

Ordinance No. 6208

AN ORDINANCE TO ALLOW ARTISAN DISTILLERS AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT AND THE GENERAL COMMERCIAL DISTRICT BY AMENDING TITLE 17 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, in its regulation of alcoholic beverages, the South Dakota legislature has adopted provisions to allow artisan distillers to both manufacture and sell distilled spirits; and

WHEREAS, South Dakota Codified Laws Chapter 35-13 governing artisan distillers requires that 30 percent of the raw materials used in the distillery be grown in South Dakota and limits the size of the production to 50,000 gallons in a calendar year or less; and

WHEREAS, South Dakota law gives a municipality the authority and power to adopt a zoning ordinance and to zone property within its municipal boundaries; and

WHEREAS, the City of Rapid City has adopted zoning regulations in Title 17 of the Rapid City Municipal Code (R.C.M.C.) to regulate uses and property within the various zoning districts; and

WHEREAS, the City of Rapid City has established the Central Business District (CBD) zone in the downtown area of Rapid City, which forms the metropolitan center for commercial, financial, professional, governmental and cultural activities; and

WHEREAS, the City of Rapid City has established the General Commercial (GC) District for personal and business services and the general retail business of the city; and

WHEREAS, an artisan distiller is a commercial use that is consistent with the intent of the Central Business and General Commercial zoning districts; and

WHEREAS, the Common Council desires to add artisan distillers as a conditional use in the Central Business District and the General Commercial district.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.04.183 of the Rapid City Municipal Code be and is hereby adopted to read in its entirety as follows:

17.04.185 Distiller, Artisan.

DISTILLER, ARTISAN. A distiller of distiller spirits operating in compliance with South Dakota law, including Chapter SDCL 35-13. At the time of adoption of this ordinance, an artisan distiller is a distiller located in South Dakota that produces, rectifies, or blends fifty thousand gallons or less of distilled spirits annually and that uses agricultural products grown in South Dakota for at least thirty percent of the raw materials, other than water, to produce the distilled spirits, unless an exception is granted by the South Dakota Department of Revenue.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.16.030 of the Rapid City Municipal Code be and 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 1 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.

S. Artisan distillers operated in compliance with South Dakota law, including SDCL Chapter 35-13.

(Ord. 6100, 2016: Ord. 5991, 2014: Ord. 5752, 2011: Ord. 5097 (part), 2005: Ord. 3785 (part), 2002: Ord. 3734 (part), 2001: Ord. 3599,2000: Ord. 3344 (part), 1997: Ord. 2931 (part), 1992: Ord. 2899 (part), 1991: prior code Appendix A, Art. IV (§ 5 (H)))

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.18.030 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.18.030 Conditional uses.

1. Grass skiing;
2. Water slides;
3. Miniature golf courses;
4. Driving ranges;
5. Laboratories and establishments for production and repair of jewelry, eye glasses, hearing aids, prosthetic appliances and dental appliances. Retail trade of these activities must accompany the wholesale or production process;
6. Missions, subject to the following:
 - a. 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;
 - b. Must meet fire, building and health requirements; and
 - c. Any significant modification in the program and services place will require a new application.
7. Sign contractor shop, subject to the following:
 - a. All outdoor storage shall be screened by a 6-foot fence, wall or mass planting. Such screening plans shall be approved by the Planning Commission and the Common Council; and
 - b. Any other conditions the Council shall deem appropriate.
8. Travel parks or recreational vehicle parks less than 5 acres as regulated by Title 12 of this code;
9. Carwashes subject to, but not limited to, the following considerations:
 - a. Adequate egress and ingress;
 - b. Appropriate landscaping and screening;
 - c. Drainage plan; and
 - d. Any other requirements the Council may deem appropriate.
10. Mini-warehousing for storage services, primarily for personal effects and household goods, subject to the following:
 - a. Plans shall be submitted showing ingress and egress, width of driveways, location of buildings, architectural elevations of all buildings indicating height and type of materials to be

used, landscaping, screening and security fence and outdoor storage areas. No conditional uses may be granted until the Common Council, at its sole discretion, approves the plan submitted by applicant;

b. Exterior building material shall be masonry, concrete or wood or metal simulated wood siding;

c. Landscaping shall be required, based on the point system and criteria of Rapid City's landscape regulations;

d. Security fencing and screen fencing shall not exceed 6 feet in height, and shall be constructed of wood, decorative block, or chain link fence with slats, as approved by the Common Council;

e. Outdoor storage yards shall be screened from view of surrounding properties;

f. A local manager shall be required and shall be responsible for maintaining the property and the operation of the facility in conformance with the conditions of approval. This shall not be construed to release the property owner from the ultimate responsibility for maintaining the operation of the facility in conformance with the conditions of approval; and

g. Any other conditions the Council shall deem appropriate;

11. Child care centers;

12. Planned commercial developments as regulated in §§ 17.50.050 through 17.50.100 of this title;

13. Planned unit developments as regulated in §§ 17.50.050 through 17.50.100 of this title;

14. Fraternities, sororities and denominational student headquarters;

15. Manufacturing of sculptures or other artwork in conjunction with an art gallery, art studio or art school;

16. Dwelling unit, as part of the principal structure, to be used in conjunction with a permitted use or conditional use; however, a detached caretaker's residence may be permitted as a conditional use in conjunction with a facility when the lot area exceeds 5 acres, provided the unit meets all setbacks required for a residence. A manufactured home may be used as the caretaker's residence; provided it meets all the City of Rapid City requirements for manufactured homes;

17. On-sale liquor establishments;

18. Wholesale and distribution centers not otherwise authorized by § 17.18.020(20) of this code;

19. Radio, television and cellular communication station and transmission tower;
20. Adult day care centers subject to, but not limited to, the following considerations:
 - a. Proximity to major arterial;
 - b. Proximity to recreation facilities;
 - c. Traffic generated by the center;
 - d. Hours of operation of the center;
 - e. Existing or potential levels of air and noise pollution in the area;
 - f. Access from the center to adjacent areas which are used for commercial and industrial purposes;
 - g. Appropriateness of outdoor recreation areas. If outdoor recreational areas are permitted, fencing shall be not less than 42 inches in height;
 - h. Type of vehicular traffic common to the area; and
 - i. Any other requirements Council may deem appropriate.
21. Assisted living centers subject to, but not limited to, the following considerations:
 - a. A lot area of not less than 5,000 square feet plus an additional 1,500 square feet for each assisted living suite or room. For those structures which provide all required off-street parking within the main structure, the lot area required may be reduced to 280 square feet per unit; and
 - b. There shall be usable open space provided for each suite/room of not less than 170 square feet. Open space does not include drives, parking, and service areas. Not more than 50% of the open space requirement shall be met with common interior spaces limited to community rooms, central dining areas and craft rooms.
22. Colleges and universities;
23. Antique and used furniture, including stripping and refinishing, provided there is no outside storage or display of merchandise;
24. Indoor craft and flea markets, provided there is no outside storage or display of merchandise;
25. Retail plumbing sales and service, provided all outside storage is screened by a minimum-7-foot-high fence or wall;
26. Piano repair, stripping and refinishing;

27. Off-premises signs as regulated by §§ 17.50.080 through 17.50.100 and in accordance with the requirements of § 17.50.090;

28. Outdoor firewood storage and sales lot, provided that no power equipment is used in processing the firewood;

29. Monument sales and engraving subject to, but not limited to, the following considerations:

a. Actual engraving work to be done in an enclosed area;

b. Provide detailed plan showing intended type of services and work to be done on site prior to approval;

c. No outdoor displays, inventory or sales;

d. No outdoor cranes or equipment used to load or unload monuments;

e. Any noise, dust or vibrations shall be completely confined within an enclosed building; and

f. Any other requirements the Planning Commission may deem appropriate.

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

31. Microbreweries subject to the following considerations:

a. A microbrewery is defined as an establishment which manufactures less than 5,000 barrels of malt beverages a year;

b. 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;

c. 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.

32. Farm wineries subject to the following regulations:

a. A farm winery is defined as any winery owned or operated by the owner of a South Dakota farm and producing table, sparkling, or sacramental wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in South Dakota;

b. Table, sparkling, and sacramental wines are defined as any beverage made without rectification or fortification and containing not more than 18% alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey;

c. The amount of wine the farm winery is allowed to sell in 1 year is limited to 50,000 gallons;

d. If the operator of a farm winery intends to sell or serve alcoholic beverages other than the wines produced, the operator must obtain the appropriate city issued retail liquor license;

e. Accessory uses to a farm 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.

33. Non-overnight accessory dog kennels and horse corrals for transitory animals in a Planned Commercial Development (PCD).

34. Group homes, subject to the following:

a. Applicant shall provide a detailed program and services plan at the time of application;

b. Must meet fire, building and health requirements;

c. The Council may add the following conditions:

1. Standard hours of operation;

2. Type and extent of the supervision to be provided;

3. Services and program to be provided;

4. Number of persons;

5. Proximity to other group homes; and

6. Any other condition the Council may deem appropriate.

d. Any significant modification in the program and services plan will require a new application.

35. Artisan distillers operated in compliance with South Dakota law, including SDCL Chapter 35-13.

(Ord. 5678 (part), 2010: Ord. 5672, 2010: Ord. 5570, 2010: Ord. 5370, 2008: Ord. 5353, 2007: Ord. 5327, 2007: Ord. 5097 (part), 2005: Ord. 4058, 2004: Ord. 3773 (part), 2002: Ord. 3760 (part), 2001: Ord. 3755, 2001: Ord. 3734 (part), 2001: Ord. 3481, 1999: Ord. 3387, 1998: Ord. 3381 (part), 1997: Ord. 3344 (part), 1997: Ord. 3260, 1996: Ord. 3152 (part), 1994: Ord. 3014, 1993: Ord. 2931 (part), 1992: Ord. 2920, 1991: Ord. 2899 (part), 1991: prior code Appendix A, Art. IV (§ 6 (J)))

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
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