

## GENERAL INFORMATION

### Subject

- Request - Text Amendment to Chapter 1106.0205 of the City of Toledo Planning and Zoning Code to address accessibility issues.
- Applicant - The Ability Center of Greater Toledo  
5605 Monroe Street  
Sylvania, Ohio 43560

### Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning

## STAFF ANALYSIS

The request is a Text Amendment to TMC 1106.0205 Setbacks – *Permitted Exceptions to Setback Standards* to allow home modifications to accommodate a person’s disability when the need arises for the installation of accessibility ramps and accessibility lifts. The zoning code only exempts “enclosed balconies and fire escapes, unenclosed porches or metal awnings that may project into a front or rear setback by up to 10 feet, or into a side setback for up to 3 feet, provided that a porch with jalousies or windows will be considered an enclosed porch.” There is no exception listed that allows for home modifications as it pertains to a person’s disability.

The proposed Text Amendment will add accessibility ramps and accessibility lifts to the permitted setback exceptions to include any other modification deemed necessary to accommodate a person’s disability. Additionally, three definitions will be added: person with a disability; wheelchair lift; and wheelchair ramp. The new definitions will be added to assist with the interpretation.

Based on feedback from the applicant, most jurisdictions do not have anything in place to exempt a disabled homeowner or tenant from having to obtain a variance for installing a wheelchair ramp or lift in the front or side of the house or building. Most often the applicant has to apply for a variance in order to install a ramp or lift in the required setback that can take up 60 days to be reviewed and approved to include paying the fee for the application.

**STAFF ANALYSIS (cont'd)**

**Toledo 20/20 Comprehensive Plan**

The Toledo 20/20 Comprehensive Plan recommends that the City incorporate basic accessibility features for multifamily housing projects as provided for in the 1991 Fair Housing Amendments Act and consider the design needs of people with disabilities for other types of structures including single family, commercial, public and recreational.

The Staff has found supporting evidence to exempt accessibility ramps and accessibility lifts in the setback standards in order to support disabled persons who have to overcome vertical challenges when entering and exiting a structure. The proposed text amendment will remove an extra review and financial cost when applying for a building permit at the City of Toledo Building Inspections.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of the amendment to the Planning and Zoning Code as shown in Exhibit "A," to the Toledo City Council, for the following two (2) reasons:

1. The proposed Text Amendment is consistent with meeting the challenge of a changing condition (TMC 1111.0506 *Review and Decision-Making Criteria*); and
2. The proposed Text Amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (TMC 1111.0506 *Review and Decision-Making Criteria*).

ZONING TEXT AMMENDMENT  
TOLEDO CITY PLAN COMMISSION  
REF: M-4-16  
DATE: April 14, 2016  
TIME: 2:00 p.m.

CITY COUNCIL PLANNING  
AND ZONING COMMITTEE  
DATE: May 18, 2016  
TIME: 4:00 p.m.

MM  
Exhibit "A" follows

**Exhibit “A”**

(Proposed additions are shown in bold italics,  
proposed deletions are shown in strikethrough text)

**1106.0205 Setbacks**

**E. Permitted Exceptions to Setback Standards**

The following features may project in required setbacks to the extent indicated:

1. sills, belt courses, cornices, eaves and ornamental features not to exceed 12 inches;
2. satellite dishes are allowed within rear setbacks, subject to the standards of 1105.0700;
3. terraces, uncovered porches and ornamental features that do not extend more than 3 feet above the ground, provided they are set back at least 2 feet from side lot lines;
4. enclosed balconies, enclosed fire escapes, **accessibility ramps, accessibility lifts,** unenclosed porches or metal awnings may project into a front or rear setback by up to 10 feet, or into a side setback for up to 3 feet, provided that a porch with jalousies or windows will be considered an enclosed porch (see Sec. 1111.1801D for enclosure of front porches); and
5. enclosed vestibules containing not more than 40 square feet may project into a front setback by up to 4 feet.
6. air conditioner condensing units may be placed within the required side yard setback but must be setback at least one (1) foot from the side lot line.
7. Whenever a lot abuts upon or adjoins an alley, one half of the alley width may be considered as a portion of the required rear yard setback.

(Ord. 589-07. Passed 09-04-07. Ord. 198-11. Passed. 04-15-11.)

8. ***The Plan Director may grant further exceptions to setback standards where the setback is needed to accommodate a person’s disability for accessibility ramps and accessibility lifts.***

***Chapter 1116 Terminology to be added:***

***Person with a disability - Any person who has a physical or mental impairment that limits activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment.***

***Wheelchair lift - A wheelchair lift, also known as a platform lift, or vertical platform lift is a fully powered device designed to raise a wheelchair and its occupant in order to overcome a step or similar vertical barrier.***

**Exhibit “A”** (cont’d)

(Proposed additions are shown in bold italics,  
proposed deletions are shown in strikethrough text)

*Chapter 1116 Terminology to be added:*

***Wheelchair ramp - A wheelchair ramp is an inclined plane installed in addition to or instead of stairs. A wheelchair ramp can be permanent, semi-permanent or portable. Permanent ramps are designed to be bolted or otherwise attached in place. Semi-permanent ramps rest on top of the ground or concrete pad and are commonly used for the short term.***