

Ordinance No. 6100

**AN ORDINANCE TO ADD MICROBREWERIES 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 zoning regulations in Title 17; and

WHEREAS, the provisions in Rapid City Municipal Code Chapter 17.16 concern the Central Business District that forms a metropolitan center for commercial, financial, professional, governmental and cultural activities; and

WHEREAS, permitted uses in the Central Business District include drinking and eating establishments as well as amusement and recreation establishments;

WHEREAS, conditional uses in the Central Business District include commercial uses that include on-sale liquor establishments; and

WHEREAS, microbreweries are conditional uses in other commercial districts, such as the General Commercial District and the Light Industrial District; and

WHEREAS, microbreweries are only allowed in the Central Business District as a conditional accessory use, and may not operate there as a standalone business; and

WHEREAS, the Planning Commission and City Council have previously determined that the Central Business District is the appropriate location for on-sale liquor establishments; and

WHEREAS, the Common Council wishes to add microbreweries as a conditional use in Central Business District in light of the mix of entertainment, cultural, living, and eating opportunities which contribute to the livelihood of downtown Rapid City; and

WHEREAS, allowing microbreweries as a conditional use within the Central Business District is appropriate in light of the purpose of that district to form the metropolitan center for commercial and cultural activities; and

WHEREAS, the Common Council believes it to be in the best interests of the health, safety, and general welfare of its citizens to amend R.C.M.C. 17.16.030 to add microbreweries as a conditional use in the Central Business District.

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 in its entirety as follows:

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.

Q. Pet stores, subject to, but not limited to, the following conditions:

1. The pet store shall be located within a soundproof, climate controlled building;
2. Veterinary care shall be provided pursuant to local and state requirements;
3. Boarding shall not be allowed unless approved by the Planning Commission;
4. A waste disposal plan shall be provided for review and approval; -and
5. A kenneling license shall be obtained.

R. Microbreweries subject to the following considerations:

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(14), 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; and
3. Accessory uses to a microbrewery specifically include, but are not necessarily limited to, the selling of food operation of a restaurant, and/or selling of products associated with the microbrewery or manufacture of beer.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:

Second Reading:

Published:

Effective: