

**ORDINANCE NO. 5233**

**AN ORDINANCE ADDING ADULT DAY CARE CENTERS TO THE LIST OF PERMITTED USES ALLOWED IN MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS BY AMENDING SECTION 17.12.020 OF THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, the City of Rapid City has adopted a zoning ordinance identifying uses permitted in all zoning districts pursuant to the authority granted to it in SDCL 11-4-2; and

WHEREAS, adult day care centers are a use of property defined in Section 17.04.023 of the Rapid City Municipal Code; and

WHEREAS, adult day care centers are defined in Section 17.04.023 as a facility, by whatever name, in which care is provided to the elderly, disabled or otherwise physically or mentally challenged adults, on a regular basis, with compensation, for 3 or more adults including adults related to the operator or manager thereof, not including facilities commonly known as assisted-living centers, group homes, nursing homes or retirement homes and not provide housing or other overnight accommodations to clients; and

WHEREAS, Chapter 17.12 of the Rapid City Municipal Code regulates Medium Density Residential Zoning Districts; and

WHEREAS, adult day care centers are not currently a permitted or conditional use in Medium Density Residential Zoning Districts under the Rapid City Municipal Code; and

WHEREAS, family day care homes and assisted living centers are currently permitted uses in a Medium Density Residential Zoning Districts under the Rapid City Municipal Code; and

WHEREAS, adult day care centers are a land use similar in nature to family day care homes and assisted living centers; and

WHEREAS, the Rapid City Planning Commission has recommended that adult day care centers be allowed as a permitted use in Medium Density Residential Zoning Districts; and

WHEREAS, the Common Council of the City of Rapid City finds that it is in the best interests of the City to adopt the recommendation of the Rapid City Planning Commission and include adult day care centers in the list of permitted uses in Medium Density Residential Zoning Districts by amending Section 17.12.020 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 17.12.020 of the Rapid City Municipal Code be hereby amended to read as follows:

**17.12.020 Permitted principal and accessory uses and structures.**

Property and buildings in an MDR medium density residential district shall be used only for the following purposes:

- A. Any use permitted in an LDR low density residential district;
- B. Two-family dwelling;
- C. Multiple-family dwelling;
- D. Roominghouse or boardinghouse;
- E. Accessory buildings and uses customarily incidental to the preceding uses when located on the same lot;
- F. Home occupations as regulated in § 17.50.350;
- G. Townhouses as regulated in §§ 17.50.020, 17.50.030 and 17.50.040;
- H. Family day care homes;
- I. Assisted living center;
- J. Adult day care center.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective: