

ORDINANCE 275

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY AMENDING SUBDIVISION 4, (E) (3) RELATING TO HANDICAP ACCESS RAMPS

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

SECTION I: Section 5, Subd. 4(E)(3) of Ordinance 169 shall be amended as follows:

3. Setback exceptions.

a. A landing place or uncovered porch or deck ~~or handicap access ramp~~ may extend into a required front yard a distance not exceeding six (6) feet if the landing place or porch or deck ~~or handicap access ramp~~ has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such structure.

b. Reasonable Accommodation.

i. In order to make housing available to an individual with a disability, property owners may request a temporary exception from any required yard for a reasonable accommodation under the federal Fair Housing Act.

ii. A request for a reasonable accommodation shall be made by filing an administrative permit application with the Zoning Administrator.

iii. Required findings to establish a reasonable accommodation.

1. The subject dwelling shall be used by an individual with disabilities protected under fair housing laws.

2. The request is necessary to make housing available to an individual with disabilities protected under fair housing laws.

3. The requested action shall employ conventional building materials as opposed to flimsy, temporary, or makeshift materials such as pallets, plywood, wire, mesh, dock sections, and similar materials.

4. The portion of the reasonable accommodation encroaching in the setback shall be removed if/when an individual with disabilities

protected under fair housing laws no longer resides at the subject location.

- 5. The requested action will not impose an undue financial or administrative burden on the City.**
- 6. The requested action will not require a fundamental alteration of the nature of the City's land use plan, zoning standards, and/or building code.**

SECTION II: Effective Date.

This Ordinance is effective upon its adoption and publication as prescribed by law.

For City of Arlington:

By James R. Kreft
It's Mayor

By Matthew Jaunich
It's Administrator

First Reading: September 17, 2012
Second Reading: October 1, 2012
Adopted: October 1, 2012
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