

STAFF REPORT

April 24, 2014

No. 14OA005 - Ordinance Amendment to Amend Chapter 17.16 of the Rapid City Municipal Code to Allow a Pet Store as a Conditional Use in the Central Business District **ITEM 9**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
REQUEST	No. 14OA005 - Ordinance Amendment to Amend Chapter 17.16 of the Rapid City Municipal Code to Allow a Pet Store as a Conditional Use in the Central Business District
DATE OF APPLICATION	April 1, 2014
REVIEWED BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Ordinance Amendment to amend Chapter 17.16 of the Rapid City Municipal Code to allow a pet store as a Conditional Use in the Central Business District be approved.

GENERAL COMMENTS:

The Rapid City Municipal Code currently does not allow a pet store as a permitted use or a conditional use in the Central Business District. However, it appears that from time to time over the years pet stores have been located in the Central Business District. Most recently, it has been brought to the City's attention that "Mount Rushmore Birds" is located at 910 Main Street which is within the City's Central Business District. Staff discussed this issue with the Planning Commission at their March 6, 2014 meeting and was subsequently directed by the Planning Commission to bring forward an Ordinance Amendment to allow a pet store as a Conditional Use in the Central Business District.

STAFF REVIEW:

Staff has reviewed the Ordinances of several communities and found that many of them allow pet stores within their downtown area(s). The Rapid City Municipal Code currently allows a pet store as a permitted use in the General Commercial District. In addition, a pet store may be allowed in the Shopping Center District when approved as a part of a Planned Development. The Rapid City Municipal Code identifies the Central Business District as the district that forms the metropolitan center for commercial, financial, professional, governmental and cultural activities. A pet store is classified as a commercial use. As such, the proposed amendment is consistent with the intent of the Central Business District.

In reviewing the proposed Ordinance Amendment, staff has noted that criteria must be established to ensure that all necessary licenses are secured and that adverse impacts are mitigated to the greatest degree possible. As such, staff recommends approval of the Ordinance amending Chapter 17.16 of the Rapid City Municipal Code to allow a pet store as a Conditional Use in the Central Business District subject to the following:

- The pet store shall be located within a soundproof, climate controlled building;

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- Veterinary care shall be provided pursuant to local and State requirements;
- **Boarding shall not be allowed unless otherwise approved by the Planning Commission;**
- A waste disposal plan shall be provided for review and approval; and,
- A Kenneling License shall be obtained.

Chapter 17.54.030 of the Rapid City Municipal Code sets forth procedures and criteria that must be met in order for the City to authorize approval of a “conditional use”. In part, the criteria include the mitigation of noise, odor, smoke, air and water pollution and requires screening and/or buffering to mitigate these nuisances. Allowing a pet store as a Conditional Use in the Central Business District requires that the proposed use be designed and operated in compliance with Chapter 17.54.030 of the Rapid City Municipal Code.

In conjunction with the existing criteria included in Chapter 17.54.030 of the Rapid City Municipal Code and the proposed criteria for a pet store as identified above, staff recommends that the Ordinance amending Chapter 17.16 of the Rapid City Municipal Code to allow a pet store as a Conditional Use in the Central Business District be approved.