

STAFF REPORT  
May 26, 2011

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**No. 10OA016 - Ordinance Amendment to revise the requirements of sidewalk construction within 2 years of the final plat approval by amending Section 16.16.090 of the Rapid City Municipal Code**

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**ITEM 3**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
REQUEST	<b>No. 10OA016 - Ordinance Amendment to revise the requirements of sidewalk construction within 2 years of the final plat approval by amending Section 16.16.090 of the Rapid City Municipal Code</b>
DATE OF APPLICATION	10/8/2010
REVIEWED BY	<b>Patsy Horton</b> / Monica Heller / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Ordinance Amendment to revise the requirements of sidewalk construction within 2 years of the Final Plat approval, to include requiring a sidewalk connecting the corner ramps and all sidewalks with the City's Extraterritorial jurisdiction, by amending Section 16.16.090 of the Rapid City Municipal Code be **continued to the July 7, 2011 Planning Commission meeting.**

GENERAL COMMENTS: **(Updated May 19, 2011. All added and/or revised text is shown in bold print.) This item was continued to the May 26, 2011 Planning Commission meeting to allow coordination with the proposed changes to the Infrastructure Design Criteria Manual from the CDC Technical Committee and comments from the Second Floor Committee. However, staff is recommending this item be continued to the July 7, 2011 meeting to allow the Director an opportunity to provide input.**

(Updated March 31, 2011. All added and/or revised text is shown in bold print.) This item was continued to the April 7, 2011 Planning Commission meeting to allow additional coordination with the proposed changes to the Infrastructure Design Criteria Manual. The CDC Technical Committee is meeting April 6, 2011 to review the proposed manual before moving it forward for adoption. Additionally, staff has requested that the Second Floor Committee also provide a recommendation. As such, staff is recommending that this item be continued to the May 26, 2011 meeting.

Bicycling and walking are important elements of an integrated, intermodal transportation system. Sidewalks, just like roadways, must form an unbroken coordinated network if they are to provide an effective transportation system for pedestrians. A Special Planning Commission Meeting held on January 19, 2010, to discuss possible revisions to sidewalk requirements to help develop a more effective transportation system for pedestrians. As a result of the Special Planning Commission meeting discussion, staff developed four proposed ordinance amendments and presented them at the March 4, 2010, Planning Commission meeting. Staff was directed to hold an open house to give the public the opportunity to review and provide input on the four proposed ordinance amendments.

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---

The proposed ordinance amendments were posted on the City's website and over 300 postcards were sent out to notify developers, consultants and other interested parties of the open house. The open house was held on March 23, 2010, in the Third Floor Conference Room at the City School Administration Center. A total of 6 people attended the meeting. Public feedback was gathered via conversations with attendees and one written comment sheet. In addition to the comment sheet and conversational comments received at the meeting, staff received phone calls from interested parties.

Two of the four proposed ordinance amendments were to Chapter 12.16. These ordinance amendments include a revision to Section 12.16.070 to increase the minimum width of sidewalks to 5 feet except on local residential roads and a revision to Section 12.16.080 to require the construction of sidewalks along roadways when a property is redeveloped. The proposed amendments are linked to this item, but no action is required by the Planning Commission since they are in Chapter 12 of the Rapid City Municipal Code. These items were tabled by the Public Work Committee until action has been taken on the Infrastructure Design Criteria Manual.

STAFF REVIEW: The proposed revisions to Section 16.16.090 presented at the open house, recommended that a continuous sidewalk one side of every street be required within 2 years of the final plat being approved. The major message received at and following the Open House was that there was not a need to amend the Subdivision Ordinance to require the subdivider/developer to install sidewalks prior to building permits. In 2006, the Council Development Committee recommended and the City Council approved an ordinance amendment to allow sidewalks to be constructed at the time a building permit for each lot was obtained. This ordinance went into effect on August 7, 2006.

The general consensus of those commenting was that the recent revisions are working and that additional time will be necessary to determine the effectiveness of these changes. Based on this information, staff recommended that the requirement to provide a continuous sidewalk on one side of every street not be implemented. However, staff has noted that further clarification should be made to Section 16.16.090 to include the construction of a sidewalk between the corner ramps and to require sidewalks that are required as part of the subdivision process within the City's extraterritorial jurisdiction, but outside the City limits, be constructed within 2 years of the final plat approval. The City currently requires the sidewalks to be shown on construction plans, but since the County currently does not require sidewalks to be constructed at the time of building permit there is no mechanism in place to ensure the sidewalks are constructed.

On October 7, 2010, the Planning Commission authorized staff to advertise for a public hearing on an Ordinance Amendment to revise the requirements of sidewalk construction within 2 years of the final plat approval, to include requiring a sidewalk connecting the corner ramps and all sidewalks with the City's Extraterritorial jurisdiction, by amending Section 16.16.090 of the Rapid City Municipal Code

Staff recommends amending Section 16.16.090 to the Rapid City Municipal Code as

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follows:

**16.16.090 Sidewalks.**

Sidewalks shall be constructed on both sides of all public or private streets in conformity with the design standards set forth in the Street Design Criteria Manual, standard specifications and Title 12 of this code unless an exception or variance has been granted. The responsibility for constructing sidewalks shall be divided as follows:

- A. The subdivider/developer will be responsible for constructing all corner ramps, ~~and a sidewalk connecting the corner ramps,~~ all sidewalks on lots which no building permit is anticipated (drainage lots, utility lots or other common lots) and all sidewalks within the City's extraterritorial jurisdiction as established by state law and city ordinance. The subdivider/developer will be required to have the above sidewalks installed within 2 years from the date the final plat has been approved.
- B. All other sidewalks will be installed at the time a building permit for the lot is obtained. If at the time of final inspection, a sidewalk which conforms to City specifications has not been installed, no certificate of occupancy will be issued. If a person or entity holding a residential contractor license builds a house or other building on a parcel and does not comply with this section more than 1 time in a year the City shall require that they post a bond or other form of surety to guarantee the completion of sidewalks on all other projects on which they are working. If they fail to post a bond or other suitable surety then City Building Official or their designee may order that work be stopped until such time as the sidewalk is installed or the surety has been posted. Any person or entity that is required to post surety pursuant to this paragraph may, after having corrected the problems which resulted in them being required to post surety, request that the City Council consider their subsequent actions and remove the requirement that they post surety on future projects. If a majority of the City Council votes to remove the requirement they post surety then the person/entity will no longer be required to post surety unless there is a subsequent violation.

**Staff recommends that the Ordinance Amendment be continued to the July 7, 2011 meeting.**