



# City of Brookings

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## Legislation Details (With Text)

**File #:** RES 20-017    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Passed  
**File created:** 2/18/2020    **In control:** City Council  
**On agenda:** 2/25/2020    **Final action:** 2/25/2020

**Title:** Action on Resolution 20-017, a Resolution Establishing Criteria for Building in the Public Right-of-Way in the City of Brookings, South Dakota.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Memo, 2. Resolution - clean, 3. Resolution - marked, 4. Resolution 68-04

Date	Ver.	Action By	Action	Result
2/25/2020	1	City Council	approved	Pass

Action on Resolution 20-017, a Resolution Establishing Criteria for Building in the Public Right-of-Way in the City of Brookings, South Dakota.

### Summary:

The City Council adopted Resolution 68-04 on November 23, 2004, which established criteria for building in the public right-of-way. The City Council also adopted an amendment to the City Ordinance to allow construction in the public right of way.

The Criteria Item No. 6 in Resolution 68-04 states the following:

*6. The encroachment into the public right-of-way will not be granted for more than 30% of the width of the sidewalk measured from the property line to the back of curb of the adjacent street. In no case shall the encroachment into public right-of-way exceed a distance of 36 inches.*

The Development Review Team (DRT) discussed that maintaining four feet of width on the public sidewalk would maintain the width required by the Americans with Disabilities Act and recommended the City Council review Resolution 68-04 for a possible amendment. The criteria change would allow flexibility in designs while maintaining compliance with the Americans with Disabilities Act.

### Recommendation:

Staff recommends approval.

### Attachments:

Memo  
Resolution 68-04  
Resolution 20-17 (marked)  
Resolution 20-17 (clean)