

STAFF REPORT  
September 23, 2010

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**No. 100A013 - Ordinance Amendment amending Temporary Use Regulations in Chapter 17.50, Chapter 17.16, Chapter 17.18, Chapter 17.20, Chapter 17.30, Chapter 17.32, and Chapter 17.48 of the Rapid City Municipal Code**

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**ITEM 7**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
REQUEST	<b>No. 100A013 - Ordinance Amendment amending Temporary Use Regulations in Chapter 17.50, Chapter 17.16, Chapter 17.18, Chapter 17.20, Chapter 17.30, Chapter 17.32, and Chapter 17.48 of the Rapid City Municipal Code</b>
DATE OF APPLICATION	8/26/2010
REVIEWED BY	Karen Bulman

RECOMMENDATION:

Staff recommends that the Ordinance Amendment amending Temporary Use Regulations in Chapter 17.50, Chapter 17.16, Chapter 17.18, Chapter 17.20, Chapter 17.30, Chapter 17.32, and Chapter 17.48 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS: Staff has reviewed the temporary uses located in the Rapid City Municipal Code and noted that revisions could help to clarify the requirements for temporary uses within various zoning districts. In addition, staff is recommending additional revisions to the existing ordinance. On August 26, 2010, the Planning Commission authorized staff to prepare 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 REVIEW: Staff has reviewed Chapter 17 of the Rapid City Municipal Code relative to Temporary Uses and recommends the following changes:

1. The language in Chapter 17.50.230.A has been revised to reference the use, not a type of structure;
2. The period of time a Seasonal Greenhouse or Garden Shop is allowed as identified in Chapter 17.50.230.G has been changed from 90 days to 120 days to reflect a more reasonable time frame;
3. Other Temporary Retail Business or Structure will be allowed in the Central Business and Civic Center Districts;
4. The language under 17.50.230.H4 has been changed to clarify that only one temporary use permit is required for an event even though there may be more than one business or vendor;
5. In the Central Business District, Other Seasonal Retail Business or Structure would be allowed;

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6. The Conditional Use requirement for Other Seasonal Retail Business or Structure has been removed from Chapter 17.50.230.I;
7. The time frame that the seasonal use may occupy property has been lengthened from 90 to 120 days and the length of days that the use must vacate property has been shortened from 180 to 120 days. This will provide more options for seasonal uses on large parking lots;
8. The fee for Temporary Use Permits is currently \$50. However, seasonal uses require additional inspections and staff time to review the requirements and issue the permit. Therefore, the recommendation is to increase the fee for Seasonal Use Permits from \$50 to \$150 to cover the additional inspections;
9. Other Continuous Retail Business or Structure will be allowed in the Central Business District;
10. Conditional Use Permit requirement for Other Continuous Retail Business or Structures has been removed from Chapter 17.50.230.J;
11. Continuous uses will require inspections from the Building Inspectors prior to the use as well as several inspections during the extended time of the use. The Fire Department may also provide additional inspections and random event reviews as there may be additional vendors at the event with additional changes. Therefore, it is recommended that the fee for Continuous Use Permits be increased from \$50 to \$250 to cover the additional inspections;
12. Chapter 17.50.230.L "Temporary uses in Public Parks in all Zoning Districts" has been added to allow temporary uses for events, held for 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;
13. 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 so that individual events are not required to obtain a Conditional Use Permit; and
14. Chapter 17.50.230.N "Temporary Community Activities in the Public Right-of-way in all Zoning Districts" has been added to specifically authorize 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.

In conjunction with the Temporary Use Permits, additional amendments to the zoning districts affected by the changes are proposed. The changes to the Central Business District, General Commercial District, Neighborhood Commercial District, Civic Center District, Shopping Center I District and Shopping Center II District regulations are as follows:

1. Other temporary, seasonal and continuous retail business or structure has been added to the Central Business District and General Commercial District;

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2. The Conditional use requirement for Seasonal and continuous retail business or structure in the General Commercial District has been removed;
3. Other temporary retail business or structure has been added to the Neighborhood Commercial District as a permitted use;
4. Other temporary, seasonal and continuous retail business or structure has been added to the permitted uses in Shopping Center I District and Shopping Center II District;
5. Seasonal and continuous retail business or structure has been removed from the Conditional uses in Shopping Center I District and Shopping Center II District; and
6. Other temporary retail business or structure has been added as a permitted use in Chapter 17.48.020 Civic Center District.

At the August 26, 2010 Planning Commission meeting, a question was asked regarding the change in fee from \$50 to \$150 or \$250. Staff has reviewed the cost related to the review of a temporary use permit, the issuance of the permit, and the inspections needed for each temporary use permit. The fee to obtain each of the temporary use permits does not cover the cost of staff time associated with each of the permits. However, staff recommends that the Temporary Use Permits continue to be \$50 each. It is recommended that the fee for Seasonal Use Permits be increased to \$150 and the fee for Continuous Use Permits be increased to \$250. These fees were based on the number of additional inspections needed by the Building Inspectors and the Fire Department staff. The additional lengths of time for each permit as well as the number of participants in each event will require additional inspections and staff costs.

The changes to the Temporary Use Permits in the Rapid City Municipal Code when processing Temporary Use Permits, Seasonal Use Permits, and Continuous Use Permits, will allow more flexibility and streamline the review process.

Staff recommends that the Ordinance Amendment amending Temporary Use Regulations in Chapter 17.50, Chapter 17.16, Chapter 17.18, Chapter 17.20, Chapter 17.30, Chapter 17.32, and Chapter 17.48 of the Rapid City Municipal Code be approved.