

STAFF REPORT

October 10, 2002

No. 02OA017 - Ordinance Amendment - Zoning Ordinance Definitions **ITEM 19**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 02OA017 - Ordinance Amendment - Zoning Ordinance Definitions
EXISTING LEGAL DESCRIPTION	An Ordinance Amendment to define and apply the terms "abut", "adjacent", "adjoin" and "contiguous" to the Zoning and Subdivision Ordinances by adding Sections 17.04.012, 17.04.021, 17.04.022 AND 17.040.163 to the Rapid City Municipal Code and by amending Sections 17.38.080 (A) (6), 17.38.080 (B) (6), 17.50.180 (A), 17.50.300 (C), 16.20.030 (E), 16.20.050 (B) (1), 17.04.285, 17.04.755, 17.08.030 (H), 17.10.030 (H), 17.28.040 (C) (d), 17.38.030 (I), 17.50.060 (A), 17.50.070 (A) (b), 17.50.100 (A), 17.50.105 (A), 16.12.050, 16.28.040 (H), 17.04.075, 17.04.140, 17.04.335, 17.04.645, 17.30.040 (C) (1), 17.32.040 (C) (1), 17.50.180 (A), 17.50.290, 17.50.300 (B) (1) (b), 17.50.300 (C), 17.50.300 (E) (2), 17.50.300 (E)(2), 17.56.090 (D), 16.12.030 (E), 16.20.040 (O)(1), 17.18.080, 17.20.080, 17.36.080, 17.40.070, 17.30.070, 17.32.070, 17.24.040 (D) (2), 17.40.040 (B), 17.40.040 (C), and 17.50.110 (C) (3) of the Rapid City Municipal Code
DATE OF APPLICATION	09/13/2002
REPORT BY	Trish Anderson

RECOMMENDATION: Staff recommends approval of the ordinance to define and apply the terms "abut", "adjacent", "adjoin" and "contiguous" and their variations to the Rapid City Zoning and Subdivision Ordinances.

GENERAL COMMENTS: The words abut, adjacent, adjoin, and contiguous appear throughout both the Zoning and Subdivision Ordinance and are not defined. Of the over 100 occurrences of these words, staff is recommending that 43 of them be changed and/or clarified. These proposed changes were detailed in a previous memorandum to the Planning Commission. The proposed definitions are as follows:

Adjacent: parcels with no private lots between them (can be separated by public right-of-way)

Adjoin, Abut, Contiguous: to share any portion of a lot line, including a single point

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In the majority of the proposed word changes, the substitution of adjacent for adjoining for example will have little impact on the administration of the code. However, in the six references to screening requirements when a commercial zoning district is next to a residential district, the proposed changes will have a policy impact. Currently when an alley separates a commercial district from a residential district, no screening fence is required. The utilization of the word adjacent in these sections of the code will mean that a screening fence will be required regardless of whether a commercially zoned property is touching a residentially zoned property, or whether it is separated by an alley.

Staff notes that four items contained in the initial discussion memorandum are not included as part of this ordinance amendment. Three items refer to the requirements for handicapped parking that are not yet formally adopted into the code. The fourth item pertains to the word adjoining in the requirements for landscaping within sight triangles. The language in that section was already changed with the adoption of the Sight Triangle ordinance last year.

STAFF REVIEW: Staff believes that the addition of these definitions to the Zoning and Subdivision Ordinances will provide clarity in the code. The policy changes pertaining to screening requirements are necessary to protect residential properties from the dust, noise and car headlight glare generated by commercial properties. Staff recommends approval of this ordinance.