

STAFF REPORT

March 7, 2002

No. 02OA004 - Ordinance Amendment

ITEM 10

GENERAL INFORMATION:

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| PETITIONER | City of Rapid City |
| REQUEST | No. 02OA004 - Ordinance Amendment |
| EXISTING LEGAL DESCRIPTION | An Ordinance adding "Pet Stores" as a permitted use in certain zoning districts by amending Section 17.04 of the Rapid City Municipal Code by adding a new section 17.04.546 and amending Sections 17.18.020(30), 17.30.020(B)(1), and 17.32.020(B)(1) |
| DATE OF APPLICATION | 02/18/2002 |
| REPORT BY | Trish Anderson |

RECOMMENDATION: Staff recommends that the Ordinance Amendment regarding pet stores and kennels be approved.

GENERAL COMMENTS: The Planning Commission authorized staff to advertise for a public hearing to consider amendments to the Zoning Ordinance pertaining to pet stores and kennels. Staff had identified several issues relative to pet stores and kennels which needed clarification in the Zoning Ordinance. Under the current code the definition for kennel is broad enough so that, in some cases, pet stores could be classified as a kennel. This could result in staff having to check the ages of animals to determine if the pet store was operating within the definition of a kennel. There is no definition in the Zoning Ordinance for pet stores. Additionally, while pet stores can be defined as a retail establishment and so are a permitted use in the General Commercial district, they are not a permitted use in either the Shopping Center-1 or Shopping Center-2 districts. As their retail use is in keeping with the purpose of those districts, staff has added pet stores as a permitted use in both of the Shopping Center districts, and added pet stores as a specific permitted use in the General Commercial zoning district.

Another issue identified was the lack of licensing for pet stores. Kennels are required to obtain an annual license contingent upon a satisfactory inspection by the Humane Society. The Humane Society checks that the kennel is being operated in a humane manner and is in compliance with all applicable City regulations. Pet stores also keep animals on their premises albeit for the purpose of retail sale. Licensing would help to ensure that animals kept in pet stores are being treated in a humane manner and that the stores are in compliance with City regulations.

STAFF REVIEW: Based on the direction from the Planning Commission, Staff is recommending approval of the attached ordinance. The proposed amendments will clarify the differences between pet stores and kennels in the Zoning Ordinance. The amendments will also allow for the licensing of pet stores thus helping to ensure that pet stores are operating in compliance with City codes.