

ORDINANCE NO. 5689

AN ORDINANCE TO REQUIRE THE CONSTRUCTION OF SIDEWALKS ALONG ROADWAYS WHEN A PROPERTY IS REDEVELOPED 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 Sidewalk Construction and Repair; and

WHEREAS, the construction of a sidewalk fronting or abutting all streets, highways and avenues is required to be accomplished by the builder, owner or developer of all new or relocated residential or commercial buildings within the city ; and

WHEREAS, the Common Council of the City of Rapid City has determined that it is in the City's best interests to require the construction of a sidewalk fronting or abutting all streets, highways and avenues to be accomplished by the builder, owner or developer of all new or redeveloped residential or commercial buildings within the city 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.~~ New and Existing Developments

- 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~~ existing 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 Agricultural 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, a sidewalk will not be required along the federal interstate;
 4. When the Common Council, in its sole discretion, approves a variance from sidewalk requirements.
 5. All property with existing development on the effective date of these regulations which is not in compliance with the provisions of these regulations shall be considered nonconforming and allowed to continue until such time as a building permit is granted to enlarge by 20% or more a structure or parking lot on the property or increase the occupant load by 20% or more. A waiver of right to protest shall be required prior to a building permit being granted to enlarge by less than 20% a structure or parking lot on the property or increase the occupant load by less than 20%. Nothing in this section

shall limit the City Council's ability to order the installation of sidewalk in accordance with the provision of 12.16.020.

- 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 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 an exception ~~variance~~ from the requirements of this section.

(Ord. 5410, 2008: prior code § 26-55)

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: