

ORDINANCE NO. 4014

AN ORDINANCE ADDING SECTION 17.50.250(C) OF THE RAPID CITY MUNICIPAL CODE TO PROVIDE SETBACK EXCEPTIONS FOR WHEELCHAIR RAMPS

WHEREAS, THE City of Rapid City has previously adopted ordinances identifying yard, building setback and open space exceptions; and

WHEREAS, the adopted ordinances allow for encroachment into a required setback for non-enclosed steps or stairs not to exceed six feet; and

WHEREAS, the adopted ordinances do not allow encroachment of wheelchair ramps into required setbacks; and

WHEREAS, the City of Rapid City has determined that it is in the best interests of the City of Rapid City to add language to allow wheelchair ramps to encroach into required setbacks with identified criteria.

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that Section 17.25.250(C) of the Rapid City Municipal Code is hereby amended by adding the following language:

17.50.250(C)

9. Provisions for Wheelchair Ramps. The Growth Management Director may authorize an exception to allow a wheelchair ramp within a required setback in compliance with the following criteria:

- a) The applicant has submitted a letter from a licensed physician specifying that the wheelchair ramp is necessary to accommodate a resident of the property;
- b) The wheelchair ramp shall be designed so as to encroach into the required setback the minimum distance feasible;
- c) The wheelchair ramp shall not encroach into any recorded easement or into public right-of-way;
- d) The encroachment into the required setback shall be removed when the individual requiring the wheelchair ramp no longer resides on the property or the wheelchair ramp is no longer required; and,
- e) The wheelchair ramp shall be designed and constructed in accordance with the applicable provisions of the American with Disabilities Act (ADA).

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: