

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2014-3: AMENDMENT TO ARTICLE 15-5(a) FOR HANDICAP RAMPS

REQUESTED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: (Note: Underlined text indicates an addition to the current Zoning Ordinance.)

**GENERAL REGULATIONS FOR HEIGHTS,
YARDS, WALLS, FENCES, PROJECTIONS, ACCESSORY STRUCTURES and
INFILL/REDEVELOPMENT CONSTRUCTION**

15-5 PROJECTIONS

15-5(a) COVERED PORCHES, STAIRWAYS, TERRACES - Covered porches, stairways, terraces or other similar features, the floor level of which is not over three (3) feet above the established grade and does not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard no more than eight (8) feet; provided that such covered porches, stairways, terraces, or other similar features conform to the provisions of Section 15-5(d). Ramps providing handicap access for mobility purposes shall be permitted to extend into any required yard to the extent necessary to further the goals of the Americans with Disabilities Act.

15-5(b) OUTSIDE STAIRWAYS - Outside stairways may extend up to (3) feet into any required side yard, provided the projection is at least three (3) feet from all lot lines; however, they may not extend more than five (5) feet into any required rear yard.

15-5(c) CHIMNEYS AND ORNAMENTAL FEATURES - Flues, belt courses, leaders, sills, lintels, ornamental features, cornices, eaves, gutters and the like, may not extend more than twenty-four (24) inches into any required yard. Chimneys and pilasters may extend up to twenty-four (24) inches into any required yard, provided they are at least three (3) feet from all lot lines.

15-5(d) MAXIMUM PROJECTION - Notwithstanding any other provision of this section, no projection, as listed above, shall extend into any required side yard more than one-half (½) the width of such yard, nor within ten (10) feet of the front lot line, within five (5) feet of the rear lot line, nor within three (3) feet of any accessory building. Such limitations shall not apply to terraces and steps inside yards, or to a loading dock or tailboard in connection with an industrial siding.

STAFF REVIEW:

The Urban County Planning Commission, at the request of the Division of Planning staff, initiated a text amendment to Article 15-5(a) of the Zoning Ordinance in May 2014 in order to relax the regulations for projections into required yards for the installation of ramps providing handicap access for mobility purposes.

The current language permits the extension of a covered porch, stairway or terrace (including a ramp) into a required front, side or rear year up to eight feet. Many structures have been built with such projections; but from time-to-time, such structures are in need of modification in order to allow property owners to install an accessible ramp beyond the parameters permitted in the Zoning Ordinance.

The proposed change will add a new phrase to the end of Section 15-5(a) to permit such ramps, and in many cases will eliminate the need for a variance to the yard requirements. A resident may be experiencing reduced mobility, and installation of a ramp may permit a disabled or elderly citizen to remain in an independent living arrangement.

This proposed change will further the goals of the American with Disabilities Act (ADA), which was enacted in 1990, and amended in 2008. It is considered one of the nation's "most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life" (*United States Department of Justice, Civil Rights Division*). The Division of Planning proposed the text amendment in an effort to reduce the amount of time necessary to secure a building permit by eliminating the need for a Board of Adjustment variance in some cases for a handicap-accessible ramp.

In general, the Lexington-Fayette Urban County Government, with the assistance of an ADA Coordinator (in the Department General Services), is working to make policy changes to improve the local environment for citizens with disabilities. This proposed change was reviewed with the ADA Coordinator, the Division of Building Inspection and the Mayor's Commission for Citizens with Disabilities prior to it being initiated in May of this year. Further regulatory improvements may be forthcoming to further the goals of the ADA.

The Staff Recommends: **Approval** for the following reason:

1. The proposed text amendment is a timely change to the Zoning Ordinance and may lessen the time required to secure a building permit in some cases for the installation of a handicap-accessible ramps for the purposes of mobility. The proposed change will help to meet the intent of the Americans with Disability Act (ADA) and its amendments.

TLW/BJR/WLS

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