



Legislation Details (With Text)

File #: CPC CA 18-00164 **Version:** 3 **Name:**

Type: Ordinance **Status:** Mayor's Office

File created: 11/19/2018 **In control:** City Council

On agenda: 2/26/2019 **Final action:** 2/26/2019

Title: Ordinance No. 19-12 Amending Section 205 (Accessible Parking Space Requirements for the Disabled) of Part 2 (Off-Street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs, 2001, as amended, Pertaining to Accessible Parking Signs.

(Legislative)

Presenter:
Meggan Herington, Assistant Director of Planning
Robert Hernandez, Title II ADA Manager, Office of Accessibility
Peter Wysocki, Director of Planning and Community Development

Sponsors:

Indexes: Code Amendment

Code sections:

Attachments: 1. AccessibleParkingSignageORD-2018-01-16, 2. Signed Ordinance 19-12

Date	Ver.	Action By	Action	Result
2/26/2019	2	City Council	finally passed	Pass
2/12/2019	2	City Council	approved on first reading	Pass
1/22/2019	2	Council Work Session	referred	
12/20/2018	1	Planning Commission		

Ordinance No. 19-12 Amending Section 205 (Accessible Parking Space Requirements for the Disabled) of Part 2 (Off-Street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs, 2001, as amended, Pertaining to Accessible Parking Signs.

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Summary:
The amendment proposes to update a single section of City Code 7.4.205F (Signs), pertaining to ADA (Americans with Disabilities Act) signage and deletion of the dynamic accessibility icon as an

accepted demarcation symbol and only permitting the use of the “traditional” icon.

Previous Council Action:

Staff introduced the item at the January 22 work session at which time Council recommended placing the item on the consent calendar for a formal action.

While Council has not heard previous action on this language specifically, Council did approve an amendment to 7.4.205F to allow the use of the dynamic symbol on placards and signs. This is a proposed change to a very small portion of that adopted language as discussed below.

Background:

Early last year, City Planning Commission recommended, and Council approved, an amendment to City Code Section 7.4.205F (Ord. No. 17-8) to allow use of the dynamic symbol of accessibility for accessible parking signs in addition to the traditional International Symbol of Accessibility. The City itself has been using the dynamic symbol for several years. It has been confirmed recently, however, that the DOJ (Department of Justice) has not approved the use of the dynamic symbol. City staff in all departments has now been advised not to use or condone the use of the dynamic symbol until it is specifically approved by the DOJ.

Attached is an ordinance to remove the dynamic symbol as a permissible signage option under Section 7.4.205F. Although the City is in the process of changing out the symbols on public property, the goal would be to have the change apply to private property owners moving forward and for existing uses of the dynamic symbol be “grandfathered” under the Code. Note that this only protects the private property owner from enforcement of the City Code provision. The private property owner could still be subject to DOJ enforcement of any Title III obligations under the ADA.

The City Planning Commission staff report includes illustrations for each type of signage along with a DRAFT ordinance that highlights the text to be removed in strikethrough. The document titled Final Ordinance is the ordinance with the proposed language removed from the language to be adopted.

Financial Implications:

N/A

Board/Commission Recommendation:

City Planning Commission recommended adoption of the ordinance on December 20th as part of the Consent Calendar. The record of that decision is attached.

Stakeholder Process:

This change was made on request by and in consultation with the City Attorney’s Office due to pending litigation and the requirement for clarity on allowances within all sections of City Code.

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

Proposed Motion:

Approve an Ordinance amending Section 205 (Accessible Parking Space Requirements for the Disabled) of Part 2 (Off-Street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs, 2001, as amended, pertaining to accessible parking signs.

An Ordinance Amending Section 205 (Accessible Parking Space Requirements for the Disabled) of Part 2 (Off-Street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs, 2001, as amended, Pertaining to Accessible Parking Signs.