

**ORDINANCE NO. 5410**

**AN ORDINANCE REVISING THE SIDEWALK REQUIREMENTS BY AMENDING SECTION 12.16.080 OF THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, Rapid City has adopted a comprehensive plan and zoning regulations pursuant to the authority granted to it in Chapter 11-4 of the South Dakota Codified Laws; and

WHEREAS, Chapter 12.16 of the Rapid City Municipal Code regulates the City's Sidewalk Construction and Repair; and

WHEREAS, sidewalks are not currently required in Light Industrial and Heavy Industrial Zoning Districts; and

WHEREAS, sidewalks are not currently required on lots with frontages in excess of 200 feet per dwelling unit unless the lot is adjacent to a lot with existing sidewalks; and

WHEREAS, sidewalks are not currently required when the lot has a grade in excess of 12% on that portion where a sidewalk would normally be located; and

WHEREAS, the Common Council of the City of Rapid City has determined that it is in the City's best interests to revise the sidewalk requirements by amending Section 12.16.080 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that, Section 12.16.080 of the Rapid City Municipal Code be and hereby is amended to read as follows:

**12.16.080 New or relocated residential or commercial buildings.**

- A. *Conformance with sidewalk requirements— exceptions.* The construction of a permanent sidewalk fronting or abutting all streets, highways and avenues shall be accomplished by the builder, owner or developer of all new or relocated residential or commercial buildings within the city, except in the following circumstances:
1. When the Common Council, pursuant to Chapter 17.50 of this code, approves a planned unit development or planned residential development incorporating a sidewalk plan unique to the development;

2. When the lot has a frontage in excess of 200 feet per dwelling unit located on the lot and is in the General Agriculture Zoning District; however, if the lot abuts or is adjacent to a lot with existing sidewalk, this exception shall not apply;
  3. When the property has frontage along a Federal Interstate Highway, a sidewalk will not be required along the Federal Interstate Highway.
  4. When the Common Council, in its sole discretion, approves a variance from sidewalk requirements.
- B. *Inspection prerequisite to certificate of occupancy–bond.* No certificate of occupancy shall be issued nor shall a water meter be released until a final inspection by the Building Official reveals that sidewalk has been constructed in compliance with city design standards; or in lieu of the prior construction, the Building Official may accept a security in an amount equal to the estimated cost of construction of the sidewalk, whereby the sidewalk will be constructed without cost to the city in the event of default by the builder, owner or developer of the property. All bonds and other methods of guarantee shall be approved by the City Attorney.
- C. *Application for variance.* Any person aggrieved by any decision of the Building Official under this section may apply in writing to the Common Council for a variance from the requirements of this section.