

STAFF REPORT

February 5, 2004

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**No. 04OA002 - Ordinance Amendment**

**ITEM 19**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 04OA002 - Ordinance Amendment</b>
EXISTING LEGAL DESCRIPTION	Ordinance Amendment to consider amendments to Section 17.50.250(C) of the Rapid City Municipal Code pertaining to provisions for wheelchair ramps.
DATE OF APPLICATION	01/08/2004
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Ordinance Amendment to Section 17.50.250(C) of the Rapid City Municipal Code by adding provisions for wheelchair ramps be approved.

GENERAL COMMENTS: On January 8, 2004, the Rapid City Planning Commission directed staff to advertise for a public hearing to consider amendments to Section 17.50.250(C) of the Rapid City Municipal Code pertaining to provisions for wheelchair ramps. Section 17.50.250 defines requirements for yard, building setback and open space exceptions.

STAFF REVIEW: Section 17.50.250 of the Rapid City Municipal Code defines setback exceptions not to exceed six feet for porches, steps and stairs to a dwelling. Wheelchair ramps are currently not included. Construction of wheelchair ramps to meet the setback requirements on some properties may be difficult. In those circumstances, allowances into required setbacks may be desired. Staff has reviewed language to provide setback exceptions for wheelchair ramps and is recommending a revision to Section 17.50.250 (C) by adding provisions for wheelchair ramps to read as follows:

*The Growth Management Director may authorize an exception to allow a wheelchair ramp within a required setback in compliance with the following criteria:*

- 1) The applicant has submitted a letter from a licensed physician specifying that the wheelchair ramp is necessary to accommodate a resident of the property;*
- 2) The wheelchair ramp shall be designed so as to encroach into the required setback the minimum distance feasible;*
- 3) The wheelchair ramp shall not encroach into any recorded easement or into public right-of-way;*
- 4) 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,*

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- 5) *The wheelchair ramp shall be designed and constructed in accordance with the applicable provisions of the American with Disabilities Act (ADA).*

This language will define the exceptions for wheelchair ramps and will allow those ramps to encroach into required setbacks with the criteria identified without requiring that a variance to the Zoning Ordinance be obtained. Staff is recommending the approval of the Ordinance Amendment as outlined.