

**ORDINANCE NO. 5146**

**AN ORDINANCE ESTABLISHING A MINIMUM DISTANCE BETWEEN ON SALE LIQUOR ESTABLISHMENTS AND RESIDENTIAL ZONING DISTRICTS BY AMENDING CHAPTER 17.50.185 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted comprehensive regulations regarding the use and development of land pursuant to SDCL 11-4-1; and

WHEREAS, Section 17.50.185 of the Rapid City Municipal Code establishes the criteria for granting a conditional use permit for on-sale liquor establishments; and

WHEREAS, the Common Council finds that having on-sale liquor establishments in close proximity to residentially zoned neighborhoods can have an adverse impact on the health, safety and general welfare of the community; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City's best interest to establish a minimum distance between on-sale liquor establishments and residentially zoned areas by amending Section 17.50.185 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.50.185 of the Rapid City Municipal Code be amended to read as follows:

**17.50.185 On-sale liquor establishment.**

- A. A conditional use permit for an on-sale liquor establishment may not be issued if the proposed on sale liquor establishment is located within 500 feet of a residential zoning district as measured from the property line of the proposed use and the property line of the residentially zoned property. Any on-sale liquor establishments operated in conjunction with a full service restaurant with a fixed kitchen and that does not contain video lottery are exempt from this provision.
- B. A conditional use permit for an on-sale liquor establishment may be issued if:
1. The requested use will not adversely affect the use of any place used for religious worship, school, park, playground or similar use within a five hundred foot radius;
  2. The requested use shall be sufficiently buffered with respect to residential areas so as not to adversely affect such areas;
  3. The proposed use will not create an undue concentration of similar uses, so as to cause blight, deterioration or substantially diminish or impair property values; and,
  4. The proposed use complies with the standards of Section 5.12.140 and 17.54.030 of this code.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: