

STAFF REPORT

September 4, 2003

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**No. 03OA007 - Ordinance Amendment - Prohibiting Sexually Oriented Businesses in Residential Zoning Districts, the Central Business District and within 1000 feet of certain facilities** **ITEM 7**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 03OA007 - Ordinance Amendment</b> - amendments to Chapter 17.50 of the Rapid City Municipal Code by amending 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	08/06/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Ordinance Amendment - Prohibiting Sexually Oriented Businesses in Residential Zoning Districts, the Central Business District and within 1000 feet of certain facilities be approved.

GENERAL COMMENTS:

On July 13, 2002, the City Council approved Ordinance No. 3830 prohibiting sexually oriented businesses within 400 feet of Residential Zoning Districts, the Central Business District and within 400 feet of certain other facilities. At the directive of the City Council, staff has reviewed an Ordinance Amendment to increase the distance from certain facilities from 400 feet to 1,000 feet. In addition, the Ordinance Amendment will increase the distance of operation between sexually oriented businesses from 400 feet to 1,000 feet. In addition, this amendment will preclude the location of oriented business in the residential zoning districts and in the Central Business District. (A copy of the Draft Ordinance is attached.)

STAFF REVIEW:

The current Ordinance allows sexually oriented businesses on approximately 12% of properties within the City of Rapid City. A number of Court cases have established a standard requiring requires that a minimum of 5% of all properties within a municipality allow sexually oriented businesses. As such, the City Council has directed staff to pursue the proposed Ordinance Amendment to further restrict the available land where adult oriented businesses may be located. Increasing the distance between sexually oriented businesses and certain facilities from 400 feet to 1,000 feet as proposed will allow sexually oriented businesses to be located in approximately 8% of the city, well within the guidelines established in case law.

On August 18, 2003, the City Council approved the annexation of the airport property. Once the annexation becomes effective, the square footage of land with the City limits of Rapid City will increase. Calculating this additional area still allows sexually oriented businesses in

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approximately 7% of the city. As such, staff is recommending that the Ordinance Amendment be approved as drafted.