

DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Rapid City
300 Sixth Street, Rapid City, SD 57701-2724
Phone: (605) 394-4120 Fax: (605) 394-6636 Web: www.rcgov.org

CHILD CARE CENTER

Section 17.50.150 Child Care Center: A facility, by whatever name, in which care is provided on a regular basis with compensation for seven (7) or more children under twelve (12) years of age at one time. This limit shall include children related to the operator or manager thereof. Such facilities include those commonly known as "day care centers," "day nurseries," and "play groups," but exclude foster homes and family day care homes.

A. Permissible Zoning Districts

Child care centers are permissible in Residential, Commercial, and Light Industrial Zoning Districts if a Conditional Use Permit is approved by the Planning Commission. A Conditional Use Permit is granted at the location for which application is made.

B. Factors For Consideration

1. In reviewing requests for a Conditional Use Permit for child care centers, the Planning Commission may, in addition to the criteria included in Section 17.54.030 (E) consider the following:
 - a. Proximity to major arterials;
 - b. Proximity to recreation facilities;
 - c. Traffic generated by the center;
 - d. Hours of operation of the center; and
 - e. Maximum number of children as appropriate to the area.
2. The Planning Commission, in reviewing requests for a Conditional Use Permit for child care centers in Commercial and Light Industrial zoning districts, may consider, in addition to the preceding considerations, the following:
 - a. Existing or potential levels of air and noise pollution in the area;
 - b. Access from the child care center to adjacent areas which

are used for commercial or industrial purposes;

- c. Appropriateness of outdoor play areas. If outdoor play areas are permitted, fencing shall not be less than forty-two (42) inches in height; and,
- d. Type of vehicular traffic common to the area.

C. Play Area

1. Play space of not less than thirty-five (35) square feet per child shall be provided. Play space shall not include floor space used for permanent and stationary equipment, storage, halls, bathrooms, offices, and kitchens. No more than half of the space occupied by cribs shall be used in determining total square feet of play space.
2. A fenced-in play area of not less than fifty (50) square feet per child shall be provided. The play area shall not be closer than twenty-five (25) feet to any property line which abuts the right-of-way of a public street. The fence shall have a minimum height of forty-two (42) inches. If an outdoor play area is not provided, play space provided shall not be less than seventy (70) square feet per child. Any outdoor area in which children are permitted to play shall be fenced. The height and location of existing fences for child care centers currently operating under an approved Conditional Use Permit as of the effective date of the ordinance codified in this section are deemed to meet the requirements of this section.

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3. A fenced outdoor play area shall not be required if a child care center exclusively provides a structured preschool instruction program to a particular child for not more than four (4) hours per day, and children are not permitted to play outside. Such a center shall provide the required play space as defined in subdivision (2) of this subsection if children are permitted to play outside.

D. Parking

Appropriate parking and unloading areas shall be provided for all child care centers. Criteria on which appropriateness is determined shall include:

1. Schedule of center operation;
2. Number of children served by the center;
3. Location of parking and un-loading facilities relative to the structure and its entrances;
4. Proximity of the center to major streets.

E. Continuing Compliance

Compliance with any regulations cited herein is a continuing requirement of the ordinance codified herein applicable to all Conditional Use Permits issued pursuant to the ordinance codified herein. Any child care center operating without an approved Conditional Use Permit on the effective date of the ordinance codified herein is declared an illegal nonconforming use and shall comply with all requirements of the ordinance codified herein or cease operation. A Conditional Use Permit may be subject to revocation pursuant to Section 17.54.030

F. Building Permit

Upon approval of a Conditional Use Permit, a building permit must be obtained from the Building Services Division in order to utilize the structure as a Child Care Center. Prior to issuance of a building permit, the applicant must demonstrate that the structure complies with all current adopted Building Codes and Fire Codes for a Child Care Center. It is advised that the applicant address these issues with the Building Services Division and the Fire Department prior to the initiation of the Conditional Use Permit to insure that the structure complies with all current adopted Building Codes and Fire Codes. Because of the important safety issues associated with Child Care Facilities, the current adopted Building Codes and Fire Codes may require significant improvements to the structure.