

**Item 1.** - There is currently no requirement for sidewalk to be constructed as part of a redevelopment or expansion of an existing development. The following ordinance amendment would require a sidewalk to be constructed along all abutting streets, highways and avenues when 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. This is consistent with the requirement to bring a property into compliance with the landscaping ordinance.

**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 a variance from the requirements of this section.

(Ord. 5410, 2008: prior code § 26-55)

**Item 2** - The current required width of four feet is not consistent with ADA requirements. The current ADA requirements require sidewalks that are less than 5 feet in width have a 5' x 5' landing every 200 feet. In order to address this requirement, most communities have increased the minimum width of sidewalks to 5 feet, with the exception on local residential roads, where there is typically a driveway every 200' that can act as the 5' x 5' landing.

**12.16.070 Width.**

- A. The width of all sidewalks, except in the business district described in subsection B. of this section, shall be 4 feet on lane/place and local roads and 5 feet on all other roads. Sidewalks shall be constructed in the right-of-way 1 foot from the property line, unless otherwise directed or approved by the City Engineer. ~~;~~ ~~provided, h~~ However, ~~that~~, in any block in which the majority of the sidewalks have been constructed at a greater width, all newly constructed sidewalk shall be constructed at the same width as those existing sidewalks. ~~;~~ ~~s~~ Sidewalks to be constructed adjacent to the curb in accordance with subsection C. of this section shall be 5 feet in width for lane/place and local roads and 6 feet for all other roads. Any proposed ~~4-foot-wide~~ sidewalk to be constructed which will abut an existing wider sidewalk shall be constructed to provide a transition between the different widths as approved by the City Engineer.
- B. In the business district, Rapid Street to Kansas City Street and East Boulevard to West Boulevard, sidewalks shall be constructed from the curb line to the property line.
- C. In the event the property owner wishes to place a sidewalk contrary to the city ordinances, the property owner must file in the city's Finance Officer's office a petition stating the specific reasons for the request. The Common Council shall act on the petition at its next regular scheduled meeting. The petitioner shall pay any expenses incurred as a result of their application, including any costs of engineering and surveying.

(Prior code § 26-54)

**Item 3** - The current requirements do not require sidewalks to be installed within a certain time frame. This can create a non continuous sidewalk for many years.

#### **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~~ all sidewalks on lots which no building permit is anticipated (drainage lots, utility lots or other common lots), and a continuous sidewalk on one side of every street. 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.

(Ord. 5157, 2006: Ord. 3112 (part), 1994: prior code Appendix B (Art. V, §10))

**Item 4** - There is currently no requirement to provide sidewalk connection from right-of-way to a building. The proposed amendment would require a sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure.

**17.50.305 Minimum pedestrian access requirement.**

- A. Duty to provide and maintain pedestrian access.
1. All non-residential buildings will be required to have a minimum of one sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way.
  2. Every building, or portion of building hereafter erected, and every initiation or expansion of use involving an existing building, shall be provided with permanently maintained pedestrian access as provided in this chapter.
- B. Initiation and expansion of use. Every building, structure or use which does not conform to the requirements of this title shall conform with the provisions of this section when a use is initiated or expanded
1. A use is initiated when:
    - a. A building or structure is erected;
  2. A use is expanded when:
    - a. An existing building or structure is enlarged by 20% or more with respect to square feet of gross floor area (SFGFA);
    - b. An existing building or structure is modified internally to accommodate an increased occupant load of 20% or more, as determined by the current building codes adopted by the City of Rapid City;
    - c. A use is expanded by 20% or more as measured by area, employees, rooms, seats, dwelling units or occupants.