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ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2013-023 Accessible Ramps

Description: Consider an ordinance amending Title 25 of the City Code to allow placement of accessible ramps in required yard setbacks.

Proposed Language: See attached draft language.

Background: Initiated by Council Resolution 20130808-060.

On August 8, 2013, the City Council directed the City Manager to initiate an amendment of Title 25 to exempt accessible ramps for dwelling units from rear, side, and front setback requirements.

Staff Recommendation: Staff recommends the proposed code amendment.

Board and Commission Actions

September 17, 2013: Forwarded to Planning Commission without a recommendation by Codes and Ordinances Subcommittee on a 5-0 vote.

September 24, 2013: Recommended by Planning Commission that this item return to Codes and Ordinances subcommittee for further discussion on a 7-0 vote.

October 15, 2013: Postponed to a future Codes and Ordinances Subcommittee by the Codes and Ordinances Subcommittee on a 5-0 vote.

November 19, 2013: Forwarded to Planning Commission without a recommendation by Codes and Ordinances Subcommittee on a 5-0 vote, with direction to staff to work on language with stakeholders and Commissioners before returning to full Planning Commission.

December 10, 2013: Postponed at Planning Commission to Planning Commission January 14, 2014.

January 14, 2014: Postponed at Planning Commission to Planning Commission January 28, 2014.

January 28, 2014: To be reviewed by the Planning Commission.

Council Action

October 3, 2013: Postponed to City Council November 21, 2013.

November 21, 2013: Postponed to City Council December 12, 2013.

December 12, 2013: Postponed to City Council January 23, 2014.

January 23, 2014: A public hearing has been scheduled.

Ordinance Number: NA

City Staff: John McDonald **Phone:** 974-2728 **Email:** john.mcdonald@austintexas.gov

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**PROPOSED AMENDMENTS TO CITY CODE CHAPTER 25-2
(ZONING) RELATING TO REGULATIONS FOR THE
CONSTRUCTION OF DISABLED ACCESS RAMPS FOR SINGLE-
FAMILY AND DUPLEX RESIDENTIAL UNITS.**

PART 1. Section 25-2-513 (*Openness of Required Yards*) of the City Code is amended by adding a new subsection (H) that reads as follows:

(H) This section applies to ramps for existing single-family and duplex residential units where a disabled individual requires disabled access from either the public right-of-way or a private drive that is connected to the public right-of-way.

- (1) In order to use the impervious cover and setback regulations of this subsection, a ramp must comply with Chapter 469 of the Texas Government Code and the federal Fair Housing Act.
- (2) To obtain additional impervious cover to build a ramp allowed by this subsection, an applicant may use new sidewalks, new ramps, and new landings as part of the new or modified ramp route.
- (3) If an applicant chooses to use previously constructed impervious cover such as preexisting sidewalks or walkways, those items will not count towards calculations regarding an increase in impervious cover.
- (4) For buildings whose proposed accessible entrance faces a front setback, the exempted impervious cover into the front setback should be minimized by the proposed ramp location.
- (5) For side yards, ramps may encroach into the side yard no more than three feet.
- (6) Rear yard accessibility should be limited except for corner lots and alley access unless another Code provision prohibits the use of the front or side yard.

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- (7) An applicant may construct a ramp that complies with this subsection unless the Director determines that the ramp will violate other health and safety provisions or will interfere with easements or infrastructure.

PART 2. Subsection (B) of Section 25-2-1603 (*Impervious Cover and Parking Placement Restrictions*) of the City Code is amended to read as follows:

- (B) Except as provided in Subsection (C) of this section or Subsection (H) of Section 25-2-513 (*Openness of Required Yards*) of the City Code, impervious cover in a front yard may not exceed 40 percent.

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RESOLUTION NO. 20130808-060

WHEREAS, non-profit organizations such as the Texas Ramp Project build accessible ramps that enable individuals to enter and exit their dwelling units safely; and

WHEREAS, in many cases, individuals cannot transition from institutional care to home care because they do not have ramp accessibility to their homes; and

WHEREAS, the existing permitting process for ramps can delay an individual's access to his or her home; and

WHEREAS, staff have implemented expedited review processes for certain applications, such as those related to windows and siding; and

WHEREAS, the individuals who receive assistance from the Texas Ramp Project are referred from agencies such as Meals on Wheels and Hospice Austin and have significant financial need; and

WHEREAS, the Texas Ramp Project uses volunteer teams to build ramps in Austin at no cost to the ramp recipient; and

WHEREAS, most ramps can be constructed for less than \$700, and the city permit cost represents a large percentage of the overall cost relative to other construction projects; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to consider the following revisions as they would apply to non-profit organizations that use 100% volunteer teams to construct accessible ramps at no financial cost to the ramp recipient. The revisions would only apply to existing single family and duplex residential dwelling units.

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The City Manager is directed to consider a revised process that would expedite each required review so that applications to construct access ramps to dwelling units by non-profit entities could be reviewed in five business days or fewer. The City Manager is further directed to report back to Council by August 29, 2013 about the proposed process.

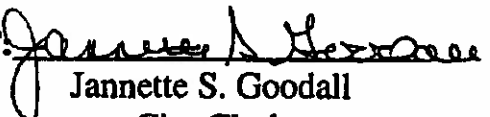
BE IT FURTHER RESOLVED:

The City Manager is directed to review potential amendments to the 2012-2013 Planning Development Review Department fee schedule to reduce or eliminate fees for the construction of ramps for dwelling units built by nonprofit entities for income-eligible individuals. The reduced fees will only apply to an applicant who complies with applicable City regulations. The City Manager should present staff recommendations regarding fees to the Council by August 22, 2013.

BE IT FURTHER RESOLVED:

The Council initiates an amendment of Title 25 to exempt ADA-compliant ramps for dwelling units from rear, side, and front setback requirements and directs the City Manager to process the amendment and present it to Council on or before October 3, 2013. The exemption does not apply if the director determines that ramp construction would violate health and safety provisions or interfere with easements or infrastructure.

ADOPTED: August 8, 2013

ATTEST: 
Jannette S. Goodall
City Clerk