

**AN ORDINANCE TO ALLOW CHILD CARE CENTERS AS A CONDITIONAL USE
IN LIGHT INDUSTRIAL DISTRICTS BY AMENDING SECTION 17.22.030
OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted a comprehensive plan to guide development and serve as a foundation of its zoning ordinances' regulation of land uses; and

WHEREAS, the City of Rapid City has established the Light Industrial District to provide areas in which the principal use of land is for light manufacturing and other light industrial uses; and

WHEREAS, many of the same uses permitted in the Light Industrial District are also permitted uses within the General Commercial District, such as offices, studios, clinics, and financial institutions; and

WHEREAS, currently child care centers are a conditional use within the Light Industrial District when the center is included, incidental to, or associated with a permitted principal use which is in close proximity to the proposed child care center site; and

WHEREAS, this restriction for child care centers is found only within the Light Industrial District and the Business Park District under R.C.M.C. Chapter 17.56, and the requirement is not found within other commercial zoning districts that have child care centers as conditional uses;

WHEREAS, child care centers are an appropriate conditional use within the Light Industrial District even when the center is not incidental to or associated with another use within the Light Industrial District; and

WHEREAS, review and approval of a child care center as a conditional use in the Light Industrial District will ensure that a thorough review of the design and operation of a child care center is being provided; and

WHEREAS, the Common Council desires to amend its ordinances to permit child care centers as a conditional use in Light Industrial District.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.22.030 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.22.030 Conditional uses.

- A. Single-family residences, subject to the following:

1. Only 1 dwelling unit shall be permitted on each light industrial site under 1 ownership and/or management; and

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; and

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 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 50 persons shall not be conducted on a regular basis between 7:00 a.m. and 5:00 p.m. on any weekday, Monday through Friday;

2. Youth classes and other similar activities shall not be conducted on a regular basis between 7:00 a.m. and 5:00 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; and

6. The applicant for a 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 §§ 17.50.050 through 17.50.100;
- H. Community corrections facility;
- I. Planned industrial developments as regulated in §§ 17.50.050 through 17.50.105;
- J. Off-premises signs in accordance with §§ 17.50.080 through 17.50.100 and the requirements of § 17.50.090;
- K. Wind energy conversion systems according to the requirements of § 17.50.215; and
- L. Microcell wireless communications facilities on poles as defined in § 17.50.400B; and
- M. Cellular communication and radio and television station transmission towers, and minor accessory structures.
- N. Microbreweries subject to the following regulations:
 - 1. A microbrewery is defined as an establishment which manufactures less than 5,000 barrels of malt beverages a year;
 - 2. In addition to the malt beverage manufacturer's license required by SDCL 35-4-2-(11), the operator of a microbrewery must obtain the appropriate city issued retail liquor license if it intends to sell its product directly to the public;
 - 3. Accessory uses to a microbrewery specifically include, but are not necessarily limited to, the selling of products associated with the microbrewery or manufacture of beer and/or the selling of food or food products but specifically exclude the operation of a restaurant.
- O. Farm wineries subject to the following regulations:
 - 1. A farm winery is defined as any winery owned or operated by the owner of a South Dakota farm and producing table, sparkling, or sacramental wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in South Dakota;
 - 2. Table, sparkling, and sacramental wines are defined as any beverage made without rectification or fortification and containing not more than 18% alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey;
 - 3. The amount of wine the farm winery is allowed to sell in 1 year is limited to 50,000 gallons;

4. If the operator of a farm winery intends to sell or serve alcoholic beverages other than the wines produced, the operator must obtain the appropriate city issued retail liquor license;

5. Accessory uses to a farm winery specifically include, but are not necessarily limited to, the selling of food products, glassware, wine literature and accessories, and/or the serving of food, but specifically excludes the operation of a restaurant.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)