

City Planning Commission Communication

Department: Community Development	Ordinance No.	Planning Commission: 2/14/17
Case #ZT-17-002		
Applicant: City of Council Bluffs		

Subject/Title

CASE #ZT-17-002: Public hearing on the request of the City of Council Bluffs to amend Section 15.24.060(03), *Yard exceptions and permitted intrusions into required yards*, of the Supplemental Use and Site Development Regulations of the Municipal Code (Zoning Ordinance).

Background

The Community Development Department is requesting a text amendment to Title 15 of the Municipal Code (Zoning Ordinance) to exempt handicap accessible ramps from maximum lot coverage requirements (see Attachment A). Section 15.24.060(03), *Yard exceptions and permitted intrusions into required yards*, of the Zoning Ordinance allows handicap ramps to encroach into a required yard (setback) for access purposes but does not provide these structures any relief from maximum lot coverage requirements. In Council Bluffs, residential properties that have small lot sizes and/or an accumulation of structures (e.g., sheds, detached garages, decks, etc.) often have difficulty building handicap ramps due to lot coverage constraints. The proposed text amendment exempts handicap ramps from maximum lot coverage standards so that property owners have better flexibility constructing said structures, when necessary. The applicable code section is below with proposed changes in underlined text.

15.24.060 *Yard exceptions and permitted intrusions into required yards.* *The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:*

- 3. Ramps constructed to make a structure accessible to persons with disabilities shall not count towards the maximum allowed lot coverage on any subject property and may project into the required yard(s) to the extent necessary for access, if, upon review by the mayor or designee, it is determined that the ramp has been designed to minimize the intrusion into the required yard(s) and creates no hazard to the public.*

All City departments and utility providers received a copy of the proposed text amendment. The Public Works Department stated that handicap ramps built into the City's right-of-way must receive an encroachment permit prior to construction. No adverse comments were received regarding the request.

Recommendation

The Community Development Department recommends approval of the proposed text amendment as follows:

- 1. Ramps constructed to make a structure accessible to persons with disabilities shall not count towards the maximum allowed lot coverage on any subject property and may project into the required yard(s) to the extent necessary for access, if, upon review by the mayor or designee, it is determined that the ramp has been designed to minimize the intrusion into the required yard(s) and creates no hazard to the public.*

Attachment

Attachment A: Proposed text amendment §15.24.060(03), *Yard exceptions and permitted intrusions into required yards*, of the Supplemental Use and Site Development Regulations of the Municipal Code (Zoning Ordinance).

Prepared by: Christopher N. Gibbons, Planner

15.24.060 Yard exceptions and permitted intrusions into required yards. The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

1. The following building features may project into the required front yard no more than six feet and into the required side yards no more than three feet, provided that such projections are no closer than three feet to any side yard line:
 - a. Chimneys and fireplaces;
 - b. Porches, as defined in Chapter 15.03, platforms and landings which do not extend above the level of the first floor of the building.
2. The following building features may project into the required front yard no more than three feet and into the required side yard no more than three feet, provided that such projections are no closer than three feet to any side yard line:
 - a. Eaves, cornices, belt courses, leaders, sills, awnings, lintels, gutters, and other similar features.
3. Ramps constructed to make a structure accessible to persons with disabilities shall not count towards the maximum allowed lot coverage on any subject property and may project into the required yard(s) to the extent necessary for access, if, upon review by the mayor or designee, it is determined that the ramp has been designed to minimize the intrusion into the required yard(s) and creates no hazard to the public.