

STAFF REPORT

February 20, 2003

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**No. 03OA001 - Ordinance Amendment**

**ITEM 45**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 03OA001 - Ordinance Amendment</b>
EXISTING LEGAL DESCRIPTION	To modify Section 17.50.270 (G)(6) and to add Section 17.50.270 (H)(9) of Chapter 17 of the Rapid City Municipal Code to require the provision of handicap accessible parking stalls in existing lots when the lots are re-striped
DATE OF APPLICATION	01/27/2003
REPORT BY	Trish Anderson

RECOMMENDATION: The Subcommittee for Accessible Parking recommends approval of the Ordinance Amendment to require the provision of handicap accessible parking stalls in existing lots when the lots are re-striped.

GENERAL COMMENTS: The Planning Commission Subcommittee for Accessible Parking is proposing to modify the parking ordinance to make the provision of handicap accessible parking spaces a requirement when existing parking lots are re-striped. Per the existing code, all new development and any expansions greater than twenty percent require the provision of handicap accessible parking. However, existing lots which were built prior to the incorporation of the handicap parking standards into the Rapid City parking code are legal non-conforming lots and may not have accessible parking. The Federal Americans for Disabilities Act laws require that when an existing lot is re-striped handicap accessible parking is provided. Enforcement of this law is the responsibility of the United States Government. The Subcommittee would like to ensure that the Americans with Disabilities Act standard is enforced by the City of Rapid City as by incorporating this requirement into the local Zoning Ordinance.

The Subcommittee, with the assistance of the City Attorney's office, has proposed the following language change to the ordinance:

*17.50.270  
(G)(6) Maintenance - Markings. Except for one and two-family uses, all parking facilities shall be marked with striping paint as shown on the approved building permit. Aisles, approach lanes, stalls, handicapped stalls and designated no parking areas shall be clearly marked with direction arrows, lines and symbols to assure the safe and efficient movement of vehicles. "Clearly marked" is defined as displaying a visibly-defined edge. Whenever parking lots are re-striped, markings are maintained, including re-application of existing striping paint, any*

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parking facility which does not meet the standards set forth in subsection H(4), (5) or (6) of this section shall be made to comply with subsection H(4), (5) and (6) involving parking for persons with disabilities.

17.50.270

(H) (9) Addition of Accessible Parking in Existing Parking Lot

Whenever a parking facility which does not meet the requirements of this subsection H(4), (5) or (6) is re-striped, or when existing parking markings are to be repainted, such parking markings shall be altered to conform to the requirements of this subsection H(4), (5) and (6). If the entity providing the parking facility is required to eliminate one or more parking spaces to comply with this provision, such elimination shall be permitted without requiring a variance to the parking requirements.

a. This provision shall apply only to parking facilities providing for four (4) or more parking stalls.

b. Nothing in this section shall be construed to require the reconstructions of any parking lot to achieve the requisite slope required in the construction of a new parking facility.

Sections H (4), (5), and (6) refer to the number of handicap spaces required, the signage, and the size of the parking space and the access aisle. One van accessible parking space would be required for parking lots which contain between 1 and 25 spaces. The van accessible parking space must be at least eight feet wide with an eight foot wide access aisle.

STAFF REVIEW: Staff has some concerns about the proposed ordinance. The ordinance may be difficult to enforce as no permits are required when a parking lot is re-striped, so the ordinance will function on a complaint basis. The City's parking standards parking require that all parking facilities be clearly marked to assure the safe and efficient movement of vehicles. Owners may defer this maintenance because of concerns about reducing the number of parking stalls in their lots. Further allowing existing parking lots to have fewer than the required spaces without requiring a variance may raise issues of fairness with new developments or projects involving expansions of over twenty percent.

The Subcommittee held a public meeting on January 15, 2003 and about 10 individuals attended. Invitations were sent out to many local businesses including all the parking lot striping and maintenance companies. Information about the meeting and the proposed ordinance was and is posted to the City's web site. At the meeting, there did not appear to be any significant opposition to the ordinance change, although some business owners were concerned about the possible loss of parking spaces. Staff received one email from a property owner with questions about their existing lot.