

STAFF REPORT
October 23, 2008

No. 08OA013 - Ordinance Amendment to delete Section 17.34.030(B) Public Parks and/or playgrounds of the Rapid City Municipal Code eliminating Public Parks and/or playgrounds as a Conditional Use in the General Agriculture Zoning District **ITEM 12**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
REQUEST	No. 08OA013 - Ordinance Amendment to delete Section 17.34.030(B) Public Parks and/or playgrounds of the Rapid City Municipal Code eliminating Public Parks and/or playgrounds as a Conditional Use in the General Agriculture Zoning District
DATE OF APPLICATION	9/26/2008
REVIEWED BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Ordinance Amendment to delete Section 17.34.030(B) Public Parks and/or playgrounds as a Conditional Use in the General Agriculture Zoning District of the Rapid City Municipal Code be approved.

GENERAL COMMENTS: On September 4, 2008, the Planning Commission directed staff to prepare an ordinance amendment to delete Public Parks and/or playgrounds as a Conditional Use in the General Agriculture Zoning District of the Rapid City Municipal Code.

STAFF REVIEW: Currently, the General Agriculture Zoning District allows "Park or Playground" and "Municipal use" both as Permitted Uses. Since parks are allowed and municipal uses are allowed, it would seem appropriate that public parks are allowed.

The General Agriculture Zoning District further allows "Public parks and/or playgrounds" as a Conditional Use. This section of the Code indicates that public parks can only be built through a Conditional Use Permit application.

The language in the Permitted and Conditional Use sections presents contradictory statements and causes confusion in the interpretation of the requirements of the General Agriculture Zoning District. The Ordinance Amendment will correct these conflicting conditions by eliminating the "Public parks and/or playgrounds" as a Conditional Use in the General Agriculture Zoning District. The Permitted Use section of the General Agriculture Zoning District will continue to allow parks, playgrounds, and municipal uses that would include public parks and playgrounds.

Staff recommends that the Ordinance Amendment to delete "Public parks and/or playgrounds" as a Conditional Use in Section 17.34.030.B of the General Agriculture Zoning District in the Rapid City Municipal Code be approved.