



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Growth Management Department

300 Sixth Street

Karen Bulman, Urban Planner II
Growth Management Department
city web: www.rcgov.org

Phone: 605-394-4120
Fax: 605-394-6636
e-mail: Karen.bulman@rcgov.org

MEMORANDUM

TO: Rapid City Planning Commission

FROM: Karen Bulman, Planner II

DATE: August 19, 2010

RE: Ordinance Amendment to amend Chapter 17.50 Supplementary Regulations Applicable to Some or All Districts – Article III Temporary Uses of the Rapid City Municipal Code and the corresponding zoning districts

Staff is requesting permission to advertise for a public hearing to consider an Ordinance Amendment to amend Chapter 17.50 Supplementary Regulations Applicable to Some or All Districts – Article III Temporary Uses of the Rapid City Municipal Code and to amend subsequent Zoning Districts to comply with the proposed changes in the temporary uses.

Staff noted that the temporary use regulations of the Rapid City Municipal Code could be updated to clarify and improve the regulations for the public. The proposed changes include:

1. Clarify the language under “Carnival, circus or tents” in Chapter 17.50.230.A to indicate that it is the use not the structure that identifies the temporary use.
2. Change the length of a “Seasonal greenhouse or garden shop” in Chapter 17.50.230.G from 90 days to 120 days to allow the use to be open earlier or later during the summer months.
3. Add Central Business and Civic Center Districts to the list of zoning districts that allow “Other temporary retail business or structure” in Chapter 17.50.230.H and change the language under 17.50.230.H4 to require only one temporary use permit for an event including more than one business or vendor. This takes out the exclusion for craft fairs, festivals and flea markets and will allow those as well as other events that may have more than one vendor or business.
4. Add Central Business District to the list of zoning districts that allow “Other seasonal retail business or structure” and remove the Conditional Use requirement in Chapter 17.50.230.I. Lengthen the time frame that the seasonal use may occupy property from 90 to 120 days and shorten the length of days that the use must vacate property from 180 to



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120 days. This will provide more options for seasonal uses on large parking lots. In addition, the fee is changed from \$50 to \$150 as the allowed use will be extended longer than the 2 week temporary use.

5. Add Central Business District to the list of zoning districts that allow “Other continuous retail business or structure” and remove the Conditional Use Permit requirement in Chapter 17.50.230.J. The fee is changed from \$50 to \$250 as the use will be extended for a longer time frame beyond temporary and seasonal uses.
6. Chapter 17.50.230.L “Temporary uses in Public Parks in all Zoning Districts” has been added to allow temporary uses for events, held a period of 14 days or less, with a Special Event Permit obtained from the Parks Department. This will allow weddings and other events to take place in the parks with the approval of the Parks Department.
7. Chapter 17.50.230.M “Temporary Uses in Flood Hazard Zoning District” has been added to allow temporary uses held for a period of 14 days or less, with the approval of a Conditional Use Permit and a Flood Plain Development Permit from the Public Works Department. The Conditional Use Permit may be submitted for a master plan for a large area, such as Memorial Park or the Greenway.
8. Chapter 17.50.230.N “Temporary Community Activities in the Public Right-of-way in all Zoning Districts” has been added to allow temporary community activities located in the public rights-of-way for a period of 3 days or less, after obtaining a permit from the Police Department. This will address community events such as, street dances and other community functions in public streets or rights-of-way.

Additional amendments to some zoning district regulations will need to be made in conjunction with the temporary use changes. The changes to the zoning districts are as follows:

1. “Other temporary, seasonal and continuous retail business or structure” will be added to Chapter 17.16.020 Central Business District and Chapter 17.18.020 General Commercial District as permitted uses.
2. The Conditional uses for “Seasonal and continuous retail business or structure” in Chapter 17.18.030 General Commercial District will be removed.
3. “Other Temporary retail business or structure” will be added to Chapter 17.20.020 Neighborhood Commercial District as a permitted use.
4. “Other temporary, season and continuous retail business or structure” will be added to the permitted uses in Chapter 17.30.020 Shopping Center I District and 17.32.020 Shopping Center II District, and “Seasonal and continuous retail business or structure” will be removed from the Conditional uses in Chapter 17.30.030 Shopping Center I District and 17.32.030 Shopping Center II District.
5. In Chapter 17.48.020 Civic Center District, “Other temporary retail business or structure” will be added as a permitted use.

Staff Recommendation: Staff recommends that the Planning Commission authorize staff to prepare an ordinance amendment and advertise for a public hearing to consider an amendment to Chapter 17.50 Supplementary Regulations Applicable to Some or All Districts – Article III Temporary Uses in the Rapid City Municipal Code and the subsequent changes to Chapter 17.16, Chapter 17.18, Chapter 17.20, Chapter 17.30, Chapter 17.32, and Chapter 17.48 Zoning Districts in conjunction with the temporary use changes in the Rapid City Municipal Code.