



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

PLANNING DEPARTMENT
300 Sixth Street

MEMORANDUM

TO: Rapid City City Council
FROM: Rapid City Planning Commission
ITEM: Ordinance Requiring Uses on Review for Oversize Garages

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended that no changes be made to Zoning Ordinance regarding private residential garages.

Vote: Unanimous (7 to 0)



EQUAL OPPORTUNITY EMPLOYER



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PLANNING DEPARTMENT
300 Sixth Street

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MEMORANDUM

TO: Rapid City Planning Commission

FROM: ^{BL} Bill Lass, Senior Planner

DATE: 6/1/00

RE: Ordinance Requiring Uses on Review for Oversize Garages

At the request of the City Council, Staff has researched the hearing records regarding Use on Reviews for oversized garages. On July 6, 1992 the City Council approved an amendment to the Zoning Ordinance to more adequately define what constituted a private residential garage (see attached Ordinance). The definition that was approved stated: "...the maximum cumulative size of all garages or car ports shall be 1,000 square feet or 30% of the size of the gross floor area of the dwelling unit(s) whichever is greater. In no event shall the size of the building foot print of the garage(s) or car port(s) exceed the foot print of the dwelling unit(s)." Staff, the Planning Commission, and the City Council at that time felt the new Ordinance was a vast improvement over the previous language which simply stated that a private residential garage was one which had no more than three doors. This previous language was vague and led to situations where extremely large garages were being constructed that were not in character with the residential areas in which they were built but the garages were allowed provided they only had three doors.

The 1992 Zoning Ordinance Amendment also amended the City's residential Zoning Districts by allowing as a Use on Review; garages which did not meet the size requirements set forth in the definition (i.e. - "Oversized Garage"). The Ordinance set forth five specific criteria to be evaluated as part of the Use on Review process (see attached Ordinance).

Staff has researched the Use on Review hearing files regarding oversized garages and has found the following:

- There have been forty-six (46) Use on Review applications made and considered by the Planning Commission and City Council for oversized garages (including other accessory buildings) between the time the 1992 Ordinance took affect and May 15, 2000.



ITEM A

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- The outcome of the forty-six (46) Use on Review applications was as follows: four (4) were withdrawn by the applicant, four (4) were denied by the City Council, and thirty-eight (38) were approved with stipulations by the City Council.
- Of the forty-two (42) applications eventually acted upon by the City Council, six (6) applications triggered the Use on Review process because the proposed garage (including other accessory buildings) was larger than the footprint of the house. Thirty-six (36) of the applications were triggered because the proposed garage(s) (and other accessory buildings) exceeded 1,000 square feet.
- The sizes of the garages (including other accessory buildings) proposed in the Use on Review applications ranged from a minimum of 854 square feet to a maximum of 3,668 square feet. The average size of the garage(s) or carport(s) and other accessory buildings was 1,434 square feet. The number of garages or carports (including other accessory buildings) falling within certain size ranges is as follows:

<u>Total Square Footage</u>	<u># of Applications</u>
Less than 1,000 sq. ft.	6
1,000 – 1,500 sq. ft.	21
1,500 – 2,000 sq. ft.	10
2,000 – 2,500 sq. ft.	4
2,500+ sq. ft.	1

Staff has reviewed the preceding data with respect to the total number of building permits granted annually for garages. According to the Building Inspections Division, in 1999 a total of 246 permits were issued for garage construction: 143 building permits for new single-family houses (including garages or carports) and another 103 permits for new garages or carports (without house construction). The average annual number of Use on Review applications for oversized garages is approximately six (6) which represents only 2.44% of the total number of permits issued for garages or carports.

Staff believes the current Ordinance is reasonable in that only 2.44% of all building permits for garages require Uses on Review. Staff has further noted that in nearly all cases the current Ordinance will allow as a Permitted Use, the construction of 1,000 square feet of garage and accessory building space. This 1,000 square feet would accommodate a 36'x24' (thirty-six foot by twenty-four foot) triple-car garage with 136 square feet still available for additional garage, shed or other accessory building space. **Based upon this information, Staff is therefore recommending that no changes be made to the Zoning Ordinance regarding private residential garages.**

ORDINANCE #2964

AN ORDINANCE AMENDING APPENDIX A, ZONING, OF ARTICLE II OF THE REVISED ORDINANCES OF THE CITY OF RAPID CITY BY REVISING THE DEFINITION OF PRIVATE GARAGES AND BY AMENDING ARTICLE II OF APPENDIX A, ZONING, BY ADDING PRIVATE RESIDENTIAL GARAGE AS A USE PERMITTED ON REVIEW IN THE PARK FOREST DISTRICT, LOW DENSITY RESIDENTIAL DISTRICT AND MOBILE HOME RESIDENTIAL DISTRICT.

BE IT ORDAINED by the City of Rapid City that Article II of Appendix A of the Revised Ordinances of the City of Rapid City be amended to read as follows:

Garage, private: An accessory building or part of a main building used primarily for storage and which shall not be used for commercial purposes. The maximum cumulative allowable size of all garages or car ports shall be 1000 square feet or 30% of the size of the gross floor area of the dwelling unit(s) whichever is greater. In no event shall the size of the building foot print of the garage(s) or car port(s) exceed the foot print of the dwelling unit(s). The garage(s) or car port(s) shall be used only by persons residing on the premises. Any garage not meeting these requirements shall be allowed only as a Use Permitted on Review pursuant to Subsection C(10) of Section 1 of Article IV of Appendix A; Subsection C(14) of Section 2 of Article IV of Appendix A; and Subsection C(12) of Section 18 of Article IV of Appendix A.

BE IT ALSO ORDAINED by the City of Rapid City that Subsection C of Section 1 of Article IV of Appendix A of the Revised Ordinances of the City of Rapid City be amended by adding Subsection 10 to read as follows:

10. Private residential garage which does not meet the definition of "Garage, private" subject to the following:
 - a. That the proposed garage is consistent with the residential character of the property on which it is located and with the surrounding neighborhood.
 - b. That the proposed garage shall be used only for residential purposes incidental to the principal use of the property.
 - c. That landscaping or fencing may be required to screen the garage from neighboring properties.
 - d. That the applicant submits a site plan and elevation drawings in addition to information on what types of building materials will be used for the garage.
 - e. That the applicant shall file a notice with the Register of Deeds indicating that the garage only be used for residential purposes.

BE IT ALSO ORDAINED by the City of Rapid City that Subsection C of Section 2 of Article IV of Appendix A of the Revised Ordinances of the City of Rapid City be amended by adding Subsection 14 to read as follows:

14. Private residential garage which does not meet the definition of "Garage, private" subject to the following:

- a. That the proposed garage is consistent with the residential character of the property on which it is located and with the surrounding neighborhood.
- b. That the proposed garage shall be used only for residential purposes incidental to the principal use of the property.
- c. That landscaping or fencing may be required to screen the garage from neighboring properties.
- d. That the applicant submits a site plan and elevation drawings in addition to information on what types of building materials will be used for the garage.
- e. That the applicant shall file a notice with the Register of Deeds indicating that the garage only be used for residential purposes.

BE IT ALSO ORDAINED by the City of Rapid City that Subsection C of Section 18 of Article IV of Appendix A of the Revised Ordinances of the City of Rapid City be amended by adding Subsection 12 to read as follows:

12. Private residential garage which does not meet the definition of "Garage, private" subject to the following:
 - a. That the proposed garage is consistent with the residential character of the property on which it is located and with the surrounding neighborhood.
 - b. That the proposed garage shall be used only for residential purposes incidental to the principal use of the property.
 - c. That landscaping or fencing may be required to screen the garage from neighboring properties.
 - d. That the applicant submits a site plan and elevation drawings in addition to information on what types of building materials will be used for the garage.
 - e. That the applicant shall file a notice with the Register of Deeds indicating that the garage only be used for residential purposes.

DATED this 6th day of July, 1992.

THE COMMON COUNCIL

Ed McLaughlin
Mayor

ATTEST:

[Signature]
Finance Officer

(SEAL)

First Reading: June 15, 1992
Second Reading: July 6, 1992

Publication: July 11, 1992
Effective: July 31, 1992