

STAFF REPORT  
July 10, 2008

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**No. 08OA005 - Ordinance Amendment to revise the sidewalk requirements by amending Chapter 12.16.080**      **ITEM 44**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
REQUEST	<b>No. 08OA005 - Ordinance Amendment to revise the sidewalk requirements by amending Chapter 12.16.080</b>
DATE OF APPLICATION	6/13/2008
REVIEWED BY	Monica Heller / Karley Halsted

RECOMMENDATION:

Staff recommends that the Ordinance Amendment to revise the sidewalk requirements by amending Chapter 12.16.080 be approved

GENERAL COMMENTS:

On June 5, 2008, the Planning Commission directed staff to prepare an Ordinance Amendment to revise the sidewalk requirements by amending Chapter 12.16.080.

STAFF REVIEW:

Staff has reviewed Chapter 12.16.080 of the Rapid City Municipal Code that regulates the construction of sidewalks adjacent to new or relocated residential or commercial buildings.

Bicycling and walking are important elements of an integrated, intermodal transportation system. Therefore, these modes must be included in the local policies and regulations. Sidewalks provide a pedestrian network, serve as meeting places for friends and neighbors; play areas for children, retail display areas and settings for special events. If people are to choose walking over driving, the walking experience must be pleasant, safe and efficient. Sidewalks, just like roadways, must form an unbroken coordinated network if they are to provide an effective transportation system for pedestrians.

Section 12.16.080 of the Rapid City Municipal Code currently allows six exceptions to the requirements for construction of sidewalks. These six exceptions are listed below:

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 property is zoned Light Industrial or Heavy Industrial;
3. When the lot has a frontage in excess of 200 feet per dwelling unit located on the lot; however, if the lot abuts or is adjacent to a lot with existing sidewalk, this exception shall not apply;
4. When any dwelling unit is located on a corner lot and when the frontage of either intersecting street is in excess of 200 feet per dwelling unit on the lot; however, if the

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corner lot abuts or is adjacent to a lot with existing sidewalk, this exception shall not apply;

5. When the lot has a grade in excess of 12% on that portion where a sidewalk would normally be located; or
6. When the Common Council, in its sole discretion, approves a variance from sidewalk requirements.

Exception 1 allows an exception to the requirements for construction of sidewalks in planned unit developments or planned residential developments incorporating a sidewalk plan unique to the development. This appears to be appropriate since it still requires a sidewalk plan for the residential subdivision, but allows for some flexibility.

Exceptions 2, 4 and 5 do not appear to be consistent with developing a continuous coordinated pedestrian network throughout the City. Staff is recommending that exceptions 2, 4 and 5 listed above, be removed from Chapter 12.16.080.

Exception 3 allows an exception to the requirements for construction of sidewalks when the lot frontage is in excess of 200 feet per dwelling unit and there are no adjacent sidewalks. Staff is recommending that this exception be granted only in the General Agriculture Zoning District.

Exception 6 allows the Common Council to grant an exception variance. This appears to be appropriate since it allows Common Council to grant a variance from sidewalk requirement when there are special conditions that would negate the need for a sidewalk.

Currently if a property has frontage along a Federal Interstate Highway, the applicant must apply for a variance to waive the requirement to construct a sidewalk along the Federal Interstate Highway, even though sidewalks are not allowed by the South Dakota Department of Transportation. Staff is recommending that an exception be added to not require sidewalks along Federal Interstate Highways.

Staff recommends that the Ordinance Amendment to Chapter 12.16.080 to revise the exceptions to the requirement to construct sidewalks be approved 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;

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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.