

STAFF REPORT  
October 23, 2008

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**No. 08OA012 - Ordinance Amendment to amend Section 17.22.020(c)5 Permitted uses to eliminate the fencing and screening requirements for outdoor storage facilities and to add Section 17.22.090 Screening Requirements in the Light Industrial Zoning District. ITEM 11**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
REQUEST	<b>No. 08OA012 - Ordinance Amendment to amend Section 17.22.020(c)5 Permitted uses to eliminate the fencing and screening requirements for outdoor storage facilities and to add Section 17.22.090 Screening Requirements in the Light Industrial Zoning District.</b>
DATE OF APPLICATION	9/26/2008
REVIEWED BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Ordinance Amendment to amend Section 17.22.020(c)5 Permitted Uses to eliminate the fencing and screening requirements for outdoor storage facilities and to add Section 17.22.090 Screening Requirements in the Light Industrial Zoning District be approved.

GENERAL COMMENTS: On September 4, 2008, the Planning Commission directed staff to prepare an ordinance amendment to amend the screening requirements for outdoor storage facilities in the Use Permitted Section of the Light Industrial Zoning District of the Rapid City Municipal Code and create a new section for screening requirements in the Light Industrial Zoning District.

STAFF REVIEW: The Light Industrial Zoning District is established to provide areas for light manufacturing and assembly plants, processing, storage, warehousing, and wholesaling and distribution uses. It further requires, in the Permitted Use Section of the Code, that outdoor storage facilities for Class III combustible liquids, coal, coke, building materials, sand, gravel, stone, lumber, open storage of construction contractor's equipment and supplies be screened by a seven foot obscuring fence, wall or mass plantings or otherwise so located as not to be obnoxious to the orderly appearance of the district.

Staff has been in contact with an individual that installed a six foot fence rather than the required seven foot fence around an outdoor storage area in the Light Industrial Zoning District. Staff noted that the requirement was located within the Permitted Use section of the Light Industrial Zoning District and as such, a variance request could not be submitted as this would constitute a use variance. However, a variance request could be submitted if the requirement is located in the "area regulation" section. The Zoning Board of Adjustment would then have the ability to hear requests for variances in situations where it may be appropriate for no screening to be provided or for screening that is less than seven feet in height. Relocating the screening requirement for outdoor storage to a new section that will

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allow variance requests to be heard will provide improved service to the public.

Two Ordinance Amendments are required to remedy this situation. One Ordinance Amendment will amend the language in 17.22.020.C.5 Permitted Uses by eliminating the seven foot requirements from the section and inserting language directing that information to a separate section of the Light Industrial Zoning Code. The second Ordinance Amendment adds Section 17.22.090 Screening Requirements containing the language requiring screening for outdoor storage uses in the Light Industrial Zoning District.

Staff recommends that the Ordinance Amendment to amend Section 17.22.020(c)5 Permitted Uses to eliminate the fencing and screening requirements for outdoor storage facilities and to add Section 17.22.090 Screening Requirements in the Light Industrial Zoning District of the Rapid City Municipal Code be approved.