

ORDINANCE NO. 5434

AN ORDINANCE ADDING THE INSTALLATION OF CURB AND GUTTER, STREET LIGHTS AND SIDEWALKS ON STATE HIGHWAYS TO THE SUBDIVISION EXCEPTIONS BY AMENDING SECTION 16.24.015 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 16.24.015 of the Rapid City Municipal Code regulates the City's Subdivision Exceptions; and

WHEREAS, allowing exceptions to be granted to waive requirements for curb and gutter, street lights and sidewalks on State highways will allow for better coordination with the South Dakota Department of Transportation; and

WHEREAS, the Common Council of the City of Rapid City has determined that it is in the City's best interests to amend Section 16.24.015 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that, Section 16.24.015 of the Rapid City Municipal Code be and hereby is amended to read as follows:

16.24.015 Exceptions.

- A. The Director of Growth Management or their designee may approve exceptions to the length to width requirement for residential lots found in Section 16.12.190(G) of this code and the requirements to install curb and gutter, street lights and sidewalks on State Highways found in Sections 16.16.030, 16.16.085 and 16.16.090 of this code. Exceptions to these requirements shall be submitted to the Growth Management Department in writing by a person proposing a subdivision of property that would not meet these requirements.
- B. In considering whether to grant the requested exception, the Director of Growth Management or their designee shall consider the topography or other conditions present on the property that are beyond the control of the subdivider and would result in undue hardship for the subdivider if the specific requirements of the code were enforced. In addition, the arrangement, character, extent, location and grade of all lots shall be in accordance with good land planning principles and shall be considered in relation to existing and planned streets, topographical conditions, orientation to vistas and public convenience and safety. The Director

of Growth Management or their designee may grant an exception to the requirement if, in their opinion, the granting of the exception would be consistent with the previously described considerations, good land planning principles and will not be otherwise detrimental to the public interest.

- C. The Director of Growth Management or their designee shall have 13 working days to grant or deny the exception. If a request for an exception has not been granted or denied within 13 working days the request will be deemed to have been approved. If the requested exception to the requirement is denied, the Director of Growth Management or their designee shall communicate the reason for the denial to the applicant in writing.
- D. Any applicant that disputes the denial of an exception may appeal the denial to the City Council. Such appeal shall be submitted to the Growth Management Department in writing within 7 working days of the written denial. Any appeal of a denial to a requested exception shall be placed on the agenda of the next regularly scheduled Public Works Committee meeting occurring after the written appeal has been received. The City Council will have final approval of whether or not to grant an exception that has been appealed.
- E. The Growth Management Department is to keep a log of each exception that is granted. The log shall be readily accessible and made available for the public to view upon request. In addition, a copy of the exceptions log shall also be kept on the city's website. An exception shall be posted to the log as soon as possible after it is granted.

(Ord. 5232, 2007)