

STAFF REPORT

December 6, 2001

No. 010A024 - Ordinance Amendment

ITEM 12

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 010A024 - Ordinance Amendment
LEGAL DESCRIPTION	An Ordinance amending Chapter 17.18.020 of the Rapid City Municipal Code by adding "Used merchandise sales excluding outside storage" to the list of Uses Permitted.
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Ordinance Amendment be approved.

GENERAL COMMENTS: As per the Planning Commission's direction on November 8, 2001 Staff has prepared an Ordinance amendment (see attached) allowing used merchandise sales with no outside storage as a Permitted Use in the General Commercial Zoning District. Currently, the General Commercial Zoning District does not allow used merchandise sales other than in three very specific instances. (1) Section 17.18.020 of the Zoning Ordinance states that "The storage, display and sale of used, repossessed or traded-in merchandise incidental to a retail operation engaged primarily in the sale of new merchandise is permitted." This means that the primary use of the property must be for new merchandise sales in order that used merchandise sales can also take place. (2) "Antique and used furniture, including stripping and refinishing, provided there is no outside storage or display of merchandise" is allowed as a Use on Review; and, (3) "Indoor craft and flea markets, provided there is no outside storage or display of merchandise" is allowed as a Use on Review.

STAFF REVIEW: Staff has reviewed the proposed Ordinance amendment and is recommending approval. Staff believes that retail sales of used merchandise should be allowed in the General Commercial Zoning District. From a land use perspective, there is no substantial difference between retail sales of new versus used merchandise. The one possible area of concern relates to outside storage, sale or display of products which can be visually unappealing and pose other nuisances. This concern has been addressed through the draft ordinance by prohibiting any outside storage, sales or display.