

STAFF REPORT

June 20, 2002

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**No. 02OA008 - Ordinance Amendment**

**ITEM 32**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 02OA008 - Ordinance Amendment</b>
EXISTING LEGAL DESCRIPTION	An Ordinance amending Chapter 17.50 of the Rapid City Zoning Ordinance by adding a new Section 17.50.186 prohibiting sexually oriented businesses in Residential Zoning Districts, the Central Business District, and within 1000 feet of certain facilities
DATE OF APPLICATION	05/10/2002
REPORT BY	Trish Anderson

RECOMMENDATION: Staff recommends that the Adult Oriented Business ordinance amendment be approved.

GENERAL COMMENTS: **The Planning Commission discussed this ordinance in the May 23, 2002 meeting and made several suggestions. The City Attorney's office has subsequently redrafted the ordinance to address those concerns. A severability clause has been added (Section H). The list of facilities that Adult Oriented Businesses cannot locate within 1,000 feet has been expanded to include auditoriums, convention centers, fairgrounds, museums, art or music centers, and theaters (Section D)(1)(f). A companion Ordinance Amendment in which each of the zoning districts where Adult Oriented Businesses will be allowed as a conditional use, will be presented to the Planning Commission at the July 3, 2002 meeting. Because the companion ordinance refers to different chapters within the Zoning Ordinance it must be advertised.**

In response to growing concern in the community, the Mayor re-appointed an Adult Oriented Business Committee in March of this year. The committee with the assistance of the City Attorney's office drafted the attached ordinance. The intent of the ordinance is to regulate adult oriented businesses for the health, safety, and welfare of the citizens of Rapid City, and to prevent the concentration of such businesses in Rapid City. After a review of the draft ordinance in their May 1, 2002 meeting, the Legal and Finance Committee directed the Adult Oriented Business ordinance to the Planning Commission for review and recommendation.

STAFF REVIEW: Zoning is the basic method used by communities to regulate the location of adult oriented businesses, just as it is the basic technique to regulate the location of other businesses. The draft ordinance has a two-fold approach: establishing the zoning districts where such businesses are prohibited, or may be permitted as a conditional use; and, establishing separation requirements. Sexually oriented businesses will be prohibited in all residential zoning districts and in the Central Business District. They will be permitted as a

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Conditional Use in some of the commercial zoning districts as long as they are in compliance with the requirements of that district. Staff is researching the specific zoning districts where sexually oriented businesses could be located and will present this information in the Planning Commission meeting.

The separation requirements in the draft ordinance are intended to prevent concentration of sexually oriented businesses. A sexually oriented business will not be permitted to operate within one thousand feet of schools, places of religious worship and public parks. Those areas are detailed in Section D (1) of the ordinance. Nor can a sexually oriented business operate within one thousand feet of another sexually oriented business. Existing sexually oriented businesses will become a non-conforming use and shall not be expanded or enlarged except in conformance with the provisions of Chapter 17.52 relating to non-conforming uses.

Staff has received seven letters and/or emails from community members in support of the ordinance. No letters or phone calls opposing the passage of the ordinance have been received.