of the site, within one hundred twenty days of the date of the denial of the required approval.
- B. The issuance of contingent permit for the construction of footings and foundations shall be within the discretion of the building official. Such contingent permit shall only allow the construction of footings and foundations and shall not be construed to imply any assurance on the part of the city that any approval necessary to allow construction of the project will be granted or to imply any liability on the part of the city if such approval is not granted.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.04 of the Rapid City Municipal Code be amended by amending Section 17.04.315 as follows:

Garage, private.

"Private garage" means an accessory building or part of a main building used primarily for storage and which shall not be used for commercial purposes. The maximum cumulative allowable size of all garages or carports shall be one thousand square feet or thirty percent of the size of the gross floor area of the dwelling unit(s), whichever is greater. In no event shall the size of the building footprint of the garage(s) or carport(s) exceed the footprint of the dwelling unit(s). The garage(s) or carport(s) shall be used only by persons residing on the premises. Any garage not meeting these requirements shall be allowed only as a ~~use permitted on review~~ **conditional use permit** pursuant to 17.08.030 (J).

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.08 of the Rapid City Municipal Code be amended by amending Section 17.08.0390 as follows:

Conditional Use Permit ~~Uses permitted on review.~~

The following uses may be permitted on review by the city council in accordance with provisions contained in Section 17.54.030:

- A. Public parks and/or playgrounds;
- B. Historical monuments or structures;
- C. Utility substations;
- D. Tree or plant nurseries and sod farms, provided that the only building allowed shall be used for storage necessary and incidental to the primary use of the property. No more than one thousand square feet of storage structure(s) shall be allowed. All outside storage shall be screened with a six foot fence or wall;
- E. Cemeteries;
- F. Child care centers;
- G. Cellular communication and radio and television station transmission towers, and minor accessory structures, subject to the following:
 1. The uses described in this subdivision shall be permitted on the west side of Skyline Drive in the SW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota;
- H. Golf courses or country clubs, with adjoining grounds of not less than sixty acres, but not including miniature courses and driving tees operated for commercial purposes;
- I. Recreational facilities leased from the city with an on-sale liquor establishment;

J. 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. That landscaping or fencing may be required to screen the garage from neighboring properties,
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,
5. That the applicant shall file a notice with the register of deeds indicating that the garage only be used for residential purposes;

K. Churches or similar places of worship, with accessory structures, but not including missions or revival tents.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.10 of the Rapid City Municipal Code be amended by amending Section 17.10.030 as follows:

~~Uses permitted on review~~ **Conditional Uses.**

The following uses may be permitted ~~on review~~ **as a conditional use** by the city council in accordance with provisions contained in Section 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 adjoining grounds of not less than sixty acres, but not including miniature courses and driving tees operated for commercial purposes;
- I. Cemeteries;
- J. Planned residential developments as regulated by Sections 17.50.050 through 17.50.100 of this title;
- K. Planned unit developments as regulated in Sections 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 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, i.e., standard,
 - b. Supervision, i.e., type and extent,
 - c. Services and program to be provided,
 - d. Number of persons,
 - e. Proximity to other group homes,
 - 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 Section 17.50.260,
 2. Evidence of registration with the State Department of Health shall be provided,

3. The bed and breakfast may display one sign not more than two 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 effects to neighboring properties,
 5. The council may consider the size, proximity to parks and area attractions, and 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. That landscaping or fencing may be required to screen the garage from neighboring properties,
 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,
 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 sixteen units.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.10 of the Rapid City Municipal Code be amended by amending Section 17.10.040 as follows:

Temporary uses.

- A. The common council shall have discretion to issue temporary use permits for a period not to exceed one year to allow a use permitted in general commercial and/or other residential districts, provided the council finds that the following criteria are met; two reapplications would be allowed, but not necessarily approved:
1. The structure for which the temporary use permit is to be granted is vacant and is expected to remain vacant if the temporary use permit is not granted;
 2. All area, setback and parking requirements of the low density residential and general commercial zoning districts are met without the granting of a variance;
 3. The proposed use does not produce more noise, dust, odor, vibration or blast than uses specifically permitted in residential zoning districts;
 4. The property for which the temporary use is allowed must border general commercially zoned property at least on one side.
- B. The procedure for granting temporary use permits under this section shall be the same procedure as for authorizing ~~uses permitted on review~~ **conditional use permits** as established under Section 17.54.030.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.12 of the Rapid City Municipal Code be amended by amending Section 17.12.030 as follows:

~~Uses permitted on review~~ **Conditional Uses.**

The following uses may be ~~permitted on review~~ **allowed as a conditional use permit** by the city council in accordance with provisions contained in Section 17.54.030:

- A. Any ~~use permitted on review~~ **conditional use** in an LDR low density residential district;

- B. Fraternities, sororities and denominational student headquarters;
- C. Mobile home parks, subject to the requirements set forth in Section 17.50.110;
- D. Nursing home or home for the aged;
- E. Child care centers;
- F. A planned residential development as regulated in Sections 17.50.020, 17.50.030 and 17.50.040;
- G. Single-family attached dwellings and single-family semidetached dwellings as regulated in Sections 17.50.050 through 17.50.100;
- H. Motel complexes, existing as of the date of the ordinance codified in this title, subject to the requirements set forth in Section 17.50.180;
- I. Group homes, subject to the following:
 1. Provide a detailed program and services plan at 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, i.e., standard,
 - b. Supervision, i.e., type and extent,
 - c. Services and program to be provided,
 - d. Number of persons,
 - e. Proximity to other group homes,
 - f. Any other condition the council may deem appropriate,
 4. Any significant modification in the program and services plan will require a new application;
- J. Retail business may be conducted in apartment buildings only, for the convenience of the occupants of the building, provided there shall be no entrance to such place of business except from the inside of the building.
 1. The retail business type shall be limited to those which are listed in Section 17.50.350,
 2. The building inspection department will be consulted with regard to code requirements,
 3. No outdoor signage shall be allowed;
- K. Townhouses as regulated in Sections 17.50.020, 17.50.030 and 17.50.040;
- L. Planned residential developments as regulated in Sections 17.50.050 through 17.50.100;
- M. Planned unit developments as regulated in Sections 17.50.050 through 17.50.100;
- N. Hotel apartment;
- O. Drop off centers for household recyclables; said centers do not involve processing.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.12 of the Rapid City Municipal Code be amended by amending Section 17.12.040 as follows:

17.12.040 Temporary uses.

- A. The common council shall have discretion to issue temporary use permits for a period not to exceed one year to allow a use permitted in general commercial and/or other residential districts, provided the council finds that the following criteria are met; two reapplications would be allowed, but not necessarily approved:
 1. The structure for which the temporary use permit is to be granted is vacant and is expected to remain vacant if the temporary use permit is not granted;
 2. All area, setback and parking requirements of low density residential and general commercial zoning districts are met without the granting of a variance;
 3. The proposed use does not produce more noise, dust, odor, vibration or blast than uses specifically permitted in residential zoning districts;
 4. The property for which the temporary use is allowed must border general commercially zoned property at least on one side.

B. The procedure for granting temporary use permits under this section shall be the same procedure as for authorizing ~~uses permitted on review~~ **conditional uses** as established under Section 17.54.030.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.14 of the Rapid City Municipal Code be amended by amending Section 17.14.0390 as follows:

~~Uses permitted on review.~~ **Conditional Uses.**

The following uses may be ~~permitted on review~~ **allowed as conditional uses** by the city council in accordance with provisions contained in Section 17.54.030:

- A. Any ~~use permitted on review~~ in an LDR or MDR district;
- B. Retail business may be conducted in apartment buildings only, for the convenience of the occupants of the building, provided, there shall be no entrance to such place of business except from the inside of the building;
- C. For multiple-family, group homes and assisted living centers, identification signs, not to exceed nine square feet in area, shall be permitted. Such signs shall indicate nothing other than the name and/or address of the premises and the name of the management. Such signs shall be flush with the principal building and may have indirect illumination;
- D. Professional offices;
- E. Group homes, subject to the following:
 - 1. Provide a detailed program and services plan at 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, i.e., standard,
 - b. Supervision, i.e., type and extent,
 - c. Services program to be provided,
 - d. Number of persons,
 - e. Proximity to other group homes,
 - f. Any other condition the council may deem appropriate,
 - 4. Any significant modification in the program and services plan will require a new application;
- F. Parking lots:
 - 1. Such facilities shall be paved,
 - 2. Such facilities shall in no way be exempted from any of the requirements of this zoning district including, but not limited to, screening, landscaping and signage requirements,
 - 3. Such facilities shall be permitted only in conjunction with a contiguous use by right or **conditional use permit** ~~use permitted on review~~;
- G. Townhouses as regulated in Sections 17.50.020, 17.50.030 and 17.50.040;
- H. Planned residential developments as regulated in Sections 17.50.050 through 17.50.100;
- I. Planned unit developments as regulated in Sections 17.50.050 through 17.50.100.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.18 of the Rapid City Municipal Code be amended by amending Section 17.18.030 as follows:

~~Uses permitted on review~~– **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,
 - 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 six-foot fence, wall or mass planting. Such screening plans shall be approved by the planning commission and the common council.
 - b. Any other conditions the council shall deem appropriate;
8. Travel parks or recreational vehicle parks less than five 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,
 - 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 use on review~~ **Conditional Use Permit** 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 six 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,
 - g. Any other conditions the council shall deem appropriate;
11. Child care centers;
12. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100 of this title;
13. Planned unit developments as regulated in Sections 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 ~~use permitted on review~~ **conditional use**; however, a detached caretaker's residence

may be permitted as a ~~use-on-review~~ **conditional use** in conjunction with a facility when the lot area exceeds five acres, providing the unit meets all setbacks required for a residence;

17. On-sale liquor establishments;

18. Wholesale and distribution centers not otherwise authorized by Section 17.18.020(20) of this code;

19. Seasonal retail business or structure on a developmental lot with more than twenty-five thousand square feet of paved parking;

20. Continuous retail business or structure on a developmental lot with more than twenty-five thousand square feet of paved parking;

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

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 forty-two inches in height,

h. Type of vehicular traffic common to the area,

i. Any other requirements council may deem appropriate;

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

a. A lot area of not less than five thousand square feet plus an additional one thousand five hundred 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 two hundred eighty square feet per unit,

b. There shall be usable open space provided for each suite/room of not less than one hundred seventy square feet. Open space does not include drives, parking, and service areas. Not more than fifty percent of the open space requirement shall be met with common interior spaces limited to community rooms, central dining areas and craft rooms;

24. Colleges and universities;

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

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

27. Retail plumbing sales and service, provided all outside storage is screened by a minimum seven foot high fence or wall;

28. Piano repair, stripping and refinishing.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.18 of the Rapid City Municipal Code be amended by amending Section 17.18.040 as follows:

Temporary uses.

A. The common council shall have discretion to issue temporary use permits for a period not to exceed one year to allow a use permitted in light industrial zoning districts provided the council finds that the following criteria are met:

1. The structure for which the temporary use permit is to be granted is vacant and is expected to remain vacant if the temporary use permit is not granted;

2. All area, setback and parking requirements of general commercial and light industrial zoning districts are met without the granting of a variance;
 3. The proposed use does not produce more noise, dust, odor, vibration, blast or traffic than uses specifically permitted in general commercial zoning districts;
 4. The granting of a temporary use permit is in the best interests of the city.
- B. Temporary use permits issued under this section shall not be renewed more than twice.
- C. The procedure for granting temporary use permits under this section shall be the same procedure as for authorizing ~~uses permitted on review~~ **conditional uses** as established under Section 17.54.030.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.20 of the Rapid City Municipal Code be amended by amending Section 17.20.030 as follows:

~~Uses permitted on review~~ **Conditional Uses.**

- A. New, used and rental car sales:
1. All such facilities shall be paved,
 2. Such facilities shall in no way be exempted from any of the requirements of this zoning district, including, but not limited to, screening, landscaping and signage requirements;
- B. Child care centers;
- C. Liquor sales for consumption off the premises; however, if denied, no further application shall be made for the same property within twelve months;
- D. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100;
- E. Planned unit developments as regulated in Sections 17.50.050 through 17.50.100;
- F. Establishments which prepare food for take-out by customers and/or for delivery. This shall not include drive-in restaurants. Food consumption on the premises shall be permitted providing that the customer eating areas do not exceed seven hundred forty-nine square feet. Such establishments shall be designed to serve primarily the population of the immediate area;
- G. Recreation establishments, including electronic video game arcade and poolrooms which would intend to serve primarily juvenile and young adult customers;
- H. Drop off centers for household recyclables; said centers do not involve processing;
- I. Other uses which meet the intent of the district as determined by the planning commissions. A site plan shall be submitted and approved by the planning commission which includes the following, as applicable:
1. Type of use proposed,
 2. Parking and circulation plan,
 3. Landscaping plan,
 4. Screening plan,
 5. Other information which the planning commission may deem necessary to make a determination.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.20 of the Rapid City Municipal Code be amended by amending Section 17.20.040 as follows:

Temporary uses.

- A. The common council shall have discretion to issue temporary use permits for a period not to exceed one year to allow a use permitted in light industrial zoning districts provided the council finds that the following criteria are met:
1. The structure for which the temporary use permit is to be granted is vacant and is expected to remain vacant if the temporary use permit is not granted;

2. All area, setback and parking requirements of neighborhood commercial and light industrial zoning districts are met without the granting of a variance;
 3. The proposed use does not produce more noise, dust, odor, vibration, blast or traffic than uses specifically permitted in neighborhood commercial zoning districts;
 4. The granting of a temporary use permit is in the best interests of the city.
- B. Temporary use permits issued under this section shall not be renewed more than twice.
- C. The procedure for granting temporary use permits under this section shall be the same procedure as for authorizing ~~uses permitted on review~~ **conditional use permits** as established under Section 17.54.030.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.22 of the Rapid City Municipal Code be amended by amending Section 17.22.030 as follows:

~~Uses permitted on review~~ **Conditional Uses.**

- A. Single-family residences subject to the following:
1. Only one dwelling unit shall be permitted on each light industrial site under one ownership and/or management,
 2. The residential use shall be incidental to the light industrial use and for the purpose of providing security therefor;
- B. Animal kennels;
- C. Missions, subject to the following:
1. 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,
 2. Must meet fire, building and health requirements,
 3. Any significant modification in the program and services plan will require a new application;
- D. Child Care Centers. In order to be considered for a ~~use on review~~ **conditional use** in the light industrial zoning district, a child care center must be included, incidental to, or associated with a permitted principal use which is located in close proximity to the proposed child care center site;
- E. Churches and similar places of worship, subject to the following:
1. Services, classes and other similar activities involving groups of more than fifty person shall not be conducted on a regular basis between seven a.m. and five p.m. on any weekday, Monday through Friday,
 2. Youth classes and other similar activities shall not be conducted on a regular basis between seven a.m. and five p.m. on any weekday, Monday through Friday,
 3. No dormitory or residence shall be maintained on the subject property, provided, however, a single caretaker apartment may be permitted within the principal structure,
 4. Such church or similar place of worship shall only occupy existing structures; no substantial new construction shall be undertaken to accommodate such church or place of worship,
 5. All church parking requirements as to number and size of stalls and paving shall be met,
 6. The applicant for a ~~use on review~~ **conditional use** for a church or similar place of worship shall file with the planning department a detailed program of its services and activities, including hours of operation and methods of separating on-lot industrial traffic from church traffic and parking. The applicant shall further demonstrate that use of the proposed site for such purposes will not significantly conflict with the use of other property located in the zoning district or in adjacent areas;
- F. Business and vocational schools;
- G. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100;
- H. Community corrections facility;
- I. Planned industrial developments as regulated in Sections 17.50.050 through 17.50.105.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.24 of the Rapid City Municipal Code be amended by amending Section 17.24.030 as follows:

~~Uses permitted on review~~ **Conditional Uses.**

A. All of the following uses are declared to be special uses and a use permit shall be authorized by the city council for the location and operation thereof in the HI heavy industrial district:

1. Acid manufacture,
 2. Blast furnace or coke oven,
 3. Cement, lime, gypsum or plaster of paris manufacture,
 4. Distillation of bones,
 5. Drop-forge industries manufacturing forging with power hammers,
 6. Explosives, manufacture or storage,
 7. Fat rendering, except as an incidental use,
 8. Fertilizer manufacture,
 9. Garbage, offal or dead animals reduction or dumping,
 10. Glue manufacture,
 11. Ore reduction,
 12. Paper and pulp manufacture,
 13. Processing of junk (junkyard), waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking or dismantling, as regulated in Section 17.50.160,
 14. Refuse dumps,
 15. Rock, sand or gravel or earth excavation, crushing or distribution,
 16. Saw mill,
 17. Slaughter of animals, including poultry killing or dressing,
 18. Smelting of tin, copper, zinc or iron ores,
 19. Stockyards or feeding pens,
 20. Tannery or the curing or storage of raw hides,
 21. Animal kennels,
 22. 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,
 - c. Any significant modification in the program and services plan will require a new application,
 23. Single-family dwelling units and mobile homes subject to the following:
 - a. Only one dwelling unit or mobile home is allowed for each industrial site under one ownership and/or management,
 - b. The use is incidental to the industrial use and used only for security purposes or as a caretaker residence,
 - c. Approval of the incidental use is obtained by all applicable emergency service organizations,
 - d. A ~~use-on-review~~ **conditional use** will not be granted when another principal or accessory use, with a high-hazard industrial occupancy (as defined by the NFPA) is located on the property. A high hazard industrial occupancy includes structures or facilities where there are processes involving highly combustible, highly flammable or explosive materials, or structures where materials are likely to burn with extreme rapidity or to produce poisonous fumes or gases. Also included are industrial facilities where flammable liquids are routinely handled, used or stored in large quantities, or those facilities where explosive dusts from grain, wood, flour, plastic, aluminum, magnesium or similar materials are produced;
- B. All other similar uses which the city council declares to be special uses.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.28 of the Rapid City Municipal Code be amended by amending Section 17.28.030 as follows:

~~Uses permitted on review~~ **Conditional Uses.**

- A. Any of the uses permitted in Section 17.28.020 if structures are involved;
- B. Circuses, carnivals and similar transient amusement enterprises;
- C. Extraction of sand, gravel and other materials;
- D. Marinas, boat rentals, docks, piers and wharves;
- E. Railroads, streets, bridges, utility lines and pipelines;
- F. Kennels and stables, providing they meet other zoning and animal control provisions;
- G. Shooting preserves, target ranges, trap and skeet ranges, and fishing areas;
- H. Other uses similar in nature to uses described in this section and Section 17.28.020 which are consistent with the provisions of the ordinance codified herein;
- I. Fairgrounds owned and operated by governmental units or their agents;
- J. Recreational facilities leased from the city with an on-sale liquor establishment.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.28 of the Rapid City Municipal Code be amended by amending Section 17.28.040 as follows:

Standards for ~~use on review~~ **conditional use permits.**

Prior to authorizing a ~~use on review~~ **conditional use** under this chapter, the following criteria must be met in addition to the procedures set out in Section 17.50.030:

- A. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or extraction of sand, gravel, or other materials, or other use may be allowed as a special exception use which, acting alone or in combination with existing or future uses within the significant reach increases flood heights more than one foot. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition, all floodway special permit uses shall be subject to the standards contained in building codes, other zoning requirements, and building requirements for the flood fringe building district.
- B. Fill.
 - 1. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
 - 2. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.
- C. Structures (Temporary or Permanent).
 - 1. Structures shall not be for human habitation.
 - 2. The council may require any or all of the following:
 - a. Structures of a low flood damage potential type construction;
 - b. That structure or structures, if permitted, be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood- waters;
 - c. Whenever possible, structures to be constructed with the longitudinal axis parallel to the direction of floodflow;
 - d. So far as practicable, structures be placed approximately on the same floodflow lines as those of adjoining structures;

e. Structures be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and
f. Service facilities, such as electrical and heating equipment, be constructed at or above the regulatory flood protection elevation for the particular area, or floodproofed.

D. All applications for ~~use-on-review~~ **conditional uses** shall contain plans to provide for evacuation.

E. If any special exception is granted under Chapters 17.10 through 17.48 of this code, a copy of the special exception shall give the exact legal description of the property and shall state that the property is located in a flood-prone area and shall contain a statement of the number of feet that the lowest nonfloodproof floor of the proposed structure will be below, the regulatory flood protection elevation and a statement that the actuarial flood insurance rates increase as the first floor elevation decreases and a copy of the document be recorded with the parcel or parcels of land covered by the special exception in the office of the register of deeds for the county in which the property is located and a copy of such special exception shall be filed with the office of the city finance officer for forwarding to the Federal Insurance Administrator in the city's annual report.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.32 of the Rapid City Municipal Code be amended by amending Section 17.32.020 as follows:

Uses permitted.

A. Property and buildings in an SC-2 community shopping center district shall be used only for the uses subsequently enumerated herein; provided, however, that these uses shall be located in a unified shopping center which shall have not less than twenty shops and stores, at least one of which will typically be a department store or variety store having not less than twenty-five thousand square feet of gross floor area. The shops and stores of the community shopping center shall have a combined total gross floor area of not less than one hundred thousand square feet.

B. Any of the following uses may be permitted:

1. Antique shop;
- Apparel store, family, children, men or women;
- Appliance store;
- Artist supplies;
- Automobile parking lot;
- Bakery goods store;
- Bank;
- Barbershop;
- Beauty shop;
- Book or stationery store;
- Camera shop;
- Candy store;
- Catering establishment;
- Cleaning and pressing collection station;
- Curio shop;
- Dairy products or ice cream store;
- Delicatessen;
- Department store;
- Drugstore or fountain;
- Dry goods store;
- Florist shop;

Furniture store;
Garden centers;
Gift shop;
Grocery store;
Hardware store;
Help-yourself laundry;
Jewelry store;
Meat market;
Medical facility;
Music store;
Newspaper or magazine sales;
Notions store;
Office supply store;
Off-sale liquor and beer;
Optometrist sales and service;
Paint and decorating shop;
Pharmacy;
Photographer studio;
Radio and television sales and service;
Restaurant;
Sewing machine sales and service;
Shoe store or repair shop;
Sod farms;
Specialty shop for women;
Sporting goods sales;
Supermarket;
Tailor shop;
Theaters;
Toy store;
Variety store;

2. Office uses; provided, however, that the total gross flow area of all office uses, exclusive of those listed in subdivision 1 of this subsection, shall not exceed twenty percent of the gross floor area of the shopping center;

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 twenty-five percent site area limitation listed in Section 17.32.040(B), however, such stations must not decrease the off-street parking requirements listed in Section 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; said centers do not involve processing;

7. Other uses similar in character to those listed in this section and in conformity with the general description of the district mentioned in Section 17.32.010 and which in the opinion of the city 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

material or goods which are actively being offered for sale may be temporarily displayed outside of a building.

D. Replacement off-premises advertising subject to the following:

1. "Replacement off-premises advertising" means new off-premises advertising structures which replace off-premises advertising structures which are present in the shopping center-2 zoning district as a lawful pre-existing nonconforming use.
2. 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 ~~use on review~~ **conditional use** permit.
3. Any replacement off-premises advertising shall not be larger, higher, or more extensive than the off-premises advertising structure which it replaces.
4. A ~~use on review~~ **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 ten years unless the location, construction, use, and operation of the replacement off-premises sign is permitted.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.40 of the Rapid City Municipal Code be amended by amending Section 17.40.020 as follows:

Uses permitted.

Property and buildings in the office commercial district shall be used only for the following purposes:

- A. Any use permitted in MDR, not including ~~uses permitted on review~~ **conditional uses**;
- B. Art gallery;
- C. Assembly halls for nonprofit corporations, but not including the serving or dispensing of alcoholic beverages;
- D. Medical facilities, not including veterinary establishments, with pharmacies allowed as an accessory use to permitted medical facilities;
- E. Laboratories for medical research and testing;
- F. Libraries;
- G. Museums;
- H. Office buildings in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sale to customers. These shall include, but shall not necessarily be limited to, doctors, dentists, lawyers, architects, engineers, real estate salespersons, appraisers and accountants;
- I. Financial institutions;
- J. Beauty shops.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.40 of the Rapid City Municipal Code be amended by amending Section 17.40.030 as follows:

~~Uses permitted on review~~ **Conditional Uses.**

~~Uses permitted on review~~ **Conditional uses** are as follows:

A. Parking lots:

1. Such facilities shall be paved,
2. Such facilities shall in no way be exempted from any of the requirements of this zoning district including, but not limited to, screening, landscaping and signage requirements,
3. Such facilities shall be permitted only in conjunction with a contiguous use by right ~~or use permitted on review~~ **conditional use permit.**

B. Child care centers as defined in Chapter 17.04 of this code and as a regulated by Section 17.50.150;

- C. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100;
- D. Planned unit developments as regulated in Sections 17.50.050 through 17.50.100;
- E. Hotel apartment;
- F. Medium density residential ~~uses on review~~ **conditional uses** as listed in Section 17.12.030;
- G. Photographic studios;
- H. Hospitals and sanitoriums;
- I. Recreational facilities.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.44 of the Rapid City Municipal Code be amended by amending Section 17.44.040 as follows:

Temporary uses.

A. The common council shall have discretion to issue temporary use permits for a period not to exceed one year to allow a use permitted in general commercial and/or other residential districts, provided the council finds that the following criteria are met; two reapplications would be allowed, but not necessarily approved:

1. The structure for which the temporary use permit is to be granted is vacant and is expected to remain vacant if the temporary use permit is not granted;
2. All area, setback and parking requirements of low density residential and general commercial zoning districts are met without the granting of a variance;
3. The proposed use does not produce more noise, dust, odor, vibration or blast than uses specifically permitted in residential zone districts;
4. The property for which the temporary use is allowed must border general commercially zoned property at least on one side;

B. The procedure for granting temporary use permits under this section shall be the same as for authorizing ~~uses permitted on review~~ **conditional use permits** as established under Section 17.34.030.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.50 of the Rapid City Municipal Code be amended by amending Section 17.50.020 as follows:

Townhouses--General requirements.

A. Townhouses may be permitted in LDR-2, MDR, HDR zoning districts and within planned developments. If the requirements of Section 17.50.030 are met, townhouses shall be permitted uses within LDR-2, MDR and HDR zoning districts. Otherwise, townhouses may be permitted as a ~~use on review~~ **conditional use permit** or within a planned development.

B. In the LDR-2 zoning district, there shall be no more than two attached dwelling units on any townhouse development lot.

C. In the MDR and HDR zoning districts, there shall be no more than twelve attached dwelling units on a townhouse development lot.

D. Prior to issuance of a building permit, the area upon which a group of attached townhouses are to be constructed must be a platted lot which shall be referred to as a townhouse development lot.

E. Proposed individual townhouse lot lines for a group of townhouses shall be submitted on a site plan and approved prior to issuance of a building permit. Following the start of construction, the final location of individual townhouse lots shall be determined and platted.

F. In order to permit openings in exterior walls, each townhouse structure and its appendage and projections shall have a minimum six-foot setback from individual townhouse lot lines which

are not common to other individual townhouse lots, unless approved otherwise in a planned development or in a ~~use-on-review~~ **conditional use** permit.

G. Townhouses shall have a six-foot exterior maintenance easement on either side of a common lot line to provide adequate room for maintenance, repair and alterations.

H. Townhouses shall conform to city building and utility codes.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.50 of the Rapid City Municipal Code be amended by amending Section 17.50.040 as follows:

Townhouses--Procedure.

A. If a proposed townhouse development meets all of the requirements listed in Section 17.50.030, a building permit may be issued, provided all other applicable city codes are met.

B. 1. The standard requirements for lot area, density, lot coverage and open space for individual townhouse lots may be reduced if, in the opinion of the planning commission and the city council, variation of these particular requirements will encourage the development of previously platted smaller land parcels and/or permit innovative land development which is consistent with the intent of this article. Any variation from the standard requirements will require special review and the ~~use-on-review~~ **conditional use permit** procedure shall be followed.

2. If the ~~use-on-review~~ **conditional use permit** procedure is utilized, density should not exceed one dwelling unit per three thousand five hundred square feet. The requirements for open space on individual townhouse lots may be waived, but the overall open space requirements of six hundred square feet per unit for the townhouse development lot shall remain. The planning commission and the city council may also allow an individual townhouse lot to consist of only the townhouse structure and minimum setback, if a determination is made that common open space is adequate in size and appropriate in location.

3. In order to permit adequate review of the ~~use-on-review~~ **conditional use permit** proposal, the petitioner shall submit the following information on a site plan at a scale no greater than one inch equals fifty feet:

- a. Location and proposed setbacks of all structures including accessory structures;
- b. Off-street parking facilities including parking spaces, loading/unloading areas, and traffic circulation areas and curbs cuts;
- c. Landscaping plans;
- d. Location of all common areas and designated open space;
- e. Location of proposed lot lines;
- f. Location, width, grade of all proposed public and private streets;
- g. Topography at a maximum of five-foot contour intervals;
- h. Proposed grading plans;
- i. Location of proposed fencing;
- j. Documentation of ownership and maintenance responsibility of common open space, structures, facilities, private streets, drainage and utility easements.

4. This information shall be reviewed by the planning department, building official, fire marshal and public works department in order to determine the appropriateness of a ~~proposed use-on-review~~ **conditional use permit** for a townhouse project.

C. Townhouses may also be permitted within planned developments. The requirements of Sections 17.50.020 and 17.50.030 may be altered if the proposed townhouses are part of an approved planned development.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.50 of the Rapid City Municipal Code be amended by amending Section 17.50.060 as follows:

Planned developments- Procedure.

A. Initial Development Plan. When a petitioner is requesting approval of a planned development or planned development designation, the ~~use-on-review~~ **conditional use permit** procedure shall be followed as specified in Section 17.54.030 of this title with the exception of notification requirements. Notice to adjoining property owners within one hundred fifty feet of the property under consideration, exclusive of public right-of-way, shall be required. Public notice and public hearings conducted by the planning commission and the city council are also required. The required notification and hearings shall occur at the initial and final development plan stage and the planned development designation stage, if applicable. The approved initial development plan shall be filed with the city planning department.

B. Final Development Plan. A final development plan shall be submitted within eighteen months of the date of approval of the initial development plan. Prior to consideration of a building permit for any structures in a planned development, a final development plan shall be approved by the planning commission and the city council. Notice to adjoining property owners within one hundred fifty feet of the property under consideration, exclusive of public right-of-way, shall be required. Notice is also required via certified mail, return receipt requested, to all property owners located within the planned development or planned development designation. Public notice and public hearings conducted by the planning commission and the city council are also required. The required notification and hearings shall occur at the initial and final development plan stage in addition to the planned development designation stage, if applicable. If the approved final development plan includes a phased development sequence, each successive phase shall be approved as a final plan and the final plan shall be approved prior to issuance of a building permit for any residential, commercial or industrial structures in that phase. In the case of townhouse developments, each group of townhouses shall be located on a platted lot prior to issuance of a building permit.

Final development plan approval shall expire two years from the date upon which it becomes effective if no work has commenced. Upon written request to the planning director and prior to the final development plan approval expiration date, a one year extension for final development plan approval may be granted. Staff will notify the property owner as recorded at the Pennington County register of deeds of the expiration of the planned development.

If and when it is determined that a planned development has expired, rendering it null and void due to the time lapse, no building permit shall be issued until such time as the applicant submits a plan in accordance with the development code.

C. Review Procedure. All proposed planned developments or planned development designations shall be submitted to the city planning department. The planning department shall then solicit input from appropriate departments including the building official, the fire marshal and the public works department.

1. Information Required for Planned Development Designation.

- a. Project name and legal description, name, mailing address and phone number of the developer;
- b. A written description stating why the planned development designation is being requested; and,
- c. Other information deemed pertinent to the review of the planned development designation.

D. Information Required in Initial Development Plan.

1. Project name and legal description; name, mailing address and phone number of the developer and the project's design professional;
2. Site plan at a scale no greater than one inch equals fifty feet showing:
 - a. General location of all proposed land uses including the maximum number of dwelling units and/or the maximum square footage and type of nonresidential buildings and square footage,

- b. Proposed minimum setbacks from the perimeter of the planned development for all structures including accessory buildings,
- c. Proposed maximum building height for all structures within the planned development,
- d. Areas proposed for off-street parking facilities and parking ratios to be maintained throughout the development,
- e. General locations of all sidewalks and bikeways,
- f. Proposed areas of landscaping or landscape nodes, including general areas of trees, shrubs, sodded or seeded areas, streams, ponds and berms,
- g. Location and size of all proposed curb cuts other than for single-family detached units,
- h. General location of all common areas,
- i. Information on surrounding property including zoning and street names,
- j. Location of the type of proposed water mains and sanitary sewer mains and disposal systems,
- k. Approximate location of proposed retaining walls,
- l. Approximate location of designated open space and amount of overall development to be allocated to open space,
- m. General location of all proposed recreation areas and amount of overall development to be allocated to recreation areas,
- n. General locations of any outdoor lights except standard city lighting,
- o. General location of proposed perimeter fencing,
- p. General parameters for the location, height and size, and setback dimensions of proposed signs within the planned development,
- q. Location of proposed lot lines,
- r. General location, width, grade and proposed improvements to public and private streets,
- s. Topography at a maximum of five-foot contour intervals, and identification of those areas with slopes which are greater than two to one,
- t. Storm drainage plan which indicates the general location and types of drainage elements and direction of waterflow throughout the planned development,
- u. If the project is to be phased, a phasing plan and graphic shall be submitted delineating proposed phasing by area and projected phase development date;
- v. Other information deemed pertinent to the review of the initial development plan; and
- w. The city council may waive, modify, amend or delay any submission requirement for the planned development.

E. Information Required in the Final Development Plan.

1. Subdivision name, legal description and project name; names, mailing addresses and phone numbers of the developer and design professional;
2. The approved initial development plan;
3. Preliminary plat unless no platting is required. If platting is not required, public facility plans, drawn by a registered professional engineer, shall be submitted;
4. Documentation of ownership and continuing perpetual maintenance responsibility for common open space, structures and facilities, private streets, drainage and utility easements via either a deed to the homeowners association, a joint ownership agreement or other legal binding agreement;
5. Proposed final ground contours at a maximum of two-foot contour intervals;
6. Site plan at a scale no greater than one inch equals fifty feet showing (except for detailed construction plans for public facilities which require scales as shown below):
 - a. Location of all proposed land uses including the number of dwelling units and/or the number and type of nonresidential buildings and square footage,
 - b. Proposed setback for all structures including accessory buildings,
 - c. Proposed building heights,

- d. Off-street parking facilities, including all parking spaces, loading spaces and circulation areas, and fire access lanes,
 - e. Location of all sidewalks and bikeways,
 - f. Detailed landscaping plans showing specific location and types, sizes and quantities of trees, shrubs, sodded or seeded areas, streams, ponds and berms. If a project is to be phased, a landscaping plan shall be provided for each phase,
 - g. Location and size of all proposed curb cuts other than for single-family detached units,
 - h. Location of all common areas,
 - i. Location and type of existing and proposed water mains, and sewage main and disposal systems drawn at a horizontal scale of one inch equals twenty feet and a vertical scale of one inch equals five feet,
 - j. Location of proposed retaining walls,
 - k. Location of designated open space,
 - l. Location of and description of all proposed recreation areas,
 - m. Any outdoor lighting, except standard city lighting,
 - n. Location, height and proposed materials of proposed fencing (including both perimeter and interior),
 - o. Location, height and size, and setback dimensions of any and all proposed signs to be located within the planned development as well as building materials proposed,
 - p. Location of proposed lot lines,
 - q. Name, location, width, grade and proposed improvements to public and private streets drawn at a horizontal scale of one inch equals twenty feet and a vertical scale of one inch equals five feet,
 - r. Storm drainage plan and grading plan shown at two-foot contour intervals which indicates the location of proposed storm sewers, drainageways, structures, direction of waterflow throughout the planned development drawn and a permanent and temporary erosion control plan at a horizontal scale of one inch equals twenty feet and a vertical scale of one inch equals five feet, runoff calculations, and detailed on-site and off-site hydrologic and hydraulic calculations,
 - s. Other information deemed pertinent to the review of the final development plan, and
 - t. The city council may waive, modify, amend or delay any submission requirement for the planned development;
7. Floodplain development permit and certificate (if required) including first floor elevation and minimum opening elevation for any structure located within a floodplain area;
8. Final plat unless the planned development is going to be developed in phases or if no platting is required. If platting is not required, all necessary utility, drainage and access easements shall be submitted;
9. If a planned development is to be developed in phases, a development schedule shall be submitted in lieu of a final plat. This development schedule shall indicate the proposed sequence of development phases. An eight-and-one-half-inch by eleven-inch scaled map which indicates the location of the development phases shall be submitted for each phase;
10. Location of decks and other projections from proposed structures. If the project is to be phased, this requirement shall be met for each phase;
11. The project planned unit development designation (both written and graphic) in format approved by the city council also to be filed and recorded with the office of the register of deeds as a miscellaneous document.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.50 of the Rapid City Municipal Code be amended by amending Section 17.50.100 as follows:

Development standards for planned commercial developments (PCD) and planned development designations (PDD).

- A. Planned commercial developments are designed to make commercial development compatible with adjoining land use to properly address environmental factors such as steep slopes, geologic conditions and drainage, and to mitigate negative impact upon public facilities such as streets and highways, water, sanitary and storm sewer systems. If deemed appropriate, the city may require special precautions to address these issues.
- B. No PCD or PDD should be less than one acre in size unless it is determined by the city council that a smaller PCD or PDD is appropriate.
- C. A PCD or PDD may be permitted in GC, NC, CBD and OC zoning districts.
- D. A PCD shall only contain permitted uses ~~and uses permitted on review~~ **conditional uses** for the zoning district in which the PCD is located.
- E. A PCD shall designate the type of uses approved for the development. Any change in approved land uses or changes in occupancy varying one standard industrial classification (SIC) two-digit code classification to another shall require an amendment to the PCD.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.50 of the Rapid City Municipal Code be amended by amending Section 17.50.105 as follows:

Development standards for planned light industrial development (PLID) districts and planned development designations (PDD).

- A. Planned light industrial developments are designed to make light industrial development compatible with adjoining land use, to facilitate zero lot line buildings upon a developmental lot, to properly address environmental factors such as steep slopes, geological conditions and drainage, and to mitigate negative impact upon public facilities such as streets and highways, water, sanitary and storm sewer systems. If deemed appropriate, the city may require special precautions to address these issues.
- B. A planned light industrial development shall comply with the following standards:
 - 1. A planned industrial development district (PLID) or PDD shall be not less than one acre in size. Developmental lots within a PLID shall be not less than twenty thousand square feet in size. There shall be no minimum lot size requirements for individual lots of record within a PLID developmental lot.
 - 2. A planned light industrial developmental district (PLID) shall only contain light industrial district permitted uses ~~and uses permitted on review~~ **conditional uses**.
 - 3. The types of uses or occupancies within PLID structures will dictate the type of firewalls required within the structure, the need for sprinkler systems and the placement of fire hydrants in accordance with the current city building and fire code as adopted. Individual lots of record within a PLID developmental lot shall have legal access to a public street, direct access to public utilities, and shall have parking and loading facilities based on the need represented by the use of that lot.
 - 5. Required landscaping shall be based on the PLID developmental lot and shall be established in accordance with light industrial zoning district landscaping requirements.
 - 6. Buildings on a PLID developmental lot shall meet light industrial zoning district setback and lot coverage requirements. Buildings or building sections on individual lots of record shall meet light industrial zoning district lot coverage and front and rear setback requirements. Zero lot setbacks may be applied along interior lot lines within a developmental lot.
 - 7. A PLID proposal shall designate the type of uses for the development and the developmental lot division lines. Any change in approved land uses or changes in occupancy varying one standard industrial classification (SIC) two-digit code classification to another shall require an amendment to the PLID.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.50 of the Rapid City Municipal Code be amended by amending Section 17.50.150 as follows:

Child care centers.

A. Permissible Zoning Districts. Child care centers are permissible in residential, commercial, and light industrial zoning districts if a ~~use-on-review~~ **conditional use permit** is approved by the city council. A ~~use-on-review~~ **conditional use permit** is granted at the location for which application is made.

B. Factors for Consideration.

1. In reviewing requests for a ~~use-on-review~~ **conditional use permit** for child care centers, the council may, in addition to the criteria included in Section 17.54.030 (E) consider the following:

- a. Proximity to major arterials;
- b. Proximity to recreation facilities;
- c. Traffic generated by the center;
- d. Hours of operation of the center; and
- e. Maximum number of children as appropriate to the area.

2. The council, in reviewing requests for a ~~use-on-review~~ **conditional use permits** for child care centers in commercial and light industrial zoning districts, may consider, in addition to the preceding considerations, the following:

- a. Existing or potential levels of air and noise pollution in the area;
- b. Access from the child care center to adjacent areas which are used for commercial or industrial purposes;
- c. Appropriateness of outdoor play areas. If outdoor play areas are permitted, fencing shall be not less than forty-two inches in height; and
- d. Type of vehicular traffic common to the area.

C. Play Area.

1. Play space of not less than thirty-five square feet per child shall be provided. Play space shall not include floor space used for permanent and stationary equipment, storage, halls, bathrooms, offices and kitchens. No more than half of the space occupied by cribs shall be used in determining total square feet of play space.

2. A fenced-in play area of not less than fifty square feet per child shall be provided. The play area shall not be closer than twenty-five feet to any property line which abuts the right-of-way of a public street. The fence shall have a minimum height of forty-two inches. If an outdoor play area is not provided, play space provided shall not be less than seventy square feet per child. Any outdoor area in which children are permitted to play shall be fenced. The height and location of existing fences for child care centers currently operating under an ~~approved use-on-review~~ **conditional use permit** as of the effective date of the ordinance codified in this section are deemed to meet the requirements of this section.

3. A fenced outdoor play area shall not be required if a child care center exclusively provides a structured preschool instruction program to a particular child for not more than four hours per day, and children are not permitted to play outside. Such a center shall provide the required play space as defined in subdivision 2 of this subsection if children are permitted to play outside.

D. Parking. Appropriate parking and unloading areas shall be provided for all child care centers. Criteria on which appropriateness is determined shall include:

1. Schedule of center operation;
2. Number of children served by the center;
3. Location of parking and unloading facilities relative to the structure and its entrances;
4. Proximity of the center to major streets.

E. Continuing Compliance. Compliance with any regulations cited herein is a continuing requirement of the ordinance codified herein applicable to all ~~uses on review~~ **conditional use permits** issued pursuant to the ordinance codified herein. Any child care center operating without an approved ~~use on review~~ **conditional use permits** on the effective date of the ordinance codified herein is declared an illegal nonconforming use and shall comply with all requirements of the ordinance codified herein or cease operation. A ~~use on review~~ **conditional use** may be subject to revocation pursuant to Section 17.54.030.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.50 of the Rapid City Municipal Code be amended by amending Section 17.50.230 as follows:

Designated.

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 tent 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 but such permit shall be issued for a period not longer than fourteen days. Such a use shall set back from all residential districts a distance of not less than one hundred 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 1st and ending prior to January 10th 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 two years, but may be renewed upon expiration thereof. Such temporary sales office shall be required to maintain a twenty-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 two years, but may be renewed upon expiration thereof. Such temporary sales office shall be required to maintain a twenty-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 thirty 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 one thousand square feet of area per campsite will be provided;
- b. Sanitary facilities will be provided at a ratio of one toilet for every ten 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 twenty-four hour security guard shall be provided for every fifty campsites, or fraction thereof, in campgrounds or trailer parks which exceed twenty-five 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 city council recognizes as such by resolution.

3. A permit shall be required whenever a gathering of fifteen or more persons for a period exceeding thirty-six hours is proposed. The permit fee shall equal seventy-five dollars.

4. A campsite shall contain a maximum of ten 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 ninety 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) zoning districts licenses may be issued to the operator of a fourteen-day temporary business in accordance with the following provisions:

1. Temporary structures may not exceed two hundred square feet in floor area nor exceed fifteen 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. A temporary use or structure may occupy a development lot for not more than fourteen days and shall vacate the lot for a period of one hundred and eighty days.

4. The fee for a temporary business or use permit is fifty dollars.

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.

5. All temporary structures shall contain approved toilet facilities or shall have contracted with the owners of permanent toilet facilities within three hundred 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 seventy feet in length. The leg of a clear sight triangle along an alley or driveway shall be twenty-five 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 two off-street parking spaces. Additional parking may be required upon review by the planning director in accordance with Section 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 one 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 eight square feet.

I. Other Seasonal Retail Business or Structure. In shopping center 1 (SC-1) and shopping center 2 (SC-2) zoning districts and on general commercial (GC) zoned developmental lots with a minimum of twenty-five thousand square feet of paved parking, licenses may be issued to the operator of a seasonal retail business or structure following the approval of a ~~use-on-review~~ **conditional use permit**. A seasonal retail business or structure may occupy a developmental lot for not more than three months in accordance with the following provisions:

1. Seasonal retail structures may not exceed two hundred square feet in floor area nor exceed fifteen 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. A seasonal retail business or structure shall occupy a developmental lot for not more than ninety days and shall vacate the lot for a period of one hundred eighty days.

4. The fee for a seasonal retail business or structure permit is fifty dollars.

5. All seasonal retail businesses or structures shall contain approved toilet facilities or shall have contracted with the owners of permanent toilet facilities within three hundred 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 seventy feet in length. The leg of a clear sight triangle along an alley or driveway shall be twenty-five 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 two off-street parking spaces. Additional parking may be required upon review by the planning director in accordance with Section 17.50.270(E) 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 one 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 eight square feet.

J. Other Continuous Retail Business or Structure. In shopping center 1 (SC-1) and shopping center 2 (SC-2) zoning districts and on general commercial (GC) zoned developmental lots with a minimum of twenty-five thousand 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 Uniform Building Code, as adopted, following the approval of a ~~use-on-review~~ **conditional use permit**. A continuous retail business or structure may occupy a developmental lot in accordance with the following provisions:

1. Structures may not exceed two hundred square feet in floor area nor exceed fifteen 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 fifty dollars.

4. All continuous retail businesses or structures shall contain approved toilet facilities or shall have contracted with the owners of permanent toilet facilities within three hundred 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 seventy feet in length. The leg of a clear sight triangle along an alley or driveway shall be twenty-five 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 two off-street parking spaces. Additional parking may be required upon review by the planning director in accordance with Section 17.50.270(E) 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 one 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 eight square feet.
 10. ~~The use on review~~ **conditional use permit** for a continuous retail business shall be valid for a period of two years. At the conclusion of the second year of operation the continuous retail business shall either come into full compliance with the Uniform Building Code or cease operation and vacate the developmental lot.
- K. Farmer's Market. A farmer's market, as defined in Section 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.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.50 of the Rapid City Municipal Code be amended by amending Section 17.50.350 as follows:

Home occupations.

A. Purpose. The purpose of this section is to:

1. Protect residential areas from the adverse impact of excessive traffic, nuisance, noise and other possible effects of commercial activities within residential neighborhoods;
2. Establish criteria and development standards for home occupations conducted in dwelling units;
3. Provide residents the option to use their residences for certain home occupations without altering the residential character of the neighborhood;
4. Assure that public and private services such as streets, water, sewer systems, fire protection and other public services are maintained as designed for residential areas.

B. Definition. A "home occupation" is any activity conducted for financial gain by the occupants of any dwelling unit which is located within a residential zoned district.

C. Criteria and Standards. All home occupations shall meet the following criteria and standards:

1. The use shall be conducted entirely within the dwelling unit and shall be conducted entirely by the residents of the dwelling. No other employees shall be hired.
2. The area set aside for a home occupation shall not exceed twenty percent of the total floor area of the residence, including garages. The permissible floor area includes that space necessary for storage of goods or products associated with the home occupation.

3. Merchandise offered for sale shall be clearly incidental to the home occupation; provided, however, that orders may be taken for later delivery off the premises.
 4. Delivery of products to the home for business purposes shall not occur more frequently than twice a week. Delivery by trucks or vehicles not ordinarily utilized for residential deliveries shall be prohibited.
 5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted material shall be stored on site.
 6. No mechanical equipment other than that ordinarily utilized within a dwelling unit for household or hobby purposes shall be permissible.
 7. No activity shall be conducted which would interfere with radio or television transmission in the area, nor shall there be any offensive noise, smoke, dust or heat noticeable beyond the premises.
 8. No home occupation shall require external alteration of the residence or other visible evidence of the conduct of such home occupation.
 9. The operation of the home occupation shall not cause or encourage excess vehicular or pedestrian traffic not ordinarily associated with the residential area in which the home occupation is conducted except under the following conditions.
 - a. Public access to the home occupation shall be by invitation only and there shall ordinarily be no more than one vehicle not owned by the occupants on or adjacent to the property for business purposes except that appointments may overlap for time period not exceeding thirty minutes.
 - b. Occasional parties, meetings or classes associated with home occupations are permissible. the parties, meetings or classes shall in no case be held more than four times monthly and vehicles shall in no way impede the safety and flow of traffic within the neighborhood.
 10. Advertising associated with the home occupation shall be by phone number only. On-premises advertising shall be limited to one nonilluminated sign not exceeding one square foot. The legend shall show only the name of the occupant and type of occupation and shall be neutral in color.
 11. If the home occupation is the type in which classes are held or instructions given, there shall be no more than four students on the premises at any one time. Parking restrictions as indicated in subdivision 9 of this subsection shall apply.
 12. Home occupations shall be restricted to the hours of eight a.m. to nine p.m.
- D. Major Home Occupations. Any proposed home occupation which does not meet the criteria as established in this section is deemed a major home occupation and shall require a ~~use or~~ **review conditional use** as established by Section 17.54.030.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.54 of the Rapid City Municipal Code be amended by amending Section 17.54.010 as follows:

Organization.

A. Administration. The provisions of this title shall be administered by the city building inspector and the city planning department.

1. The city building inspector shall:

- a. Issue all building permits and make and maintain records thereof;
- b. Issue all certificates of occupancy and make and maintain records thereof;
- c. Issue and renew where applicable all temporary use permits and make and maintain records thereof;
- d. Conduct inspections as prescribed by this title and such other inspections as are necessary to ensure compliance with the various provisions of the title.

2. The planning department shall:

a. Maintain and keep current zoning maps, and records of amendments thereto.

B. Board of Adjustment.

1. ~~Established--Members--Terms.~~ The establishment of a Rapid City board of adjustment, hereafter referred to as the "Board" is authorized. The board shall be composed of five residents of Rapid City who are not members of any governing body. The members shall be appointed by the mayor and approved by the city council. Two members shall be appointed for terms of one year, two for terms of two years and one for three years; thereafter, all terms shall be for three years and vacancies shall be filled for the unexpired term only. The city council shall have the power to remove any member of the board for cause upon written charges and after a public hearing.

2. ~~Chairman--Rules of Conduct--Meetings.~~ The board shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules for the conduct of its affairs. The board shall meet at the call of the chairman, and at such other times as the board may determine, at a fixed time and place. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. It shall have power to call on any other city departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render all such assistance as may be reasonably required. In the case of appeals, the board shall call upon the city council for all information pertinent to, and their recommendations.

3. ~~Powers of the Board of Adjustment.~~ The board has the authority to compel the attendance of witnesses at hearings and to administer oaths and in furtherance of their duties shall have the following powers:

a. The board shall have the power to hear and decide appeals wherein it is alleged there is an error in any order, requirement, decision or determination made by an administrative official;

b. To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the zoning map;

c. Where there are practical difficulties or unnecessary hardship of carrying out the strict letter of this title, in any way, the board shall have the power, in passing upon appeals, to authorize such variance from the terms of this title as will not be contrary to the public interest and so that the intent of the title shall be observed and substantial justice done.

C. City Council. The city council shall:

1. Establish such rules of procedure as are necessary to the performance of its functions hereunder.

2. Review and decide all applications for ~~Uses Permitted on Review~~ **Conditional Uses** in accordance with Sections 17.50.010 through 17.50.180;

3. Study and report on all proposed amendments to this title; further, to review annually this title and on the basis of such review, suggest amendments thereto;

4. Until such time that a board of adjustment has been appointed, the city council shall have full power to function as a board in their jurisdiction.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.54 of the Rapid City Municipal Code be amended by amending Section 17.54.030 as follows:

Procedures for authorization of ~~uses on review~~ **conditional use permits**.

The following procedures are established to integrate properly the ~~uses on review~~ **conditional use permits** with other land uses located in the district. These uses shall be reviewed by the city council and authorized, rejected, or, if the city council deems it appropriate, revoked under the following procedures:

A. Approval Procedures. The procedures of this section shall be followed in making application for approval of a ~~use-on-review~~ **conditional use permit** or for an amendment to a ~~use-on-review~~ **conditional use permit**.

1. Application. An application shall be filed with the planning department for planning commission and common council review. Said application shall show the location and intended use of the site. Specifics on site development shall include parking, landscaping and building setbacks. A site plan drawn to scale which reflects the specifics of the proposed project shall be submitted.

2. Fees. A fee of two hundred fifty dollars shall be paid at the time of filing any application for a ~~use-on-review~~ **conditional use** permit; however, if a permit for a limited time period has previously been issued, and all conditions for such permit have been met throughout the term thereof, the renewal fee may be waived at the discretion of the planning director.

If the application is for the amendment of a ~~Use-on-Review~~ **Conditional Use Permit** the fee shall be two hundred fifty dollars for a major amendment. There is no charge for a minimal amendment.

3. Notification. Notification of surrounding property owners, tenants and interested parties shall be accomplished by posting a sign on the property and by mailing notices of public hearing to neighboring property owners.

a. Posting of sign. A sign noting the fact that a ~~use-on-review~~ **conditional use permit** approval, on-sale liquor establishment approval or major amendment is pending shall be posted on the site not less than seven days before the public hearing before the planning commission. The sign shall be maintained on the site until the common council has taken action on the request or the petition is withdrawn. Approved signs shall be secured from the planning department who shall require a reasonable deposit sufficient to cover the cost of replacement of such sign or signs and who shall determine the number and location of the sign or signs to be posted on the site addressed in the petition for ~~Use-on-Review~~ **conditional use permit**.

b. Mailing of certified notice. The petitioner shall submit postal receipts to demonstrate a good faith attempt to notify by certified letter with return receipt all property owners within one hundred fifty feet, exclusive of public right-of-way, of the site measured from the perimeter of the lot, lots or portions thereof which contain the buildings and area dedicated to the proposed use. If the intended use of the occupied site is to be an on-sale liquor establishment, the petitioner shall submit postal registration data that substantiates the good faith attempt to mail certified letters with return receipts to all property owners within two hundred fifty feet of the perimeter of the occupied site exclusive of public right-of-way. Such certified mailings shall include the date set for the hearing before the planning commission and contemplated uses, and shall be on a form provided by the planning department. The property owners listing shall be prepared by the Pennington County director of equalization office and based on their records of ownership and addresses.

B. Fees. A fee of two hundred fifty dollars shall be paid at the time of filing any petition for a ~~use-on-review~~ **Conditional Use** permit; provided, however, that if a permit has previously been issued, and all conditions for such permit have been met throughout the term thereof, the renewal fee may be waived at the discretion of the planning director. If the application is for the amendment of a planned development plan, the fee shall be two hundred fifty dollars for a major amendment or one hundred twenty-five dollars for a minor amendment, as the planning director may determine.

C. Public Hearing. Upon application and review by the city planning and zoning commission, the city council shall hold a public hearing thereon, after having given a seven-day notification in a daily newspaper of general circulation.

D. Restrictions. In the exercise of its approval, the city council may impose such conditions regarding the location, character or other features of the proposed use or buildings as it may deem advisable in the furtherance of the general purposes of this title.

E. Criteria for Review. In reviewing applications for ~~use-on-review~~ **conditional use permits**, due consideration shall be given to the following:

1. The location, character and natural features of the property;
2. The location, character and design of adjacent buildings;
3. Proposed fencing, screening and landscaping;
4. Proposed vegetation, topography, and natural drainage;
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;
6. Existing traffic and traffic to be generated by the proposed use;
7. Proposed signs and lighting;
8. The availability of public utilities and services;
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;
10. The overall density, yard, height, and other requirements of the zone in which it is located;
11. The effects of noise, odor, smoke, dust, air and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation; and
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.

F. Issuance of Permit. Upon completion of the necessary application, hearing and approval of the city council, the building inspector shall issue the building permit subject to all applicable rules, regulations and conditions.

G. Validity of Plans. All approved plans, conditions, restrictions and rules made a part of the approval of the city council shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

H. Amendments. The conditions of approval of a ~~use-on-review~~ **conditional use permit** may be amended. Amendments are considered major or minimal and are addressed in the following manner:

1. Major amendments must be reviewed by the planning commission and common council under the provisions of subsection A of this section. A major amendment is required when:
 - a. A change to another ~~use-permitted-on-review~~ **conditional use** is proposed;
 - b. A change to specific stipulations addressed in the initial approval or a subsequent amendment;
 - c. The structure and/or occupied site is substantially enlarged. A structure is considered to be substantially enlarged when the gross square footage increases by twenty percent or two thousand square feet, whichever is less. The land or site which supports the use is considered to be substantially enlarged when the gross square footage of the occupied site increases by ten percent or ten thousand square feet, whichever is less;
 - d. The planning director determines that the proposed change is major and requires public hearing review.
2. Minimal amendments must be reviewed and approved by the planning director. A minimal amendment involves a change to the site plan affecting any or all of the following: parking, circulation, landscaping, lot coverage by buildings or building setbacks. The planning director shall determine that the proposed modification to the site will not have a significant adverse impact on neighboring properties, the street network or the appearance of the property in approving a minimal amendment. The planning director shall consider the criteria outlined in subsection E of this section to determine if the proposed modifications still meet the requirements of a ~~use-on-review~~ **conditional use permit**.

I. Revocation of ~~Use on Review~~ **Conditional Use Permit**. A ~~use on~~ **Conditional Use** review permit may be revoked only for cause, consisting of failure to maintain the standards required for the initial ~~use on review~~ **Conditional Use Permit**. A notice of intent to revoke a ~~use on review~~ **Conditional Use Permit** shall be given in writing thirty days prior to actual revocation and shall specify the area or areas of continued failure to meet requirements and maintain conditions the city council may have imposed. If, during that period, proof of compliance is made by the holder of the ~~use on review~~ **Conditional Use** permit, the ~~use on review~~ **Conditional Use** permit shall be continued in force. If a hearing has been requested following receipt of notice of intent to revoke, the city council shall hold a public hearing on the matter and make a final determination on such revocation.

J. 1. Expiration. A ~~use on review~~ **conditional use permit** shall automatically expire if:
a. The primary use for which it was granted has ceased for a period of two years or more; or
b. The primary use proposed under the ~~use on review~~ **conditional use permit** has not been undertaken and completed according to the terms and conditions of the ~~use on review~~ **conditional use** within two years of the approval of the ~~use on review~~ **conditional use permit**. A ~~use on review~~ **conditional use permit** is considered approved upon the effective date of the city council's legal action, resolution or ordinance relating thereto.

2. Notwithstanding the provisions of subsection J(1) of this section, the council may as part of the original ~~use on review~~ **conditional use permit** or as a major amendment to the ~~use on review~~ **conditional use permit** extend the period of the ~~use on review~~ **conditional use permit** where it is warranted in light of the relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles and market conditions. All ~~use on reviews~~ **conditional use permits** approved prior the effective date of the ordinance codified in this subsection shall be exempt from the provisions of this section.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.56 of the Rapid City Municipal Code be amended by amending Section 17.56.030 as follows:

~~Uses permitted on review~~ **Conditional Use Permits**.

~~Uses permitted for review~~ **Conditional Use Permits** are as follows:

- A. The assembly or compounding of goods or products for distribution. Retail outlets for sale to the general public shall not be permitted;
- B. Packaging;
- C. The warehousing of supplies, product components, finished product, or products accessory to the assembly process. Storage shall take place within a building identified on the approved site plan. Trucks and temporary storage structures may not be used for storage purposes;
- D. Child care centers for the exclusive use of employees of the business park;
- E. Business and vocational schools not involving operations of an industrial nature;
- F. Telecommunication services;
- G. Utility substations;
- H. Heliport;
- I. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 17.56 of the Rapid City Municipal Code be amended by amending Section 17.56.040 as follows:

Design requirements.

The development of a business park and development of lots or tracts within the park shall involve the following supplemental procedures and adhere to the following standards.

- A. A layout plan for the entire business park shall be submitted with the request for a building permit or request for **Conditional Use Permit** ~~use on review~~.
- B. A stormwater management plan shall be submitted with the request for a building permit or request for **Conditional Use Permit** ~~use on review~~.
- C. All exterior building or structure material shall be masonry, wood, or give the appearance of being masonry or wood.
- D. Assembly and warehousing functions may not represent more than sixty-five percent of the gross floor area of a building or building complex on a business park developmental lot.
- E. A detailed site plan which represents lot coverage, parking, screening and landscaping plans shall be submitted with the building permit or ~~use on review~~ **Conditional Use Permit** request.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: