

ORDINANCE NO. 5752

AN ORDINANCE TO ALLOW A WINERY AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT BY AMENDING SECTION 17.16.030 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, wineries are permitted under state law; and

WHEREAS, Section 17.16.030 of the Rapid City Municipal Code establishes conditional uses within the central business district; and

WHEREAS, wineries are not currently an allowed or conditional use within the central business district; and

WHEREAS, City staff has reviewed the appropriateness of wineries within the central business district and can support adding them to the conditional uses allowed within the district; and

WHEREAS, the Planning Commission has approved recommending the proposed ordinance to the City Council; and

WHEREAS, the City Council agrees supports adding wineries as a conditional use within the central business district by amending Section 17.16.030 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City, that Section 17.16.030 of the Rapid City Municipal Code is hereby amended to read as follows:

Section 17.16.030 Conditional uses.

- A. Filling station, repair garages and carwash establishments;
- B. 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;
 - 3. Any significant modification in the program and services plan will require a new application; and
 - 4. Missions shall not be located in the downtown historical district.

C. Churches or similar places of worship, but not including missions or revival tents;

D. Child care centers;

E. Planned commercial developments as regulated in §§ 17.50.050 through 17.50.100;

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

G. 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;

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;

H. Fraternities, sororities and denominational student headquarters;

I. On-sale liquor establishments;

J. Hotels and motels with on-sale liquor establishments;

K. Adult day care centers subject to, but not limited to, the following considerations:

1. Proximity to major arterial;

2. Proximity to recreation facilities;

3. Traffic generated by the center;
4. Hours of operation of the center;
5. Existing or potential levels of air and noise pollution in the area;
6. Access from the center to adjacent areas which are used for commercial and industrial purposes;
7. Appropriateness of outdoor recreation areas. If outdoor recreational areas are permitted, fencing shall be not less than 42 inches in height;
8. Type of vehicular traffic common to the area; and
9. Any other requirements Council may deem appropriate.

L. Assisted living centers;

M. Libraries;

N. Art centers; and

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

P. Wineries: Facilities for the production of table, sparkling, and sacramental wines or other wines, as defined in SDCL Chapter 35-12, including storage, bottling and distribution and related administrative offices and functions such as on-site tasting facilities subject to the following regulations:

1. The amount of wine the winery is allowed to sell or distribute in one year is limited to 150,000 gallons;

2. Authorization under this use shall allow on-off sale of wine as per State Law; and,

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

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: