



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, December 01, 2021 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
 - [a.](#) Approval of November 17, 2021 Minutes
4. **Planning and Zoning Commission**
 - a. Public Comment Regarding Change of Zoning Request for 32 Charles Street
 - [b.](#) Change of Zoning – Tim & Trinity Conrad – Charles Street
LOT I-1 BLK 70 EX H1 (301 SQ FT) & H2 (30 SQ FT) & E X I-1A (1515.69') & I-1B (2699") OF BLK 70 ORIGINAL TOWN DEADWOOD

LOT 107B BLK 71 ORIGINAL TOWN DEADWOOD

LOT RC BLK 70 (SITS BEHIND 32 CHARLES) ORIGINAL TOWN DEADWOOD

Action Required:
 - a. Recommend Approval/Denial by Planning and Zoning Commission
5. **Items from Citizens not on Agenda**
(Items considered but no action will be taken at this time.)
6. **Items from Staff**
7. **Adjournment**

Planning and Zoning Commission meetings are not available by Zoom unless requested.



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, November 17, 2021 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, November 17, 2021 at 5:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732

2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko
 Commissioner (Vice-Chair) Josh Keehn
 Commissioner (Secretary) Dave Bruce
 Commissioner Kevin Wagner
 Commissioner Vicki Dar

City Commissioner Charlie Struble
 City Commissioner Sharon Martinisko

STAFF PRESENT

Jeramy Russell, Planning and Zoning Administrator
 Trent Mohr, Building Inspector
 Bonny Anfinson, Program Coordinator

3. Approval of Minutes

a. Approval of October 6, 2021 Minutes

It was moved by Commissioner Wagner and seconded by Commissioner Keehn to approve the October 6, 2021 minutes. Voting Yea: Dar, Keehn, Bruce, Wagner, Martinisko

4. Sign Review Commission

a. 206 Mountain Shadow Lane - Michael Herrick - Reface Existing Freestanding Sign

Mr. Mohr stated the applicant is leasing this business and is operating the motel and offering UTV and snowmobile rentals. The request is to reface the existing sign with the new business information. The sign and its location are compliant with the sign ordinance. ***It was moved by Commissioner Keehn and seconded by Commissioner Dar to approve the sign permit for 206 Mountain Shadow Lane. Voting Yea: Dar, Bruce, Wagner, Martinisko, Keehn***

- b. 225 Cliff Street - Amore Du Plessis for Cliff street LLC - Install New Wall Sign

Mr. Mohr stated the applicant wishes to reinstall a sign that was part of the previous freestanding sign, as a wall sign. The freestanding sign was changed out earlier this year as part of the logo change for the Comfort Inn brand. The proposed sign and its location are compliant with the sign ordinance. ***It was moved by Commissioner Bruce and seconded by Commissioner Dar to approve the new wall sign at 225 Cliff Street. Voting Yea: Dar, Bruce, Wagner, Martinisko, Keehn.***

5. Items from Citizens not on Agenda

(Items considered but no action will be taken at this time.)

6. Items from Staff

Mr. Russell thanked the Commission for their participation in the Main Street Master Plan review. Discussion was held on the construction time period.

Commissioner Bruce stated there was a lot of ATVs in Deadwood this year.

Commissioner Wagner stated the trails committee has been working on a trail map that covers the northern Black Hills Ranger District. It will be printed this spring.

Mr. Mohr stated the City Commission voted on updating several ordinances dealing with contractors.

Mr. Russell stated cannabis applications will be reviewed by department heads. We have put together a really good zoning ordinance. We will be seeing requests for zoning changes.

Mr. Russell reported TIF 14 was approved.

7. Adjournment

It was moved by Commissioner Wagner and seconded by Commissioner Keehn to adjourn the regular meeting fo the Planning and Zoning Commission. Voting Yea: Dar, Bruce, Wagner, Martinsko, Keehn.

There being no further business, the Planning and Zoning Commission adjourned at 5:19 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Bonny Anfinfon, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission

Return Completed Form To:
Planning and Zoning
 108 Sherman Street
 Deadwood, SD 57732



Questions Contact:
Jeremy Russell
 (605) 578-2082 or
 jeramyr@cityofdeadwood.com

Application No. _____

PETITION FOR ZONING AMENDMENT

Application Fee: \$200.00

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Name of Petitioner: Tim Conrad Telephone: (605) 920-1214
 Address: 92 Charles St Deadwood SD 57732
Street City State Zip

Legal Description of Property: Lot I-1 Block 70 Ex H1 (301 sq ft) & (H2 30 sq ft) & E Original Town Deadwood

Description of Request: To change zoning from Commercial to Commercial Enterprise District

Present Zoning Classification: C Requested Zoning Classification: CE

Existing Use of Property: Storage

Signature of Applicant: Tim Conrad Date: 11-19-21

Signature of Property Owner: Tim Conrad Date: 11-19-21

Fee: \$200.00 Paid On 11-19-21 Receipt Number check #2018

Legal Notice Published Date: N/A Hearing Date: 12-1-21

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	<input checked="" type="radio"/> Yes <input type="radio"/> No	Signature: <u>S. Rice</u>	Date: <u>11-23-21</u>
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/City Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____

City of Deadwood

Dear Council:

I, Trinity Conrad, am writing a letter to the zoning council explaining our submission for a request for zoning change on behalf of the property of Tim Conrad. The property we wish to have rezoned is located at 32 Charles street in Deadwood, SD; the old Deadwood Home Center building.

Currently, this property is zoned Commercial and has been vacant for over 14 years, primarily being used for personal storage. We know this property has huge potential, so we are respectfully asking the zoning council to allow us to change the zoning to **Commercial Enterprise District**. This would allow us to use this property for more income producing businesses, including a locally owned medical cannabis dispensary in the front, with plans to add cultivation and manufacturing aspects in the future. Tim Conrad and Trinity Conrad, the majority owners, all reside in Deadwood, which will keep everything local and help the economy continue to grow.

If you allow us to rezone this property, we would be able to fund, with profits, a facelift on the outside, making the overall outside appearance more appealing. The plans include an overall upgrade to the parking lot, the outside facade, and a full inside rebuild; something this property desperately needs. It also would take an under-utilized building/location and create a large revenue stream for the City of Deadwood via licensing, taxable sales, and property tax, as well as increasing activity towards the south side of town. We do believe this plan will continue to propel Deadwood into the future, and help attract more visitors to the area by servicing specific medical needs.

We appreciate your time on this matter, and look forward to hearing your answer.

Respectfully,

Tim Conrad, Trinity Conrad

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Deadwood, SD 57732



Jeremy Russell
Planning and Zoning Administrator
Telephone (605) 578-2082
jeramyr@cityofdeadwood.com
Fax (605) 578-2084

**STAFF REPORT
PLANNING AND ZONING
REZONING ANALYSIS
AMEDMANT TO ZONING MAP
NOVEMBER 23, 2021**

APPLICANT: Tim & Trinity Conrad

PURPOSE: Rezoning Request – Commercial to Commercial Enterprise

GENERAL LOCATION: 26 & 32 Charles Street

LEGAL DESCRIPTION: LOT I-1 BLK 70 EX H1 (301 SQ FT) & H2 (30 SQ FT) & E X I-1A (1515.69') & I-1B (2699") OF BLK 70 ORIGINAL TOWN DEADWOOD

LOT 107B BLK 71 ORIGINAL TOWN DEADWOOD

AND

LOT RC BLK 70 (SITS BEHIND 32 CHARLES) ORIGINAL TOWN DEADWOOD

FILE STATUS: All legal obligations have been completed

CURRENT ZONING: Commercial – C1

ASSESSOR'S NUMBER: 30025-07000-000-00
30025-07100-000-16
30025-07000-000-15

STAFF FINDINGS:

Surrounding Zoning:

North: R1 – Residential District & Public Use
South: C1 - Commercial
East: C1 - Commercial
West: R1 – Residential District

Surrounding Land Uses:

Sherman Street Parking Lot
Monument Health
Businesses/Housing
Mickelson Trail Head/Sherman Lot

SUMMARY OF REQUEST

The applicant has submitted a request for a zoning amendment to change from Commercial zoning district to Commercial Enterprise. The location of this property is the old Deadwood lumber yard located at 26 & 32 Charles Street.

COMPLIANCE

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date of the public hearing in accordance with Section 17.96.020
2. A sign was posted on the property for which the requests were filed.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.

STAFF DISCUSSION

The applicant has submitted a request for a change of zoning for the purpose of operating a cannabis establishment. According to Deadwood City Ordinance 1337, An Ordinance amending Ordinance 1328, Creating Zoning Regulations for Cannabis Establishments, and the City of Deadwood Cannabis Establishment Zoning Map, this property's current zoning does not qualify for a cannabis establishment, however; the property does not fall into the prohibited areas identified by State statute and City ordinance. Because of this the applicant may request a zoning amendment.

SECTION 17.100.030 -STANDARDS OF REVIEW

In reviewing an amendment to the text of this Ordinance or an amendment to the Official Zoning District Map, the City Commission and Planning and Zoning Commission shall consider the following:

- A. Whether the proposed amendment is in conflict with any applicable portions of this Ordinance.

According to Deadwood City Ordinance 1337, An Ordinance amending Ordinance 1328, Creating Zoning Regulations for Cannabis Establishments, and the City of Deadwood Cannabis Establishment Zoning Map, this property's current zoning does not qualify for a cannabis establishment, however; the property does not fall into the prohibited areas identified by State statute and City ordinance. Because of this the applicant may request a zoning amendment.

- B. Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.

The Comprehensive Plan Future Land Use Map depicts the area as Commercial and is defined as follows: Areas of general commercial development located along main transportation routes in Deadwood, but outside of the historic commercial core; uses

within this district serve the commercial needs of local residents for retail, services, and office space, support Main Street businesses, and also include tourism-oriented businesses like visitor attractions and lodging, dining, and entertainment establishments; and, the density and scale within this district greatly varies, but is generally at a lower intensity than the historic commercial core.

- C. Whether the proposed amendment is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood.

The subject property is surrounded by a mixed use of zoning districts. There are currently 2 properties directly to the north that have Commercial Enterprise Zoning, the Engine House (Sherman Street Lot) and First Interstate Bank.

- D. Whether the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, and emergency medical facilities.

The proposed project will not impact the demand on the public facilities. The subject property is located in Zone X – Areas of 500-year floods; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees-from 100-year flood.

- E. The effect of the proposed amendment on traffic generation and road safety.

Currently the property has a low volume of pedestrian traffic and vehicular traffic going in and out of the property. Access to the property is off Charles Street, which runs parallel to the building and may require a traffic plan depending on the success of the business. At this time, a traffic study is not needed.

- F. Whether the proposed amendment is consistent and compatible with the community character in the City of Deadwood.

The proposed amendment is in harmony with the overall character of existing development of Deadwood.

- G. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

The proposed amendment would support the business plan documented in the letter from the applicant. The intent of a Commercial Enterprise District is defined as follows: The CE commercial enterprise district is intended to provide locations for the development of a shopping area or center which will include commercial service establishments primarily catering to the retail service and merchandise needs of the local population. Gaming is not a permitted use in this district.

- H. Whether the proposed amendment would be in conflict with the public interest and is in harmony with the proposed amendment may or may not be in conflict with the public interest.

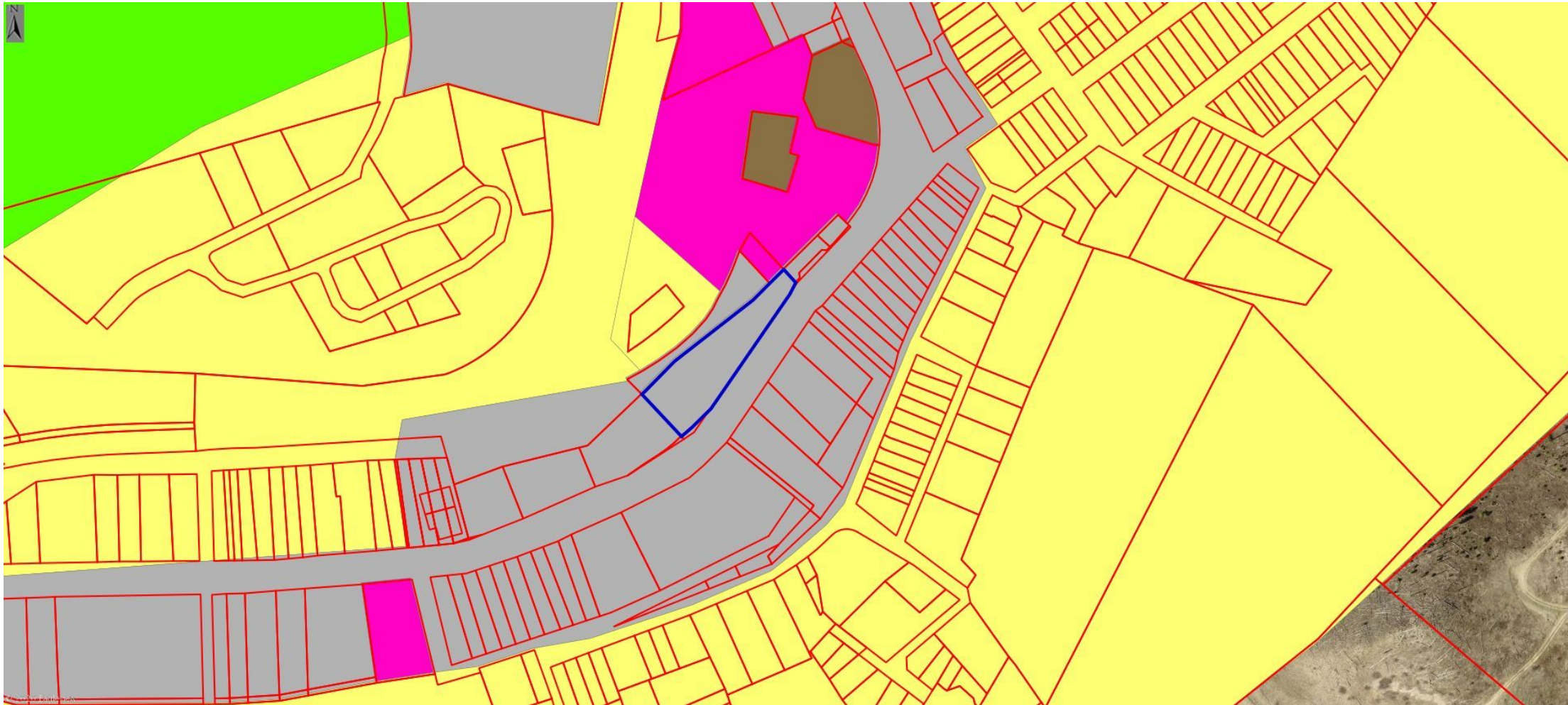
At this time, there have been no comments in support or against this amendment and there will be a time for public comment prior to the discussion on this amendment.

ACTION REQUIRED:

1. Recommended **Approval or Denial** by Planning and Zoning Commission.

Zoning Map of 32 Charles Area

Section 4 Item b.



ORDINANCE NO. 1337

AN ORDINANCE AMENDING ORDINANCE 1328, CREATING ZONING REGULATIONS FOR CANNABIS ESTABLISHMENTS

WHEREAS, the City of Deadwood previously enacted Ordinance 1328 creating zoning regulations for cannabis establishments on September 8, 2021;

WHEREAS, the City of Deadwood has determined it necessary to amend ordinance 1328 to further regulate cannabis establishment locations in the City of Deadwood;

NOW THEREFORE. BE IT ORDAINED by the City Commission of the City of Deadwood that Title 17. Zoning Regulations of the City of Deadwood is hereby amended—with ~~striketrough~~ indicating text to be deleted, underline indicating text to be added, and the remainder of the Article left unaffected—as follows:

Section 17.16. A1 Agricultural District.

17.16.020 Uses permitted by right.

Property in the A1 agriculture district shall be used for the following purposes or any use which the planning commission considers comparable to another use which is directly listed under this section.

1. Day care, small;
2. Dwelling unit, single-family;
3. Farming, ranching and general agriculture crops;
4. Nurseries and greenhouses;
5. Parks, recreation lands;
6. Ranch offices;
7. Roadside stands;
8. Wildlife preserves;
9. Cannabis Cultivation Facilities
10. Cannabis Testing Facilities
11. Cannabis Product Manufacturing Facilities

12. Recreational Cannabis Dispensaries

13. Medical Cannabis Dispensaries

Chapter 17.36. CE Commercial Enterprise District.

17.36.020 Uses permitted by right.

Property in the CE commercial enterprise district shall be used for the following purposes or any use which the planning commission considers comparable to another use which is directly listed under this section.

1. Adult education facility;
2. Auditorium, indoor theaters;
3. Auto accessory part and repair;
4. Bakery;
5. Banks;
6. Barber shops, beauty shops;
7. Books, hobby, toy, music stores;
8. Bowling alley;
9. Chiropractic office;
10. Civic youth social/fraternal organization;
11. College and university buildings;
12. Convenience stores;
13. Delicatessen;
14. Department, dry goods and variety stores;
15. Dwelling unit, for hired personnel only;
16. Electrical and household appliance stores, sales and service;
17. Florist;
18. Frozen food lockers, not including slaughtering on the premises;

19. Fuel storage tanks - above and below;
20. Furniture stores;
21. Gasoline service station;
22. Hardware stores;
23. Hotels and motels;
24. Indoor amusement establishment;
25. Insurance, real estate, investment offices;
26. Libraries and museums;
27. Liquor stores;
28. Mail order;
29. Medical and dental clinics;
30. Music, radio and television stores;
31. Novelty, curio, antique and souvenir shops;
32. Paint stores;
33. Parks, recreation land;
34. Pet shops;
35. Photographic equipment sales and service;
36. Pre-school care/educational centers;
37. Printing, photocopying, blueprint service;
38. Professional/accounting service offices;
39. Radio and television studios;
40. Restaurant, bar and lounge;
41. Schools, vocational-technical;

- 42. Second-hand stores;
- 43. Shoe repair;
- 44. Shoe stores;
- 45. Sporting goods store;
- 46. Travel bureaus;
- 47. Wildlife preserves; and
- 48. Recreational Cannabis Dispensaries.
- 49. Medical Cannabis Dispensaries

Chapter 17.40. CH Commercial Highway District.

17.40.020 Uses permitted by right.

Property in the CH commercial highway district shall be used for the following purposes or any use which the planning commission considers comparable to another use which is directly listed under this section.

- 1. Adult education facility;
- 2. Animal clinic;
- 3. Auditorium, indoor theaters;
- 4. Auto parking lots (commercial);
- 5. Auto sales and service;
- 6. Auto service station and garage;
- 7. Auto accessory part and repair;
- 8. Auto wash and polish service;
- 9. Bakery;
- 10. Banks;
- 11. Barber shops and beauty shops;

12. Book, hobby, toy and music stores;
13. Bowling alley;
14. Chiropractic office;
15. Civic youth social/fraternal organization;
16. Convenience stores;
17. Delicatessen;
18. Department, dry goods and variety stores;
19. Drive-in restaurants;
20. Dwelling unit, for hired personnel only;
21. Electrical and household appliance stores, sales and service;
22. Florist;
23. Frozen food lockers, not including slaughtering on the premises;
24. Fuel storage tanks, above and below ground;
25. Furniture stores;
26. Gaming (within city boundaries as of November 1, 1989);
27. Gasoline service station;
28. Hardware stores;
29. Hotels and motels;
30. Indoor amusement establishment;
31. Insurance, real estate, investment offices;
32. Laundromat;
33. Libraries and museums;
34. Liquor stores;

35. Mail order;
36. Medical and dental clinics;
37. Miniature golf;
38. Music, radio and television stores;
39. Novelty, curio, antique and souvenir shops;
40. Paint stores;
41. Parks, recreation land;
42. Pet shops;
43. Photographic equipment sales and service;
44. Printing, photocopying, blueprint service;
45. Professional/accounting service offices;
46. Radio and television studios;
47. Restaurant, bar and lounge;
48. Schools, vocational and technical;
49. Second-hand stores;
50. Shoe stores;
51. Shoe repair;
52. Sporting goods stores;
53. Travel bureaus;
54. Wildlife preserves; and
55. Recreational Cannabis Dispensaries.
56. Medical Cannabis Dispensaries
57. Cannabis Cultivation Facilities

58. Cannabis Testing Facilities

59. Cannabis Product Manufacturing Facilities

Chapter 17.77. Cannabis establishments

(A) In order to balance the various interests and manage the effects cannabis establishments have on adjacent land uses and to promote the public health, safety, and general welfare of the city, the Deadwood City Commission adopts the following regulations, recognizing that it has a great interest in the present and future character of the city's residential and commercial neighborhoods. Adoption of these regulations is not intended to unreasonably restrict the opportunity of cannabis establishments to locate in the city but is for the purpose of preventing a concentration of certain cannabis establishments in any one area.

(B) Definitions:

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis related terms which are defined by SDCL 34-20G-1. The definitions contained herein apply only to this section of the Deadwood Municipal Ordinances.

Cannabis (or Marijuana): all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

Cannabis Cultivation Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

Cannabis Dispensary: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that is a retail type 1 setting and acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

Cannabis Establishment: a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

Cannabis Product Manufacturing Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

Cannabis Products: any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

Cannabis Testing Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Park: A public green space located within the City of Deadwood used for recreation which contains equipment designated for children's play such as seesaws and swings.

Public or private school. Any preschool, elementary school, middle school, secondary school, or high school. The term also includes any daycare or childcare center.

Unlicensed Cannabis Establishment: an entity that would otherwise meet the definition of a cannabis establishment, but which is not legally licensed by the City of Deadwood and does not have a current and valid registration certificate issued by the South Dakota Department of Health.

(C) Regulations Relating to Cannabis Cultivation Facilities. No cannabis cultivation facility may be located or operate at a location within the city's zoning jurisdiction except as provided in this section. A cannabis cultivation facility is a permitted use in the following zoning districts: Ag (Agriculture)

No cannabis cultivation facility may be located or operate within one thousand (1,000) feet of a public or private school.

(D) Regulations Relating to Cannabis Testing Facilities. No cannabis testing facility may be located or operate at a location within the city's zoning jurisdiction except as provided in this section. A cannabis testing facility is a permitted use in the following zoning districts: Ag (Agriculture)

No cannabis testing facility may be located or operate within one thousand (1000) feet of a public or private school.

(E) Regulations Relating to Cannabis Product Manufacturing Facilities. No cannabis product manufacturing facility may be located or operate at a location within the city's zoning jurisdiction except as provided in this section. A cannabis product manufacturing facility is a permitted use in the following zoning districts: Ag (Agriculture)

No cannabis product manufacturing facility may be located or operate within one thousand (1000) feet of a public or private school.

(F) Regulations Relating to Cannabis Dispensaries. No cannabis dispensary may be located or operate at a location within the city's zoning jurisdiction except as provided in this section. A cannabis dispensary is a permitted use in the following zoning districts: CE Commercial Enterprise District and CH Commercial Highway.

No cannabis dispensary may be located or operate within one thousand (1000) feet from the nearest property line of a public or private school, within 500 feet of any park, as defined herein or place of worship.

No cannabis dispensary may be located or operate within 100 feet from the lot line of any other cannabis dispensary. All applicants must submit a survey from a registered land surveyor confirming these distance requirements have been met.

(G) Unlicensed cannabis establishments are prohibited from being located or operating in any zoning district.

(H) For the purposes of this section, measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a cannabis establishment to the nearest point on the property line of a parcel containing a use listed in Sections 15(C) through (F).

(I) Violations of sections 8.17.77 of this chapter are deemed and declared to be a nuisance, and as such may be subject to summary abatement by means of a restraining order or injunction issued by a court of competent jurisdiction. In addition to the imposition of civil penalties, criminal citations for a class 2 misdemeanor may be issued to any person who violates this title or any amendment hereto. The citation for a class 2 misdemeanor is punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL § 22-6-2. Each day that any violation of this title are in effect shall constitute a separate offense.

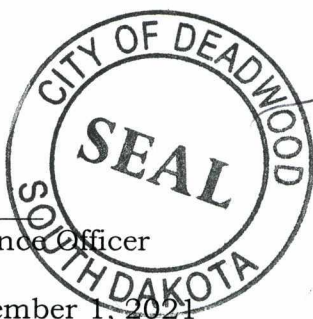
Severability. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Effective Date. This Ordinance will become effective 20 days following publication, which will occur after the ordinance receives second and final reading by the City Council and is signed by the Mayor.

Dated this 15th day of November, 2021

ATTEST:

Jessicca McKeown, Finance Officer



CITY OF DEADWOOD

David Ruth Jr., Mayor

First Reading: November 1, 2021
 Second Reading: November 15, 2021
 Published: November 18, 2021
 Adopted: December 8, 2021

CE COMMERCIAL ENTERPRISE DISTRICT

Sections:

- 17.36.010 Intent.
- 17.36.020 Uses permitted by right.
- 17.36.030 Conditional uses.
- 17.36.040 Area and bulk requirements.

17.36.010 Intent.

The CE commercial enterprise district is intended to provide locations for the development of a shopping area or center which will include commercial service establishments primarily catering to the retail service and merchandise needs of the local population. Gaming is not a permitted use in this district.

(Ord. 831 § 3.6, 1992)

17.36.020 Uses permitted by right.

Property in the CE commercial enterprise district shall be used for the following purposes or any use which the planning commission considers comparable to another use which is directly listed under this section.

1. Adult education facility;
2. Auditorium, indoor theaters;
3. Auto accessory part and repair;
4. Bakery;
5. Banks;
6. Barber shops, beauty shops;
7. Books, hobby, toy, music stores;
8. Bowling alley;
9. Chiropractic office;
10. Civic youth social/fraternal organization;
11. College and university buildings;
12. Convenience stores;
13. Delicatessen;
14. Department, dry goods and variety stores;
15. Dwelling unit, for hired personnel only;
16. Electrical and household appliance stores, sales and service;
17. Florist;
18. Frozen food lockers, not including slaughtering on the premises;
19. Fuel storage tanks - above and below;
20. Furniture stores;
21. Gasoline service station;
22. Hardware stores;
23. Hotels and motels;
24. Indoor amusement establishment;
25. Insurance, real estate, investment offices;
26. Libraries and museums;
27. Liquor stores;

28. Mail order;
29. Medical and dental clinics;
30. Music, radio and television stores;
31. Novelty, curio, antique and souvenir shops;
32. Paint stores;
33. Parks, recreation land;
34. Pet shops;
35. Photographic equipment sales and service;
36. Pre-school care/educational centers;
37. Printing, photocopying, blueprint service;
38. Professional/accounting service offices;
39. Radio and television studios;
40. Restaurant, bar and lounge;
41. Schools, vocational-technical;
42. Second-hand stores;
43. Shoe repair;
44. Shoe stores;
45. Sporting goods store;
46. Travel bureaus; and
47. Wildlife preserves.

(Ord. 900 (part), 1995; Ord. 831 § 3.6.1, 1992)

17.36.030 Conditional uses.

The following uses, or any uses which the planning commission considers comparable to another use which is directly listed under this section, may be permitted in the CE commercial enterprise district under the provisions of Chapter 17.76, Conditional Uses.

1. Auto parking lots (commercial);
2. Auto service station and garage;
3. Auto sales and service;
4. Bed and breakfast;
5. Building materials supply;
6. Bus, train and airline terminals;
7. Churches and related uses;
8. Condominiums;
9. Day care centers;
10. Duplexes;
11. Dry cleaning;
12. Dwelling, single-family;
13. Dwelling unit, multiple-family;
14. Efficiency living unit;
15. Electrical distribution lines - underground (k.v. or less);
16. Equipment rental;
17. Fire and police stations;
18. Gas distribution lines;

19. Gas regulator stations;
20. Gas transmission lines;
21. Governmental offices;
22. Group care facilities;
23. Group home for developmentally disabled;
24. Home occupations;
25. Homes for the aged;
26. Hospitals;
27. Hostel;
28. Laundromat;
29. Laundry;
30. Massage therapy office, city license required;
31. Mortuaries;
32. Nursing homes;
33. Residential care facility;
34. Sanitariums, mental institutions;
35. Sewer collection lines;
36. Sewer lift stations
37. Tattoo business, state license required;
38. Telephone lines;
39. Television cables - only below ground;
40. Utility offices;
41. Valet parking;
42. Water pumping stations;
43. Water storage tanks - above ground either wholly or partially; and
44. Water storage tanks - in ground.

(Ord. 1026 (part), 2004; Ord. 915 (part), 1996; Ord. 900 (part), 1995; Ord. 851 (part), 1993; Ord. 831 § 3.6.2, 1992)

17.36.040 Area and bulk requirements.

All buildings shall set back from street right-of-way lines and lot lines to comply with the following requirements.

Where contiguous lots are in single ownership, the setbacks for the structure may be measured from the perimeter of the combined lots.

A. Lot Size.

1. Minimum lot area: two thousand five hundred (2,500) square feet.
2. Minimum lot area per dwelling unit: two thousand five hundred (2,500) square feet.

B. Front Yard Requirements. Minimum front yard setback requirements for all buildings and uses (feet):

1. Minimum front yard, principal buildings and uses: twenty (20) feet.
2. Minimum front yard, accessory buildings and uses: twenty (20) feet.

C. Side Yard Requirements. Minimum side yard setback requirements for all buildings and uses:

1. Minimum side yard, principal buildings and uses: fifteen (15) feet.
2. Minimum side yard, from interior lot line for principal buildings and uses: five feet.
3. Minimum side yard, from interior lot line for accessory buildings and uses: five feet.

D. Rear Yard Requirements. Minimum rear yard setback requirements for all buildings and uses:

1. Minimum rear yard, for principal buildings and uses: ten (10) feet.
2. Minimum rear yard, for accessory buildings and uses: ten (10) feet.

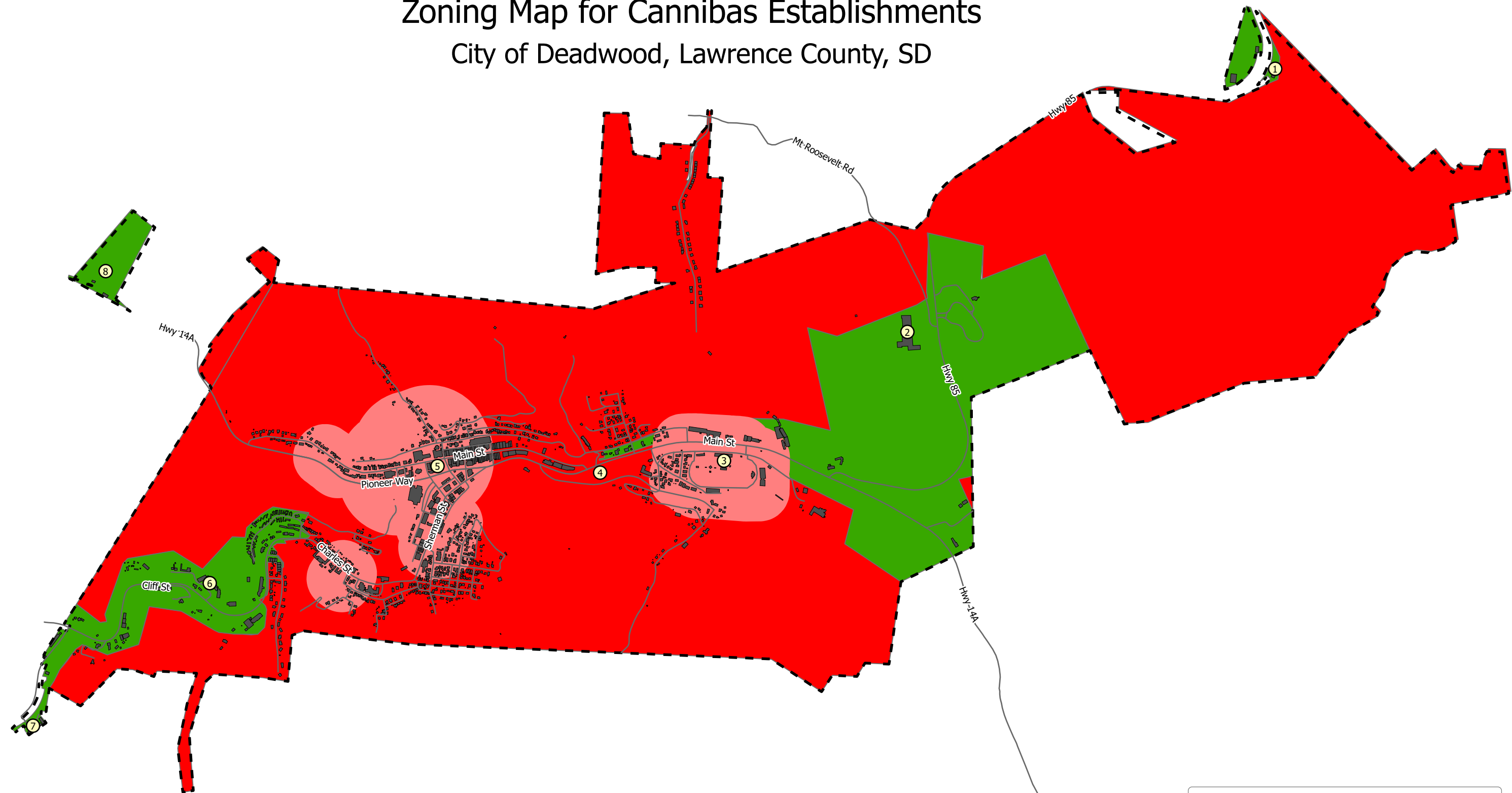
E. Height Requirements. Maximum height:

1. Height for principal buildings and uses: forty-five (45) feet.
2. Height for accessory buildings and uses: thirty-five (35) feet.
3. Principal building maximum floor area ratio: 1.7:1.

(Ord. 952 (part), 1999; Ord. 831 § 3.6.3, 1992)

Zoning Map for Cannabis Establishments

City of Deadwood, Lawrence County, SD



Legend

- Roads
- - - Deadwood City Limits
- Buildings

Cannabis Regulation

- Requires State and City Licensing
- Cannabis Establishments Prohibited
- Cannabis Prohibited by State Statute and/or City Ordinance

- Points of Reference:
- 1 - K&M Jewelers
 - 2 - The Lodge
 - 3 - Days of '76
 - 4 - Deadwood Welcome Center
 - 5 - Outlaw Square
 - 6 - Deadwood Gulch
 - 7 - Deadwood Outdoor Rentals
 - 8 - Deadwood KOA