

The motion failed 3-6 (Cravens, Owens, Wilson, Beatty, Berkley and Mundy opposed; Brewer and Penn absent).

Planning Commission Comment - Mr. Wilson also applauded what Mr. Hayes was trying to do, but noted that the law is the law. He then said that it is one thing to get forgiveness and one thing to ask for permission, and there was ample time for the appellant to submit an application to do that.

Action - A motion was made by Mr. Wilson, seconded by Mr. Berkley, and carried 7-2 (Blanton and Roche-Phillips opposed; Brewer and Penn absent) to uphold the BOAR decision and adopt the findings, for the reasons provided by the staff.

VI. STAFF ITEMS – The Chair will announce that any item a Staff member would like to present will be heard at this time.

- A. ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request that the Planning Commission initiate a text amendment to the Zoning Ordinance in order to create and clarify zoning regulations for sidewalks located in close proximity to driveways. New regulations are necessary, especially in the defined Infill & Redevelopment Area, to prohibit the construction of private walkways in a manner which would facilitate illegal vehicular parking.

Staff Presentation – Mr. King said that the staff is requesting that the Planning Commission initiate a text amendment to the Zoning Ordinance to clarify the zoning regulations for areas that particularly involve student housing. He directed the Commission's attention to the first photograph to illustrate how an additional sidewalk was constructed in close proximity to an existing driveway. He said that, in general, all driveways extend to the rear of the property and driveways are subject to restrictions, permitting requirements and parking restrictions. However, smaller sidewalks are not clearly articulated in the Zoning Ordinance and are not directly defined as part of an existing driveway. He noted that under the Kentucky Building Code, these smaller sidewalks are not defined as a structure, such as patios are. Therefore, when property owners decide to build the smaller sidewalks, parking area, they are not shown on the permit application. He then said that what is being seen in this type of situation is a de facto that is circumventing the requirement that there be no parking in the front yard.

Mr. King then directed the Commission's attention to the next photograph, noting that this image was taken that same morning and explained that an existing driveway is shown on the left side of the property, and a traditional sidewalk leading to the front of the house is in the center of the front yard. He said that the property owner has constructed a smaller paved area between the driveway and sidewalk. The photograph does not show a car parked in the front of the property; and until a car is parked in that location, the additional paved area is not illegal. He added that there is a small strip of paved area that has been added to the existing driveway. The property owner did obtain a permit for the additional paved area to the driveway, but the smaller paved area was not shown on the approved permit.

Mr. King said that the staff believes that this is a situation could potentially encourage violating the law. He then said that the staff would be working on the language to deal with this situation and requested the Commission to approve the initiation of this text amendment.

Planning Commission Question – Ms. Roche-Phillips asked if these properties have common ownership. Mr. King replied that he could not say; but, in general, this situation is within the student housing area.

Action - A motion was made by Ms. Roche-Phillips, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to initiate the text amendment to the Zoning Ordinance to develop new regulations to prohibit the construction of private walkways in a manner which would facilitate illegal vehicular parking.

- B. ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request that the Planning Commission initiate a text amendment to Article 6 of the Zoning Ordinance to modify the notification requirements for zone change applications - increasing the notification area to a distance of 500 feet from the area proposed for rezoning. Following notification to all registered neighborhood associations, and review by the Commission's Zoning Committee, the required public hearing could be scheduled as early as September 27, 2012.

Staff Presentation – Mr. Sallee noted that this request is related to the recent change to the notification area for the Board of Adjustment conditional use permits. He directed the Commission's attention to Article 6 of the Zoning Ordinance that was previously distributed. He said that this initiation would modify the notification requirements for zone change applications from the current 400-foot radius to the proposed 500-foot radius from the area being proposed for a rezoning. He then said that there have been occasions when a zone change and a conditional use permit were being requested, at the same time. This change would simplify the notification requirement to prevent any issues of a property owner not being notified. He added that this change would provide an additional level of notice for the typical zone change that does not involve a conditional use permit.

Mr. Sallee concluded by saying that the only change being made to Article 6 is the notification area from 400 feet to a distance of 500 feet.

Planning Commission Question – Mr. Cravens asked how many more property owners would be notified with this proposed change and what is the cost to the applicant. Mr. Sallee said that, during the conditional use permit review, the staff had determined there would be an increase, and referred the question to Mr. Emmons. Mr. Emmons said that, using the 2011

ZOTA 2012-15: Amend Articles 1, 4 and 16 to Clarify Parking, Private Walkways, and Paved Areas

(Note: Underlined text below indicates an addition, ~~dashed through~~ text indicates a deletion to the current Zoning Ordinance.)

ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS

Article 1-11 of the Zoning Ordinance defines the following:

DRIVEWAY, FOR SINGLE FAMILY AND TWO-FAMILY DWELLINGS - A private paved vehicular access, a maximum of twenty-four (24) feet in width, or ~~ten (10)~~ twelve (12) feet in width when inside the Infill and Redevelopment Area, extending on the shortest reasonable path through the front yard or side street side yard to the required off-street parking area. All other areas paved for vehicular use within any front or side street side yard shall be considered additional parking and shall be subject to the area limitations and landscaping requirements of this Zoning Ordinance.

PARKING LOT, AREA, OR STRUCTURE - An area not within a building for temporary (less than 24-hour) off-street parking, loading or unloading of vehicles, whether required or permitted by this Zoning Ordinance, including driveways, access ways, aisles, and maneuvering areas; but not including a loading dock or any public or private street right-of-way.

PAVED AREA - An area of concrete, asphalt, brick, permeable pavers, or other suitable hard surface materials, excluding loose aggregate or other type of gravel.

PRIVATE WALKWAY - A paved area used for pedestrian activity outside of the public right-of-way.

YARD, FRONT - An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as herein specified. The depth of a front yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the front lot line.

ARTICLE 16: GENERAL REGULATIONS FOR PARKING, LOADING AREAS, GARAGES, AUTOMOBILE SERVICE STATIONS, VEHICLE SALES LOTS AND STACKING AREAS

16-1 GENERAL REGULATIONS FOR PARKING, AND LOADING AND PEDESTRIAN AREAS

16-1(f) PERMIT REQUIREMENT - ~~No p~~Permits are required for private walkways, parking, loading, or unloading areas. Such permits shall not be issued until the applicant has met the design standards jointly promulgated by the Division of Traffic Engineering and the Division of Building Inspection, the storm drainage requirements of the Division of Engineering, and all other requirements of this Zoning Ordinance.

16-4 PARKING, LOADING AND UNLOADING AREAS IN RESIDENTIAL ZONES

16-4(a) MINIMUM REQUIRED PARKING - In every R-1A, R-1B, R-1C, R-1D, R-1E, R-1T and R-2 zone, there shall be provided at least one (1) off-street parking space for each dwelling unit; no such space shall be located within any required front yard or side street side yard area. ~~Properties within the R-1E or R-1T zone may park within the required front or side street side yards, provided the final record plat was approved by the Planning Commission prior to December 5, 2002.~~ The parking area and driveway shall be paved with concrete, asphalt, brick or other suitable hard surface materials, as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited.

Any private walkway shall be designed in such a way that a vehicle cannot drive on it so as to permit the area to be used as a parking space. No private walkways shall be built in the street right-of-way without approval of an encroachment permit.

Within the defined Infill & Redevelopment Area, the maximum width in the front yard of any driveway serving the required space(s) per dwelling unit shall be limited to ~~ten~~ twelve (12-10) feet.

16-4(b) ADDITIONAL PARKING - Provided the above parking has been met, additional parking shall be permitted ~~in the required front yard or side street side yard~~ in any R-1A, R-1B, R-1C, R-1D, R-1E, R-1T or R-2 zone, provided the following requirements are met:

- (1) The parking area and driveway shall be paved with concrete, asphalt, brick, grass pavers, or other suitable hard surface materials as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited.

Any private walkway shall be designed in such a way that a vehicle cannot drive on it so as to permit the area to be used as a parking space. No private walkways shall be built in the street right-of-way without approval of an encroachment permit.

- (2) The paved areas for {parking areas and driveways} shall be set back from the property lines as follows:

Zone	Setback from Front Lot Line and/or Side Street Lot Line	Setback from Side & Rear Lot Line
R-1A	15'	8'
R-1B	10'	4'
R-1C	6'	2'
R-1D	6'	2'
R-1E	6'	2'
R-1T	6'	2'
R-2	6'	2'
R-3 & R-4*	6'	2'

* For single family homes or duplexes, per Article 16-4(c)(6)

- (3) a. If located within the required front yard or required side street side yard, outside the defined Infill & Redevelopment Area the percentage of coverage of parking areas and driveways shall not exceed fifty percent (50%) of the total required front yard or side street side yard. The maximum amount of paved area, including private walkways, shall not exceed sixty percent (60%) of the total required front or side street side yard.
 b. If located within the required front or side street side yard, Within inside the defined Infill & Redevelopment Area, parking in the required front yard is prohibited, and driveway width shall be limited to ~~ten~~ twelve (12-10) feet. The maximum amount of private walkways shall not exceed ten percent (10%) of the total required front or side street side yard.
- (4) The design of the parking areas and driveways shall be developed so as to discourage the backing of vehicles onto a public right-of-way.
- (5) The parking area shall be landscaped and screened as required by Article 18 of this Zoning Ord-

nance.

- (6) A permit shall be required for the construction of all parking areas and driveways that fall under the above regulations. The owner must provide the Division of Building Inspection with a plot plan showing the entire lot, the location of the residence, the layout of the parking areas and driveways (both the required spaces and proposed extra spaces) and all proposed landscaping and screening required, as well as any other information necessary to clearly define the proposed construction as required by the Division of Building Inspection.
- (7) Within the defined Infill and Redevelopment Area, the maximum number of parking spaces on the lot will be no more than fifty percent (50%) additional spaces over the required parking. The following table gives examples of the required and maximum number of parking spaces:

Required Parking	Maximum Parking
1	2
2	3
3	5
4	6

- (8) Properties that have one or more street frontage with restricted parking shall be allowed one (1) additional parking space per restricted street frontage over the maximum allowed parking.

~~16-4(d) NON-CONFORMING PARKING EXCEPTION~~

- ~~(1) No off-street parking space shall be required for a single family detached residence on any lot redeveloped as defined in Article 15-2(a)(1) when the lot already has no off-street parking space (a non-conforming situation).~~
- ~~(2) No off-street parking space shall be required within the defined Infill and Redevelopment Area where the Urban County Council has established a designated on-street parking area on a block-by-block basis.~~

ARTICLE 4: NON-CONFORMING USES, STRUCTURES AND LOTS

4-8 PARKING NON-CONFORMITIES

- (a) Properties within the R-1E or R-1T zone may park within the required front or side street side yards, provided the final record plat was approved by the Planning Commission between December 15, 1983 and December 5, 2002.
- (b) No off-street parking space shall be required for a single family detached residence on any lot redeveloped as defined in Article 15-2(a)(1), when the lot already has no off-street parking space (a non-conforming situation).
- (c) No off-street parking space shall be required within the defined Infill and Redevelopment Area where the Urban County Council has established a designated on-street parking area on a block-by-block basis.