

AN ORDINANCE TO REVISE THE DEFINITION FOR BUILDING SETBACK LINE WHERE RIGHT-OF-WAY HAS BEEN EXPANDED FOR FIRE HYDRANTS BY AMENDING SECTION 17.04.125 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City’s zoning code has established a definition for “building setback line” that measures the distance between street right-of-way and where a structure may be constructed; and

WHEREAS, the City often acquires additional, small portions of right-of-way for placement of fire hydrants; and

WHEREAS, the additional right-of-way can create the unintended consequence of a setback violation or an unbuildable area where a structure could otherwise be built on a lot; and

WHEREAS, the Common Council finds it is in the best interests of the City to amend the definition of “building setback line” to exclude the small areas of right-of-way expansion where fire hydrants are located from the setback measurement.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 17.04.125 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

17.04.125 Building setback line.

BUILDING SETBACK LINE. A line delineating the minimum allowable distance between the street right-of-way and the front of a structure, within which no building or other structure shall be placed except as provided in §§ 17.50.190, 17.50.200, 17.50.210 and 17.50.250. The building setback line is parallel to or concentric with the street right-of-way. In cases where the right-of-way line is expanded for the purpose of installing a fire hydrant, the right-of-way expansion containing the fire hydrant shall not be considered when establishing the building setback line. The Building Official shall make all determinations of setback delineation. Nothing in this Section shall be deemed to allow the construction of a structure in the public right-of-way.

CITY OF RAPID CITY

Attest

Mayor

Finance Officer

(seal)