

ORDINANCE # 3991

AN ORDINANCE TO AMEND THE REGULATION OF ADULT ORIENTED BUSINESSES WITHIN THE CITY OF RAPID CITY BY AMENDING SECTION 17.50.186 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City previously approved Ordinance 3830 which imposed restrictions on the location of sexually oriented businesses within the City of Rapid City; and

WHEREAS, Ordinance 3830 included a prohibition on the location of new sexually oriented businesses within 400 feet of certain places and zoning districts; and

WHEREAS, the City of Rapid City has determined that it is in the best interests of the public health, safety and welfare of the community to increase the spacing requirements between sexually oriented businesses; and

WHEREAS, the City of Rapid City has determined that not less than seven and one-half percent of the total land contained within the City limits is available for the location of new sexually oriented businesses; and

WHEREAS, the City of Rapid City has determined that there is sufficient space available within the corporate limits of the City of Rapid City so that new sexually oriented businesses meeting the requirements of Ordinance 3830 can be established within the corporate limits of the City of Rapid City; and

WHEREAS, the City of Rapid City has determined that it is in the best interests of the health, safety and welfare of the community to prohibit sexually oriented businesses from being located within residentially zoned districts as contemplated by Ordinance 3830; and

WHEREAS, the City of Rapid City believe it is necessary to clarify the language of Ordinance 3830 to clearly prohibit sexually oriented businesses within residentially zoned districts.

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that section 17.50.186(D) is hereby amended to read as follows:

17.50.186(D) Location of sexually oriented businesses.

(1) A sexually oriented business shall not be permitted to operate within ~~four hundred (400)~~ **one thousand (1,000)** feet of:

- a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools,

private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

- c. ~~A boundary of a residential zone~~ **Any property zoned** LDR-1, LDR-2, MDR, HDR, MHR, and PF;
- d. ~~The~~ **Any property zoned** Central Business District (CBD);
- e. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within Rapid City which is under the control, operation, or management of Rapid City park and recreation authorities;
- f. Auditoriums, convention centers, fairgrounds, museums, art or music centers, and theaters.

(2) A sexually oriented business shall not be permitted to operate within ~~four hundred~~ **(400) one thousand (1,000)** feet of another sexually oriented business.

(3) For the purposes of paragraph (1), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of those facilities or boundaries outlined in paragraph (1).

(4) For the purposes of paragraph (2) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: