

ORDINANCE NO. 5233

**AN ORDINANCE ADDING ADULT DAY CARE CENTERS TO THE LIST OF
CONDITIONAL USES ALLOWED IN MEDIUM DENSITY RESIDENTIAL
ZONING DISTRICTS BY AMENDING SECTION 17.12.030 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 conditional 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 conditional uses in Medium Density Residential Zoning Districts by amending Section 17.12.030 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 17.12.030 of the Rapid City Municipal Code be hereby amended to read as follows:

17.12.030 Conditional uses.

The following uses may be allowed as a conditional use permit by the City Council in accordance with provisions contained in § 17.54.030:

- A. Any conditional use in an LDR low density residential district;
- B. Fraternities, sororities and denominational student headquarters;
- C. Mobile home parks, subject to the requirements set forth in § 17.50.110;
- D. Nursing home or home for the aged;
- E. Child care centers;
- F. A planned residential development as regulated in §§ 17.50.020, 17.50.030 and 17.50.040;
- G. Single-family attached dwellings and single-family semidetached dwellings as regulated in §§ 17.50.050 through 17.50.100;
- H. Motel complexes, existing as of the date of the ordinance codified in this title, subject to the requirements set forth in § 17.50.180;
- I. Group homes, subject to the following:
 - 1. Provide a detailed program and services plan at time of application;
 - 2. Must meet fire, building and health requirements;
 - 3. The Council may or may not wish to add the following conditions:
 - a. Standard hours of operation, i.e., standard;
 - b. Supervision, i.e., type and extent;
 - c. Services and program to be provided;
 - d. Number of persons;
 - e. Proximity to other group homes; and
 - f. Any other condition the Council may deem appropriate.
 - 4. Any significant modification in the program and services plan will require a new application;

J. Retail business may be conducted in apartment buildings only, for the convenience of the occupants of the building, provided there shall be no entrance to the place of business except from the inside of the building.

1. The retail business type shall be limited to those which are listed in § 17.50.350;

2. The Building Inspection Department will be consulted with regard to code requirements; and

3. No outdoor signage shall be allowed.

K. Townhouses as regulated in §§ 17.50.020, 17.50.030 and 17.50.040;

L. Planned residential developments as regulated in §§ 17.50.050 through 17.50.100;

M. Planned unit developments as regulated in §§ 17.50.050 through 17.50.100;

N. Hotel apartment;

O. Drop-off centers for household recyclables; such centers do not involve processing; and

P. Microcell wireless communications facilities on poles as defined in § 17.50.400B.

Q. Adult day care center.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: