

STAFF REPORT

April 25, 2002

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**No. 02OA005 - Ordinance Amendment**

**ITEM 39**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 02OA005 - Ordinance Amendment</b>
EXISTING LEGAL DESCRIPTION	An Ordinance Amendment to increase the size of garages allowed as permitted uses from 1000 square feet to 1500 square feet and to require a Conditional Use Permit for garages larger than 1500 square feet by amending Section 17.04.315 of the Rapid City Municipal Code.
DATE OF APPLICATION	03/11/2002
REPORT BY	Trish Anderson

RECOMMENDATION: Staff recommends that the Ordinance Amendment be approved.

GENERAL COMMENTS: At the March 18, 2002 City Council meeting, the City Council directed staff to advertise amendments to the Zoning Ordinance that would increase the maximum cumulative square footage allowance on permitted garages. The amendment would increase the maximum cumulative square footage to 1,500 square feet. Garages and accessory structures exceeding that square footage are allowed upon approval of a Conditional Use Permit. The proposed approved language is as follows:

*“Private garage” means 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 carports shall be one thousand **five hundred** square feet or thirty percent 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 footprint of the garage(s) or carport(s) exceed the footprint of the dwelling unit(s). The garage(s) or carport(s) shall be used only by persons residing on the premises. Any garage not meeting these requirements shall be allowed only as a conditional use pursuant to 17.08.030(J), **17.10.030 (N), and 17.38.030 (L).***

Staff had previously been directed by City Council to research the records on Conditional Use Permits for oversize garages. Staff found that eighty-nine percent of the applications for a conditional use for oversize garage were triggered because the proposed garages (and other accessory buildings) exceeded 1,000 square feet. The size of those garages ranged from a minimum of 854 square feet to a maximum of 5,672 square feet, but averaged 1,590 square feet. Of the garages that exceeded 1,000 square feet, forty-nine percent of them measured from 1,000 to 1,500 square feet. The data indicates the appropriateness of modifying the maximum allowable square footage to accommodate changing lifestyles and market trends.

Also included in this ordinance amendment is a correction to the zoning ordinance to list garages that are larger than 1,500 square feet as conditional uses in the Low Density Residential (17.10.030 (N)) and the Mobile Home Residential (17.38.030 (L)) districts.

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Previously, the oversize garages as a conditional use were listed only in the Park Forest District. This was an error made by the codification company, as the correct language was included in the original ordinance as adopted by the City Council.

STAFF RECOMMENDATION: Staff recommends approval of the ordinance amendment. The amended ordinance will allow garages up to 1,500 square feet to be built without a conditional use permit. The remainder of the ordinance as currently written would ensure that the larger structures are reviewed to insure compatibility with the neighborhood and mitigate impacts on the adjacent dwelling units. The listing of garages larger than 1,500 square feet in both the Low Density Residential and the Mobile Home Residential District will correct a codification error in the Zoning Ordinance.