

TOLEDO MUNICIPAL CODE

PART ELEVEN – PLANNING AND ZONING CODE



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How to Use This Document

General Layout

The Zoning Code is organized as a reference document. It is not intended to be read from cover to cover. Instead, it is organized so that readers may look up only the information they need at a given time. The list of Chapters and Sections in the Table of Contents is, therefore, very important, as is the index. There are many ways to use the Zoning Code, depending on your objectives. Later portions of this “how-to” guide explain two different methods of using the Zoning Code for finding answers to commonly asked questions.

The Chapters of the Zoning Code are summarized below.

Chapter 1101, **Introductory Provisions**, deals primarily with the Zoning Code’s legal framework. These are mundane but important provisions that are relevant to the Zoning Code as a whole. The Chapter includes provisions relating to the Zoning Code’s formal title, purpose and applicability. It also addresses “conflicting provisions,” and rules for interpreting general language used in the document. Finally, it contains rules governing transition from the City’s existing Zoning Code to the new Zoning Code.

Chapter 1102, **Base Zoning Districts**, contains a complete list of the Zoning Code’s “base” zoning districts. All property in the City is assigned to one or more of these base zoning districts. See this Chapter for a general description of the districts’ purposes. In most cases, the regulations of this Chapter will refer you to the “Use Regulations” of Chapter 1104 and the “Intensity and Dimensional Standards” of Chapter 1106. These use and intensity/dimensional standards constitute the core standards for development within the base districts.

Some areas of the City fall within the boundaries of Overlay Zoning districts. Overlay zoning districts are tools for dealing with special situations or accomplishing special City goals. As the name implies, overlay zoning districts are “overlaid” on base zoning classification to alter some or all of the underlying district regulations. See Chapter 1103 for the Zoning Code’s **Overlay District** regulations.

Chapter 1104, **Use Regulations**, contains answers to one of the most common zoning questions: what uses are allowed on my property (or on the property next door)? The Use Table of this Chapter identifies which uses are allowed in which zoning districts. The Chapter also contains special standards that apply to specific use types.

Chapter 1105, **Accessory Uses** covers uses that are permitted in connection with an established use.

Chapter 1106, **Intensity and Dimensional Standards**, includes information regarding the required size of lots, the distance that buildings must be set back from lot lines, the height of buildings and other dimensional and intensity-related standards.

Chapter 1107, **Parking, Loading and Access**, is the place to look for information about the number of parking and off-street loading spaces required and the design of those parking and loading areas.

Chapter 1108, **Landscaping and Screening**, contains minimum requirements for landscaping and landscape buffers along with fencing.

Chapter 1109, **Design Standards**, contains building design standards for multi-dwelling, commercial, institutional, and industrial uses.

The City’s **Flood Control Regulations** are spelled out in Chapter 1110. These standards are required by state and federal regulations.

Chapter 1111, **Development Approval Procedures**, is the place to look for information about the process that is required to obtain a permit or other approval required under the Zoning Code. It sets forth the required procedures for Zoning Code text amendments, rezonings, Special Use permits, Site Plan review, variances and other matters.

Chapter 1112, **Review and Decision-Making Bodies**, is a supplement to Chapter 1111 and contains miscellaneous rules for the Historic District Commissions and the Board of Zoning Appeals.

Chapter 1113, **Signs**, is the future home of the City’s Sign Code. In the interim this chapter contains a sign provisions reference table and additional sign provisions.

Chapter 1114, **Nonconformities**, deals with uses, buildings and structures that were legally established but which no longer comply with zoning regulations because the regulations were changed after the use, building or structure was established. Uses that are “nonconforming” are sometimes referred to as “grand fathered uses.”

Chapter 1115, **Violations, Penalties and Enforcement**, contains all of the Zoning Code’s enforcement provisions. It includes a specific list of activities that constitute violations and a wide range of penalties and enforcement tools that the City may use against violators.

Finding Out About Zoning Rules That Affect a Site

To determine the zoning regulations applicable to a site, you should first find the site on the Official Zoning Map. A conversion table in Sec. 1101.1205 shows the existing zoning map districts and the new district designations. The appropriate map sheet will show the base zoning classification that is applied to the site. It will also show if the site is subject to any overlay zoning districts. You then look up all the corresponding regulations. Start with the base zoning districts (Chapter 1102). The base zoning district regulations will point you to the applicable use regulations (Chapter 1104) where you will find out which uses are allowed in the zoning districts. You will also be referred to the intensity and dimensional standards of Chapter 1106, where you will learn about the types of building setbacks, lot size standards, height limits and other district-specific standards. The base zoning district regulations will also point you to other relevant Zoning Code regulations dealing with such things as parking, landscaping and signs. After reviewing the base zoning district standards, look up any overlay zoning district regulations that affect the property. These are listed in Sec. 1103.0102.

Chapter 1116, **Terminology** and Sec. 1106.0200, “Measurements, Computations and Exceptions,” may be helpful in understanding how to apply Zoning Code regulations to a specific site.

Finding Out Where a Use May Locate

To determine where (in which zoning districts) a specific use is allowed, you should refer to the Use Table in 1103.1215. Although a base zoning district might allow a use, a specific site may be subject to additional regulations from an overlay zoning district (Chapter 1103). The regulations of an overlay zoning district override the regulations of a base zoning district and may affect the status of the use, so those regulations should also be considered.

Organizational Format

The Chapter, Section and subsection numbers use an expandable decimal numbering system. Major divisions within the Zoning Code are called “Chapters.” Major divisions within Chapters are called “Sections.” The outline format is shown below:

11XX — Chapter

11XX.YY00 — Section

11XX.YYZZ — Subsection

A. — Paragraph

1. — Subparagraph

a. — Sub-subparagraph

Terms

Because the Zoning Code is a legal document and because of the need for terms with specific meanings, the document provides guidance on how specific terms are used. Chapter 1116, Terminology, defines words that have a specific meaning. Sec. 1101.0600, General Rules for Application of Code Language, contains other information on how terms are used in the Zoning Code.

Chapter 1101 | Introductory Provisions

1101.0100 | Official

The official title of this document is the “Zoning Code of the City of Toledo, Ohio.” For convenience, it is referred to throughout this document as the “Zoning Code.”

1101.0200 | Authority

This Zoning Code is adopted under the powers granted by laws of the state of Ohio, including the statutory authority granted in Chapter 713 of the Ohio Revised Code (hereinafter Revised Code) and Chapter II, Section 8(r) of the Charter of the City of Toledo.

1101.0300 | Applicability

The provisions of this Zoning Code apply to all development, public and private, throughout the City of Toledo, to the extent permitted by law.

1101.0400 | Purpose

This Zoning Code is intended to implement Toledo’s Comprehensive Plan and other adopted plans in a manner that protects the health, safety, and general welfare of the citizens of Toledo.

1101.0500 | Implementation of the Comprehensive Plan

This Zoning Code has been prepared in accordance with the City’s Comprehensive Plan. It is intended that decisions made pursuant to this Zoning Code will implement and be consistent with the Comprehensive Plan. The Comprehensive Plan, as used herein, means the Toledo 20/20 Comprehensive Plan Toledo by Choice as adopted by Council on September 12, 2000 and any additions and amendments thereto as may be approved by the City Plan Commission and City Council.

1101.0600 | General Rules for Application of Code Language

1101.0601 Meanings and Intent

The language of the Zoning Code must be read literally and in context. Regulations are no more or less strict than stated. Words and phrases used in the Zoning Code must be construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, must be construed accordingly. See Chapter 1116 for definitions of technical or particular terms used in this Zoning Code.

1101.0602 Tenses and Usage

- A. Words used in the singular include the plural. The reverse is also true.
- B. Words used in the present tense include the future tense. The reverse is also true.
- C. The words “must,” “will,” “shall” and “may not” are mandatory.
- D. “May” is permissive.
- E. When used with numbers, “up to x,” “not more than x” and “a maximum of x” all include x.

1101.0603 Conjunctions

As used in this Zoning Code, unless another definition is required or the context otherwise requires:

- A. “And” may be read “or”, and “or” may be read “and”, if the sense requires it;
- B. “Either ... or” indicates that the connected items or provisions apply singly, but not in combination.

1101.0604 Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this Zoning Code and any heading, drawing, table, figure, or illustration, the text controls.

1101.0605 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including,” “such as,” or similar language are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

1101.0606 Delegation of Authority

Whenever a provision requires the head of a department or another officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

1101.0607 Public Officials and Agencies

All employees, public officials, bodies, and agencies to which references are made are those of the City of Toledo unless otherwise expressly stated.

1101.0608 References to Other Regulations, Publications and Documents

- A. All references in the Zoning Code to other city, county, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility on behalf of the City for enforcement of county, state, or federal regulations.
- B. Unless otherwise noted, whenever reference is made to other regulations, publications or documents, such reference shall be construed as a reference to the most current version and citation for those regulations, publications or documents. Where referenced regulations have been repealed, Zoning Code requirements for compliance are no longer in effect.

1101.0700 | Compliance Required

1101.0701 In addition to the requirements of the Zoning Code, all uses and development must comply with all other applicable city, county, state, and federal regulations, including the City’s Subdivision Rules and Regulations.

1101.0702 No building or structure shall be erected, enlarged, reconstructed, or structurally altered to exceed the bulk, intensity, and density limits established for the district in which the building is located.

1101.0703 The yards, parking space, and other open spaces, including lot area per household, required by this Zoning Code, for any building hereafter erected or structurally altered, shall not be encroached upon or considered as meeting the parking, yard open space, or lot area requirement for any other building, nor shall any lot area be reduced beyond the district requirements of this Zoning Code.

1101.0704 Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one principal building on one lot except as specifically provided herein.

1101.0800 | Conflicting Provisions

1101.0801 Conflict with State or Federal Regulations

If the provisions of this Zoning Code are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.

1101.0802 Conflict with Other City Regulations

If the provisions of this Zoning Code are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision will control.

1101.0803 Conflict with Private Agreements and Covenants

This Zoning Code is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, deed restriction, or other private agreement or legal relationship otherwise in conformance with it. The City has no responsibility or authority for enforcing such private agreements or covenants.

1101.0900 | Official Zoning Map

1101.0901 Adoption

The boundaries of the zoning districts established by this Zoning Code are shown on a map or series of maps designated the “Official Zoning Map,” (effective September 19, 1959, as amended). The Official Zoning Map, including all notations, references, data and other information shown thereon, is adopted and made a part of this Zoning Code as fully as if it were contained within the pages of this Zoning Code. See Sec. 1101.1205 for conversion of existing zoning map districts and the new district designations.

1101.0902 Location

The Official Zoning Map is filed in the office of the Clerk of the Council. In case of any dispute regarding the zoning classification of property subject to this Zoning Code, the maps maintained by the Clerk of the Council will govern. Administrative copies of the Official Zoning Map must also be on file in the office of the Division of Building Inspection and Code Enforcement and the office of the Plan Commission.

1101.0903 Updates

The Planning Director is responsible for updating the Official Zoning Map to reflect amendments adopted by the City Council.

1101.0904 Zoning District Boundaries

- A. Unless otherwise indicated on the Official Zoning Map, zoning district boundaries follow lot lines, the centerlines of streets or alleys or the specified distance from such features, railroad right-of-way lines, or property lines, as indicated on the Official Zoning Map.
- B. Where uncertainty exists about the boundaries of the zoning districts or when the street or property existing on the ground varies from that shown on the Official Zoning Map, the Planning Director is authorized to determine the location of such boundaries.
- C. Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way will be automatically extended to the center of such vacation, and all area included in the vacation will be subject to all applicable regulations of the extended districts.

- D. All areas that are under water and not shown as included within any district, are subject to all regulations of the district that immediately abuts the submerged area. If the submerged area adjoins two or more districts, the boundaries of each district will be construed to extend to the center of the submerged area.

1101.1000 | Lot Splits for Multiple Buildings on Lot

Where more than one principal building exists on a lot legally constructed or installed prior to September 10, 1923, the lot may be divided so as to create a separate lot for each principal building provided that each lot has lot frontage on a street or place. The Planning Director, upon application for such a division, may waive the minimum residential lot size and division requirements

1101.1100 | Zoning of Newly Annexed Areas

1101.1101 Whenever any areas are annexed to the City, the newly annexed land must be given an interim zoning classification in accordance with one of the following procedures:

- A. If the land is zoned before being annexed by the City, the City must classify the newly annexed land into the zoning district that closely matches the zoning that existed prior to annexation. That classification must be recommended by the Plan Commission and approved by the City Council.
- B. If the land is not zoned before being annexed by the City, the City will classify the newly annexed areas into the RS12 district if the land is vacant. If the land is not vacant, the City will classify it in accordance with the procedure set forth in paragraph A, above.

1101.1102 In all cases, within a reasonable time after annexation, the Plan Commission must initiate action to approve permanent zoning for the property, following the rezoning procedures of Sec. 1111.0600.

1101.1200 | Transitional Provisions

1101.1201 Violations Continue

Any violation of the previous zoning regulations of the City will continue to be a violation under this Zoning Code and will be subject to penalties and enforcement under Chapter 1115 unless the use or development is consistent with the express terms of this Zoning Code, in which case enforcement action will cease, except to the extent of collecting penalties for violations that occurred before June 6, 2004. The adoption of this Zoning Code does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous City of Toledo zoning ordinance that occurred prior to June 6, 2004.

1101.1202 Nonconformities

Any nonconformity under the previous zoning regulations of the City will also be a nonconformity under this Zoning Code, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this Zoning Code, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity. A situation that did not constitute a lawful nonconforming situation under the previously adopted zoning code does not

achieve lawful nonconforming status under this Zoning Code merely by repeal of the previous zoning code.

1101.1203 Applications Submitted Before June 6, 2004

Any building, structure, or development for which a complete application was submitted to the City before June 6, 2004 and pending approval on June 6, 2004 may, at the applicant's option, be reviewed wholly under the terms of the zoning code in effect immediately before June 6, 2004. If approved, such projects may be carried out in accordance with the development standards in effect at the time of application. Any re-application for an expired permit must meet the standards in effect at the time of re-application.

1101.1204 Permits Issued Before June 6, 2004

Any building, structure, or development for which a permit was duly issued before June 6, 2004 may be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Zoning Code.

- A.** If development is not commenced or completed in accordance with the applicable permit terms, the issuing official may, upon receipt of a written request and payment of the required fee, grant one 6-month time extension for good cause shown.
- B.** If the building is not commenced or completed within the time allowed under the original permit or any extension granted, then the building, structure, or development must be completed or occupied only in strict compliance with the requirements of this Zoning Code.

1101.1205 Zoning District Designations

The zoning district map designations in effect before June 6, 2004 are converted as follows:

Existing District	New District	Existing District	New District
Residential Districts		Industrial Districts	
R-A	RS12	M-1	IL
R-B		M-2	IG
R-1	RS9	M-4	IP
R-2	RS6	M-3	
R-3	RD6	Special Purpose Districts	
R-2A	RM12	P	POS
None	RM24	None	IC
R-4	RM36		
R-4A			
R-5			
R-MH	RMH		

Chapter 1101 | Introductory Provisions
Sec. 1101.1300 | Severability

Existing District	New District	Existing District	New District
Commercial Districts		Overlay Districts	
C-1	CN	C.U.P.	None
N-MX		D.O.D.	-DO
C-2	CO	HD	-HO
C-7		MR-O	-MRO
C-6 – HS [1]	CS	None	-UNO
C-6 – LA [1]		None	-PO
C-6 – RE [1]		None	-SO
C-MX	CM		
C-3	CR		
C4	CR-SO		
C-5	CD		

Table Notes

[1] See Sec. 1111.1502

1101.1300 | Severability

If any portion of this Zoning Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion held to be invalid or unconstitutional is to be deemed severed from the Zoning Code, and in no way affects the validity of any other portion of the Zoning Code.

Chapter 1102 | Base Zoning Districts

1102.0100 | Districts Established

1102.0101 All land in the City is classified in one of the base zoning districts established in this Chapter. As such, base zoning districts serve as the foundation for all zoning-related standards.

1102.0102 There are four types of base zoning districts: Residential, Commercial, Industrial and Special Purpose districts.

1102.0103 The following Residential (R), Commercial (C), Industrial (I), and Special Purpose zoning districts are included in this Zoning Code:

District Name	Map Symbol
Residential (R) Zoning Districts	
Single-Dwelling Residential Districts (RS)	
Single-Dwelling Residential–12,000 Square Feet	RS12
Single-Dwelling Residential–9,000 Square Feet	RS9
Single-Dwelling Residential–6,000 Square Feet	RS6
Duplex Residential District (RD)	
Duplex Residential–6,000 Square Feet	RD6
Multi-Dwelling Residential Districts (RM) [1]	
Multi-Dwelling Residential–12 units per acre	RM12
Multi-Dwelling Residential–24 units per acre	RM24
Multi-Dwelling Residential–36 units per acre	RM36
Manufactured Housing Park District (RMH)	
Manufactured Housing Park	RMH
Commercial (C) Zoning Districts	
Neighborhood Commercial	CN
Office Commercial	CO
Storefront Commercial	CS
Mixed Commercial–Residential	CM
Regional Commercial	CR
Downtown Commercial	CD
Industrial (I) Zoning Districts	
Limited Industrial	IL
General Industrial	IG
Planned Industrial/Business Park	IP
Special Purpose Zoning Districts	
Parks and Open Space	POS
Institutional Campus	IC

[1] These density standards apply to single buildings. For multiple buildings on a lot see Section 1106.0101 Maximum Density row.

(Ord. 229-13. Passed 04-30-13.)

1102.0104 For each zoning district, except as expressly provided in this Chapter 1102:

- A. principal uses shall be governed by the Use Table of Sec. 1104.0100;
- B. accessory uses shall be governed by Chapter 1105; and

C. the intensity and dimensional standards of Chapter 1106 shall apply.

1102.0200 | RS, Single-Dwelling Districts

The RS, Single-Dwelling districts are primarily intended to accommodate the development of single dwelling units on individual lots. The districts are intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses that are typically compatible with residential neighborhoods. A range of RS districts is established in order to accommodate a variety of lot sizes and to reflect the diversity of the City's residential neighborhoods.

1102.0300 | RD, Duplex District

The RD, Duplex district is primarily intended to accommodate the development of single dwelling units and duplexes on individual lots. The district is intended to create, maintain and promote a variety of housing opportunities for individual households.

1102.0400 | RM, Multi-Dwelling Districts

The RM, Multi-Dwelling districts are primarily intended to accommodate the development of multi-dwelling housing. The districts are intended to create, maintain and promote higher density housing opportunities in areas with good transportation access. The regulations are intended to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, and recreational opportunities. The development standards are intended to ensure that new development will be compatible with the City's character and to provide certainty to property owners, developers, and neighbors about the limits of what is allowed. A range of districts is established in order to reflect the diversity of the City's residential neighborhoods.

1102.0500 | RMH, Manufactured Housing Park District

The RMH, Manufactured Housing Park district is primarily intended to create a desirable residential environment for residents of manufactured housing parks. Manufactured housing parks are allowed only in the RMH district. See 1104.1300 for Manufactured Housing Park regulations and standards. RMH districts may be established in accordance with the zoning map amendment procedures of Sec. 1111.0600.

1102.0600 | CN, Neighborhood Commercial

The CN, Neighborhood Commercial zoning district is intended to accommodate pedestrian oriented small-scale retail and service businesses that serve nearby residential areas.

1102.0700 | CO, Office Commercial

The CO, Office Commercial zoning district is generally intended to function as a low to medium-intensity office zoning district that is generally intended for application along arterial streets. The district is intended to provide an alternative zoning classifications for streets and roads where there is a desire to prevent strip commercial development. The district is also intended to serve as a land use buffer between major streets and residential neighborhoods and between higher intensity commercial areas and residential neighborhoods.

1102.0800 | CM, Mixed Commercial-Residential

The CM, Mixed Commercial-Residential zoning district is intended to accommodate mixed-use, pedestrian-oriented development.

1102.0900 | CS, Storefront Commercial

The CS, Storefront Commercial zoning district is intended to accommodate pedestrian-oriented, neighborhood-serving retail and service uses along streets that have historically had a storefront

commercial character. The district is intended to foster new development that is compatible with this established character. The -PO Pedestrian-Oriented overlay district, Sec. 1103.0600, complements this core district by adding urban design standards.

1102.1000 | CR, Regional Commercial

The CR, Regional Commercial zoning district is intended to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses.

1102.1100 | CD, Downtown Commercial

The CD, Downtown Commercial zoning district is intended to accommodate a broad range of uses to reflect downtown's role as a commercial, cultural and governmental center. Development is intended to be intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

1102.1200 | IL, Limited Industrial

The IL, Limited Industrial district is intended to accommodate uses such as wholesale activities, warehouses and industrial/manufacturing operations that are not employment-intensive and are compatible with commercial and residential land uses.

1102.1300 | IG, General Industrial

The IG, General Industrial district is intended to permit moderate and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation access and public facilities and services.

1102.1400 | IP, Planned Business/Industrial Park

The IP, Planned Industrial district is intended to provide space in attractive and appropriate locations for certain types of low-impact business and employment uses in a campus-like setting typical of business and industrial parks.

1102.1500 | POS, Parks and Open Space District

The POS, Parks and Open Space district is a Special Purpose zoning district intended to preserve and enhance major open space and recreational areas by protecting the natural amenities they possess and by accommodating development that is compatible with those natural amenities. The POS district may also be applied to privately-owned open space areas within residential developments. Such a designation is an appropriate zoning classification for open space (non-development) parcels within subdivisions.

1102.1600 | IC, Institutional Campus District

The purpose of the IC, Institutional Campus district is to accommodate large institutional uses in campus-like settings, such as hospitals, schools and colleges. The IC district is intended to promote and enhance the development and expansion of medical, educational and other large institutional uses while minimizing the adverse impacts that can result when such uses are located near residential neighborhoods.

Chapter 1103 | Overlay Zoning Districts

1103.0100 | Districts Established

1103.0101 Overlay districts are tools for dealing with special situations or accomplishing special zoning goals. As the name implies, overlay zoning districts are “overlaid” on base zoning classification to alter some or all of the underlying district regulations. Overlay districts are shown on the Official Zoning Map as dashed lines labeled with the overlay map symbol or with the overlay district name. A CD (Downtown Commercial) parcel that is included in the -DO (Downtown Overlay) district would be referred to as CD-DO.

1103.0102 The following overlay and special purpose zoning districts are included in this Zoning Code:

District Name	Map Symbol
Overlay Districts	
Downtown Overlay	-DO
Historic Overlay	-HO
Maumee Riverfront Overlay	-MRO
Urban Neighborhood Overlay	-UNO
Pedestrian-Oriented Overlay	-PO
Shopping Center Sign Control Overlay	-SO
Marina District Overlay	-MD
Monroe Street Corridor	-UNO
Planned Unit Development	-PUD
Summit Street Corridor	-UNO
Main Street / Starr Avenue	-UNO
Cherry Street	-UNO
Warehouse	-UNO

(Ord. 273-07. Passed 5-1-07; Ord.497-07. Passed 7-24-07; Ord. 202-08. Passed 4-8-08; Ord. 38-09. Passed 1-20-09; Ord 95-10. Passed 3-2-10; Ord 8-14. Passed 1-2-14; Ord. 9-14. Passed 1-2-14.)

1103.0200 | -DO, Downtown Overlay District

1103.0201 Purpose

The -DO, Downtown Overlay district is intended to provide a review process for proposed physical changes to structures within the Central Business District of the City and adjacent areas in order to evaluate the proposals in relation to the approved plan for the area.

1103.0202 Definitions

The definitions of this section are to be used solely for the purpose of interpreting and administering the downtown overlay provisions of this Zoning Code.

- A. “Demolition.” For the purpose of the downtown overlay provisions, “demolition” means the removal or tearing down of all or part of a structure.
- B. “Physical change.” For the purpose of the downtown overlay provisions “physical change” means any work such as alteration, remodeling, new

construction or renovation of the exterior of a structure for which the total cost would be more than \$250,000 or 25% of the appraised value of the building, as listed by the County Auditor, whichever is the lesser amount. In computing the total cost, the cost of any such work accumulated in any 3-year period shall be considered.

- C.** “Reasonable economic use.” For the purpose of the downtown overlay provisions “reasonable economic use” means a use for a structure or property that will produce a reasonable return that is economically viable. In a situation involving a property or structure that is not income-producing, reasonable economic use means that the property structure can be put to a reasonable beneficial use in a reasonable period of time based upon all relevant criteria set forth in Sec. 1111.0904.

1103.0203 Creation and Boundaries

The -DO district is created as an overlay district to be applied to land within and adjacent to the Central Business District as the City Council designates by ordinance. The boundaries of the -DO district are depicted on the Official Zoning Map. A map of the boundaries and boundary description are also presented in *Appendix A*.

1103.0204 Effect of -DO Designation

The -DO district regulations apply in combination with underlying base zoning district regulations and all other applicable standards of this Zoning Code. When -DO district standards conflict with the underlying base zoning district standards or other regulations of this Zoning Code, the regulations of the -DO district will always govern. When no special -DO district standards are specified, all other applicable regulations of this Zoning Code will govern.

1103.0205 Design Guidelines

These guidelines are derived largely from the Design Guidelines chapter found in the 2002 Downtown Toledo Master Plan, as adopted by Ordinance 280-02.

A. Rehabilitation of existing structures

Wherever possible, examples of the city’s traditional commercial, civic and residential architecture should be preserved, renovated and where appropriate, adaptively reused. Specifically:

1. Where removed a cornice or fascia should be restored to reemphasize the original design intent of the structure and should be designed in proportion to the overall mass of the building.
2. The building’s original wall surface and detailing should be restored whenever possible and all exposed mechanical equipment, unused electrical apparatus or sign supports should be removed.
3. Special attention should be given to the removal of storefront surface materials that will extend onto the piers and walls of the upper façade.
4. If new materials are to be used for buildings that are architecturally undistinguished, they should be selected to coordinate with neighboring structures and to complement the design of the storefront.
5. The proportions of restored windows and the rhythm of the window pattern should replicate the original façade design as closely as possible.

6. Display windows of a storefront should never be filled or covered except where there are residential uses abutting the sidewalk on the ground floor.
7. On traditional buildings, recessed entrances are encouraged and where entrances are flush with display windows, awnings can be used to give greater definition to the storefront and provide overhead protection. Awnings should be attached directly to the building without requiring a support column on the sidewalk, have a minimum clearance of 8 feet and a maximum clearance of 12 feet above the sidewalk.
8. Loading and service entrances should be located at the rear and side of the building.
9. Trash containers, service and storage areas should be screened and maintained. In larger developments, trash collection, service and loading areas should be separated from main circulation and parking areas.

B. New Development Infill

1. The front setback of new development should replicate the setback of existing buildings to create a consistently developed edge, reinforce the city center's urban development pattern and enhance pedestrian orientation.
2. There should be no spacing between buildings except a mid-block pedestrian walkway would be allowed.
3. Building height and massing should be compatible with existing development. The building mass should be broken into increments that correspond to the scale and massing of existing buildings through the use of such devices as setbacks and variable roof heights.
4. The location and articulation of building entrances should complement those of existing buildings and should be oriented to street frontages.
5. Street facades of new infill development should be organized into:
 - a. ground-level pedestrian presentation, and
 - b. the upper architecture, with strong horizontal elements separating the two.

C. Major New Development Over 25,000 Square Feet

The principal challenge in designing major new downtown development projects is the successful incorporation of large-scale and/or high-rise structures into the existing context of smaller-scale buildings.

1. Unarticulated forms and masses should be avoided in new larger-scale development. Instead, the building should be broken into increments that relate to the human scale by using such devices as fenestration, architectural detailing, variable setbacks and rooflines to define a sequence of bays and provide transitions in height and scale. Multi-block mega-structures that erase the street grid and weakens the basic urban block structure are discouraged.
2. Blank wall areas at sidewalk edge may not extend for more than 25 horizontal feet without articulation such as a window, glass-covered display area, entryway or recessed area.

3. To counter high-rise impacts the use of reflective glass at ground level should be avoided so that the building base meets the ground in a manner that is more inviting to the public. Controls designed to preserve solar access to streets and public spaces and measures that help minimize wind tunnel and down draft effects may also be considered.
4. Maintain pedestrian connections and view corridors along traditional street rights of way when a project spans several blocks (mega-structures) providing for a sequence of public spaces and walkways that are linked to the street grid.

D. Façade Materials and Colors.

See Sec. 1109.0500 for building facade material and color standards.

E. Parking

Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as, entertainment, storefronts/retail and/or landscaped treatments to soften the structure. Additional surface parking lots are prohibited within some areas of the downtown overlay, see Sec. 1107.0203, and are discouraged elsewhere in the downtown overlay.

F. Streetscape

1. Street trees to the satisfaction of the Department of Parks, Recreation and Forestry, light standards, street signs, etc., should be placed so that the trees are between the street lanes and any pedestrian walkway. Moveable seating is preferred to seating that is permanently anchored to the sidewalk.
2. Trees should be spaced at distances so that each tree can attain the appropriate form and shape at maturity. This could range between 30 and 40 foot spacing for large trees and 15 to 25 feet for smaller trees. Do not plant trees directly in front of entrances or other significant architectural features.
3. Any walkway or public spaces specially designed to enhance pedestrian movement should not use plain asphaltic pavements for the walking surface or use tiles or similar surfaces that can become slippery when wet.
4. Existing and future transit stop locations should have ample space for patron amenities and waiting.

G. Exemptions

The Plan Commission may exempt all or parts of the design standards in this section for commissioned buildings by an architect for a site when, in the opinion of the Plan Commission, the design constitutes a unique, one of a kind building that meets the intent of these design standards. The Plan Commission may request the City Historic District Commission to review and comment.

1103.0206 Relationship to Comprehensive Plan

Review of proposals for physical change or demolition must be based on the Comprehensive Plan, the Downtown Toledo Master Plan approved through Ordinance 280-02, the CBD Architectural Survey Report (1986), and any other additions and amendments thereto as may be approved by the Plan Commission and City Council.

1103.0207 Review and Approval Procedures

See Sec. 1111.0900.

1103.0300 | -HO, Historic Overlay Districts

1103.0301 Purpose

The City Council has declared as a matter of public policy that the preservation, protection, and use of areas, places, buildings, structures and works of art—whether designated as local landmarks or in local historic districts or national register historic districts—is a public necessity and is required in the interest of the health, safety and welfare of the people. The purposes of the -HO Historic Overlay districts are to:

- A. Safeguard the heritage of the City by preserving sites and structures within national register historic districts and/or within state and locally designated historic districts that reflect the City's history and architectural past.
- B. Stabilize and improve property values.
- C. Strengthen the economy of the City.
- D. Protect and enhance the City's attractions to residents, tourists and visitors.
- E. Enhance the visual and aesthetic character, diversity and interest of the City.
- F. Foster civic pride in the beauty and notable accomplishments of the past.
- G. Promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City.
- H. Preserve sound existing housing stock and safeguard the residential character of primarily residential neighborhoods.

1103.0302 Definitions

The definitions of this Section are to be used solely for the purpose of interpreting and administering the historic district and landmark provisions of this Zoning Code.

- A. “Alter” or “alteration” means any change requiring a building permit involving the exterior architectural features, including significant landscaping, of any property which lies within a historic district, not including demolition, removal or new construction.
- B. “Applicant” means any person, persons, association, organization, partnership, units of government, public bodies and corporations who applies for a Certificate of Appropriateness in order to undertake an environmental change within a historic district or to a landmarked property.
- C. “Certificate of Appropriateness” means a certificate authorizing any environmental change within a historic district or to a landmarked property.
- D. “Delegates-at-large” means residents of Toledo appointed to the historic district commissions who represent educations, civic, governmental, professional and historic preservation organizations.
- E. “Demolition” means the complete or substantial removal or destruction of any structure which is located within a historic district or on a landmarked property.
- F. “Environmental change” means any exterior alteration, demolition, removal or new construction of any property, requiring or not requiring a building permit subject to the historic overlay provisions of this Zoning Code.

(Ord. 314-12. Passed 06-19-12.)

- G.** “Exterior architectural feature” means the architectural style, general design and arrangement of the exterior of a structure including, but not limited to, the type, color and texture of the building material, doors, windows, roof, porches and other appurtenant fixtures.
- H.** “Historic district” means any district that has been locally designated by the City Council to be regulated by the historic overlay provisions of this Zoning Code.
- I.** “Landmark” means a single property or site that has been locally designated by the City Council to be regulated by the historic overlay provisions of this Zoning Code.
- J.** “Mothballing” means the process of protecting a vacant historically and/or architecturally significant building from further deterioration and/or vandalism by:
 - 1.** patching the roof of the building to protect the building from inclement weather; and/or
 - 2.** securely boarding up the doors, windows and any or all other openings of the building.
- K.** “Neighborhood delegates” means residents of the City who reside in or own property within designated historic districts.
- L.** “Person” means any person, persons, associations, organizations, partnership, units of government, public body, corporation, owner occupant or tenant, vendor or vendee under a land installment contract, court-appointed guardian of a minor or incompetent owner of real property, parent or custodian of a minor owner of real property, trustee under a trust agreement owning real property, or any person contracting with or acting as agent or servant for any of the above.
- M.** “Preservation” means the process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure. The day
- N.** “Property owner” means the owner or owners of record.
- O.** “Reasonable economic use” means a use for a structure or property that will produce a reasonable return for the owner. Reasonable economic use means that the property or structure is economically viable. In a situation involving a property or structure that is not income-producing, reasonable economic use means that the property or structure can be put to a reasonable beneficial use.
- P.** “Rehabilitation” or "renovation" means the modification or change to an existing building. Rehabilitation extends the useful life or utility of the building through repairs or alterations, sometimes major, while the features of the building that contributed to its architectural, cultural or historical character are preserved and/or restored.
- Q.** “Standards and guidelines” means the building construction and building rehabilitation criteria, derived from historical and architectural information reflecting that particular historic district or landmarked property, to be used by a historic district commission in considering Certificate of Appropriateness applications. The district is today that the details are arrested.

- R. “Structure” means any building including houses, stores, warehouses, places of religious assembly, schools, garages, barns, carriage houses, tool sheds, or similar buildings, and also fences, walls, light fixtures, steps, signs, works of art, or other like fixtures or any appurtenances thereto, or any significant landscaping.

1103.0303 Designation or Expansion of Historic Districts and Landmarks

The required procedure for designation or expansion of historic districts and landmarks is set forth in Sec. 1111.1000.

1103.0304 Effect of Designation

The Historic Overlay (-HO) zoning classification may be applied to historic districts or individual landmarks. Once -HO zoning is approved, the Planning Director must cause the historic district designation to be shown upon the Official Zoning Map as an overlay without changing the base zoning district or districts. Whenever there is conflict between regulations applicable in a base zoning district and the regulations of the historic district, the more restrictive will apply.

1103.0305 Correlation of City Programs; Land Use Review

- A. The City must consider its Capital Improvements Program, land purchases, and other plans in or proximate to a historic district, with respect to the purpose and requirements of the historic overlay provisions of this Zoning Code and will, whenever feasible, support them and conform thereto.
- B. The Plan Commission must notify the respective Historic District Commissions of any activity requiring Plan Commission review which is in the respective historic district or 500 feet from its boundary. Notification must be given to the respective Historic District Commission at least 10 calendar days before the Plan Commission hearing.

1103.0306 Certificates of Appropriateness

No contractor, owner or other person may make any environmental changes to any landmark property or property within a designated historic district unless a valid written Certificate of Appropriateness has been issued by the respective Historic District Commission. See the Certificate of Appropriateness procedures of Sec. 1111.1100.

A. Standards for Rehabilitation

The U.S. Secretary of the Interior’s “Standards for Rehabilitation” (“Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings;” W Brown Morton *et al.*; U.S. Department of the Interior, National Park Service, Cultural Resources Preservation Assistance Division; Washington D.C., reprinted 1997) have been adopted pursuant to Sec. 1112.0109. Compliance with these standards is required for all historic landmarks and districts.

- 1. The “Standards for Rehabilitation” are available from the office of the Plan Commission and the U.S. Government Printing Office.
- 2. Information about the “Standards for Rehabilitation” may be viewed on the Internet at <http://www.nps.gov/history/hps/tps/standards/rehabilitation.pdf>

B. Decisions

Decisions reached by each Historic District Commission will be based on the Commission’s interpretation of the U.S. Secretary of the Interior’s “Standards for

Rehabilitation”, the testimony of the applicant and other interested parties, and most importantly, the effect of the Commission's decision upon the applicant. (Ord. 314-12. Passed 06-19-12.)

1103.0307 Old West End Historic District

A. Boundaries

1. The Old West End Historic District lies approximately ½ mile northwest of the Central Business District and consists of approximately 35 City blocks, approximately 1½ miles north to south and ½ mile east to west, and is approximately 355 acres.
2. The boundaries of the district are generally depicted on the Official Zoning Map. A map of the boundaries and boundary description are also presented in *Appendix B*.
3. The district boundaries will be automatically amended at such time as local historic district status is established for the Toledo Olde Towne Historic District area, the boundary between the Toledo Olde Towne and Old West End Historic Districts will then be defined as the centerline of Collingwood Boulevard.

B. Historic and Architectural Significance

1. The Old West End is a predominantly late Victorian and Edwardian residential district. The district is mostly residential built almost entirely between 1875 and 1915, with houses including, but not limited to, the Second Empire, Queen Anne, Eastlake and Shingle styles, Richardsonian Romanesque, Chateausque, Georgian Revival, Renaissance Revival, and Neo-Classical Revival styles. It also includes apartment houses, the Toledo Museum of Art, whose original unit was completed in 1912, Mary Manse College, 3 churches and a hospital.
2. The development of the district began after the Civil War when prosperous merchants and later industrialists moved away from the downtown area near the Maumee River. The names of the owners such as Libbey, Ford, Willys, Blair and Secor have a great local, and in some cases, Ohio and national significance. The unusual integrity of this early residential area makes it most imperative that it be preserved as a viable element in urban Toledo.

1103.0308 Vistula Historic District

A. Boundaries

The Vistula Historic District lies just northeast of the Central Business District and consists of approximately 26 square blocks. The Vistula Historic District comprises the earliest remaining commercial and residential development in the City of Toledo. The boundaries of the district are generally depicted on the Official Zoning Map. A map of the boundaries and boundary description are also presented in *Appendix C*.

B. Historic and Architectural Significance

1. Vistula is historically significant because it is the oldest remaining neighborhood within the City of Toledo. The architecture of this area adds to Vistula's significance as it represents a full range of 19th century styles. It is a living museum of commercial, domestic, and ecclesiastic architecture.

Vistula portrays an impressive visual scale of architectural development including, but not limited to, Greek Revival, Italianate, Gothic, Victorian, Queen Anne, and Eclectic styles.

2. The beginnings of Vistula date to 1832, when Major Benjamin F. Stickney, a former U.S. Indian Agent at Fort Wayne, Indiana, and a prominent resident of this area, began to develop the land below the existing town of Port Lawrence on the Maumee River. Actual land clearing and construction in Vistula was undertaken by Edward Bissell, who came from New York at Stickney's urging. By 1833, the sale of lots had commenced, and there are still a few homes from this era remaining in Vistula.
3. Port Lawrence and Vistula were merged and incorporated under the new name of "Toledo" in 1837. It was at this time that Major Stickney donated a strip of land to the new Erie & Kalamazoo Railroad, thereby distinguishing these two towns as the home of the first railroad west of the Allegheny Mountains. Also, the Miami and Erie Canal was continued through Port Lawrence and Vistula, connecting with the Maumee Bay in 1842. Both of these factors contributed greatly to an increased prosperity in this area.
4. Construction of homes, businesses, and religious buildings in Vistula has continued from those early days of the 1830's, with revisions, restorations, and new commerce currently occurring. Urban renewal demolitions have fortunately not been widespread. What remains in Vistula, then, is a cohesive neighborhood whose buildings represent the growth of this area spanning 140 years.

1103.0309 Westmoreland Historic District

A. Designation

The Westmoreland Historic District is hereby designated to protect and enhance the historical and architectural characteristics of Westmoreland.

B. Boundaries

The Westmoreland Historic District lies 3 miles west of the Central Business District and consists of 20 blocks comprising 261 lots on approximately 90 acres. The boundaries of the district are generally depicted on the Official Zoning Map. A map of the boundaries and boundary description are also presented in *Appendix D*.

C. Historic and Architectural Significance

Westmoreland is significant as the largest example of the "planned landscaped neighborhood" in Toledo, and as the finest collection of early 20th century revival style architecture in the City. It was begun in 1915 as an aggressive real estate development of the Welles-Bowen Company of Toledo, and was platted into its current subdivision form (90 acres) at its origin by the developers. The architecture represents some of the most important domestic examples of the Colonial, English, Italian, Spanish and French revival styles in northwestern Ohio, and is the work of notable 19th and 20th century Toledo architects. Westmoreland's original residents were among Toledo's most prominent.

1103.0400 | -MRO, Maumee Riverfront Overlay District

1103.0401 Creation of District

The -MRO, Maumee Riverfront Overlay district is hereby created as an overlay district to be applied to such lands related to and adjacent to the Maumee River and Maumee Bay as City Council may designate by ordinance.

- A. The -MRO district and its subdistricts, after designation by City Council, must be shown on the Official Zoning Map as an overlay zoning designation so that the underlying zoning district designation will remain legible.
- B. A map of the boundaries and boundary description of the -MRO district and its three subdistricts are presented in *Appendix E*.

1103.0402 Effect of District

The -MRO district modifies the requirements, regulations and procedures that apply in the underlying zoning districts pursuant to the regulations of this Section.

1103.0403 General Purpose and Intent

- A. The Maumee Riverfront district is of special and substantial public interest because of its location along the lower reaches of the major river in the region. The river is a visual, environmental and transportation resource affecting substantial portions of the City including many neighborhoods, the Central Business District, numerous parks, and several areas designated or with the potential for redevelopment.
- B. It is the general purpose and intent of these regulations to provide for maximum public benefit from the further development of the riverfront area, through a sharing of the -MRO district land by different types of uses which are developed with a river orientation and with an emphasis on the opportunity for enjoyment of river vistas and access by a maximum number of citizens,
- C. It is further the intent of this Section to provide for public access to the waterfront; to eliminate or minimize negative environmental impact; and to provide for improved scenic and aesthetic controls, improved transportation coordination and capability, and the coordination of residential, recreational, commercial and industrial land uses.
- D. It is further the intent of this Section to implement the Comprehensive Plan by requiring public review of proposed development within the -MRO district.

1103.0404 Purpose and Intent of Residential, Park and Water-Oriented Recreation -MRO Subdistrict

Within the Residential, Park and Water-Oriented Recreation subdistrict, the -MRO regulations are intended to promote a superior level of public access, convenience, comfort and amenity; to encourage safe and efficient pedestrian and vehicular access; to provide adequate parking; to preserve and enhance principal vistas and visual relationships; and to promote a beneficial relationship between the waterfront area and adjoining areas.

1103.0405 Purpose and Intent of Industry and Water-Oriented Industry -MRO Subdistrict

Within the Industry and Water-Oriented Industry subdistrict, the -MRO district regulations are intended to encourage, foster, consolidate, and unify such development in locations with adequate land area and access capabilities.

1103.0406 Purpose and Intent of Near Downtown -MRO Subdistrict

Within the Near Downtown subdistrict, the -MRO regulations are intended to promote commercial uses and high-intensity residential development, while permitting other appropriate uses such as parks, recreational facilities, the retention of existing water-oriented industrial uses, or nondisruptive additions to existing industrial facilities; to encourage the beneficial coordination of commercial, residential, recreational, park and appropriate industrial uses. To these ends, development shall be designed to establish, through the spacing, height and bulk of structure, an open character with respect to principal views of the river. Pedestrian circulation system, wherever feasible, shall form a convenient, landscaped network to extensive areas of shoreline. It is further intended that adverse visual influences be prohibited or minimized, to preserve and enhance unusual visual qualities.

1103.0407 Modifications of Zoning District Regulations

A. Modification of Regulations

Modifications may be required or permitted from a regulation or regulations applying generally within the underlying district upon finding in a particular case that such modifications are necessary to achieve the public purposes set forth for the -MRO district or for public protection, protection of particular buildings and their environs, preservation of undeveloped areas of public interest, or to ease the transition from one zoning district or type of use to another. Such modifications may require or permit such change as:

1. Buffering and screening, variation of yards or other open space generally required, changes in signs, and changes in height.
2. Elimination of or limitation on specific uses otherwise permitted.
Determination of any such elimination or limitation of a specific use may be requested without plan review in order to reduce the time and expense of review in those cases where the Plan Commission finds it can feasibly determine such limitation independently of a review of detailed site and development of operational plans.

B. Recording of Modifications

As appropriate to the circumstances of the particular case, a document describing the modifications may be recorded with the County Recorder.

1103.0408 Review Procedures and Guidelines

See Sec. 1111.1400, Maumee Riverfront Review Procedure and Guidelines

1103.0500 | -UNO, Urban Neighborhood Overlay District

1103.0501 Purpose

The -UNO, Urban Neighborhood Overlay district is intended to:

- A. encourage development that conforms to the size, orientation and setting of existing buildings in residential neighborhoods or commercial areas;
- B. reduce the need for zoning variances for development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area developed before the enactment of the Zoning Code;
- C. regulate building setbacks, lot dimensions, building design and related physical characteristics that exemplify the positive characteristics of an area;

- D.** foster development and redevelopment that is compatible with the scale and physical character of original buildings in an area through the use of development/design standards and guidelines;
- E.** conserve cultural resources, historic resources and property values within an identified area; and
- F.** establish development/design standards to implement an adopted area plan that establishes physical design goals.

1103.0502 Selection Criteria

A -UNO district must be a geographically defined area that has a significant concentration, linkage or continuity of sites that are united by physical development, architecture or history.

- A.** To be eligible for -UNO zoning, the area must comply with the following criteria.
 - 1.** The area must possess environmental characteristics that create an identifiable setting, character and association.
 - 2.** The area must be covered by a neighborhood or area plan approved as an amendment to the Comprehensive Plan.
 - 3.** The designated area must be a contiguous area of at least 5 acres. Areas of less than 5 acres may be designated if they abut an existing -UNO district.
- B.** Preference shall be given to areas where the general pattern of development, including streets, places, lots and buildings, has been established at least 40 years prior to creation of the district.

1103.0503 Uses

The -UNO district does not regulate the use of land, buildings or structures. The use regulations of the underlying base zoning district control.

1103.0504 Development/Design Standards

In establishing an -UNO district, the Plan Commission is authorized to propose, and the City Council is authorized to adopt, by ordinance, district-specific development and design standards to guide development and redevelopment within -UNO districts.

- A.** When development/design standards have been approved, each building permit application for new construction or exterior alteration within the designated -UNO district must comply with those standards.
- B.** When there are conflicts between the development/design standards of the underlying base zoning district and adopted -UNO district development/design standards, the -UNO development/design standards will govern.
- C.** The Board of Zoning Appeals has no authority to grant interpretations, exceptions or variances from the adopted development/design standards.
- D.** The enforcement provisions of Chapter 1115 apply.

1103.0505 -UNO Districts Established

The following -UNO districts are established:

Urban Neighborhood District Name	Boundaries	Associated Development Standards and Administrative Policy
Monroe Street	14 th St. to Algonquin	See Sec. 1103.0900

Chapter 1103 | Overlay Zoning Districts
Sec. 1103.0500 | -UNO, Urban Neighborhood Overlay District

Urban Neighborhood District Name	Boundaries	Associated Development Standards and Administrative Policy
Corridor UNO District	Parkway	
Summit Street Corridor Redevelopment	Cherry St. to I-280	See Sec. 1103.1200
Main Street / Starr Avenue	Front St., Main St., & Starr Ave.	See Sec. 1103.1300
Cherry Street	Cherry St. from Manhattan Blvd. to Greenbelt Pkwy.	See Sec. 1103.1400
Warehouse	Monroe St, Swan Creek, Woodville Rd, St. Clair St., I-75 to Anthony Wayne Trail	See Sec. 1103.1500

(Ord. 497-07. Passed 7-24-07; Ord. 38-09. Passed 1-20-09; Ord 8-14. Passed 1-2-14; Ord. 9-14. Passed 1-2-14.)

1103.0506 Establishment of -UNO District

-UNO zoning districts are established in accordance with the Zoning Map Amendment procedures of Sec. 1111.0600, except as modified by the following provisions.

- A.** An application to establish an -UNO district may be initiated by the City Council.
- B.** Applications may also be initiated by petition when signed either by the owners of 51 percent of the area within the proposed -UNO district or by at least 51 percent of the property owners within the proposed district.
- C.** The Plan Commission must make written recommendations regarding the creation of a -UNO district, which shall be provided to the City Council for its consideration along with other relevant information. The written recommendations shall:
 - 1.** be preceded by and take due consideration of public hearings held upon the proposed -UNO district; and
 - 2.** expressly state whether the proposed district should be approved, approved subject to conditions, or denied.
 - 3.** an explanation of the how the area meets the selection criteria contained in Sec. 1103.0502;
 - 4.** in the case of an area found to meet the criteria in Sec. 1103.0502, a description of the general pattern of development, including streets, places, lots and buildings in the area; district-specific development and design standards to guide development and redevelopment within the district;
 - 5.** an explanation of the planning and zoning implications related to the designation of the proposed area and district-specific development and design standards.
 - 6.** a map showing the recommended boundaries of the -UNO district.
 - 7.** a record of the proceedings before the Plan Commission.
- D.** Upon receipt and due consideration of the written recommendations of the Plan Commission, and other relevant information, the City Council must act to approve, approve with conditions or deny the application for a -UNO District.

1103.0507 Review Procedures

Unless otherwise expressly required in this Zoning Code, proposed new construction and exterior alterations within designated -UNO districts are subject to the Site Plan Review procedures of Sec. 1111.0800.

1103.0600 | -PO, Pedestrian-Oriented Overlay District

1103.0601 Purpose

The -PO, Pedestrian-Oriented Overlay district is intended to:

- A.** protect, maintain and re-establish the physical character of older commercial corridors that are characterized by pedestrian-oriented development patterns;
- B.** implement appropriate building and parking setbacks that accommodate redevelopment that is compatible with historical building patterns; and
- C.** promote development that features retail display windows, rear parking lots, and other pedestrian-oriented site design features.

1103.0602 Effect of Designation

The -PO district is an overlay zoning classification that establishes additional design standards on development allowed by the underlying zoning district. In the event of conflict between the -PO district regulations and the regulations of the underlying base zoning district, the overlay zoning regulations govern. In all other cases, both the overlay zoning and underlying zoning regulations apply.

1103.0603 -PO Classification

Those areas classified in the -PO district shall be shown on the Official Zoning Map.

1103.0604 Establishment of District

-PO zoning districts are established in accordance with the Zoning Map Amendment procedures of Sec. 1111.0600.

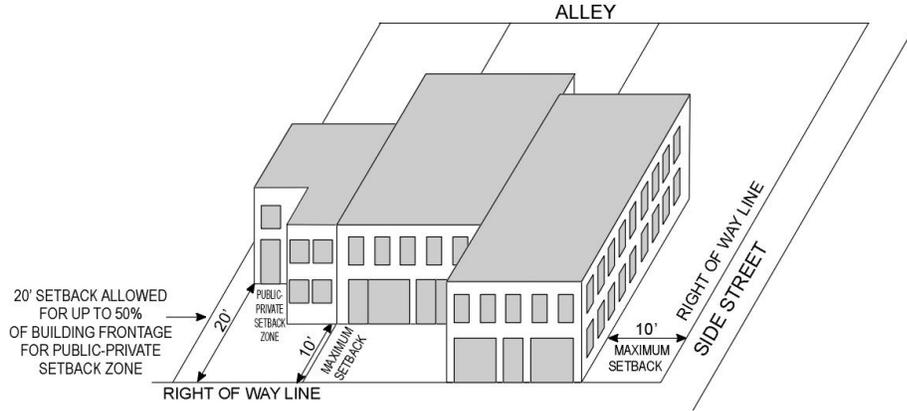
1103.0605 Applicability

- A.** The standards of the -PO district apply to the construction of any building or building addition that increases a building's floor area by more than 10 percent, except for detached houses and duplexes. The standards also apply to the construction of off-street parking spaces and driveways.
- B.** Building alterations that conflict with these standards or that otherwise increase the degree of non-compliance with these standards are prohibited.

1103.0606 Maximum Setbacks

A. Building Setbacks

- 1.** The maximum allowed front setback shall be 10 feet unless a public-private setback zone is provided.
- 2.** If a public-private setback zone is provided a maximum front setback of 20 feet is allowed for up to 50 percent of the building frontage.



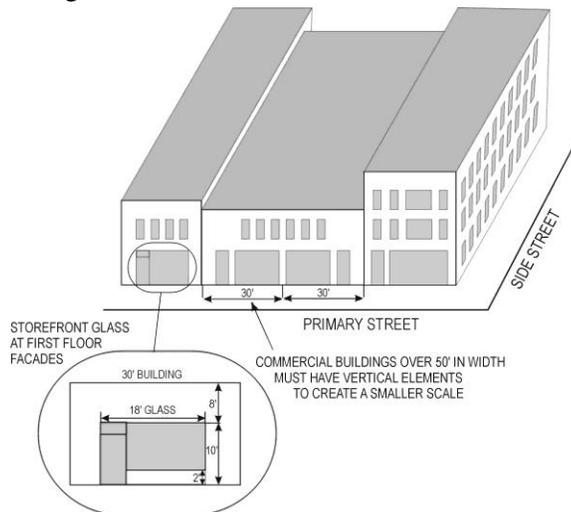
3. Buildings on corner lots must comply with maximum building setback standards along all lot frontages.

B. Parking Setbacks

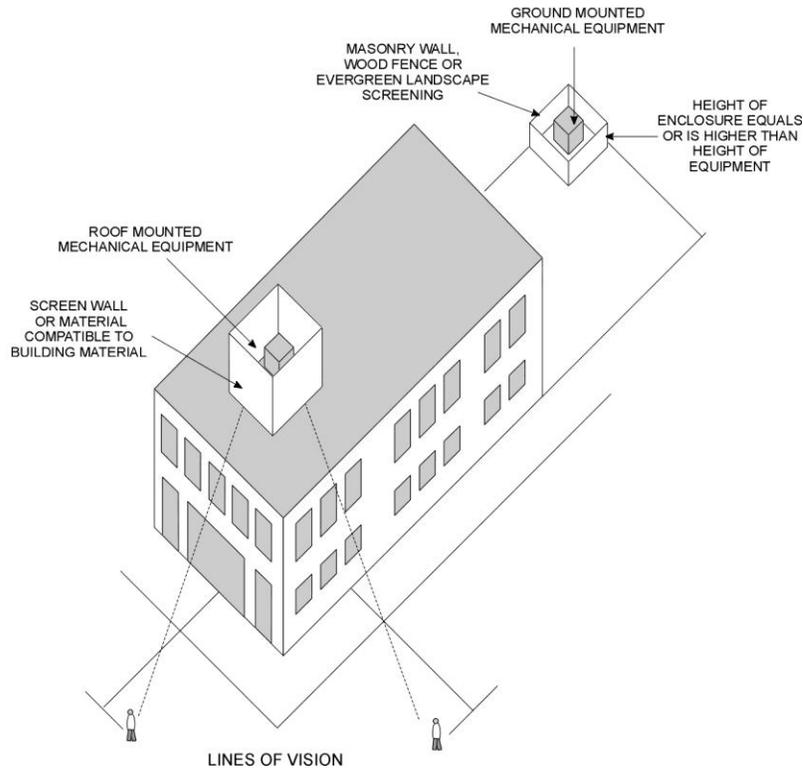
1. Parking lots, on-site drive aisles and parking lanes must be set back from street rights-of-way a minimum of 5 feet.
2. Parking lots and accessory structures shall be located at the rear of the principal building. No corner parking lots are permitted. Parking may be located along the non-street side of the principal building if approved through the Major Site Plan review process of Sec. 1111.0800.
3. See also the parking area design standards of Sec. 1103.0610.

1103.0607 Design Standards

- A. Building facades facing a Primary Street must incorporate a main entrance door on the primary street.
- B. Building frontages that face Primary Streets and exceed a width of 50 feet must include vertical visual elements to break the plane of the building frontage. Such vertical elements must be spaced at intervals of 15 feet to 35 feet along the entire building frontage.



- C. For commercially used property at least 60 percent of each building frontage along a Primary Street, between the height of 2 feet and 10 feet above the nearest sidewalk grade, must consist of clear, non-tinted, non-mirrored, and uncovered window glass permitting views of the building's interior to a depth of at least 4 feet. For building frontages other than those on Primary Streets, the window glass must continue for a minimum of 10 feet. No exterior security bars or roll-down metal doors shall be allowed. This provision shall not apply for the conversion of a residential building to a commercial use.



- D. All roof-mounted mechanical equipment must be screened from public view. The screening must be of a sufficient height to prevent persons located at the street level from viewing the screened items. The design, colors and materials used in screening must be consistent with the architectural design of the building. Dumpsters and trash receptacles must be screened in accordance with Sec. 1108.0304B).
- E. This provision does not apply to buildings officially recognized as historic or those deemed eligible for listing in the National Register of Historic Places if the provision would result in a modification of the original historic appearance of the building.

1103.0608 Building Facade Material and Color

See Sec. 1109.0500 for building facade material and color standards

1103.0609 Drive-through Uses

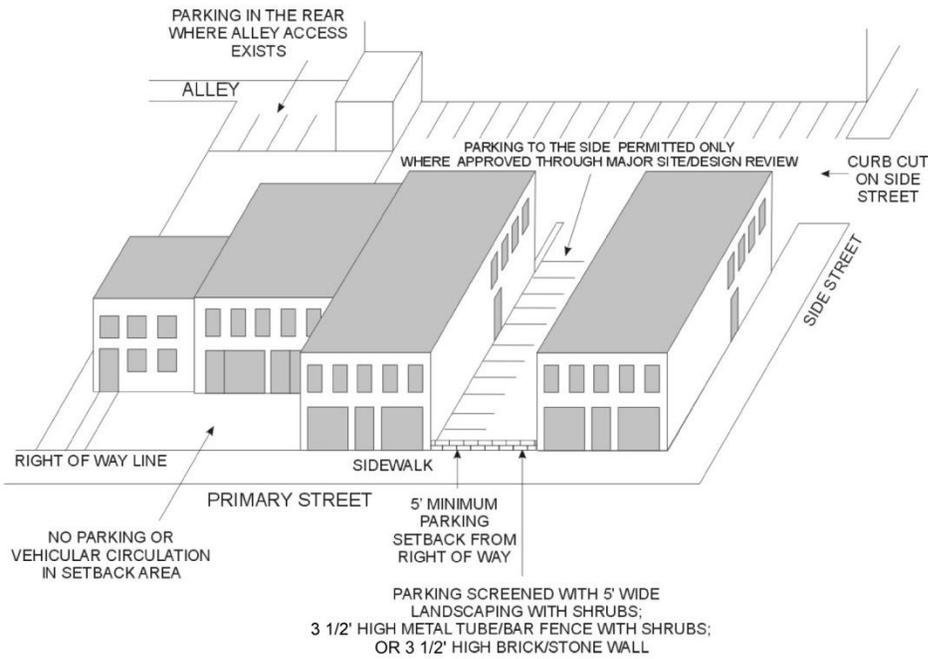
Drive-through pickup windows and canopies are permitted only in accordance with the following standards:

- A. They must be attached to the principal building.

- B. They must be located at the rear of the building and are prohibited on building frontages.
- C. No multi-lane drive-through facilities are allowed, except for banks which may have up to two drive-through lanes.

1103.0610 Parking

- A. Parking, stacking, and circulation aisles between a street right-of-way and a building are not permitted.
- B. Additional curb cuts are prohibited along streets identified in the Street and Highway Plan unless the Division of Transportation determines that a new curb cut is the only means available to provide vehicular access to the site and that the new location of the curb cut meets the requirements of the Division of Transportation.
- C. The required number of off-street loading spaces may be reduced or eliminated by the Planning Director in consultation with the Division of Transportation, with due consideration given to the following factors:
 - 1. frequency and time of deliveries;
 - 2. size and nature of vehicles accommodated by the loading spaces;
 - 3. the character of the neighborhood; and
 - 4. impact upon adjoining streets, places, or alleys.
- D. Parking lots and parking facilities that front on street rights-of-way shall be screened as provided in Sec. 1108.0305.
- E. See also the 2,400 square foot floor area exemption in Sec. 1107.0205.
- F. See also the parking area setback standards of Sec. 1103.0606B.



1103.0611 Landscape Standards

See Sec. 1108.0300, Urban Commercial Landscape Standards

1103.0612 Review Procedures

Unless otherwise expressly required in this Zoning Code, proposed new construction and exterior alterations are subject to the Site Plan Review procedures of Sec. 1111.0800.

1103.0700 | -SO, Shopping Center Sign Control Overlay District

1103.0701 Purpose

The -SO, Shopping Center Sign Control Overlay district is intended to regulate the number, type and location of signs on shopping center sites and other properties within the boundaries of designated -SO districts. The regulations are also intended to encourage unified sign plans for multi-tenant shopping center sites.

1103.0702 Effect of Designation

The -SO district is an overlay zoning classification that establishes additional sign regulations on development allowed by the underlying zoning district. In the event of conflict between the -SO district regulations and the regulations of the underlying base zoning district or the sign regulations of the Municipal Code, the overlay zoning regulations govern. In all other cases, both the overlay zoning and underlying zoning regulations apply.

1103.0703 -SO Classification

Those areas classified in the -SO district shall be shown on the Official Zoning Map.

1103.0704 Establishment of District

-SO zoning districts are established in accordance with the Zoning Map Amendment procedures of Sec. 1111.0600.

1103.0705 Applicability

All exterior signs, including the replacement of existing signs within the -SO district shall comply with the provisions of Part Thirteen of the Building Code, except as modified by the overlay district standards of this section.

1103.0706 Free-Standing Signs

- A. No more than one free-standing sign is allowed for each side of the commercial complex fronting on public right-of-way.
- B. Sign copy may include the name of the commercial complex, address, logo or name of the primary tenant, and tenant signs of uniform size not to exceed 30 square feet on each face per tenant.
- C. A changeable copy sign is permitted, provided such sign:
 - 1. is designed and installed as an integral part of the shopping center identification sign;
 - 2. the sign is permanently attached, affixed to and constructed as part of the area identification sign; and
 - 3. such signs are included in the total area (square footage) of sign face permitted.
- D. The maximum square footage of a free-standing sign face within an -SO district and the maximum permitted height shall be in accordance with those provisions

regulating free-standing signs as regulated in Chapter 1387, Table 1 of the Building Code, except where this section establishes more restrictive provisions.

- E. Free-standing signs shall be set back at least 20 feet from the public right-of-way.

1103.0707 Fascia and Wall Signs

- A. An exterior fascia sign or wall sign shall include a canopy sign or an awning sign.
- B. Such signs are permitted for those business establishments whose principal means of egress/ingress for the general public is through an exterior entrance and separate from the shopping center entrance. Such signage shall be limited to that building frontage or face containing the principal means of egress/ingress.
- C. Fascia or wall signs for automatic service facilities (i.e., automatic bank teller machines and film drops) are permitted when the facility is installed on an exterior wall of the shopping center and available for use by the public during nonoperating hours of the shopping center. Sign width shall be limited to the width of the automatic service facility and shall not exceed 2 feet in height.
- D. Fascia or wall signs are permitted for individual business establishments when the building is located on an exterior lot of a shopping center. A maximum of two fascia signs shall be permitted for those buildings located on an exterior lot of a shopping center regardless of the number of sides of the building fronting on a public right-of-way.
- E. The maximum square footage and location of all fascia or wall signs shall be in accordance with Section 1387.05(d) of the Building Code.

1103.0708 Low-Profile Signs

- A. One low-profile sign per building lot may be installed as an alternative and substitute to a fascia or wall sign for those business establishments located on an exterior lot of a shopping center.
- B. A low-profile sign shall not exceed 42 inches in height above the grade elevation of the nearest right-of-way. The copy on the low-profile sign shall be limited to name and/or logo of the business establishment.

1103.0709 Prohibited Signs

The following signs shall be prohibited within the -SO district:

- A. on-Premise Free-Standing Signs other than provided for in Sec. 1103.0706A.
- B. exterior signs for establishments not having the principal means of egress/ingress for the general public through an exterior entrance and separate from the shopping center entrance, except for those establishments which are part of a Unified Center Concept.

1103.0710 Review Procedures

Proposed sign plans for properties within the -SO district shall be reviewed at the time of Site Plan approval for the subject property, in accordance with Sec. 1111.0800. Any proposed signage changes after approval of the original Site Plan shall require review as an amendment to the approved Site Plan.

1103.0800 | -MD, Marina District Overlay District

1103.0801 Purpose

The –MD, Marina District Overlay District is intended to provide design and development standards promoting architectural quality, pedestrian activity, and a mix of residential, commercial and community activities in the area identified as the Marina District on the Official Zoning Map.

(Ord. 273-07. Passed 5-1-07.)

1103.0802 Effect of Designation

The adopted Marina District Overlay Zone Declaration of Restrictions, Easements, Design and Development Standards and Comprehensive Sign Plan shall apply to all development within the Marina District, and those standards for development shall take precedence where they are more restrictive, or advance the purposes defined within. The attached Declaration of Restrictions, Easements, Design and Development Standards and Comprehensive Sign Plan is approved and incorporated herein by reference as part of the City of Toledo Planning and Zoning Code. A copy of this document is available upon request at the Toledo City Plan Commission office.

(Ord. 273-07. Passed 5-1-07; Ord. 289-08. Passed 5-6-08; Ord. 550-08. Passed 8-26-08; Ord 654-08. Passed 10-21-08.)

1103.0803 Boundaries

Marina District Overlay Zone is the area bounded by the centerline of Main Street to the South, the centerline of Front Street to the centerline of Platt Street, southeast along the centerline of Platt Street to the centerline of First Street, northeast along the centerline of First Street to the centerline of Oswald Street, the rear lot lines of Lots 19 through 24 of the New Plat of Yondota Division, the entire boundary of Optimist Park and the first alley to the east of Front Street to the East, the centerline of the Craig Street Bridge to the North, and the Maumee River edge to the West.

(Ord. 273-07. Passed 5-1-07; Ord. 93-10. Passed 3-2-10.)

1103.0804 –MD Classification

Those areas classified in the –MD District shall be shown on the Official Zoning Map.

(Ord. 273-07. Passed 5-1-07.)

1103.0900 | Monroe Street Corridor UNO District

1103.0901 Purpose

The Monroe Street Corridor UNO District is intended to:

- A. provide a review process for proposed physical changes to structures and public space along the Monroe Street Corridor in order to evaluate the proposals in relation to the *Monroe Street Corridor Design and Livability Plan*, adopted by Toledo City Council as an amendment to the Toledo 20/20 Comprehensive Plan (Ord. 368-03.);
- B. implement appropriate building and parking setbacks that accommodate redevelopment that is compatible with historical building patterns; and
- C. promote development that features retail display windows, rear parking lots, and other pedestrian-oriented site design features.

(Ord. 497-07. Passed 7-24-07.)

1103.0902 Effect of Designation

The Monroe Street Corridor UNO district is an overlay zoning classification to be established as an Urban Neighborhood Overlay (UNO) district under the provisions of Sec. 1103.0500. The overlay zoning district establishes additional design standards for development allowed by the underlying zoning district. In the event of conflict between the Monroe Street Corridor UNO district regulations and the regulations of the underlying base zoning district, the overlay zoning regulations govern. In all other cases, both the overlay zoning and underlying zoning regulations apply.

(Ord. 497-07. Passed 7-24-07.)

1103.0903 Monroe Street Corridor UNO Classification

Those areas classified in the Monroe Street district shall be shown on the Official Zoning Map.

(Ord. 497-07. Passed 7-24-07.)

1103.0904 Monroe Street Corridor UNO District Boundaries

The boundaries of the District are hereby established as shown on the City of Toledo zoning maps. The District boundaries includes those parcels within 300 feet of the centerline of the Monroe Street right-of-way along both sides, extending from 14th Street on the east to Algonquin Parkway (just past Central Avenue) on the west. The overlay district regulations apply to the entirety of parcels, as existing at the time of adoption, lying wholly or partially within this boundary.

(Ord. 497-07. Passed 7-24-07.)

1103.0905 Review and Approval Procedures

The site plan review shall be as specified in Sec. 1111.0800. Building elevation drawings (with colors and materials indicated) showing the front, rear and side views shall be submitted along with the site plan.

- A. The standards of the Monroe Street Corridor UNO district apply to the construction of any building or building addition that increases a building's floor area by more than 10 percent, except for detached houses and duplexes used for residential purposes. The standards also apply to the construction of off-street parking spaces and driveways, except for those serving detached houses and duplexes used for residential purposes.
- B. Building alterations that conflict with these standards or that otherwise increase the degree of non-compliance with these standards are prohibited.

(Ord. 497-07. Passed 7-24-07.)

1103.0906 Design Criteria Used to Evaluate Site Plans and Projects

In addition to the design standards contained in Chapter 1109, Design Standards, the following criteria apply:

- A. Relationship of Buildings to Site
 1. The site shall be planned to accomplish a desirable transition between the building(s) and the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.
 2. Parking areas shall be treated with decorative elements, building wall extensions, plantings, or other innovative means so as to screen parking areas from view from public ways.
 3. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

4. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

B. Building Setback and Height

1. The maximum allowed front setback shall be 10 feet unless a public-private setback zone is provided.
2. If a public-private setback zone is provided a maximum front setback of 20 feet is allowed for up to 50 percent of the building frontage.
3. Buildings on corner lots must comply with maximum building setback standards along all lot frontages.
4. The minimum side yard and rear yard setbacks shall be as specified in the underlying zoning district.
5. The maximum building height shall be as specified in the underlying zoning district.

C. Building Design

1. Building facades facing a Primary Street must incorporate a main entrance door on the primary street.
2. Building frontages that face Primary Streets and exceed a width of 50 feet must include vertical visual elements to break the plane of the building frontage. Such vertical elements must be spaced at intervals of 15 feet to 35 feet along the entire building frontage.
3. All roof-mounted mechanical equipment must be screened from public view. The screening must be of a sufficient height to prevent persons located at the street level from viewing the screened items. The design, colors and materials used in screening must be consistent with the architectural design of the building.
4. Dumpsters and trash receptacles must be screened in accordance with Sec. 1108.0304B.
5. For commercially used property at least 60 percent of each building frontage along a Primary Street, between the height of 2 feet and 10 feet above the nearest sidewalk grade, must consist of clear, non-tinted, non-mirrored, and uncovered window glass permitting views of the building's interior to a depth of at least 4 feet. For building frontages other than those on Primary Streets, the window glass must continue for a minimum of 10 feet. No exterior security bars or roll-down metal doors shall be allowed. This provision shall not apply for the conversion of a residential building to a commercial use.
6. This provision does not apply to buildings officially recognized as historic or those deemed eligible for listing in the National Register of Historic Places if the provision would result in a modification of the original historic appearance of the building.

D. Building Materials

Maintaining consistent palette of materials is important to establish continuity within the corridor and to improving the overall appearance of the district. Predominant building materials should be high quality. Exterior insulation and

finish system (EIFS) materials and applications are prohibited. The following are identified as acceptable for predominant exterior building materials for facades visible from the Monroe Street right-of-way:

1. Brick: Shall be standard modular brick with common tooled mortar joints. Untooled joints, distressed brick, or irregular shaped brick are prohibited. Brick color and texture shall be compatible with original brick facades on Monroe Street, constructed prior to the 1940's. Brick of this period was commonly blond, yellow-blond, beige, or dull red with very little color range. Textures varied from smooth or glazed to rough. Textures tended to be uniform.
2. Wood;
3. Smooth finish stone such as limestone or sandstone; color to be light to medium "buff";
4. Glass.
5. Materials with a brick-like appearance such as "Founders Brick" or similar material;
6. Textured cement board;
7. The Plan Director, in consultation with the Monroe Street Redevelopment Organization, may approve exceptions in special circumstances, such as an addition or renovation to an existing building or a unique architectural treatment.

(Ord. 497-07. Passed 7-24-07.; Ord. 811-07. Passed 12-11-07.)

1103.0907 Permitted and Special Uses

All uses that are permitted or special uses in the underlying zoning district(s) remain as permitted or special uses in the Overlay District.

(Ord. 497-07. Passed 7-24-07.)

1103.0908 Accessory Buildings and Uses

All accessory buildings and uses which are permitted in the underlying zoning district(s) are permitted within the district, except that any detached accessory building on any lot shall have on all sides the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated. Accessory buildings used for single-family residential purposes are exempt from this requirement.

(Ord. 497-07. Passed 7-24-07.)

1103.0909 Landscape Review Requirements

Site plan review shall also include the review of landscape design elements and conformance with Sec. 1108.0300 (Urban Commercial Landscape Standards).

(Ord. 497-07. Passed 7-24-07.)

1103.0910 Off-Street Parking

Off-street parking requirements for properties within the Monroe Street Corridor UNO district shall comply with the requirements set forth in Chapter 1107, Parking, and the following provisions:

- A. Location of off-street parking facilities shall be on the same lot as the principal use or within three hundred (300) feet of the building (measured from the nearest point of the building or use to the nearest point of the parking) on the same side

of Monroe Street or an alternative access and parking plan may be submitted as provided for in Sec. 1107.1400.

- B.** Off-street parking facilities shall be located in the rear portion of the subject property and behind the principal building or use. The construction of new off-street parking lots having frontage on Monroe Street is prohibited. This provision may be waived by the Plan Commission if parking cannot be provided in the rear or on the side of the principal building(s).
- C.** If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances approved by the Plan Commission, then parking may be allowed on the side of the building if a screening wall and landscape treatment is installed along the frontage in conformance with the following:
 - 1.** A brick masonry screen wall thirty-two (32") inches in height measured from grade with a four (4") inch coping shall be installed along the property line.
 - 2.** A landscape island or greenbelt, ten (10') feet in width shall be installed behind the screen wall. This landscape island/greenbelt shall accommodate the installation of canopy trees, at least three (3") inches in caliper.
 - 3.** If the parking lot is located adjacent to a building, a six (6') foot wide sidewalk shall be installed between the building and the parking area.
- D.** Access to parking lots shall be provided off alleys when available in order to minimize curb-cuts across pedestrian sidewalks.
- E.** The required number of off-street loading spaces may be reduced or eliminated by the Planning Director in consultation with the Division of Transportation, with due consideration given to the following factors:
 - 1.** frequency and time of deliveries;
 - 2.** size and nature of vehicles accommodated by the loading spaces;
 - 3.** the character of the neighborhood; and
 - 4.** impact upon adjoining streets, places, or alleys.

(Ord. 497-07. Passed 7-24-07.)

1103.0911 Lighting Requirements

- A.** In reviewing the lighting proposed for a lot to be developed in the District, factors to be considered include but are not limited to:
 - 1.** Safety provided by the lighting.
 - 2.** Security provided by the lighting.
 - 3.** Light spillage or glare onto adjoining residential properties and/or streets is prohibited.
 - 4.** Height and placement of lighting standards considering the use.
- B.** Site Lighting for Small Parking Lots (Twenty-Five or Less Parking Spaces)
 - 1.** Site lighting for small parking lots shall utilize a pedestrian style light fixture and pole to match the lights being used by the City of Toledo for public enhancement projects along Monroe Street. The model number for the light pole and luminaire, as well as a detail product specifications, will be provided by the Plan Commission.

2. The light source shall be metal halide.
3. The light intensity shall average a minimum of .5 footcandles, measured five (5') feet above grade for parking lots and 1 to 3 footcandles measured five (5') feet above grade for pedestrian sidewalks.

C. Site Lighting for Large Parking Lots (Twenty-Six or More Parking Spaces)

1. Site lighting for large parking lots shall utilize a Shoe Box Fixture and pole (maximum 25 feet height) for efficiency of lighting and neutrality of design. The model number for the light pole and luminaire, as well as detailed product specifications will be provided by the Plan Commission.
2. The light source shall be metal halide.
3. Pedestrian scale lighting (pole top mount) shall be used along collective walks.
4. The light intensity shall average a minimum of .5 footcandles, measured five (5') feet above grade for parking lots and 1 to 3 footcandles measured five (5') feet above grade for pedestrian sidewalks.

(Ord. 497-07. Passed 7-24-07.)

1103.0912 Canopies/Awnings

- A. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. Narrow front and side flaps are common. Round-top, half-round, box, or other unusual awning shapes are prohibited unless approved in writing by the Plan Director. Internally lighted awnings are also prohibited. Signage on awnings shall be prohibited.
- B. Canopies shall be narrow in elevation, six (6") inches to twelve (12") inches, and flat. Typically such canopies would have internal drainage. Canopies shall be self supporting or supported by tension rods. Canopy projections are limited to thirty-six (36") inches. Sloping, or unusually shaped canopies are prohibited.

(Ord. 497-07. Passed 7-24-07.)

1103.0913 Signage

Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in Zoning Districts, and the following regulations:

- A. Building signs shall be located above the main entrance, on the upper façade wall. The sign shall be sized to allow the masonry to be fully exposed around the sign.
- B. No sign or part of a sign shall be located above the parapet of any façade. Roof mounted signs are prohibited.
- C. Building signs shall not exceed the width of the storefront opening.
- D. The shape of building signs shall be rectangular, or slight variations of rectangular forms.
- E. Projecting signs are allowed. The maximum projection is three and one-half (3 ½') feet.
- F. Additional Off-Premise Signs (Billboards) are prohibited. Existing Off-Premise signs may remain subject to the regulations for legal non-conforming signs in Chapter 1395. Existing Off-Premise signs within the Monroe Street Corridor

UNO district that are discontinued involuntarily due to a loss of lease rights may be replaced on another site within the Monroe Street Corridor UNO district that meets the siting criteria of Sec. 1387.05.K. The replacement sign shall comply with Sec. 1387.05.K. and have a total face area and number of faces less than or equal to the sign being replaced.
(Ord. 497-07. Passed 7-24-07.)

1103.1000 | -PUD, Planned Unit Development Overlay District

1103.1001 Purpose

The Planned Unit Development (PUD) is a voluntary procedure that provides an overlay zoning district that is intended to encourage innovative design, conservation of significant natural features or consolidation of open space in order to provide for a mixture of uses with an integrated design. The Planned Unit Development allows greater design flexibility that provides for the siting of development in a coordinated and efficient manner.

(Ord. 202-08. Passed 4-8-08.)

1103.1002 Description

Planned Unit Development regulations are intended to promote consistency with the Comprehensive Plan and adopted neighborhood plans. The Planned Unit Development may be a residential, commercial, or industrial development or may be a combination of uses with no minimum site area required. All planned unit developments shall be platted in accordance with applicable subdivision rules and regulations.

(Ord. 202-08. Passed 4-8-08.)

1103.1003 Effect of other Zoning District Standards

Except as expressly authorized by the regulations of this section and approved as part of a PUD plan, all of the standards of this Zoning Code apply to development within a PUD district.

(Ord. 202-08. Passed 4-8-08.)

1103.1004 Applicability

A PUD district may be approved only when the City Council determines that a PUD would result in a greater benefit to the City than development under conventional zoning district regulations. Existing Community Unit Plan (CUP) Ordinances prior to June 6, 2004 may be amended under the provision of this PUD section.

(Ord. 202-08. Passed 4-8-08.)

1103.1005 Approval Procedure

The Planned Unit Development shall be submitted and processed pursuant to the notice and hearing provisions in Sec. 1111.0600 Zoning Map Amendments. All PUD applications shall include a site plan that be prepared by a licensed engineer, architect, or surveyor and a landscape plan. The City Council and/or Plan Commission may require additional information such as professionally prepared maps, survey drawings, studies or reports including environmental assessments and/or traffic impact studies for the development. The expense of providing this information is the responsibility of the applicant.

(Ord. 202-08. Passed 4-8-08.)

1103.1006 General Standards

- A. The development shall be in conformance with the goals and objectives of the Comprehensive Plan, and this Zoning Code.

- B.** The uses are compatible within the PUD and with surrounding land uses.
 - C.** The arrangement of land uses and buildings on the site integrate the topography, natural features, views, traffic access and the arrangement of usable common open space.
- (Ord. 202-08. Passed 4-8-08.)

1103.1007 Residential Standards

- A.** The maximum number of dwelling units permitted shall not exceed the number of units permitted without the Planned Unit Development as determined by the underlying zoning district using net residential acreage (excepted as indicated in Table Note 2 below). The maximum number of dwelling units permitted in the Planned Unit Development shall be calculated by dividing the net residential acreage by the minimum lot area per dwelling unit as shown under Sec. 1106.0100. There shall be no right of approval to maximum density. For purposes of the calculation, net residential acreage equals 80 percent of the gross parcel acreage, and gross parcel acreage is the total parcel area excluding existing public rights-of-way. The maximum number of dwelling units permitted per gross acre according to this calculation is listed below for each zoning district.

Zoning District Maximum Dwelling Units Per Gross Acre:

Zoning District	Units Per Gross Acre
RS12	2.9
RS9	3.8
RS6	5.8
RD6	5.8
RM12 ¹	10
RM24 ¹	19
RM36 ¹	29
CN ¹	8
CO ¹	19
CS ¹	19
CM ^{1 2}	25
CR ¹	19
CD ^{1 2}	70

Table Notes:

- 1. Calculations based on multi-dwelling density
- 2. A PUD in a CM & CD district is eligible for Density Bonuses as described in Sec. 1106.0400.

- B.** Dwelling Units may be any single or combination of the following residential household living types: single family, zero lot line, attached house, or duplex. Multi-family units are only permitted in RM and C zoning districts.
- C.** No more than 40 percent of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway, and parking area pavement.
- D.** No less than 15 percent of the gross site acreage, none of which is part of any required yard or perimeter open space, shall be allocated to usable, accessible and

consolidated common open space (per Sec. 1103.1010E) and may be allocated on a plat by plat basis (one-third of the required common open space may be a lake or pond or storm detention or retention area). This open space shall be delineated on the plat as a lettered lot.

- E.** An open space area void of buildings, structures, parking areas, or other above ground improvements except fencing shall be maintained along all perimeter property lines of the Planned Unit Development as follows:
 - 1.** When abutting a Residential district, the open space perimeter area shall be provided with a minimum depth equal to the required rear yard setback of the PUD's underlying zoning district;
 - 2.** When a residential area of a Planned Unit Development abuts a Commercial or Industrial district, an open space perimeter area shall be provided that has a minimum depth of 50 feet or 30 feet with fencing or screening.
 - F.** Building height shall be in accordance with the underlying zoning.
 - G.** There are no minimum lot size, lot-width, building or structure setback requirements except as provided in Sec. 1103.1010E.
 - H.** Telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.
- (Ord. 202-08. Passed 4-8-08. Ord. 346-10. Passed 6-22-10.)

1103.1008 Commercial

- A.** Commercial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Sec. 1107.0300, Off-Street Parking Loading, and the number of spaces required shall be determined by each specific use within the Planned Unit Development. Parking and lighting shall be screened in accordance with Chapter 1108 - Landscaping and Screening.
- B.** An open space area void of buildings, structures, parking areas, or other above ground improvements except fencing shall be maintained on all perimeter property lines (except frontage) of the Planned Unit Development:
 - 1.** A minimum open space depth of 30 feet shall be provided unless a greater setback is required as listed in the underlying zoning district;
 - 2.** A minimum open space of 60 feet shall be provided when abutting a Residential District;
- C.** No less than 10 percent of the gross site acreage, none of which shall be a part of any required yard or perimeter open space, shall be allocated to usable, accessible and consolidated common open space (one-third of the required common open space may be a lake or pond or storm detention or retention area). Commercial development must include some noncommercial amenities within required common open space areas, such as open or closed plazas or mall areas, benches, tables, statuary, fountains, kiosks, pergolas and areas for public enjoyment.
- D.** No more than 70 percent of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement.
- E.** There shall be no minimum lot size, lot-width or building or structure setback requirements except as provided in Sec. 1103.1008B.

- F. Telephone, electrical, cable and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.
(Ord. 202-08. Passed 4-8-08.)

1103.1009 Industrial

- A. Industrial developments shall utilize natural features to screen lighting and parking. Parking and lighting shall be screened in accordance with Sec. 1108 – Landscaping and Screening.
- B. A minimum open space width of 50 feet void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be provided and maintained on all perimeter property lines of the Planned Unit Development when abutting a Residential district unless a greater setback is required by this Zoning Code.
- C. No less than 10 percent of the gross site acreage, none of which shall be a part of any required yard or perimeter open space, shall be allocated to usable, accessible and consolidated common open space (two-thirds of the required common open space may be a lake or pond or storm detention or retention area).
- D. There shall be no minimum lot size, lot width, or building or structure setback requirements except as provided in Sec. 1103.1008B.
(Ord. 202-08. Passed 4-8-08.)

1103.1010 Additional Requirements and Standards

A. Design

The architectural design and materials of multi-family, commercial, and industrial buildings, including signs, must comply with the applicable standards of Chapter 1109 | Design Standards. The architectural design shall be compatible with residential development although the style may vary provided it carries out a unique theme that enhances the character of the area.

B. Street Access

PUD's must have direct access to a street shown on the Toledo-Lucas County Major Street & Highway Plan. Each individual residential lot must connect to a public street or private place.

C. Platting

All Planned Unit Developments shall be platted according the Subdivision Rules & Regulations for the City of Toledo.

D. Sidewalks

In addition to Sec. 1107.1300, Sec. 1109.0100, Sec. 1109.0204A, and Sec. 1109.0304, sidewalks must be built to city specifications along both sides of all streets, public or private. Sidewalks or other approved pedestrian walkways must be provided to link nonresidential areas with residential areas, both inside and outside the PUD.

E. Parking and Loading

The number of required off-street parking and loading spaces may be decreased or increased during the PUD review and approval process. Such requests must detail the type of alternative proposed and the rationale for such a proposal, including supporting research on or documentation of parking demand for the proposed use. The proposed request shall:

1. not adversely affect surrounding neighborhoods;
2. not adversely affect traffic congestion and circulation; and
3. have a positive effect on the economic viability or appearance of the project or on the environment.

Parking and loading areas must comply with all otherwise applicable design standards.

F. Open Space

The Plan Commission may recommend and the City Council may require private ownership and development of those common open spaces that are clearly of primary benefit to the employees, residents or visitors of the development.

1. The landowner must establish an agency for the ownership and maintenance of common open spaces where such are to be retained in private ownership.
2. The City may accept the dedication of land or any interest therein for public use and maintenance.
3. In the event the agency established to own and maintain the common open space or any successor agency shall at any time after establishment of the Planned Unit Development fail to fulfill any obligation imposed on such agency as a condition of approval of the Planned Unit Development, the City may serve written notice upon such agency or upon the residents and owners of the Planned Unit Development, setting forth the manner in which the agency has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the City, in order to preserve the taxable values of the properties within the Planned Unit Development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same and perform the other duties of the agency until such agency shall again resume its obligations. All costs incurred by the City in carrying out the obligations of the agency shall be assessed against the properties within the Planned Unit Development and shall become a tax lien on the properties.

G. Landscaping

Landscape plans shall be reviewed and approved in accordance with the procedures of Chapter 1108 | Landscaping and Screening.
(Ord. 202-08. Passed 4-8-08.)

1103.1011 Amendments to Approved Planned Unit Development

Minor amendments to approved Planned Unit Development applications or permits may be approved by the Planning Director. Major amendments require full review and approval in accordance with the procedures of the Sec. 1103.1000.

- A. An application will be considered a major amendment to an approved Planned Unit Development application or permit when any of the following criteria are met:
 1. an increase in building footprint size by more than 10 percent, cumulative;
 2. an increase in the cumulative floor area by more than 10 percent;

3. an increase in building height by more than 10 percent or 6 feet, whichever is less;
4. an increase in the cumulative impervious surface coverage by more than 10 percent;
5. a new uses or improvements not previously approved, extensive site modification involving location of buildings, razing and reconstruction of approved uses;
6. an increase in the number of dwelling units or residential occupancy by more than 10 percent when not exceeding the maximum net residential acreage density allowed in the underlying zoning district; or
7. the Planning Director determines that the proposed change will have impacts that warrant full review of the application in accordance the customary Zoning Map Amendment procedures.

B. An application that is not classified as a major amendment will be considered a minor amendment.

(Ord. 202-08. Passed 4-8-08.)

1103.1012 Successive Applications

When the City Council denies a Planned Unit Development application or the applicant withdraws an application after the first public hearing notice has been published in the newspaper, the One Stop Shop staff of the Division of Building Inspection and Code Enforcement may not accept and the Plan Commission staff may not process another application for the same or similar use affecting the same property or a portion of it until the expiration of a 1-year period, extending from the date of denial by the City Council or withdrawal by the applicant.

(Ord. 202-08. Passed 4-8-08.)

1103.1013 Appeals

Appeals of City Council decisions on a Planned Unit Development may be taken to the courts, as provided by law.

(Ord. 202-08. Passed 4-8-08.)

1103.1014 Expiration and Extension of Approval Period

If construction of any phase of the approved Planned Unit Development begins within two years after the date of approval by ordinance is granted, the approval shall be valid until the development is completed. If no construction has begun within two years after approval is granted, the Planned Unit Development shall be void and the land shall revert to the original zoning classification prior to the PUD application. An extension of the time limit may be approved by the Toledo City Plan Commission.

(Ord. 202-08. Passed 4-8-08.)

1103.1015 Zoning Map

Approved PUDs must be identified on the Official Zoning Map.

(Ord. 202-08. Passed 4-8-08.)

1103.1016 Additional Conditions

The Plan Commission may recommend and the City Council may impose and/or waive other conditions other than density and standards during the PUD review and approval process, as deemed necessary to ensure consistency with the purposes of this section and those of this zoning code. Such conditions may include structures or building types to be

allowed in the PUD. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.
(Ord. 202-08. Passed 4-8-08.)

1103.1100 | Reynolds Road Sign Overlay District

Commentary: Ord. 489-08 establishes a Reynolds Road Sign Overlay District subject to the following condition:

The Reynolds Road Sign Overlay District shall not be in effect until such time that the vehicular speed limit is lowered on Reynolds Road between Glendale Avenue and the Ohio Turnpike.

Section amended by Ord. 30-10.

1103.1200 | Summit Street Corridor Redevelopment UNO District

1103.1201 Purpose and Intent

The purpose of the Summit Street Corridor Redevelopment (SSCR) District is to:

- A.** Assess existing conditions within the corridor;
- B.** Review potential infrastructure and development initiatives;
- C.** Recommend community and economic development initiatives to reverse urban and economic decline;
- D.** Link existing residential neighborhoods with the Maumee River; and
- E.** Devise a market driven revitalization program.

The Summit Street corridor, located in the North River neighborhood, comprises approximately 82 acres of land between I-280, Cherry Street, the Maumee River, and Superior Street. Summit Street is a major north-south route in the City of Toledo that links the downtown business district with the north end and Point Place.

(Ord. 38-09. Passed 1-20-09.)

1103.1202 Effect of Designation

The Summit Street Corridor Redevelopment (SSCR) District is an overlay zoning classification to be established as an Urban Neighborhood Overlay (UNO) District under the provisions of Sec. 1103.0500. The overlay zoning district establishes additional design standards on development allowed by the underlying zoning district. In the event of conflict between the SSCR district regulations, Vistula Historic District regulations, and the regulations of the underlying base zoning district, the Vistula Historic District regulations govern. In the event of conflict between the SSCR district regulations and the Maumee Riverfront Review regulations, the SSCR District regulations govern.

(Ord. 38-09. Passed 1-20-09.)

1103.1203 SSCR Classification

Those areas classified in the SSCR district shall be shown on the Official Zoning Map.

(Ord. 38-09. Passed 1-20-09.)

1103.1204 Summit Street Corridor Redevelopment District Boundaries

The Summit Street Corridor Redevelopment District boundary is as follows:

Commencing at the intersection the centerline of Cherry Street and the northern bank of

the Maumee River, thence northwesterly along the centerline of Cherry Street to its intersection with the centerline of Huron Street, thence northeasterly along the centerline of Huron Street to its intersection with the centerline of Walnut Street; thence southeasterly along the centerline of Walnut Street to its intersection with the centerline of Superior Street; thence northeasterly along the centerline of Superior Street to its intersection with the centerline Bush Street; thence northwesterly along the centerline of Bush Street to its intersection with the centerline of Huron Street; thence northeasterly along the centerline of Huron Street to its intersection with the centerline of I-280; thence southeasterly along the centerline of I-280 to the northern bank of the Maumee River; thence southwesterly along the northern bank of the Maumee River to its intersection with the centerline of Cherry Street.

(Ord. 38-09. Passed 1-20-09.)

1103.1205 Review and Approval Procedures

The site plan review shall be as specified in Section 1111.0800 of the Toledo Zoning Code. Building elevation drawings (with colors and materials indicated) showing the front, rear and side views shall be submitted to the Summit Street Corridor Redevelopment Organization (SSCRO) along with the site plan.

- A.** The standards of the SSCR district apply to the construction of any building or building addition that increases a building's floor area by more than 10 percent, except for detached houses and duplexes. The standards also apply to the construction of off-street parking spaces and driveways, except for those serving detached houses and duplexes used for residential purposes.
- B.** Building alterations that conflict with these standards or that otherwise increase the degree of non-compliance with these standards are prohibited.

(Ord. 38-09. Passed 1-20-09.)

1103.1206 Design Criteria Used to Evaluate Site Plans and Projects

In addition to the design standards contained in Chapter 1109, Design Standards, the following criteria apply.

- A.** Relationship of Buildings to Site
 - 1.** The site shall be planned to accomplish a desirable transition, between the building(s) with the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.
 - 2.** Parking areas shall be treated with decorative elements, building wall extensions, plantings, or other innovative means so as to screen parking areas from view from public ways.
 - 3.** The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
 - 4.** Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- B.** Building Setback and Height
 - 1.** The maximum allowed front setback shall be 10 feet unless a public-private setback zone is provided.
 - 2.** If a public-private setback zone is provided a maximum front setback of 20 feet is allowed for up to 50 percent of the building frontage.

3. Buildings on corner lots must comply with maximum building setback standards along all lot frontages.
 4. Single family and two-family residential uses are exempt from this requirement.
 5. The minimum side yard and rear yard setbacks shall be as specified in the underlying zoning district.
 6. The maximum building height shall be as specified in the underlying zoning district.
- C. Minimum Front Yard Landscape Area**
1. As specified in Chapter 1108.0300 “Urban Commercial Landscape Standards”. Single family and two-family residential uses are exempt from this requirement.
- D. River Vistas UU**
1. Careful consideration shall be given to protecting the vistas from Summit Street and the Vistula Historic District neighborhood to the Maumee River. The river is a visual, environmental and transportation resource affecting substantial portions of the City including many neighborhoods. It is the general intent of the SSCR district to provide for maximum public benefit from the further development of the riverfront area with regard to a river orientation and with an emphasis on the opportunity for enjoyment of river vistas and public access by a maximum number of citizens. Maintaining the view of the river will help eliminate or minimize negative environmental impact and provide for improved scenic and aesthetic controls.
- E. Building Design**
1. Architectural style, building mass and placement shall be compliant and shall conform to scale and proportions of buildings surrounding the subject property.
 2. Building facades facing Summit Street must incorporate a main entrance door on Summit Street.
 3. Building frontages that face Summit Street and exceed a width of 50 feet must include vertical visual elements to break the plane of the building frontage. Such vertical elements must be spaced at intervals of 15 feet to 35 feet along the entire building frontage.
 4. All roof-mounted mechanical equipment must be screened from public view. The screening must be of a sufficient height to prevent persons located at the street level from viewing the screened items. The design, colors and materials used in screening must be consistent with the architectural design of the building.
 5. Dumpsters and trash receptacles must be screened in accordance with Sec. 1108.0304B.
 6. This provision does not apply to buildings officially recognized as historic or those deemed eligible for listing in the National Register of Historic Places if the provision would result in a modification of the original historic appearance of the building.

7. For commercially used property at least 60 percent of each building frontage along Summit Street, between the height of 2 feet and 10 feet above the nearest sidewalk grade, must consist of clear, non-tinted, non-mirrored, and uncovered window glass permitting views of the building's interior to a depth of at least 4 feet. For building frontages other than those on Summit Street, the window glass must continue for a minimum of 10 feet. No exterior security bars or roll-down metal doors shall be allowed. This provision shall not apply for the conversion of a residential building to a commercial use.

(Ord. 38-09. Passed 1-20-09.)

1103.1207 Permitted and Special Uses

All uses that are permitted or special uses in the underlying zoning district(s) are allowed in the Overlay District.

(Ord. 38-09. Passed 1-20-09.)

1103.1208 Accessory Buildings and Uses

All accessory buildings and uses which are permitted in the underlying zoning district(s) are permitted within the district, except that any detached accessory building on any lot shall have on all sides the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated. Accessory buildings used for single-family residential purposes are exempt from this requirement.

1103.1209 Architectural Review Requirements for New Buildings

Site plan review shall include review of architectural design elements. The architectural design of buildings within the Summit Street Corridor Redevelopment District shall include consideration of the following elements: scale and proportion, suitability of building materials, design in relation to surrounding buildings, design in relation to proposed landscaping and aesthetics of the proposed building. Maintaining consistent palette of materials is important to establish continuity within the corridor and for improving the overall appearance of the district. The following are identified as acceptable building materials:

A. Building Façade Material and Color

1. Ground floor facades that face streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent of their horizontal length.
2. Building shall have parapets or other architectural features concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed one-third of the height of the supporting wall and such parapets shall not be of a constant height for a distance of greater than fifty feet.
3. Grade level mechanical equipment shall be screened from adjoining residential parcels and from the right of way(s). All utilities shall be underground wherever possible.
4. Predominant exterior building materials shall be high quality. These include, but are not limited to:
 - a. Brick: Shall be standard modular brick with common tooled mortar joints. Untooled joints, distressed brick, or irregular shaped brick are

- prohibited. Stucco and EIFS (exterior insulation and finishing system) materials and applications are prohibited;
- b. wood, but not wood sheet goods;
 - c. natural stone, smooth finish stone such as limestone or sandstone. Color to be light to medium ‘buff’, or
 - d. tinted, textured, concrete block or tilt-up masonry panels;
 - e. Predominant exterior building materials shall not include the following:
 - (1) smooth-faced concrete block
 - (2) smooth-faced tilt-up concrete panels
 - (3) pre-fabricated steel panels
 - (4) vinyl siding
- 5.** The use of high-intensity colors, metallic colors, blacks or fluorescent colors is prohibited. Paint colors shall visually relate building elements to each other, as well as, individual facades to each other. The colors chosen for any façade shall relate to the neighboring facades and to the blockscape as a whole. The placement of colors should be based on the existing hierarchy of detail: base, major and minor trim colors. The color of the upper wall surface and the storefront piers is the base color. A palette of suggested color schemes may be obtained from the SSCRO. The color scheme for the building shall be reviewed and approved by the SSCRO.
- 6.** Each principal building on a site shall have clearly defined, highly visible customer entrance featuring at least three elements including, but not limited to, the following:
- a. arches
 - b. arcades
 - c. architectural details such as tile work and moldings which are integrated into the building structure and design
 - d. canopies or porticos
 - e. display windows
 - f. integral planters or wing walls that incorporate landscaped areas and/or places for sitting
 - g. outdoor patios
 - h. overhangs
 - i. peaked roof forms
 - j. raised cornice parapets over the door
 - k. recesses/projections
- (Ord. 38-09. Passed 1-20-09.)

1103.1210 Architectural Review Requirements for Existing Buildings

Duplication of the exact historic design of the original building façade is not completely necessary in order to create a handsome and functional building, but the historical appearance should be the principal influence in façade rehabilitation.

A. Elements in restoring historical appearance:

1. Applied siding treatments, metal fascias and canopies should be removed wherever possible.
2. Repair damage from siding and fascia attachments and repair the upper facades hidden by such treatments. Metal fascias and other applied treatments often aid in preserving the façade and its materials.
3. Rehabilitate the existing facades in keeping with the original architecture of the building.
4. Maintain the original architectural elements and detail that remain.
5. Reconstruct non-original portions of the façade, as needed, in keeping with the original façade design.
6. Restore original elements and detail that have been lost, when feasible.

B. Traditional façade guidelines for façade rehabilitation:

1. Maintain the continuity of the blockscape. Do not recess the storefront or otherwise change the continuous plane of the facades.
2. Maintain the original palette of building materials. Refrain from adding new, and inappropriate materials.
3. Maintain the original masonry wall of the façade at both the upper and the storefront. Do not change materials at the lower storefront. Properly clean original brick when necessary (recommended pressure for removing paint is 400 psi), paint original brick only as a last resort, and remove paint or stucco where feasible. The use of abrasive or otherwise damaging removal techniques shall not be permitted.
4. Maintain the size and shape of the original façade openings: the storefront opening and the upper story windows. Do not fill-in or reduce the size of the original openings.
5. New windows should fit the size and shape of their openings.
6. Maintain or construct the large storefront windows. Original storefront windows usually begin at 18” to 24” above the sidewalk and extend to the underside of the second floor.
7. Follow the original pattern of mullions at the storefront and upper story windows.
8. Maintain the upper façade cornice and storefront cornice bands. If they have been removed, consider reconstructing simplified replacements.
9. Maintain original decorative stone details, window hoods, cornice brackets, and woodwork.

(Ord. 38-09. Passed 1-20-09.)

1103.1211 Landscape Review Requirements

Site plan review shall also include the review of landscape design elements and conformance with all applicable requirements.
(Ord. 38-09. Passed 1-20-09.)

1103.1212 Off-Street Parking

- A.** Location of off-street parking facilities shall be on the same lot as the Principal use or within three hundred (300) feet of the building (measured from the nearest point of the building or use to the nearest point of the parking) or an alternative access and parking plan may be submitted as provided for in Sec. 1107.1400.
- B.** Off-street parking facilities shall be located in the rear portion of the subject property and behind the principal building or use. The construction of new off-street parking lots having frontage on Summit Street is prohibited. This provision may be waived by the Plan Commission if parking cannot be provided in the rear of the principle building(s).
- C.** If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances approved by the Plan Commission, then parking may be allowed on the side of the building if a screening wall and landscape treatment is installed along the frontage in conformance with the following:
 - 1.** A brick masonry screen wall thirty-two (32") inches in height measured from grade with a four (4") inch coping shall be installed along the property line.
 - 2.** A landscape island or greenbelt, ten (10') feet in width shall be installed behind the screen wall. This landscape island/greenbelt shall accommodate the installation of canopy trees, at least two and a half (2 ½") inches in caliper.
 - 3.** If the parking lot is located adjacent to a building, a six (6') foot wide sidewalk shall be installed between the building and the parking area.
 - 4.** The perimeter of the parking lot shall be constructed with concrete curb and gutter and properly drained. Wheel chocks, bumper blocks or header curbs may not be used in lieu of curbs.
 - 5.** The surface of the parking lot shall consist of bituminous surface. If the maneuvering lane will be used by commercial vehicles (semi-trucks, stake trucks, panel trucks, etc.) it shall be constructed with a deep strength bituminous surface.
- D.** For a lot facing Summit Street and a side street, parking is prohibited on the corner facing the intersection.
- E.** Access to parking lots shall be provided off alleys when available in order to minimize curb-cuts across pedestrian sidewalks.
- F.** The required number of off-street loading spaces may be reduced or eliminated by the Planning Director in consultation with the Division of Transportation, with due consideration given to the following factors:
 - 1.** frequency and time of deliveries;
 - 2.** size and nature of vehicles accommodated by the loading spaces;
 - 3.** the character of the neighborhood; and

4. impact upon adjoining streets, places, or alleys.
(Ord. 38-09. Passed 1-20-09.)

1103.1213 Lighting Requirements

In reviewing the lighting proposed for a lot to be developed in the District, factors to be considered include but are not limited to:

- A. Safety provided by the lighting.
- B. Security provided by the lighting.
- C. Light spillage or glare onto adjoining residential properties and/or streets is prohibited.
- D. Height and placement of lighting standards considering the use.

(Ord. 38-09. Passed 1-20-09.)

1103.1214 Site Lighting for Small Parking Lots (Twenty-Five or Less Parking Spaces)

- A. Site lighting for small parking lots shall utilize a pedestrian style light fixture and pole to match the lights being used by the City of Toledo for public enhancement projects along Summit Street. The model number for the light pole and luminaire, as well as a detail product specifications will be provided by the City Plan Commission.
- B. The light source shall be metal halide.
- C. The light intensity shall average a minimum of .5 foot-candles, measured five (5) feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.

(Ord. 38-09. Passed 1-20-09.)

1103.1215 Site Lighting for Large Parking Lots (Twenty-Six or More Parking Spaces)

- A. Site lighting for large parking lots shall utilize a Shoe Box Fixture and pole (maximum 25' height) for efficiency of lighting and neutrality of design. The model number for the light pole and luminaire, as well as a detail product specifications will be provided by the City Plan Commission.
- B. The light source shall be metal halide.
- C. Pedestrian scale lighting (pole top mount) to match the lights being used by the Downtown Development Authority shall be used along collective walks.
- D. The light intensity shall average a minimum of .5 foot-candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.

(Ord. 38-09. Passed 1-20-09.)

1103.1216 Canopies/Awnings

- A. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. Narrow front and side flaps are common. Round-top, half-round, box, or other unusual awning shapes are prohibited unless approved in writing by the Plan Commission. Internally lighted awnings are also prohibited. Signage on awnings shall be prohibited.

- B.** Canopies shall be narrow in elevation, 6” to 12”, and flat. Typically such canopies would have internal drainage. Canopies shall be self-supporting or supported by tension rods. Canopy projections to be limited to 36”. Sloping, or unusually shaped canopies are prohibited.

(Ord. 38-09. Passed 1-20-09.)

1103.1217 Signage

Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in Zoning Districts, and the following regulations:

- A.** Building signs shall be located above the storefront opening (doorway or window) at the storefront cornice line, on the upper facade wall. The sign shall be sized to allow the masonry to be fully exposed around the sign. A well-designed and maintained building is as much of an advertisement for a business as the sign itself.
- B.** No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.
- C.** Building signs shall not exceed the width of the storefront opening.
- D.** The shape of building signs shall be rectangular, or slight variations of rectangular forms.
- E.** Projecting signs are allowed. The maximum allowable projection is (3 ½”).
- F.** Low profile signs with a maximum height of 42" are permitted. Pole signs are prohibited.
- G.** It is recommended that no signs or advertisement block the view of the interior of stores or offices.
- H.** Additional Off-Premise Signs (Billboards) are prohibited. Existing Off-Premise signs may remain subject to the regulations for legal non-conforming signs in Chapter 1395. Existing Off-Premise signs within the Summit Street Corridor Redevelopment (SSCR) UNO District that are discontinued involuntarily due to a loss of lease rights may be replaced on another site within the Summit Street Corridor Redevelopment (SSCR) UNO District that meets the siting criteria of Sec. 1387.05.K. The replacement sign shall comply with Sec. 1387.05.K. and have a total face area and number of faces less than or equal to the sign being replaced.

(Ord. 38-09. Passed 1-20-09.)

1103.1218 Applicability

The Urban Commercial Landscape Standards of this Section apply:

- A.** In the CM, CS, -PO, -DO, -HO, Monroe Street Corridor UNO, and Summit Street Corridor Redevelopment (SSCR) UNO districts;

(Ord. 38-09. Passed 1-20-09.)

1103.1300 | Main Street / Starr Urban Overlay

1103.1301 Purpose

The Main Street/Starr Avenue Urban Overlay District is intended to:

- A.** Provide a review process for proposed physical changes to structures and public space along the Main Street, Starr Avenue & Front Street areas;

- B.** Implement appropriate building and parking setbacks that accommodate redevelopment that is compatible with historical building patterns; and
 - C.** Promote development that features retail display windows, rear parking lots, and other pedestrian-oriented site design features.
- (Ord. 95-10. Passed 3-2-10.)

1103.1302 Effect of Designation

The Main Street/Starr Avenue Urban Overlay District is an overlay zoning classification to be established as an Urban Neighborhood Overlay (UNO) District under the provisions of Sec. 1103.0500. The overlay zoning district establishes additional design standards for development allowed by the underlying zoning district. In the event of conflict between the Main Street/Starr Avenue Urban Overlay District regulations and the regulations of the underlying base zoning district, the UNO will control. In all cases, the most restrictive provision of the Main Street /Starr Avenue Urban Overlay District, or the underlying zoning will control.

(Ord. 95-10. Passed 3-2-10.)

1103.1303 Main Street/Starr Avenue UNO District Classification

Those areas classified in the Main Street/Starr Avenue Urban Overlay District shall be shown on the Official Zoning Map.

(Ord. 95-10. Passed 3-2-10.)

1103.1304 Main Street/Starr Avenue Urban Overlay District Boundaries

The boundaries of the District are hereby established as shown on the City of Toledo zoning maps. The District boundaries includes those parcels commonly referred to as the Main/Starr Avenue Business District and are defined via the map attached hereto and legally described in Exhibit B, both of which are incorporated herein by reference. The overlay district regulations apply to the entirety of parcels, as existing at the time of adoption, lying wholly or partially within this boundary.

(Ord. 95-10. Passed 3-2-10.)

1103.1305 Review and Approval Procedures

The site plan review shall be as specified in Sec. 1111.0800. Building elevation drawings (with colors and materials indicated) showing the front, rear and side views shall be submitted along with the site plan.

- A.** The standards of the Main Street/Starr Avenue Urban Overlay District apply to the physical change of any building or building addition that increases a building's floor area by more than 10 percent, except for detached houses and duplexes used for residential purposes. "Physical change" means any work such as alteration, remodeling, new construction or renovation of the exterior of a structure. The standards also apply to the construction of off-street parking spaces and driveways, except for those serving detached houses and duplexes used for residential purposes.
- B.** Building alterations that conflict with these standards or that otherwise increase the degree of non-compliance with these standards are prohibited.

(Ord. 95-10. Passed 3-2-10.)

1103.1306 Design Criteria Used to Evaluate Site Plans and Projects

In addition to the design standards contained in Chapter 1109, Design Standards, the following criteria apply.

- A.** Relationship of Buildings to Site

1. The site shall be planned to accomplish a desirable transition between the building(s) and the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.
2. Parking areas shall be treated with decorative elements, building wall extensions, plantings, or other innovative means so as to screen parking areas from view from public ways.
3. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
4. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

B. Building Setback and Height

1. The maximum allowed front setback shall be 10 feet unless a public-private setback zone, as defined in Section 1116.0100, is provided.
2. If a public-private setback zone is provided a maximum front setback of 20 feet is allowed for up to 50 percent of the building frontage.
3. Buildings on corner lots must comply with maximum building setback standards along all lot frontages.
4. The minimum side yard and rear yard setbacks shall be as specified in the underlying zoning district.
5. The maximum building height shall be as specified in the underlying zoning district.

C. Building Design

1. Building facades facing a Primary Street must incorporate a main entrance door on the primary street.
2. Building frontages that face Primary Streets and exceed a width of 50 feet must include vertical visual elements to break the plane of the building frontage. Such vertical elements must be spaced at regularly spaced intervals to provide visual interest along the entire building frontage.
3. All roof-mounted mechanical equipment must be screened from public view. The screening must be of a sufficient height to prevent persons located at the street level from viewing the screened items and a sight line analysis from at least 200 feet away must be submitted for review and approval. The design, colors and materials used in screening must be consistent with the architectural design of the building.
4. Dumpsters and trash receptacles must be screened in accordance with Sec. 1108.0304(B), and located to the rear of the property.
5. For commercially used property at least 60 percent of each building facade along a Primary Street, between the height of 2 feet and 10 feet above the nearest sidewalk grade, must consist of clear, non-tinted, non-mirrored, and uncovered window glass permitting views of the building's interior to a depth of at least 4 feet. For building frontages other than those on Primary Streets, the window glass must continue for a minimum of 10 feet from the building corner. No exterior security bars or roll-down metal doors shall be allowed. This provision shall be reduced to at least 30 percent, of each

building facade along a Primary Street, for the conversion of a residential building to a commercial use. This provision does not apply to buildings officially recognized as historic or those deemed eligible for listing in the National Register of Historic Places if the provision would result in a modification of the original historic appearance of the building.

D. Building Materials

Maintaining a consistent palette of materials is important to establish continuity within the District and to improving the overall appearance of the District. Predominant building materials should be high quality. Exterior insulation and finish system (EIFS) materials and applications are prohibited, except where used to simulate an existing material and when 36 inches above grade and not within an entryway, and comprising less than 15% of the facade. The following are identified as acceptable for predominant exterior building materials:

1. Brick: Shall be standard modular brick with common tooled mortar joints. Un-tooled joints, distressed brick, or irregular shaped brick are prohibited. Brick color and texture shall be compatible with original brick facades on Main Street and Starr Avenue, constructed prior to the 1940's. Brick of this period was commonly blond, yellow-blond, beige, or dull red with very little color range. Textures varied from smooth or glazed to rough. Textures tended to be uniform.
2. Materials with a brick-like appearance such as "Founder's Brick", or similar material.
3. Wood, and it must be painted.
4. Materials with a wood-like appearance such as "Textured Cementitious Board", "Cement Board Siding", or similar material.
5. Smooth finished stone such as limestone or sandstone; color to be light to medium 'buff';
6. Glass.
7. Building materials other than those listed above may be approved by the Plan Director, in consultation with River East Corporation, in special cases such as building additions or building renovations, taking into consideration the predominant building materials existing on the building to be added to or renovated.

(Ord. 95-10. Passed 3-2-10.)

1103.1307 Permitted or Prohibited or Special Uses

All uses that are permitted or prohibited or are special uses in the underlying zoning district(s) shall remain as permitted or prohibited or special uses in the Main Street/Starr Avenue Urban Overlay District.

(Ord. 95-10. Passed 3-2-10.)

1103.1308 Accessory Buildings and Uses

All accessory buildings and uses which are permitted or prohibited in the underlying zoning district(s) are permitted or prohibited within the Main Street/Starr Avenue Urban Overlay District, except that any detached accessory building on any lot shall have, on all sides, the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated. Accessory buildings used for detached houses and duplexes, used for residential purposes, are exempt from this requirement.

(Ord. 95-10. Passed 3-2-10.)

1103.1309 Landscape Review Requirements

Site plan review shall also include the review of landscape design elements and conformance with Sec. 1108.0300 | Urban Commercial Landscape Standards.

(Ord. 95-10. Passed 3-2-10.)

1103.1310 Off-Street Parking

Off-street parking requirements for properties within the Main Street/Starr Avenue Urban Overlay District shall comply with the requirements set forth in Chapter 1107, Parking, and the following provisions:

- A.** Location of off-street parking facilities shall be on the same lot as the principal building or use or an alternative access and parking plan may be submitted as provided for in Sec. 1107.1400.
- B.** Off-street parking facilities shall be located in the rear portion of the subject property and behind the principal building or use. The construction of new off-street parking lots having frontage on Main Street, Starr Avenue or Front Street is prohibited.
- C.** If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances approved by the Plan Commission, then parking may be allowed on the side of the building if a screening wall and landscape treatment is installed along the street frontage in conformance with the following:
 - 1.** A brick masonry screen wall thirty-two (32") inches in height measured from grade with a four (4") inch stone or pre-cast, concrete coping, or a black, ornamental metal fence with brick masonry piers thirty-two (32") inches in height, with a four (4") inch stone or pre-cast concrete coping, spaced no further than ten (10') feet apart, shall be installed along the property line on the street frontage.
 - 2.** A landscape island or greenbelt, six (6') feet in width shall be installed behind the screen wall or fence and piers. This landscape island/greenbelt shall accommodate the installation of canopy trees, at least two (2") inches in caliper together with other appropriate plant material as outlined in Sec. 1108.0300 (Urban Commercial Landscape Standards), so as to screen vehicles parked in the lot from the adjoining street frontage.
 - 3.** If the parking lot is located adjacent to a building, a six (6') foot wide sidewalk shall be installed between the building and the parking area.
- D.** Access to parking lots shall be provided off alleys whenever possible in order to minimize curb cuts across pedestrian sidewalks on Main Street, Starr Avenue and Front Street.
- E.** The required number of off-street loading spaces may be reduced or eliminated by the Planning Director in consultation with the Division of Transportation, with due consideration given to the following factors:
 - 1.** Frequency and time of deliveries;
 - 2.** Size and nature of vehicles accommodated by the loading spaces;
 - 3.** The character of the neighborhood;
 - 4.** Impact upon adjoining streets, places, or alleys; and

5. Type of business.
(Ord. 95-10. Passed 3-2-10.)

1103.1311 Lighting Requirements

- A.** In reviewing the lighting proposed for a lot to be developed in the District, factors to be considered include but are not limited to:
1. Safety provided by the lighting.
 2. Security provided by the lighting.
 3. Light spillage or glare onto adjoining residential properties and/or streets is prohibited. All lamination shall be directed downwards
 4. Height and placement of lighting standards considering the use.
- B.** Site Lighting for Small Parking Lots (Twenty-Five or Less Parking Spaces)
1. Site lighting for small parking lots shall utilize a pedestrian style light fixture and pole to match the lights being used by the City of Toledo for public enhancement projects along Main Street, Starr Avenue, and Front Street. The Plan Commission will provide the model number for the light pole and luminaire, as well as detail product specifications.
 2. The light source shall be metal halide.
 3. The light intensity shall average a minimum of .5 foot-candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.
- C.** Site Lighting for Large Parking Lots (Twenty-Six or More Parking Spaces)
1. Site lighting for large parking lots shall utilize a Shoe Box Fixture and pole (maximum 25 feet height) for efficiency of lighting and neutrality of design. The Plan Commission will provide the model number for the lights or luminaires, as well as detailed product
 2. The light source shall be metal halide.
 3. Pedestrian style light fixture and pole, as indicated for small parking lots, shall be used along collective walks.
 4. The light intensity shall average a minimum of .5 foot/candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.
- (Ord. 95-10. Passed 3-2-10.)

1103.1312 Canopies/Awnings

- A.** Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. First floor awning sides shall be open to increase sight lines towards storefronts along the street. Round-top, half-round, box, or other unusual awning shapes are prohibited unless approved in writing by the Plan Director. Internally lighted awnings are also prohibited. Signage on awnings shall be allowed as long as it meets appropriate portions of the requirements of Section 1103.1313. Internally illuminated awnings are prohibited.

- B. Canopies shall be narrow in elevation, six (6") inches to twelve (12") inches, and flat. Typically such canopies would have internal drainage. Canopies shall be self-supporting or supported by tension rods. Canopy projections are limited to thirty-six (36") inches. Sloping, or unusually shaped canopies are prohibited.
(Ord. 95-10. Passed 3-2-10.)

1103.1313 Signage

Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in Zoning Districts, and the following regulations:

- A. Building signs shall be located above the main entrance in the sign band area, on the upper facade wall. The sign shall be sized to allow the masonry to be fully exposed around the sign.
- B. No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.
- C. Building signs shall not exceed 75% of the width of the storefront opening.
- D. The shape of building signs shall be rectangular, or slight variations of rectangular forms, except business logos and/or corporate identity symbols are allowed.
- E. Projecting signs are allowed. The maximum projection is three and one-half (3 ½') feet and the minimum mounting height to the bottom of the sign shall be seven (7') feet.
- F. Window signs are allowed.
- G. Raceways, cabinets, box signs, moving, animated or intensely lighted signs, roof signs or signs that extend above a building roofline or parapet, and pole mounted signs are prohibited.
- H. Monument or ground signs are allowed.
- I. Additional Off-Premise Signs (Billboards) are prohibited. Existing off-premise signs may remain subject to the regulations for legal non-conforming signs in Chapter 1395.
- J. Each building shall display a street address as per City of Toledo Municipal Code.
(Ord. 95-10. Passed 3-2-10.)

1103.1400 | Cherry Street UNO District

1103.1401 Purpose

The Cherry Street UNO District is intended to create an area that has an urban, pedestrian friendly, walkable character that promotes a healthy community by:

- A. Providing a review process for proposed physical changes to structures and public space within the Cherry Street corridor
- B. Implementing appropriate building and parking setbacks that accommodate redevelopment that is compatible with historical building patterns; and
- C. Promoting development that features retail display windows, rear parking lots, and other pedestrian-oriented site design features.
(Ord. 8-14. Passed 1-2-14.)

1103.1402 Effect of Designation

The Cherry Street UNO District is an overlay zoning classification to be established as an Urban Neighborhood Overlay (UNO) District under the provisions of Sec. 1103.0500. The overlay zoning district establishes additional design standards for development allowed by the underlying zoning district. In the event of conflict between the Cherry Street UNO District regulations and the regulations of the underlying base zoning district, the UNO regulations govern. In all cases, the most restrictive provision of the Cherry Street UNO District or the underlying zoning regulations govern.
(Ord. 8-14. Passed 1-2-14.)

1103.1403 Cherry Street UNO District Classification

Those areas classified in the Cherry Street UNO District shall be shown on the Official Zoning Map.
(Ord. 8-14. Passed 1-2-14.)

1103.1404 Cherry Street UNO District Boundaries

The boundaries of the District are hereby established as shown on the City of Toledo zoning maps. The District boundaries are defined via the map attached hereto and legally described in this section, both of which are incorporated herein by reference. The overlay district regulations apply to the entirety of parcels, as existing at the time of adoption, lying wholly or partially within this boundary.
(Ord. 8-14. Passed 1-2-14.)

1103.1405 Review and Approval Procedures

The site plan review shall be as specified in Sec. 1111.0800. Building elevation drawings (with colors and materials indicated) showing the front, rear and side views shall be submitted along with the site plan.

- A. The standards of the Cherry Street UNO District apply to the physical change of any building or building addition that increases a building's floor area by more than 10 percent, except for detached houses and duplexes used for residential purposes. "Physical change" means any work such as alteration, remodeling, new construction or renovation of the exterior of a structure. The standards also apply to the construction of off-street parking spaces and driveways.
- B. Building alterations that conflict with these standards or that otherwise increase the degree of non-compliance with these standards are prohibited.
- C. A copy of new development, redevelopment and existing building rehabilitation plans, including landscaping, shall be submitted by the developer or building owner to the Cherry Street Development Organization (CSDO) for their review prior to any work or any permits being issued by any city department.
- D. The Cherry Street Development Organization shall be responsible for the review of plans as required by the Cherry Street Urban Neighborhood Overlay District. They shall review and make recommendations to the Plan Director of the Plan Commission within forty-five (45) calendar days of receipt of the plans by the Cherry Street Development Organization.
- E. In the event that the Cherry Street Development Organization is no longer an official active organization for the Cherry Street corridor then the development plans shall be subject to the Site Plan Review procedures of TMC 1111.0800.
(Ord. 8-14. Passed 1-2-14.)

1103.1406 Design Criteria Used to Evaluate Site Plans and Projects

In addition to the design standards contained in Chapter 1109, Design Standards, the following criteria apply.

A. Relationship of Buildings to Site

1. The site shall be planned to accomplish a desirable transition between the building(s) and the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.
2. Parking areas shall be treated with decorative elements, building wall extensions, plantings, or other innovative means so as to screen parking areas from view from public ways.
3. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
4. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
5. Newly proposed sidewalks within the public right-of-way shall be a minimum of five feet (5') in width.

B. Building Setback and Height

1. The maximum allowed front setback shall be 10 feet from the right-of-way unless a public-private setback zone is provided.
2. If a public-private setback zone is provided a maximum front setback of 20 feet is allowed for up to 50 percent of the building frontage. Buildings on corner lots must comply with maximum building setback standards along all lot frontages. Single family and two-family residential uses are exempt from this requirement.
3. The minimum side yard and rear yard setbacks shall be as specified in the underlying zoning district.
4. The maximum building height shall be as specified in the underlying zoning district.

C. Building Design

1. Building facades facing a Primary Street must incorporate a main entrance door on the primary street.
2. Building frontages that face Primary Streets and exceed a width of 50 feet must include vertical visual elements to break the plane of the building frontage. Such vertical elements must be spaced at regularly spaced intervals to provide visual interest along the entire building frontage.
3. All roof-mounted mechanical equipment must be screened from public view. The screening must be of a sufficient height to prevent persons located at the street level from viewing the screened items and a sight line analysis from at least 200 feet away must be submitted for review and approval. The design, colors and materials used in screening must be consistent with the architectural design of the building.

4. Grade level mechanical equipment shall be screened from adjoining residential parcels and from the right of way(s). All utilities shall be underground wherever possible.
5. Dumpsters and trash receptacles must be screened in accordance with Sec. 1108.0304(B), and located to the rear of the property.
6. For commercially used property at least 60 percent of each building façade along a Primary Street, between the height of 2 feet and 10 feet above the nearest sidewalk grade, must consist of clear, non-tinted, non-mirrored, and uncovered window glass permitting views of the building's interior to a depth of at least 4 feet. For building frontages other than those on Primary Streets, the window glass must continue for a minimum of 10 feet from the building corner. No exterior security bars or roll-down metal doors shall be allowed. This provision shall be reduced to at least 30 percent, of each building facade along a Primary Street, for the conversion of a residential building to a commercial use. This provision does not apply to buildings officially recognized as historic or those deemed eligible for listing in the National Register of Historic Places if the provision would result in a modification of the original historic appearance of the building.

D. Building Materials

Maintaining a consistent palette of materials is important to establishing continuity within the District and to improving the overall appearance of the District. Predominant building materials should be high quality. Exterior insulation and finish system (EIFS) materials and applications are prohibited, except where used to simulate an existing material and when 36 inches above grade and not within an entryway, and comprising less than 15% of the facade. The following are identified as acceptable for predominant exterior building materials:

1. Brick: Shall be standard modular brick with common tooled mortar joints. Un-tooled joints, distressed brick, or irregular shaped brick are prohibited. Brick color and texture shall be compatible with original brick facades in the Cherry Street corridor.
2. Materials with a brick-like appearance such as “Founder’s Brick”, or similar material.
3. Wood, it must be painted.
4. Materials with a wood-like appearance such as “Textured Cementitious Board”, “Cement Board Siding”, or similar material.
5. Smooth finished stone such as limestone or sandstone; color to be light to medium ‘buff’.
6. Glass.
7. Building materials other than those listed above may be approved by the Plan Director, in consultation with Cherry Street Development Organization, in special cases such as building additions or building renovations, taking into consideration the predominant building materials existing on the building to be added to or renovated.
8. Predominant exterior building materials shall not include the following:

- a. smooth-faced concrete block
 - b. smooth-faced tilt-up concrete panels
 - c. pre-fabricated steel panels
 - d. vinyl siding
9. The use of high-intensity colors, metallic colors, blacks or fluorescent colors is prohibited. Paint colors shall visually relate building elements to each other, as well as, individual facades to each other. The colors chosen for any façade shall relate to the neighboring facades and to the blockscape as a whole. The placement of colors should be based on the existing hierarchy of detail: base, major and minor trim colors. The color of the upper wall surface and the storefront piers is the base color. A palette of suggested color schemes may be obtained from the CSDO. The color scheme for the building shall be reviewed and approved by the CSDO.

(Ord. 8-14. Passed 1-2-14.)

1103.1407 Permitted or Prohibited or Special Uses

All uses that are permitted or prohibited or are special uses in the underlying zoning district(s) shall remain as permitted or prohibited or special uses in the Cherry Street UNO District.

(Ord. 8-14. Passed 1-2-14.)

1103.1408 Accessory Buildings and Uses

All accessory buildings and uses which are permitted or prohibited in the underlying zoning district(s) are permitted or prohibited within the Cherry Street UNO District, except that any detached accessory building on any lot shall have, on all sides, the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated.

(Ord. 8-14. Passed 1-2-14.)

1103.1409 Landscape Review Requirements

Site plan review shall also include the review of landscape design elements and conformance with Sec. 1108.0300 | Urban Commercial Landscape Standards. Any fencing or walls shall be aesthetically compatible with the iconic fencing (brick piers and black wrought iron or aluminum tube) that is currently along Cherry Street. All landscaping shall adhere to the crime prevention through environmental design (CPTED) standards. Applicants are strongly encouraged to contact the Toledo Police Department Community Services Division who can make recommendations to enhance the usage of CPTED principles, which include natural surveillance, natural access control, and territorial reinforcement. Landscapes must allow clear and unobstructed views of the surrounding areas. All landscaping will be at ground level, three feet in height maximum, and any tree canopy base shall be six feet or higher to allow for natural surveillance and eliminate potential ambush points.

(Ord. 8-14. Passed 1-2-14.)

1103.1410 Off-Street Parking

Off-street parking requirements for properties within the Cherry Street UNO District shall comply with the requirements set forth in Chapter 1107, Parking, and the following provisions:

- A.** Location of off-street parking facilities shall be on the same lot as the principal building or use or an alternative access and parking plan may be submitted as provided for in Sec. 1107.1400.
 - B.** Off-street parking facilities shall be located in the rear portion of the subject property and behind the principal building or use. The construction of new off street parking lots having frontage on Cherry Street is prohibited.
 - C.** If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances approved by the Plan Commission, then parking may be allowed on the side of the building if a screening wall and landscape treatment are installed along the street frontage in conformance with the minimum parking lot standards for perimeter screening barriers.
 - 1.** If the parking lot is located adjacent to a building, a six (6') foot wide sidewalk shall be installed between the building and the parking area.
 - D.** Access to parking lots shall be provided off alleys whenever possible in order to minimize curb cuts across pedestrian sidewalks.
 - E.** The required number of off-street loading spaces may be reduced or eliminated by the Planning Director in consultation with the Division of Transportation, with due consideration given to the following factors:
 - 1.** Frequency and time of deliveries
 - 2.** Size and nature of vehicles accommodated by the loading spaces
 - 3.** The character of the neighborhood
 - 4.** Impact upon adjoining streets, places, or alleys; and
 - 5.** Type of business.
- (Ord. 8-14. Passed 1-2-14.)

1103.1411 Lighting Requirements

- A.** In reviewing the lighting proposed for a lot to be developed in the District, factors to be considered include but are not limited to:
 - 1.** Safety provided by the lighting.
 - 2.** Security provided by the lighting.
 - 3.** Light spillage or glare onto adjoining residential properties and/or streets is prohibited. All lumination shall be directed downwards
 - 4.** Height and placement of lighting standards considering the use.
- B.** Site Lighting for Small Parking Lots (Twenty-Five or Less Parking Spaces)
 - 1.** Site lighting for small parking lots shall utilize a pedestrian style light fixture and pole to match the lights being used by the City of Toledo for public enhancement within the Cherry Street corridor. The Plan Commission will provide the model number for the light pole and luminaire, as well as detail product specifications.
 - 2.** The light source shall be metal halide or LED.

3. The light intensity shall average a minimum of .5 foot-candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.
- C. Site Lighting for Large Parking Lots (Twenty-Six or More Parking Spaces)**
1. Site lighting for large parking lots shall utilize a Shoe Box Fixture and pole (maximum 25 feet height) for efficiency of lighting and neutrality of design. The Plan Commission will provide the model number for the lights or luminaires, as well as detailed product
 2. The light source shall be metal halide or LED.
 3. Pedestrian style light fixture and pole, as indicated for small parking lots, shall be used along collective walks.
 4. The light intensity shall average a minimum of .5 foot/candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.
- (Ord. 8-14. Passed 1-2-14.)

1103.1412 Canopies/Awnings

- A.** Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. First floor awning sides shall be open to increase sight lines towards storefronts along the street. Round-top, halfround, box, or other unusual awning shapes are prohibited unless approved in writing by the Plan Director. Internally lighted awnings are also prohibited. Signage on awnings shall be allowed as long as it meets appropriate portions of the requirements of Section 1103.1413. Internally illuminated awnings are prohibited.
- B.** Canopies shall be narrow in elevation, six (6") inches to twelve (12") inches, and flat. Typically such canopies would have internal drainage. Canopies shall be self-supporting or supported by tension rods. Canopy projections are limited to thirty-six (36") inches. Sloping, or unusually shaped canopies are prohibited.
- (Ord. 8-14. Passed 1-2-14.)

1103.1413 Signage

Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in Zoning Districts, and the following regulations:

- A.** Building signs shall be located above the main entrance in the sign band area, on the upper facade wall. The sign shall be sized to allow the masonry to be fully exposed around the sign.
- B.** No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.
- C.** Building signs shall not exceed 75% of the width of the storefront opening.
- D.** The shape of building signs shall be rectangular, or slight variations of rectangular forms, except business logos and/or corporate identity symbols are allowed.
- E.** Projecting signs are allowed. The maximum projection is three and one-half (3½') feet and the minimum mounting height to the bottom of the sign shall be seven (7') feet.

- F. Window signs are allowed.
- G. Moving, animated or intensely lighted signs, roof signs or signs that extend above a building roofline or parapet, and pole mounted signs are prohibited.
- H. Monument or ground signs are allowed.
- I. Additional Off-Premise Signs (Billboards) are prohibited. Existing off-premise signs may remain subject to the regulations for legal non-conforming signs in Chapter 1395.
- J. Each building shall display a street address as per City of Toledo Municipal Code. The street address shall also appear on any alley building elevation.
(Ord. 8-14. Passed 1-2-14.)

1103.1500 | Warehouse UNO District

1103.1501 Purpose

The Warehouse District Urban Overlay District is intended to:

- A. Provide a review process for proposed physical changes to structures and public space within the Warehouse District;
- B. Implement appropriate building and parking setbacks that accommodate redevelopment that are compatible with historical building patterns; and
- C. Promote development that features retail display windows, rear parking lots, and other pedestrian-oriented site design features.
(Ord. 9-14. Passed 1-2-14.)

1103.1502 Effect of Designation

The Warehouse UNO District is an overlay zoning classification to be established as an Urban Neighborhood Overlay (UNO) District under the provisions of Sec. 1103.0500. The overlay zoning district establishes additional design standards for development allowed by the underlying zoning district. In the event of conflict between the Warehouse District Urban Overlay District regulations and the regulations of the underlying base zoning district, the UNO regulations govern. In all cases, the most restrictive provision of the Warehouse District Urban Overlay District or the underlying zoning regulations govern.
(Ord. 9-14. Passed 1-2-14.)

1103.1503 UNO District Classification

Those areas classified in the Warehouse UNO District shall be shown on the Official Zoning Map
(Ord. 9-14. Passed 1-2-14.)

1103.1504 Warehouse UNO District Boundaries

The boundaries of the District are hereby established as shown on the City of Toledo zoning maps. The District boundaries are defined via the map attached hereto and legally described in this section, both of which are incorporated herein by reference. The overlay district regulations apply to the entirety of parcels, as existing at the time of adoption, lying wholly or partially within this boundary.

The Warehouse UNO District boundary is as follows: Commencing at the intersection of the centerline of Monroe Street and the centerline of 10th Street, thence southwest along the centerline of 10th Street to its intersection with the centerline of Washington Street,

thence northwest along the centerline of Washington Street to its intersection with the centerline of 11th Street, thence south along the centerline of 11th Street extended to its intersection with the centerline of Lucas Street extended to the east right-of-way line of the Anthony Wayne Trail, thence southwesterly along the east right-of-way of the Anthony Wayne Trail to its intersection with the east right-of-way line I-75, thence south along the east right-of-way line of I-75 to its intersection with the centerline of Collingwood Boulevard, thence east along the centerline of Collingwood Boulevard to its intersection with St. Clair Street, thence north along the centerline of St. Clair Street to its intersection with the centerline of William Street, thence southeast along the centerline of William Street to its intersection with the centerline of Oliver Street, thence northeast along the centerline of Oliver Street to its intersection with the centerline of Clayton Street, thence southeast along the centerline of Clayton Street to a point of intersection with the centerline of Ottawa Street/Owens Corning Parkway, thence northeast along the centerline of Ottawa Street/Owens Corning Parkway to its intersection with the centerline of Monroe Street, thence northwest along the centerline of Monroe Street to its intersection with the centerline 10th Street.

(Ord. 9-14. Passed 1-2-14.)

1103.1505 Review and Approval Procedures

The site plan review shall be as specified in Sec. 1111.0800. Building elevation drawings (with colors and materials indicated) showing the front, rear and side views shall be submitted along with the site plan.

- A.** The standards of the Warehouse UNO District apply to the physical change of any building or building addition that increases a building's floor area by more than 10 percent. "Physical change" means any work such as alteration, remodeling, new construction or renovation of the exterior of a structure. The standards also apply to the construction of off-street parking spaces and driveways.
- B.** Building alterations that conflict with these standards or that otherwise increase the degree of non-compliance with these standards are prohibited.
- C.** A copy of new development, redevelopment and existing building rehabilitation plans, including landscaping, shall be submitted by the developer or building owner to the Toledo Warehouse District Architectural Review Committee for their review prior to any work or any permits being issued by any city department.
- D.** The Toledo Warehouse District Architectural Review Committee shall be responsible for the review of plans as required by the Warehouse UNO District. They shall review and make recommendations to the Plan Director of the Plan Commission within thirty (30) calendar days of receipt of the plans by the Warehouse District Association.
- E.** In the event that Toledo Warehouse District Architectural Review Committee is no longer an official active organization for the Warehouse District then the development plans shall be subject to the Site Plan Review procedures of TMC 1111.0800.

(Ord. 9-14. Passed 1-2-14.)

1103.1506 Design Criteria Used to Evaluate Site Plans and Projects

In addition to the design standards contained in Chapter 1109, Design Standards, the following criteria apply.

A. Relationship of Buildings to Site

1. The site shall be planned to accomplish a desirable transition between the building(s) and the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.
2. Parking areas shall be treated with decorative elements, building wall extensions, plantings, or other innovative means so as to screen parking areas from view from public ways.
3. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
4. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

B. Building Setback and Height

1. All new buildings shall be constructed with no minimum setback for building frontage. This includes buildings on corner lots.
2. The minimum side yard and rear yard setbacks shall be as specified in the underlying zoning district.
3. The maximum building height shall be as specified in the underlying zoning district.

C. Building Design

1. Building facades facing a Primary Street must incorporate a main entrance door on the primary street.
2. Building frontages that face Primary Streets and exceed a width of 50 feet must include vertical visual elements to break the plane of the building frontage. Such vertical elements must be spaced at regularly spaced intervals to provide visual interest along the entire building frontage.
3. Roof-mounted mechanical equipment must be screened from public view. The screening must be of a sufficient height to prevent persons located at the street level from viewing the screened items and a sight line analysis from at least 200 feet away must be submitted for review and approval. The design, colors and materials used in screening must be consistent with the architectural design of the building.
4. Dumpsters and trash receptacles must be screened in accordance with Sec. 1108.0304(B), and located to the rear of the property.
5. For commercially used property at least 60 percent of each building façade along a Primary Street, between the height of 2 feet and 10 feet above the nearest sidewalk grade, must consist of clear, non-tinted, non-mirrored, and uncovered window glass permitting views of the building's interior to a depth of at least 4 feet. For building frontages other than those on Primary Streets, the window glass must continue for a minimum of 10 feet from the building corner. No exterior security bars or roll-down metal doors shall be allowed. This provision shall be reduced to at least 30 percent, of each building facade along a Primary Street, for the conversion of a residential building to a commercial use. This provision does not apply to buildings officially recognized as historic or those deemed eligible for listing in the

National Register of Historic Places if the provision would result in a modification of the original historic appearance of the building.

6. New buildings, stand alone and in-fill, may be designed in a contemporary style but must be in harmony and compatible with neighboring structures by using the materials listed below.

D. Building Materials

Maintaining a consistent palette of materials is important to establishing continuity within the District and to improving the overall appearance of the District. Predominant building materials should be high quality. Exterior insulation and finish system (EIFS) materials and applications are prohibited, except where used to simulate an existing material and when 36 inches above grade and not within an entryway, and comprising less than 15% of the facade. The following are identified as acceptable for predominant exterior building materials:

1. Brick: Shall be standard modular brick with common tooled mortar joints. Un-tooled joints, distressed brick, or irregular shaped brick are prohibited. Brick color and texture shall be compatible with original brick facades in the Warehouse District, constructed prior to the 1940's. Brick of this period was commonly blond, yellow-blond, beige, or dull red with very little color range. Textures varied from smooth or glazed to rough. Textures tended to be uniform.
2. Materials with a brick-like appearance such as "Founder's Brick", or similar material.
3. Wood, and it must be painted or stained/sealed.
4. Materials with a wood-like appearance such as "Textured Cementitious Board", "Cement Board Siding", or similar material.
5. Smooth finished or manufactured stone such as limestone or sandstone and terra cotta.
6. Glass.
7. Building materials other than those listed above may be approved by the Plan Director, in consultation with TWDARC, in special cases such as building additions or building renovations, taking into consideration the predominant building materials existing on the building to be added to or renovated.

E. Alley Facades

On any building being considered for restoration or renovation, the exterior facades facing an alley shall also be improved. Any exterior fire escape that is still in use and approved by the Fire Prevention Division of the Department of Fire and Rescue Operations shall be repaired and painted. Unused fire escapes shall be removed completely. All unused sign brackets or mounting devices shall be removed. All existing doors, windows and security devices shall be repaired and painted or replaced. All masonry or other facade materials shall be cleaned and sealed or painted. New lighting and building identification signage or street addresses shall be installed. New lighting fixtures with downward directed lighting shall be installed above or near any point of entry into the building.

(Ord. 9-14. Passed 1-2-14.)

1103.1507 Permitted or Prohibited or Special Uses

All uses that are permitted or prohibited or are special uses in the underlying zoning district(s) shall remain as permitted or prohibited or special uses in the Warehouse UNO District.

(Ord. 9-14. Passed 1-2-14.)

1103.1508 Accessory Buildings and Uses

All accessory buildings and uses which are permitted or prohibited in the underlying zoning district(s) are permitted or prohibited within the Warehouse UNO District, except that any detached accessory building on any lot shall have, on all sides, the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated.

(Ord. 9-14. Passed 1-2-14.)

1103.1509 Landscape Review Requirements

Site plan review shall also include the review of landscape design elements and conformance with Sec. 1108.0300 | Urban Commercial Landscape Standards.

(Ord. 9-14. Passed 1-2-14.)

1103.1510 Off-Street Parking

Off-street parking requirements for properties within the Warehouse UNO District shall comply with the requirements set forth in Chapter 1107, Parking, and the following provisions:

- A. Location of off-street parking facilities shall be on the same lot as the principal building or use or an alternative access and parking plan may be submitted as provided for in Sec. 1107.1400.
- B. Off-street parking facilities shall be located in the rear portion of the subject property and behind the principal building or use. The construction of new off street parking lots having frontage on a street is prohibited.
- C. If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances approved by the Plan Commission, then parking may be allowed on the side of the building if a screening wall and landscape treatment are installed along the street frontage in conformance with the minimum parking lot standards for perimeter screening barriers.
 - 1. If the parking lot is located adjacent to a building, a six (6') foot wide sidewalk shall be installed between the building and the parking area.
- D. Access to parking lots shall be provided off alleys whenever possible in order to minimize curb cuts across pedestrian sidewalks.
- E. The required number of off-street loading spaces may be reduced or eliminated by the Planning Director in consultation with the Division of Transportation, with due consideration given to the following factors:
 - 1. Frequency and time of deliveries;
 - 2. Size and nature of vehicles accommodated by the loading spaces;
 - 3. The character of the neighborhood;
 - 4. Impact upon adjoining streets, places, or alleys; and
 - 5. Type of business.

(Ord. 9-14. Passed 1-2-14.)

1103.1511 Lighting Requirements

- A.** In reviewing the lighting proposed for a lot to be developed in the District, factors to be considered include but are not limited to:
 - 1. Safety provided by the lighting.
 - 2. Security provided by the lighting.
 - 3. Light spillage or glare onto adjoining residential properties and/or streets is prohibited. All lumination shall be directed downwards
 - 4. Height and placement of lighting standards considering the use.
- B.** Site Lighting for Small Parking Lots (Twenty-Five or Less Parking Spaces)
 - 1. Site lighting for small parking lots shall utilize a pedestrian style light fixture and pole to match the lights being used by the City of Toledo for public enhancement within the Warehouse District. The Plan Commission will provide the model number for the light pole and luminaire, as well as detail product specifications. Similar fixtures and poles will be considered.
 - 2. The light source shall be metal halide or LED.
 - 3. The light intensity shall average a minimum of .5 foot-candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.
- C.** Site Lighting for Large Parking Lots (Twenty-Six or More Parking Spaces)
 - 1. Site lighting for large parking lots shall utilize a Shoe Box Fixture and pole (maximum 25 feet height) for efficiency of lighting and neutrality of design. The Plan Commission will provide the model number for the lights or luminaires, as well as detailed product specifications. Similar fixtures and poles will be considered.
 - 2. The light source shall be metal halide or LED.
 - 3. Pedestrian style light fixture and pole, as indicated for small parking lots, shall be used along collective walks.
 - 4. The light intensity shall average a minimum of .5 foot/candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.

(Ord. 9-14. Passed 1-2-14.)

1103.1512 Canopies/Awnings

- A.** Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. First floor awning sides are recommended to be open to increase sight lines towards storefronts along the street. Curved awnings matching the curve of the openings being covered are permitted. Other round-top, halfround, box, or other unusual awning shapes are prohibited unless approved in writing by the Plan Director. Internally illuminated awnings are also prohibited. Signage on awnings shall be allowed as long as it meets appropriate portions of the requirements of Section 1103.1513.
- B.** Canopies shall be narrow in elevation, six (6") inches to twelve (12") inches, and flat. Typically such canopies would have internal drainage. Canopies shall be

self-supporting or supported by tension rods. Canopy projections are limited to thirty-six (36") inches. Sloping, or unusually shaped canopies are prohibited. (Ord. 9-14. Passed 1-2-14.)

1103.1513 Signage

Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in Zoning Districts, and the following regulations:

- A. Building signs shall be located above the main entrance in the sign band area, on the upper facade wall. The sign shall be sized to allow the masonry to be fully exposed around the sign.
- B. No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.
- C. Building signs shall not exceed 75% of the width of the storefront opening.
- D. The shape of building signs shall be rectangular, or slight variations of rectangular forms, except business logos and/or corporate identity symbols are allowed.
- E. Projecting signs are allowed. The maximum projection is three and one-half (3½') feet and the minimum mounting height to the bottom of the sign shall be seven (7') feet.
- F. Window signs are allowed.
- G. Raceways, cabinets, box signs, moving, animated or intensely lighted signs, roof signs or signs that extend above a building roofline or parapet, and pole mounted signs are prohibited.
- H. Monument or ground signs are allowed.
- I. Additional Off-Premise Signs (Billboards) are prohibited. Existing off-premise signs may remain subject to the regulations for legal non-conforming signs in Chapter 1395.
- J. Each building shall display a street address as per City of Toledo Municipal Code. The street address shall also appear on any alley building elevation.
- K. Murals shall be approved by the TWDARC prior to final approval from the Toledo Arts Commission.

(Ord. 9-14. Passed 1-2-14.)

1103.1514 Architectural Review Committee Composition, Jurisdiction and Procedures

A. Toledo Warehouse District Architectural Review Committee (TWDARC) Authority

There is hereby established the Toledo Warehouse District Architectural Review Committee ("TWDARC") which shall have the responsibility for reviewing all Development Plans and proposed demolitions for projects in the Warehouse District, for compliance with the Warehouse UNO District.

The TWDARC shall recommend to the Plan Director to approve, approve with modifications, or disapprove submissions for projects in the Warehouse District. The TWDARC shall have full authority to approve, approve with modifications, or disapprove demolition submissions in the Warehouse District. The applicant

may appeal decisions on demolitions by the Toledo Warehouse District Architectural Review Committee or any other interested person to the Plan Commission, in writing, within 7 days of the Toledo Warehouse District Architectural Review Committee. The Plan Commission must hear such appeals within thirty (30) calendar days of the date of receipt of the appeal.

If the TWDARC forwards the Submission to the Toledo Plan Commission, or the decision under these Declarations is appealed to the Toledo Plan Commission, the Toledo Plan Commission shall review the Submission in accordance with the Declarations, the Toledo Municipal Code, and its Rules, and render its decision in writing. The Toledo Plan Commission shall not arbitrarily or unreasonably withhold its approval of Submissions.

B. TWDARC Composition and Term

The TWDARC shall consist of not more nor less than five (5) members. The Toledo Warehouse District Association shall appoint the members of the TWDARC. In the event that the Toledo Warehouse District Association is no longer a functional entity then Toledo City Council shall appoint the members. The composition of the TWDARC shall consist of those property owners (minimum of 2), residents (minimum of 1), or business owners (minimum of 1) who are located within the boundaries of the Warehouse District as defined in the Toledo Warehouse District Plan, and a professional architect or landscape architect, or planner (minimum of 1).

In the event that there is a vacant position on the TWDARC that has not been filled by the process defined in these Declarations, the TWDARC, by majority vote, may temporarily appoint a person to serve on the TWDARC until a replacement is designated.

The TWDARC members shall serve the terms as outlined below. To achieve staggered terms the initial terms of the appointees of the Professional Architect, Landscape Architect, or Planner shall be three (3) years.

- Property Owners shall serve a term of two (2) years;
- Business Owners shall serve a term of two (2) years;
- Residents shall serve a term of two (2) years;

There are no term limitations.

C. TWDARC Rules

The Chair shall be responsible for providing a non-voting Secretary for the TWDARC who shall be responsible for maintaining the minutes and records of the TWDARC. A quorum of the TWDARC shall consist of three (3) members, one (1) of which must be the Chair. Three (3) affirmative votes are necessary for all TWDARC review action, unless stated otherwise in these Declarations. In the event of a tie vote, the Chair shall render a decision on behalf of the TWDARC.

The TWDARC may adopt Rules of Procedure (“Rules”) to govern the operations of the TWDARC. Such Rules must be adopted by, and may be amended by, a vote of not less than four (4) members of the TWDARC. Robert’s Rules of Order shall govern the actions of the TWDARC unless otherwise expressly provided for in the Rules.

The TWDARC may adopt provisions to allow the Chair to administratively approve certain Submissions conforming to the Declarations without review by the TWDARC.

D. TWDARC Procedures

An applicant shall forward Submissions to the TWDARC for preliminary review in accordance with the Declarations before review of the Submission by the TWDARC. The TWDARC shall review the Submission for conformance with the Declarations and the Toledo Municipal Code, and shall respond in writing within thirty (30) days of the filing of the Submission as to whether the Submission materially conforms to the Declarations and Toledo Municipal Code, or what modifications are needed to achieve conformance.

If the Submission materially conforms to the Declarations and the Toledo Municipal Code, the TWDARC shall forward the Submission and all comments to the Toledo Plan Commission for review as provided for in this Article.

E. TWDARC Liability

The TWDARC, as a City of Toledo entity, shall have the liability protections granted to such bodies under the laws of the State of Ohio.

F. Variance

The TWDARC is authorized to recommend variances from any provision of the Declarations where such variances will assist in carrying out the intent and spirit of the development and where strict application of the provision would result in a particular hardship to the applicant.

G. Public Meetings

Regular and Special meetings of the TWDARC shall be subject to the public meeting and notice requirements (commonly known as the “Sunshine Laws”) of the Ohio Revised Code and the Toledo Municipal Code.

(Ord. 9-14. Passed 1-2-14.)

1103.1515 Demolition Hearing Procedures (Warehouse District)

- A.** The Toledo Warehouse District Architectural Review Committee (TWDARC) has review and approval authority for demolition review under this section after seeking comment from the City Historic District Commission for review and comment.
- B.** When application is made for demolishing a structure within the Warehouse District, the Toledo Warehouse District Architectural Review Committee (TWDARC) must grant the application when one or both of the following conditions are found to exist:
 - 1.** The structure for which demolition is sought contains no features of architectural or historic significance, and it does not contribute to maintaining the character of the Warehouse District; or
 - 2.** There is no reasonable economic return for the structure as it exists and there is no feasible alternative to demolition submitted to the applicant by concerned organizations or individuals who wish to preserve the structure.
- C.** Economic Hardship Standards and Criteria

The Toledo Warehouse District Architectural Review Committee (TWDARC), in making a determination of economic hardship, may consider any relevant information, including but not limited to the following standards and criteria:

1. Alternative uses and the economic return they will earn in relation to all the following:
 - a. estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Toledo Warehouse District Architectural Review Committee (TWDARC) for changes necessary for the continued use of the building;
 - b. a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures on the property and their suitability for rehabilitation, including any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical;
 - c. estimated market value of the property in its current condition, based on an independent MAI-certified appraiser; after completion of the proposed redevelopment, alteration, demolition or removal; and after changes recommended by the Toledo Warehouse District Architectural Review Committee (TWDARC) for the renovation of the existing property for continued use; and
 - d. testimony from a third party architect, developer, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property, taking into consideration any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical.
2. The current economic return on the property in relation to all the following:
 - a. the amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased;
 - b. if the property is income-producing, the annual gross income from the property for the previous 2 years; itemized operating and maintenance expenses for the previous 2 years; and depreciation deduction and annual cash flow after debt service, if any, during the same period;
 - c. real estate taxes for the previous 2 years and assessed value of the property according to the most recent assessed valuation; and
 - d. all appraisals obtained within the previous 2 years by the owner or applicant in connection with the purchase, financing or ownership of the property.
3. The property is not able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous 2 years, including testimony and relevant documents regarding:
 - a. any real estate broker or firm engaged to sell or lease the property;

- b. reasonableness of the price or rent sought by the applicant; and
 - c. any advertisements placed for the sale or rent of the property.
4. Economic incentives and/or funding available to the applicant through federal, state, city or private programs.
5. Other information considered by the respective Toledo Warehouse District Architectural Review Committee (TWDARC) to be significant in determining whether the property does yield or may yield a reasonable return to the owner.
- D. Alternatives To Demolition Submitted By Others**
In deciding on the feasibility of an alternative to demolition, the Toledo Warehouse District Architectural Review Committee must find that the alternative plan meets the following requirements:
- 1. It contains a credible short-term and long-term program for the protection and use of the building;
 - 2. It contains financial and architectural plans prepared by architects, engineers, real estate professionals, and other persons experienced in the rehabilitation and reuse of historic buildings; and
 - 3. It has been submitted to the applicant as a good faith proposal containing an offer to enter into a contract at a price that reflects the fair market value of the property based upon three independent MAI-certified appraisers.
- E. Additional Application Requirements**
An applicant must meet with the Toledo Warehouse District Architectural Review Committee or the Plan Commission staff, and the applicant must then submit evidence on the following standards and criteria:
- 1. For a demolition application to be considered by the Toledo Warehouse District Architectural Review Committee, the application must contain sufficient information so that the Toledo Warehouse District Architectural Review Committee may adequately analyze the application in relation to its standards and criteria and then make a factual decision on the application.
 - 2. The application shall include photographs and a written description of the present condition of the structure for which demolition is sought. The applicant shall include information about any changes in the condition of the structure during the previous 2 years.
 - 3. At the initial meeting with the applicant, the Toledo Warehouse District Architectural Review Committee or the staff must indicate the information the Toledo Warehouse District Architectural Review Committee will need for a valid application.
 - 4. For applications based on a lack of reasonable economic return, the applicant has the burden of showing that the property in question is incapable of earning a reasonable economic return in the absence of the proposed demolition. The showing must be made in accordance with the standards and criteria set forth in Economic Hardship Standards and Criteria.
 - 5. The Planning Director must notify the applicant of any deficiencies in the documentation or other evidence provided.

6. Failure of the applicant to submit the required documentation and/or evidence will be construed as a failure on the part of the applicant to meet that standard for which the documentation and/or evidence is lacking.
 7. After receipt of a completed application in which all required information is attached, the Toledo Warehouse District Architectural Review Committee must make a determination on the applicant's submission in accordance with the time frames set forth herein.
- F.** The Plan Commission staff must evaluate each application in accordance with the standards and criteria contained in Demolition Hearing Procedures and Economic Hardship Standards and Criteria and must provide a written evaluation and report. The report must be presented to the respective Toledo Warehouse District Architectural Review Committee on or before the Toledo Warehouse District Architectural Review Committee's initial hearing.
- G.** The respective Toledo Warehouse District Architectural Review Committee must hold an initial hearing on the application. The Toledo Warehouse District Architectural Review Committee, at the initial hearing, may delay a determination on the application and may impose a waiting period of at least 30 days and not longer than 9 months upon a finding that the structure is of value to the Warehouse District and that alternatives to demolition may be feasible and should be actively pursued by both the Toledo Warehouse District Architectural Review Committee and the applicant. This finding may include written recommendations to the applicant.
- H.** Upon the imposition of a waiting period, the Toledo Warehouse District Architectural Review Committee must undertake meaningful and continuing discussions during the waiting period in order to find a means of preserving the structure.
1. The Toledo Warehouse District Architectural Review Committee and applicant must investigate the feasibility of all means of preserving the structure. During this period the Toledo Warehouse District Architectural Review Committee and the applicant must make every reasonable effort to find a demolition alternative for that structure.
 2. If the Toledo Warehouse District Architectural Review Committee and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussions at least every 30 days after the initial meeting. During these meetings, the Toledo Warehouse District Architectural Review Committee must give written notice to the applicant when the Toledo Warehouse District Architectural Review Committee believes that the structure may be saved if the applicant agrees to a longer waiting period.
- I.** The Toledo Warehouse District Architectural Review Committee may develop its own information on the Economic Hardship Standards and Criteria, and this information must be made part of the record on the application.
- J.** The Toledo Warehouse District Architectural Review Committee must announce at the initial public hearing that further evidence or documentation from any interested party may be made part of the record by submitting such information to the Planning Director by a date certain. These materials may include one or more plans for an alternative to demolition prepared by concerned organizations

or individuals. The Planning Director must transmit any such information received to the Toledo Warehouse District Architectural Review Committee and the applicant.

- K.** When the demolition application is first received, the Toledo Warehouse District Architectural Review Committee must seek the help of neighborhood leaders and suggest that they and the Toledo Warehouse District Association work together on developing an alternative to demolition. The Toledo Warehouse District Architectural Review Committee shall arrange one or more meetings between the applicant and any organizations and individuals working on an alternative to demolition.
- L.** The Toledo Warehouse District Architectural Review Committee may cause to be established a three-person economic review panel. The review panel will be comprised of three real estate and redevelopment experts knowledgeable in the economics of renovation, redevelopment and other aspects of rehabilitation.
 - 1.** The panel will consist of one person selected by the Toledo Warehouse District Architectural Review Committee, one person selected by the applicant and one person selected by the first two appointments. If the first two appointments cannot agree on a third person, the third appointment will be selected by the Planning Director.
 - 2.** Within 60 days after the economic review panel is established and before the end of the 6th month of the waiting period, the panel must review the evidence and complete an evaluation of the economic return issue, applying the standards and criteria set forth in the Economic Hardship Standards and Criteria. It must forward a written report on this evaluation to the Toledo Warehouse District Architectural Review Committee.
- M.** If, after reviewing all of the evidence, the Toledo Warehouse District Architectural Review Committee finds as follows below, then the Toledo Warehouse District Architectural Review Committee must approve the request, conditionally or otherwise. If the Toledo Warehouse District Architectural Review Committee finds that the standards, criteria, and requirements are not satisfied, the request will be denied. The Toledo Warehouse District Architectural Review Committee must find that:
 - 1.** The standards and criteria set forth in the Economic Hardship Standards and Criteria are satisfied;
 - 2.** And there is no feasible alternative to demolition, per the requirements of paragraph C above.
- N.** If the applicant or a representative fails to meet with the Toledo Warehouse District Architectural Review Committee at the times specified, or to participate in a meeting arranged by the Toledo Warehouse District Architectural Review Committee, then the Toledo Warehouse District Architectural Review Committee may deny the request.
- O.** During the waiting period, the owner of such structure must maintain or mothball the structure to prevent further deterioration. If the request for a demolition is denied, the applicant must develop a program for continuing maintenance for the structure to ensure that the deterioration of the structure is not caused by the neglect of the structure by its owner or by a tenant. Such program must address

the condition of the structure, the money currently available for repairs and maintenance, and any funds or in-kind assistance that may be available from interested third parties.

- P.** After holding good faith meetings pursuant to paragraph G above for 6 months into the waiting period specified by the Toledo Warehouse District Architectural Review Committee, or any time thereafter, the applicant may appeal to the Plan Commission for a determination pursuant to Section B through Section F.
- Q.** After each demolition of a landmarked structure or within a historic district, the Toledo Warehouse District Architectural Review Committee must prepare a brief report on that structure giving the reasons why the demolition took place. The report must be given to the Plan Commission and interested neighborhood organizations. At the end of each year the Toledo Warehouse District Architectural Review Committee must prepare a report summarizing the demolitions that year and the reasons for these demolitions. These summaries must be given to the Mayor, City Council, the Plan Commission and interested neighborhood organizations.

(Ord. 9-14. Passed 1-2-14.)

1103.1516 Demolition Appeals

- A.** Decisions concerning demolitions by the Toledo Warehouse District Architectural Review Committee may be appealed by the applicant or any other interested person to the Plan Commission, in writing, within 7 days of the Toledo Warehouse District Architectural Review Committee hearing provided for in Initial Hearing Procedures. Applications must be accompanied by the fee amount that has been established by the City Council.
- B.** The Plan Commission will consider an appeal filed pursuant to this Section within 30 days of receipt of notice of appeal, and must utilize the written findings of that Toledo Warehouse District Architectural Review Committee to review economic, historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its cultural importance to the City. A majority vote of the Plan Commission is required to overturn a decision of the Toledo Warehouse District Architectural Review Committee.
- C.** In cases involving denial of an application for demolition pursuant to Demolition Hearing Procedures, the Toledo Warehouse District Architectural Review Committee and the applicant must present such evidence as will be relevant to the conditions set forth in Demolition Hearing Procedures and Economic Hardship Standards and Criteria and must further present evidence upon the efforts made, if any, to find a feasible and prudent alternative to demolition during the pendency of the appeal.
 - 1.** In such cases, the Plan Commission may, in its discretion, and to facilitate the production of the evidence contemplated herein, defer its final decision to a date no later than 9 months from the initial Toledo Warehouse District Architectural Review Committee hearing.
 - 2.** The Plan Commission may direct the applicant and the Toledo Warehouse District Architectural Review Committee to continue discussions as provided for in Demolition Hearing Procedures (G) for the balance of the waiting period.

- D. Decisions by the Plan Commission will be deemed final administrative orders for appellate purposes and will be thereafter regulated by Revised Code Chapter 2506.
- E. No building permit, or other permit necessary for the activity applied for, including environmental changes, may be issued, or if issued will be valid, during the appeal time provided in Section A, during the pendency of a timely-filed appeal before the Plan Commission, or during the time prescribed in Revised Code Chapter 2506 for an appeal of a decision of the Plan Commission.
(Ord. 9-14. Passed 1-2-14.)

1103.1517 Minimum Parking Lot Standards for Perimeter Screening Barriers

The following regulations are meant to augment the existing regulations in TMC Part Seven Business Regulation Code, Chapter 701 General Provision and Chapter 743 Parking Places. All existing parking lots that are in full compliance with current City of Toledo Municipal Code and licensing requirements are exempt.
(Ord. 9-14. Passed 1-2-14.)

1103.1518 Parking Lot Screening Barriers

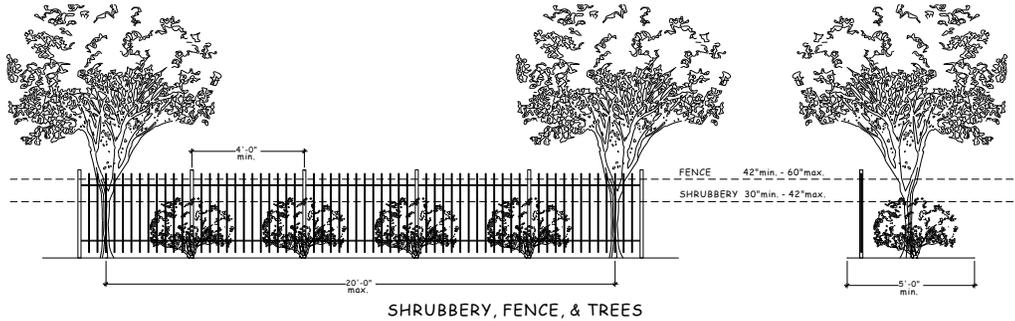
All existing parking lots with more than twenty spaces that do not comply with current City of Toledo Municipal Code requirements, and all future parking lots with more than ten spaces established after the adoption of these regulations shall be bordered along the entire length of all property lines fronting on public streets and alleys, by a vehicular barrier and visual screen, as further described in sections “A” and “B”. Such barrier and screen shall be sufficient to prevent vehicular ingress and egress except at established entrances and exits, to prevent motor vehicles from encroaching into the public-right-of-way, to restrict pedestrian movement on established sidewalk areas and to screen parked vehicles from the public right-of-way.

- A. *Vehicular Barriers* All vehicular barriers shall consist of a continuous rolled concrete or asphalt curb at least 6 inches high or 6 inches high anchored wheel stops, as necessary to prevent motor vehicles from projecting into the public right-of-way impacting the visual screen.
- B. *Visual Screens* All visual screens shall meet one of the following requirements with respect to height, opacity and materials. Minimum required height and opacity shall be provided throughout the length of any required visual screen. The visual screen shall be a minimum of 2.5 feet and a maximum of 5 feet in height and shall conform to one of the following three standards with respect to materials and opacity:
 - 1. *Shrubbery and fence*: a continuous hedge of shrubbery 2.5 to 3.5 feet high, providing 100% opacity and an ornamental metal fence that is a minimum of 3.5 and a maximum of 5 feet in height.

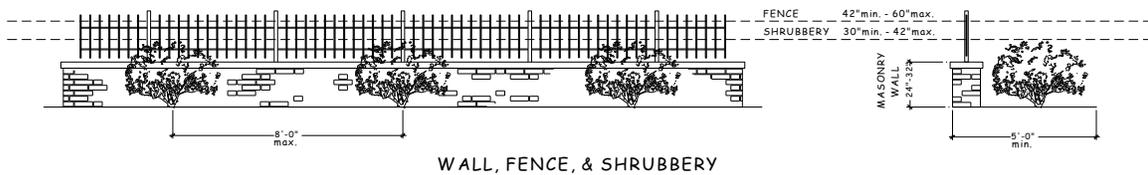


- 2. *Shrubbery, Fence and Trees*: shrubbery 2.5 to 3.5 feet high, providing 50% opacity and a metal fence that is a minimum of 3.5 and a maximum of 5 feet

in height, supplemented by trees planted at a minimum average spacing of 20 feet.

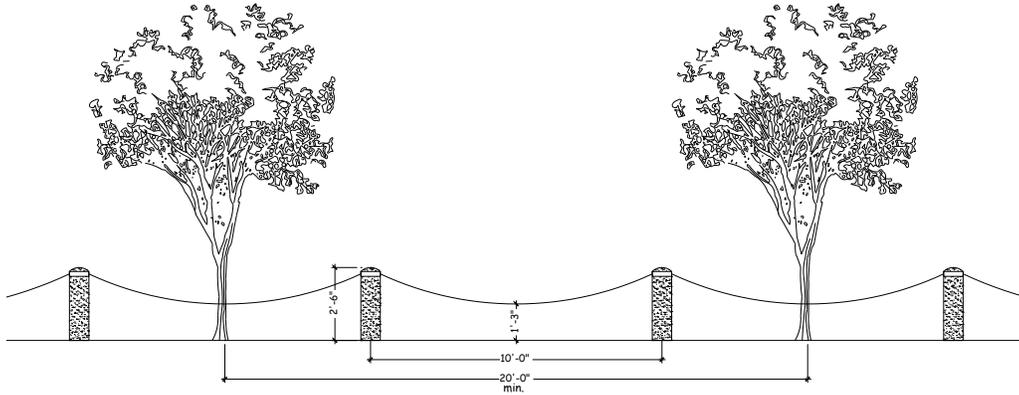


3. *Wall, Fence and Shrubby*: a combination masonry wall with an ornamental metal fence mounted on top, that are a minimum of 3.5 feet and a maximum of 5 feet in height, with a continuous hedge of shrubbery 2.5 feet to 3.5 feet high in front of the ornamental metal fence, together providing opacity of 100% to a height of 2.5 feet to 3.5 feet.



- C. *Screening for Existing Licensed Parking Lots*: An alternative vehicular barrier or screening plan may be considered if it meets the full intent of these standards and is creative and harmonious with the District. Such alternatives may include but are not limited to the following:

1. *Bollards, Chains, & Trees*: The visual screen shall be composed of anchored concrete, metal or wood bollards, at least 8 inches square or 8 inches in diameter, and at least 2.5 feet above pavement level, in uniform intervals of 10 feet on center and connected through the top of each bollard by aluminum or galvanized chains, at least 1/2 inch in diameter with a clearance of 15 inches at the center of the drop. The bollards and chains shall be supplemented by trees planted inside the visual screen, at minimum intervals of 20 feet, spaced midway between bollards. The trees shall be located in 4 feet by 4 feet wells. Tree wells shall have a minimum of three feet deep topsoil for planting.
2. An alternative to planted trees is the use of precast concrete round planters, 36 inches in diameter and 24 inches high located in the public right-of-way with approval from the Division of Building Inspection, if at least 4 feet of sidewalk is maintained for pedestrians.



1103.1519 Supplemental BOLLARDS, CHAIN, & TREES Standards for Visual Screens

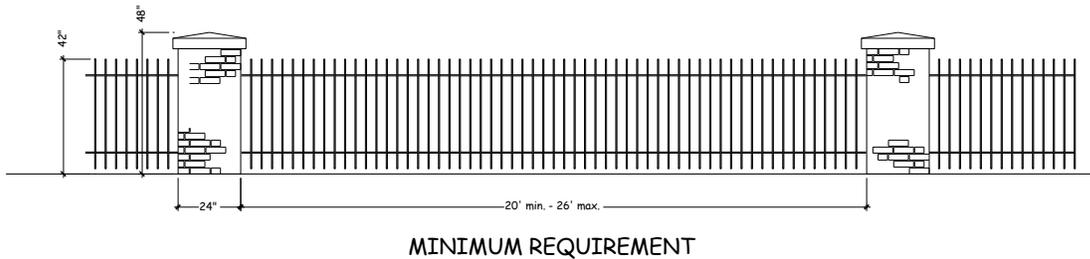
Standards for Shrubs, Trees and Ground Cover. Shrubbery used as part of a visual screen must be sufficient to meet the height and opacity requirements by the end of the second growing season after planting. All shrubs and trees shall be selected from the list of approved plant material as adopted by the City of Toledo Division of Forestry. At the time of installation, deciduous trees shall be a minimum of 6 feet in height with a caliper of 1.5 inches at one foot above grade, and evergreen trees shall be 6 feet in height. Trees not used as a part of visual screen need not meet height, caliper size or opacity requirements. In the event of an existing parking lot where irrigation is not provided, landscaping materials installed on the property shall be drought tolerant species not requiring regular watering for good plant health and growth.

1. *Standards for Landscaped areas.* If a visual screen is set within a landscaped area, it shall be bordered by a continuous concrete or asphalt curb at least 6 inches wide and 6 inches high and covered by grass or other suitable vegetative ground cover, bark or decorative stones. All landscaped areas planted with shrubs shall be a minimum of 4 feet in width. If planted with trees, the landscaped area is to be a minimum of 4 feet in width.
2. *Standards for Fences and Walls.* All walls and fences used as part of visual screen shall be of uniform appearance and shall be set in a concrete base. Required ornamental metal fences shall be of actual or simulated wrought iron construction. Walls shall be of reinforced masonry construction, including decorative concrete masonry units.
3. *Irrigation Requirements.*
 - a. General Provisions: Every landscaped area installed after adoption of these standards shall be served by a permanent underground irrigation system. No irrigation system, however, shall be required for trees provided to supplement the use of bollards and chains as required by “Existing parking lots that are licensed but not in full compliance with current City of Toledo Municipal Code and licensing regulations” described in Section B(4).
 - b. Method of Connection: For all existing parking lots that are not in full compliance with current City of Toledo Municipal Code and licensing regulations, the irrigation system shall be either connected to City water lines or shall be configured for coupling to a hose which draws water

from any permitted on site or nearby source. In such instances, the selection of the water source shall be made by the applicant.

- c. As an alternative to an irrigation system, a parking lot owner or group of parking lot owners may contract for regular watering and maintenance of plant material. Proof of such service shall be provided for licensing.
4. *Maintenance:* All plant materials shall be maintained in good condition at all times. Unhealthy or dead plant material shall be replaced with healthy plant material no later than the start of next growing season. Fences and walls shall be kept free from peeling paint, rust, spalls, and broken, cracked or missing elements. Fences and walls shall also be kept plumb, with no more than a 2 inch deflection from grade to top of element.
5. *Exemption for Alleys:* No visual screen shall be required along public alleys except where alleys are designated as public walkways, pedestrian zones or for purposes other than service ways.
6. *Street Corner Parking Lots:* All street corner parking lots shall have a minimum 18 feet square landscaped area on the corner where automobiles cannot park. Materials may include decorative paving, shrubbery, trees, flowers, walls, fee boxes and benches intended to beautify the street intersection. If the fronts of automobiles face only one street, the size of the landscaped area may be reduced to 9 feet by 18 feet.
7. *Landscaping Reductions and Exemptions:* With regard to an existing permitted parking lot that otherwise complies with all current City Zoning regulations, the City Plan Commission may grant a reduction of or an exemption from the requirements for shrubs, trees and landscaped areas if full compliance with such requirements would result in a loss of existing parking spaces which cannot be avoided or remediated through re-design or re-configuration of the parking lot. The City Plan Commission may take such action in accordance with the following provisions:
 - a. Evidence to be Provided by the Applicant: An applicant seeking a reduction of or an exemption from the requirement for landscape elements of a visual screen shall present written and graphic evidence to the City Plan Commission demonstrating that the potential loss of existing spaces cannot be avoided or remediated through re-design or re-configuration of the parking lot.
 - b. Determination by City Plan Commission: Upon consideration of evidence submitted by the applicant as well as any analysis prepared by the staff, the City Plan Commission shall determine whether strict application of the visual screen landscape requirements will result in an irremediable loss of parking spaces. In determining whether a loss of parking spaces can be avoided through re-design or re-striping, the City Plan Commission shall assume continued use of the existing parking space and aisle dimensions for the subject property except where such dimensions are in excess of current City of Toledo Municipal Code requirements.

- c. **Minimum Requirement.** Any reduction of standards approved by the City Plan Commission with respect to the required visual screen shall be the minimum reduction necessary to prevent the loss of parking spaces. The City Plan Commission may require compliance with the visual screen standards through the use of a legal encroachment in one or more of the public rights-of-way adjoining the parking lot. At a minimum, the City Plan Commission may require installation of an ornamental metal fence meeting all applicable requirements of this section and, in addition, providing a brick or stone pier, at least 2 feet square, at a minimum spacing of 8 feet. The City Plan Commission may also require provision of landscaped areas where such provision will not result in a loss of parking spaces.



8. **Temporary Uses** Where the City Plan Commission deems a parking lot to be a temporary use, the barrier and screening requirements of the section shall be considered to be met if the parking lot operator installs anchored concrete wheel stops supplemented by bollards and chains, as required by these standards. No surface parking lot shall be deemed temporary for a period in excess of one year, provided however, that the City Plan Commission may extend the temporary use for one additional one-year period if, prior to the completion on the initial one-year period, a project agreement with the City is executed which requires development of the lot within one year or a Building Permit application has been filed for development of the property. A parking lot shall also be considered as a temporary use if a lease exists, recorded with the Lucas County Recorder, between the owner of the property and the parking lot operator, and term of the lease expires within eighteen months after the compliance date for filing of plans.
9. **Approval.** The materials, design, location and construction of the screens and barriers required by this section shall be approved by the Director of the Toledo-Lucas County Plan Commissions in consultation with City of Toledo Division of Transportation, Division of Engineering Services, and the Toledo Warehouse District Architectural Review Committee and shall be in accordance with the standards promulgated by the Commissioners in compliance with the provisions of this Chapter of the Toledo Municipal Code. Unless otherwise permitted by the Commissioner of the Division of Transportation, each parking lot shall have one common entrance and one common exit, which may or may not be combined.
10. **Compliance Dates:** All legally established existing parking lots shall be in full compliance within one year after the adoption of these standards in order to obtain annual relicensing. Subsequent to the adoption of these Standards, all new parking lots shall be in full compliance prior to initial approval and licensing.

- 11. Confirmation of Compliance:** Representatives of the Toledo Warehouse District Architectural Review Committee will regularly inspect each parking lot to confirm compliance with these standards and will recommend approval or denial to the City of Toledo Finance Department prior to the issuance of the annual renewal of a license to operate.
- 12. Americans with Disabilities Act Compliance:** Full compliance with current standards for handicapped and van accessible parking, including signage, shall be required for licensing.

Chapter 1104 | Use Regulations

1104.0100 | Use Table

The Use Table of this Section lists the principal uses allowed within base zoning districts. The symbols used in the Use Table are defined in the following paragraphs.

1104.0101 [P] Permitted Uses

A “P” indicates that a use is permitted by right, subject to compliance with all other applicable regulations of this Zoning Code.

1104.0102 [S] Special Uses

An “S” indicates that a use is allowed only if reviewed and approved in accordance with the Special Use procedures of Sec. 1111.0700.

1104.0103 Uses Not Allowed

A blank cell (one with a “-” and doesn’t contain a “P” or “S”) indicates that the listed use is not allowed in the respective zoning district.

1104.0104 Use Standards

The existence of use standards for a use category is noted by a bracketed table note reference “[x]” within the table cell containing the “P” or “S.” Unless otherwise noted use standards are also subject to the provisions of: Chapter 1107, Parking, Loading, and Access; Chapter 1108, Landscaping and Screening; and Chapter 1109, Design Standards.

1104.0105 Developments with Multiple Principal Uses

- A. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a computer store, bookstore, and discount store, for example, would be classified in the Retail Sales, General category because all of the development’s principal uses are in that category.
- B. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to applicable regulations within that category. For example, a gas station that also contains a mini-convenience store would be subject to the special permit regulations for both gasoline and fuel sales facility and for a convenience store.
- C. Developments with multiple principal uses, such as shopping centers, shall incorporate only those uses allowed in the underlying base zoning district.

1104.0106 Unlisted Uses

If an application is submitted for a use type that is not listed in the Use Table of this Section, the Planning Director is authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use. If no similar use determination can be made, the Planning Director must initiate an amendment to the text of this Zoning Code to clarify where such uses are allowed.

1104.0107 Use Categories

The use categories listed in the Use Table are organized into five major use groups: Residential, Public and Civic, Commercial Use Types, Industrial Use Types, and Other Use Types. Each major use group is further divided into a series of use categories. All of the use categories listed in the Use Table are defined in Sec. 1116.0200.

Chapter 1104 | Use Regulations
Sec. 1104.0100 | Use Table

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Residential																	
Household Living																	
Detached House	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Detached House, Zero Lot Line	-	-	P [1]	P [1]	P [1]	-	P [1]	-	-	-	-	-	-	-	-	-	-
Attached House	-	-	-	P [2]	P [2]	-	P [2]	-	P [2]	-	-	P [2]	-	-	-	-	-
Duplex	-	-	-	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Cluster Housing	S [3]	S [3]	S [3]	S [3]	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Housing Park	-	-	-	-	-	P [4]	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Multi-Dwelling Structure	-	-	-	-	P [5]	-	P [5,6]	P [5,6]	P [5,7]	P [5,6]	P [5,6]	P [5]	-	-	-	-	P
Adult Foster Home	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Certified Foster Home	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Group Living																	
Adult Family Home	P [8]	P [8]	P [8]	P [8]	S [8]	S [8]	S	-	S	-	-	-	-	-	-	-	-
Residential Facility, Small	P [8]	P [8]	P [8]	P [8]	S [8]	P [8]	-	-	-	-	-	-	-	-	-	-	-
Residential Facility, Large	-	-	-	-	S [8]	-	-	-	-	-	-	-	-	-	-	-	-
Drug and Alcohol Residential Facility	-	-	-	-	S [8]	-	-	-	-	-	S	-	-	-	-	-	-
Halfway House	-	-	-	-	-	-	-	-	S [8, 27]	-	S [8, 27]	S [8, 27]	-	-	-	-	-
Nursing Home	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Rest Home	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Home for the Aging	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Group Rental	P [9,10]	-	P [10]	P [10]	P [10]	P [10]	P [10]	P [10]	-	-	-	-	-				
Homeless Shelter	-	-	-	-	-	-	-	-	S [8]	S [8]	S [8]	S [8]	-	-	-	-	-
Other Group Living	-	-	-	-	S	-	-	-	-	-	S	S	-	-	-	-	P
Public and Civic																	
Colleges and Universities	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	P
Community Recreation																	
Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Active	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Marinas	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	-				
Cultural Exhibits and Libraries	S	S	S	S	S	-	P	P	P	P	P	P	-	-	-	S	P
Day Care																	
Type A Family Day Care Home	S [8,12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	-	-	-	-				

Chapter 1104 | Use Regulations
Sec. 1104.0100 | Use Table

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Type B Family Day Care Home	P [12]	-	P [12]	P [12]	-	-	-	-	-								
Day Care Center	S [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	-	P [12]								
Hospital	-	-	-	-	-	-	-	S	-	-	S	S	-	-	-	-	P
Lodge, Fraternal and Civic Assembly	-	-	-	-	S	-	P	P	P	P	P	P	P	-	-	-	-
Postal Service	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-
Public Safety	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	S	P
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Schools	S	S	S	S	S	S	S	S	S	S	S	S	-	-	-	-	P
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities and Services, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	P
Commercial Use Types																	
Animal Services																	
Sales and Grooming	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Kennels	-	-	-	-	-	-	-	-	-	-	-	-	P [14]	P [14]	-	-	-
Animal Shelters	-	-	-	-	-	-	-	-	-	-	P [14]	P	P [14]	P [14]	-	-	-
Fully Enclosed Animal Shelters / Kennels	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-
Veterinary	-	-	-	-	-	-	P [13]	P	-	P	P	P	P	P	-	-	-
Building Maintenance Services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-
Business Equipment Sales and Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	P	P	-	-
Business Support Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	-	P	-	-
Communications Service Establishments	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Construction Sales and Services	-	-	-	-	-	-	-	-	-	-	P [15]	-	P	P	P	-	-
Eating and Drinking Establishments																	
Tavern	-	-	-	-	-	-	P [13]	-	P	P	P	P	P	P	-	-	-
Fast Order Food	-	-	-	-	-	-	P [13]	P [16]	P	P	P	P	-	-	-	-	-
Fast Order Food, Drive-through	-	-	-	-	-	-	-	-	-	S [17]	P [9,17]	-	-	-	-	-	-
Restaurant, Sit-Down	-	-	-	-	-	-	P [13]	P [16]	P	P	P	P	-	-	-	-	-
Entertainment and Spectator Sports																	
Limited	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	P
General	-	-	-	-	-	-	-	-	-	S	P	P	-	-	-	-	P

Chapter 1104 | Use Regulations
Sec. 1104.0100 | Use Table

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Financial, Insurance and Real Estate Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Food and Beverage Retail Sales																	
Large Stores	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Convenience Stores	-	-	-	-	-	-	S [18]	-	S [18]	S [18]	S [18]	S [18]	-	-	-	-	-
Funeral and Interment Services																	
Cremating	-	-	-	-	-	-	S [9, 28]	-	-	-	P [28]	-	P [28]	P [28]	-	-	-
Interring	S	S	S	S	S	-	S [13]	S	S	S	S	S	-	-	-	P	-
Undertaking	S [9]	-	P [13]	-	P	P	P	P	-	-	-	-	-				
Cemeteries	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	P	-
Gasoline and Fuel Sales	-	-	-	-	-	-	S [13, 19]	-	-	S [19]	S [19]	S [19]	-	-	-	-	-
Medical Services																	
Drug and Alcohol Treatment Center, Nonresidential	-	-	-	-	-	-	-	-	S [8]	S [8]	S [8]	-	-	-	-	-	P
All other Medical Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	P
Office, Administrative and Professional	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	-	P	-	P
Parking, Commercial	-	-	-	-	-	-	-	-	-	S	P	S	-	-	-	-	P
Personal Convenience Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Personal Improvement Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Rental Halls	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-
Repair Services, Consumer	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Retail Sales, General	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Sexually-Oriented Business Establishment	-	-	-	-	-	-	-	-	-	-	P [20]	P [20]	P [20]	P [20]	-	-	-
Sports and Recreation, Participant																	
Indoor	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-
Outdoor	S	S	S	S	S	-	-	-	-	-	P	P	S	-	-	-	-
Tobacco Shop	-	-	-	-	-	-	S [13,21]	-	S [21]	S [21]	S [21]	S [21]	-	-	-	-	-
Transient Habitation																	
Bed and Breakfast	S [22]	-	P [13]	P	P	P	P	P	-	-	-	-	-				
Lodging	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	P
Rooming House	-	-	-	-	S [9]	-	P [9, 13]	-	-	P	P	P	-	-	-	-	-

Chapter 1104 | Use Regulations
Sec. 1104.0100 | Use Table

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Vehicle Sales and Service																	
Cleaning/Washing	-	-	-	-	-	-	-	-	-	S [9,17]	P [9,17]	P [9,17]	P [9,17]	-	-	-	-
Fleet Storage	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Heavy Equipment Repairs	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Light Equipment Repairs	-	-	-	-	-	-	-	-	-	S	P	P	P	P	-	-	-
Heavy Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Auto and RV Sales/Rental	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Auto and RV Sales, used only	-	-	-	-	-	-	-	-	-	-	S [23]	S [23]	-	-	-	-	-
Storage of Towaway Vehicles	-	-	-	-	-	-	-	-	-	-	S [24]	-	S [24]	S [24]	-	-	-
Storage of Recreational Vehicles	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Industrial Use Types																	
Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Freight Terminal	-	-	-	-	-	-	-	-	-	-	-	-	P [26]	P [26]	-	-	-
Industrial, General	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Laundry Service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Manufacturing and Production, Limited	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-
Manufacturing and Production, Technological	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-
Scrap and Salvage Operations	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Wholesale, Storage and Distribution																	
Mini-Warehouse	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-
Light	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Other Use Types																	
Agriculture																	
Nurseries and Greenhouses	S	S	S	S	S	S	S	-	S	S	P	-	P	P	P	P	P
Other Agriculture	P	P	P	P	P	P	S	-	S	S	P	-	P	P	P	P	P
Mining	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Recycling Facilities																	
Large Collection Facilities	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Small Collection Facilities	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Processing Center	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Wireless Telecommunications Facilities																	

Chapter 1104 | Use Regulations
Sec. 1104.0200 | Attached House

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Co-Located	P [25]																
Freestanding	S [25]	S [25]	S [25]	S [25]	S [25]	S [25]	P [25]	P [25]	S [25]	S [25]	P [25]	P [25]	P [25]	P [25]	P [25]	S [25]	P [25]
Radio/TV Towers	-	-	-	-	-	-	-	-	-	-	S [25]	S [25]	S [25]	S [25]	S [25]	-	-

- [1] Subject to standards of Sec. 1104.1900 | Zero Lot Line Housing, Detached
- [2] Subject to standards of Sec. 1104.0200 | Attached House
- [3] Subject to standards of Sec. 1104.0500 | Cluster Housing
- [4] Subject to standards of Sec. 1104.1300 | Manufactured Housing Parks
- [5] Subject to standards of Sec. 1106.0300 | Multiple Buildings on Lot
- [6] All dwellings units must be located above the ground floor of the building.
- [7] Subject to standards of Sec. 1106.0600 | Mixed Commercial-Residential District Additional Standards
- [8] Subject to spacing standards of Sec.1104.1000 | Group Living and Day Care – Spacing
- [9] Uses must have frontage on one or more major streets.
- [10] Subject to standards of Sec. 1104.1100 | Group Rental
- [11] Subject to standards of Sec. 1104.1400 | Marinas
- [12] Subject to standards of Sec. 1104.0700 | Day Care
- [13] Subject to standards of Sec. 1106.0500 | Neighborhood Commercial District Maximum Floor Area
- [14] Subject to standards of Sec. 1104.1200 | Animal Shelters and Kennels
- [15] No outdoor storage allowed.
- [16] Only when included as part of a structure which is used as a hotel, motel or office building.
- [17] Subject to standards of Sec. 1104.0800 | Drive-through Facilities
- [18] Subject to standards of Sec. 1104.0600 | Convenience Stores
- [19] Subject to standards of Sec. 1104.0900 | Gasoline and Fuel Sales
- [20] Subject to standards of Sec. 1104.1500 | Sexually-Oriented Business Establishment
- [21] Subject to standards of Sec. 1104.1700 | Tobacco Shops
- [22] Subject to standards of Sec. 1104.0400 | Bed and Breakfast
- [23] Subject to standards of Sec. 1104.0300 | Auto and RV Sales, Used Only
- [24] Subject to standards of Sec. 1104.1600 | Storage of Towaway Vehicles
- [25] Subject to standards of Sec. 1104.1800 | Wireless Telecommunications Facilities
- [26] Subject to standards of Sec. 1108.0203 H | Outdoor Storage Screening
- [27] Subject to standards of Sec. 1104.2000 | Halfway Houses
- [28] Subject to standards of Sec. 1104.2100 | Cremating. In the CN district crematories may only operate as an accessory use to undertaking.

(Ord. 26-07. Passed 1-2-07; Ord. 180-09. Passed 4-6-09; Ord. 670-10. Passed 12-21-10; Ord. 402-11. Passed 8-23-11; Ord. 552-11. Passed 11-29-11; Ord. 276-13. Passed 05-28-13; Ord 228-14. Passed 05-22-14.)

1104.0200 | Attached House

The following standards apply to attached houses.

1104.0201 In the RM12 district, up to eight dwelling units may be attached, and structures containing nine or more attached dwelling units are therein prohibited.

1104.0202 In the RD6 district, up to two dwelling units may be attached, and structures containing three or more attached dwelling units are therein prohibited.

1104.0203 The density and lot size (area and width) requirements of the underlying zoning district apply. Commonly owned areas, including commonly owned open space, driveway, or parking areas, apply toward the overall density standard.

1104.0204 The front, side, and rear setback standards of the underlying zoning district apply around the perimeter of the project.

1104.0205 The side setback on the side containing a common wall is reduced to zero.

1104.0206 On corner lots, either the rear setback or side setback may be reduced to zero. However, the remaining side or rear setback must comply with the rear setback standards of the underlying zoning district.

1104.0207 The roof of each attached house must be distinct from the others through separation of roof pitches or direction, or other variation in roof design.



Side Gabled Attached Houses



Front Gabled Attached House

1104.0208 A common access to the rear of the lots for common or individual parking is allowed and may take the form of an easement. Common access drives must be at least 12 feet wide if designed for one-way traffic and at least 20 feet wide if designed for two-way traffic. When the access drive abuts Residential zoned property that is not part of the attached house project, it must be buffered by a Type B Landscape/Screening Buffer (See Sec. 1108.0203F).

1104.0209 See also Sec. 1105.0600, Residential Garages.

1104.0300 | Auto and RV Sales, Used Only

The following standards apply to used automobile and recreational vehicle sales when not part of a new auto or RV dealership.

1104.0301 Location

A 50 foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained. This separation shall apply to both sides of a street and to intersecting streets on corner lots.

1104.0302 Outdoor Display Areas

- A.** Elevated displays, lifts or metal structures used in conjunction with the display of motor vehicles shall be permitted only within those areas specifically designated upon the site plan and shall not be allowed in any required front yard.
 - B.** Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas.
 - C.** Wheel stops must be provided when outdoor display areas abut public right-of-way, ensuring that display vehicles do not overhang directly on sidewalks.
- (Ord. 502-13. Passed 11-26-13.)

1104.0303 Vehicle Quality

All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable.

1104.0304 Repairs

Repairs and service of inoperable auto and RV motor vehicles shall be conducted wholly within an enclosed structure permanently located on the lot.

1104.0305 Fencing

See Sec. 1105.0302 for fencing requirements of customer display areas and Sec. 1108.0203H for outdoor storage screening requirements.

1104.0306 Lot Size

- A. The minimum lot size shall be no less than one-half (1/2) acre.
- B. Each lot shall have a minimum average width of 150 feet along the main road frontage. Lot Width shall be measured as outlined in Sec. 1106.0204 (Ord. 502-13. Passed 11-26-13.)

1104.0307 Accessory Uses

Used automobile and recreational vehicle sales shall not be permitted on sites containing another primary use. (Ord. 502-13. Passed 11-26-13.)

1104.0308 Site Plan

Site plans for used automobile and recreational vehicle sales shall delineate, with dimensions, parking areas and drive aisles for the outdoor display area and customer / employee parking area. Used vehicle inventory shall only be displayed, parked or located within areas approved and defined. Required customer/employee parking may not be used for used vehicle inventory. (Ord. 502-13. Passed 11-26-13.)

1104.0309 Structures

A permanent structure with a minimum floor area of 200 square feet, meeting the building design standards of Sec. 1109.0500, shall be provided on site. (Ord. 502-13. Passed 11-26-13.)

1104.0400 | Bed and Breakfast

Bed and Breakfast uses in Residential districts are subject to the following requirements:

1104.0401 Employees

A Bed and Breakfast use may have one employee for the lodging activity, such as food preparation or cleaning.

1104.0402 Maximum Size

A Bed and Breakfast use may not exceed four bedrooms for guests or a maximum of six guests per night.

1104.0403 Length of Stay

Guests shall be limited to a maximum stay of 30 days.

1104.0500 | Cluster Housing

1104.0501 Generally

- A. Under the Cluster Housing option, a subdivision can contain no more lots than would otherwise be allowed for a conventional subdivision in the same zoning district, but the individual lots within the development can be smaller than required in a conventional subdivision. Smaller lot sizes within a Cluster Housing

development are required to be offset by a corresponding increase in Common Open Space.

- B. Cluster Housing developments require that planning for lots and the locations of houses on the lots be done at the same time. Because the allowable building envelope of each house is predetermined, greater flexibility in development standards is possible while assuring that the residential character of the zoning district is maintained.

1104.0502 Housing Types

The dwelling types permitted in the applicable zoning district may be included in a Cluster Housing development. The proposed building envelope for all dwellings must be shown on the subdivision plat with enough detail so that compliance with required density and dimensional standards can be determined.

1104.0503 Lot Size

The minimum lot size required for Cluster Housing developments shall be no less than 25 percent of the lot area required for a conventional lot. Lot sizes must be adequate to meet all applicable standards of this Zoning Code.

1104.0504 Density

The overall Cluster Housing development may not exceed the maximum density of the applicable zoning district. Site design and other constraints may work to limit maximum density more than the stated maximums. There shall be no right of approval of maximum density.

1104.0505 Density Example

A 47.30 gross site area has 0.62 acres in existing right-of-way resulting in a developable parcel of 46.68 acres including flood hazard areas. The parcel is located in the RS9 Single-Dwelling Residential district, which has a maximum density of 4 units per acre for Cluster Housing per the Residential District Table in Sec. 1106.0101. The project site could contain 187 units ($46.68 \times 4 = 186.72$ or 187 units) on 187 lots.

1104.0506 Setbacks

- A. A setback equal to the minimum front setback of the zoning district must be provided along the entire perimeter of the Cluster Housing development that is adjacent to any street or place.
- B. A setback equal to the minimum rear setback of the zoning district must be provided along the entire perimeter of the Cluster Housing development that is not adjacent to any street or place.
- C. Within the Cluster Housing development, the distance between dwelling buildings must be at least 10 feet.

1104.0507 Common Open Space

- A. Common Open Space must be provided in an amount equal to at least the difference between the:
 - 1. actual, average lot area per dwelling unit within the Cluster Housing development; and
 - 2. required lot area per dwelling unit for conventional development within the zoning district.

- B.** The common open space required by this section must be set aside as part of, or at the time of each phase of development. The common open space set aside for each phase must be proportionate to the overall level of development that will occur as part of each phase.
- C.** The landowner must establish an agency for the ownership of the common open space where such areas are to be retained in private ownership. The agency shall be set up so that individual lot owners will own a proportional share of the common open space. The document establishing ownership must be approved as to form and execution by the Law Department before the Lucas County Recorder may record it.

1104.0508 Maintenance

- A.** An enforceable maintenance agreement for any commonly owned areas, including but not limited to places and Common Open Space, must be created and recorded by the Lucas County Recorder. The agreement must be approved as to form and execution by the Law Department before it may be recorded.
- B.** In the event the agency established to own and maintain the Common Open Space, or any successor agency, shall at any time after establishment of the Cluster Housing development fail to fulfill any other obligation imposed on such agency as a condition of approval of the Cluster Housing development, the City may serve written notice upon such agency or upon the residents and owners of the Cluster Housing development, setting forth the manner in which the agency has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the City in order to preserve the taxable values of the properties within the Cluster Housing development and to prevent the Common Open Space from becoming a public nuisance, may enter upon the Common Open Space and maintain the same and perform the other duties of the agency until such agency shall again resume its obligations. All costs incurred by the City in carrying out the obligations of the agency shall be assessed against the properties within the Cluster Housing development and shall become a tax lien on the properties.

1104.0600 | Convenience Stores

The following standards apply to convenience stores with a floor area of less than 5,000 square feet.

1104.0601 Hours of Operation

The hours of operation of a convenience store may be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of development approval. Particular attention will be given to convenience stores located adjacent to any residential district, school, place of religious assembly, park, or playground.

1104.0602 Negative Secondary Effects

The Special Use permit granted for a convenience store shall be subject to review on an annual basis and may be amended or revoked by action of City Council in consultation with the Plan Commission if said convenience store is determined to have significant negative secondary effects that have not been sufficiently alleviated under zoning, building or health code regulations. Negative secondary effects are defined as:

- A. Litter, broken bottles and paper discards that diminish the aesthetics of the immediate area. (See Chapter 521 of the General Offenses Code).
- B. Noise, disruption from the carryout to the quiet enjoyment of adjoining residential districts, and public and civic uses. (See Chapter 507 of the General Offenses Code).
- C. Traffic, traffic noise and congestion.
- D. Pedestrian congestion which can intimidate individual patrons and disrupt neighborhood civility.

1104.0603 Spacing Requirements

- A. A convenience store shall not be located within a 2,000 foot radius of another convenience store, whether that other convenience store is operating pursuant to a Special Use Permit or operating without such Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit.
- B. A convenience store shall not be located within a 1,000 foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.
- C. The distances specified in this section shall be measured per TMC 1106.0208, Distances for Spacing Requirements.
- D. A convenience store shall not be subject to the foregoing restrictions if the convenience store is located within the boundaries of any Community Entertainment District (CED) now in existence or subsequently established by ordinance of City Council.

(Ord. 568-09. Passed 11-24-09.)

1104.0700 | Day Care

1104.0701 Type A Family Day Care Home

Type A Family Day Care facilities are subject to the Minor Site Plan Review provisions of Sec. 1111.0800 where permitted by right, and are subject to the following requirements:

A. Applicability

In residential zoning districts, the owner or lessee of the subject dwelling shall be both the licensee and the administrator of the Type A Home. Each licensee/administrator is limited to one (1) Type A Family Day Care facility in the City of Toledo. The Type A Home licensee/administrator shall be an individual person and resident domiciliary of the subject home.

B. Application Materials

A copy of the site plan and descriptive plan of operation as submitted to the Ohio Director of Job and Family Services as part of the license application must be included in the application for a Special Use permit or Site Plan Review. A copy of the applicant's deed or lease shall be provided with the site plan review application.

C. Location

In residential zoning districts, a Type A Family Day Care must have building frontage on a major street.

D. Indoor Space

35 square feet of useable indoor space per person in care must be regularly available for the day care operation.

E. Outdoor Space

60 square feet of useable outdoor space must be provided for each person in care using the outdoor area at any one time. A Type B landscape buffer shall be provided around the outdoor space. (See Sec. 1108.0203F)

F. Drop-off/Pick-up Area

A paved area for dropping off and picking up persons in care at the facility must be provided with the approval of the Division of Transportation.

G. Spacing

Subject to the spacing standards of Sec. 1104.1000

(Ord. 684-08. Passed 11-5-08.)

1104.0702 Type B Family Day Care Home

Type B Family Day Care facilities for one to six children or adults are considered a residential use and permitted in all residential districts, with no zoning permit required when the licensee or administrator of the facility resides in the home. See Revised Code Section 5104.05.4 on the zoning status of Type B Family Day Care homes.

1104.0703 Day Care Center

Day Care Centers are subject to the Site Plan Review provisions of Sec. 1111.0800 where permitted by right, and are subject to the following requirements:

A. Application Materials

A copy of the site plan and descriptive plan of operation as submitted to the Ohio Director of Job and Family Services as part of the license application must be included in the application for a Special Use permit or Site Plan Review.

B. Location

A Day Care Center must have building frontage on a major street.

C. Places of Religious Assembly and Schools

A Day Care Center may be an accessory use when associated with a place of religious assembly or school and established in an existing building occupied by the principal use. Such a Day Care Center does not require a Special Use permit or Site Plan Review.

D. Indoor Space

35 square feet of useable indoor space per person in care must be regularly available to the Day Care Center.

E. Outdoor Space

60 square feet of useable outdoor space must be provided for each person in care using the outdoor area at any one time. A Type B landscape buffer shall be provided around the outdoor space. (See Sec. 1108.0203F)

F. Drop-off/Pick-up Area

A paved off-street area for dropping off and picking up persons in care at the facility must be provided and approved by the Division of Transportation.

(Ord. 670-10. Passed 12-21-10.)

1104.0800 | Drive-through Facilities

The following standards apply to drive-through facilities.

1104.0801 Hours of Operation

The hours of operation of a drive-through facility may be made limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of a development approval. Particular attention will be given to drive-through facilities located adjacent to any residential district, school, place of religious assembly, park or playground.

1104.0802 Location

Suitability of location with respect to land use patterns and traffic. Some uses with drive-through facilities require frontage on a major street, see Sec. 1104.0100 Use Table.

1104.0803 Vehicle Stacking

Minimum off-street stacking spaces in accordance with Sec. 1107.1600

1104.0804 Car washes without pumps

- A. Car washes without fuel pumps shall be reviewed under this section.
- B. Gasoline and fuel sale facilities with or without car wash facilities shall not be reviewed as a drive-through use under this section so long as they are subject to review under the special use or other special permit process wherein they are specifically designed for review.

1104.0900 | Gasoline and Fuel Sales

The standards of this Section apply to the location and the development plan for proposed, or renovation of existing, gasoline and fuel sales facilities, including when an accessory use to another commercial use.

1104.0901 Review Items

The following items shall be among those considered with respect to the particular location and the present and future development of the area, including traffic flow and safety:

- A. Location and orientation of all structures.
- B. Location, number and size of curb cuts.
- C. Sign size, location and type.
- D. Intensity, location, and screening of outside lighting, including canopies, especially when abutting a residential district. Flat lens lighting shall be used.
- E. Design of structures and architectural compatibility with existing and future development of the area shall be in accordance with Sec. 1109.0200.
- F. Relationship of the facility's development and internal circulation to adjoining commercial, such as cross access provisions, which shall be encouraged whenever appropriate, and the provision of convenient services to the public.
- G. Type and location of business activity, inside and outside.
- H. Hours of operation may be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, to reduce detriment to the area.

(Ord. 198-11. Passed 04-19-11.)

1104.0902 Location

- A. Gasoline and Fuel Sales facilities in the CN district shall be located on a major street.
- B. New Gasoline and Fuel Sales facilities that are proposed within a CR district and which are within 200 feet of a major street intersection as identified on the Street and Highway Plan with lot frontage on each street shall be presumed to be at a proper location but shall be subject to review with respect to such development and other standards as are applicable under the Zoning Code.
- C. Pumps and pump islands shall not be located in the front yard within 50 feet of a Residential district.

1104.0903 General Requirements

- A. Canopies shall be set back a minimum of 10 feet from the property line, and shall be designed to be consistent with the building materials and colors of the principal building. Support columns shall be brick, brick base, or other durable materials compatible with the principal building. The Planning Director may require a peaked roof to complement the principal building.
- B. Pump islands shall be set back a minimum of 15 feet from the property line.
- C. Non-petroleum displays must be within 25 feet of the building but not within 25 feet of any right-of-way. The maximum height of such displays shall not exceed 5 feet.
- D. Free air (with the capability of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.

(Ord. 198-11. Passed 04-19-11.)

1104.1000 | Group Living and Day Care – Spacing

1104.1001 Group Living facilities, Type A Family Day Care Home and Nonresidential Drug and Alcohol Centers that are subject to this spacing requirement Section in the Use Table of Sec. 1104.0100, must be at least 500 feet from a site with any other Group Living facility, Type A Family Day Care Home, and Nonresidential Drug and Alcohol Center that is also subject to this spacing requirement.

1104.1002 In no case may more than one facility subject to this Section be located on the same block.

1104.1003 Halfway houses must be at least 2,000 feet away from other halfway houses. (Ord. 552-11. Passed 11-29-11.)

1104.1100 | Group Rental

The following standards apply to Group Rentals.

1104.1101 Intent

This section is intended to reasonably regulate detached houses and duplexes in group rental housing situations. The City finds that occupancy limits are needed to control negative impact such as traffic congestion, off and on street parking congestion, noise and litter which are inimical to the health and safety of residents, particularly children. Such regulation is also needed to preserve property values and the characteristics of family values, quiet seclusion and clean air of such neighborhoods.

1104.1102 Maximum Number of Occupants

- A. In the RS, RD and RM Residential districts detached houses or a dwelling unit in a duplex may not be rented to more than three individuals who do not constitute a household by virtue of being a family or the functional equivalent of a family. See Sec. 1115.0900, Determination of Status as Household.
- B. In Commercial districts detached houses or a dwelling unit in a duplex the allowed density of the underlying district shall determine the maximum number of individuals in a group rental situation. In determining density, each individual sleeping quarter will be considered the equivalent of a dwelling unit.

1104.1103 Major Street Frontage

Within the RS, RD and RM Residential districts a group rental must have frontage on a major street.

1104.1104 Housing Code Compliance

Compliance with Sec. 1745.14, “Density and Space Requirements” of the Housing Code

1104.1105 Neighborhood Character

Any proposed group rental house, which does not meet the above standards, shall be presumed to be detrimental to the character and development of the neighborhood.

1104.1200 | Animal Shelters and Kennels

1104.1201 Setbacks

In the event an animal shelter or kennel has a dog run or exercise area, said run or exercise area shall be set back no less than 200 feet from any residential district. (Ord. 180-09. Passed 3-31-09.)

1104.1202 Noise

An animal shelter or kennel shall prevent the animals in its care from disturbing the comfort of any person in the vicinity by frequent or long-continued barking, howling or other noise. Dogs may only be exercised outdoors during the hours of operation. In determining whether a particular sequence of noises is excessive, other relevant factors, in addition to frequency and duration shall be considered, including but not limited to time of day, general noise level of the area and proximity to residential units. (Ord. 180-09. Passed 3-31-09.)

1104.1203 Waste & Odor

An animal shelter or kennel shall remove animal waste from outdoor areas on a daily basis. All animal waste shall be bagged, tied securely and deposited in a fully enclosed dumpster, trashcan or other sealed containment system. All dumpsters, trashcans or other containment systems shall be emptied on a regular basis, but no less than weekly. All trash receptacles must be securely sealed at all times. (Ord. 180-09. Passed 3-31-09.)

1104.1204 Security of Outdoor Facilities

An animal shelter or kennel shall install and maintain a privacy fence, no less than seven (7) feet high around all dog runs. An animal shelter or kennel shall install and maintain appropriate fencing around any exercise areas, which is adequate and appropriate to securely contain any animal placed within the area. All outdoor facilities shall be adequately screened from residentially zoned properties through the use of landscaping and/or solid opaque fencing or walls. (Ord. 180-09. Passed 3-31-09.)

1104.1300 | Manufactured Housing Parks

1104.1301 Plats

No permits or approvals will be issued for manufactured housing parks that are not platted. Unplatted manufactured housing parks must be platted as a single lot plat.

1104.1302 Street Access

Manufactured housing parks must have direct access to and be located on a principal arterial, minor arterial, or major collector street, as defined in the Street and Highway Plan.

1104.1303 Park Area and Size Standards

- A.** RMH districts that are established solely for the development of a single owner manufactured housing park must have a minimum area of 5 acres, with a minimum width of 60 feet on those portions of the site used for general vehicular entrances and exits.
- B.** At least 25 manufactured housing lots must be completed and ready for occupancy before the first occupancy is permitted.
- C.** Manufactured housing parks must be developed on a single parcel except where the site is divided by public streets or alleys.
- D.** The above limitations do not apply to expansions of existing manufactured housing parks.

1104.1304 Accessory Uses

The following are allowed as accessory uses in manufactured housing parks:

- A.** Parks, playgrounds, community buildings and noncommercial recreational facilities such as golf courses, shuffleboard courts, swimming pools, tennis courts and the like.
- B.** Structures and uses required for operation of a public utility, performance of a governmental function, or performance of any function necessary for the construction, operation, or maintenance of manufactured housing parks.

1104.1305 Prohibited Uses

- A.** Recreational vehicles may not be occupied as living quarters.
- B.** Sales lots are not permitted, but manufactured housing units for re-sale on lots within the park may be sold.

1104.1306 Required Outdoor Living Area

In manufactured housing parks, an outdoor living area containing not less than 480 square feet must be provided on each lot. Such outdoor living area must be properly drained and located for convenience and optimum use and may not include required setbacks or parking areas.

1104.1307 Storm Shelter

A manufactured housing park must provide one or more storm shelters, with 15 square feet of floor space for each lot. An existing building that complies with these provisions may serve as a storm shelter. A storm shelter must:

- A. be a building complying with Part 13, Building Code, and with the Association Standard for the Design, Construction, and Performance of Storm Shelters produced by the National Storm Shelter Association;
- B. be clearly marked with a sign at or near its entrance; and
- C. be accessible at all times, either by being kept unlocked or by a person with access being present at the manufactured housing park at all times.

1104.1308 Parking

In manufactured housing parks, at least one of the required residential parking spaces must be located on the lot occupied by the manufactured housing unit served, but not in the front setback. Additional required spaces may be located within a common parking area provided within the manufactured housing park. The “off-street” requirement will be construed to be met if the parking within the common parking areas is so arranged that there is no vehicle maneuvering incidental to such parking on travel lanes of streets or places.

1104.1309 Common Recreational Facilities

Common recreational area within a manufactured housing park must be provided at the rate of not less than ½ acre per 50 manufactured housing units, and no less than 1 acre in the development for fewer than 100 manufactured housing units.

- A. Roadways, bikeways and parking, easement or setback areas may not be included in the recreational space computations.
- B. Recreational areas must be located to serve best the recreational needs of the residents of the development.
- C. The space allocated for recreational use must be contiguous, unless the applicant demonstrates to the satisfaction of the Plan Commission that two or more separate areas would be preferable.
- D. The recreational area or areas must be closed to automotive traffic except for maintenance and service vehicles, and must be improved and maintained for the use intended.

1104.1310 Site Plan Review

Manufactured housing parks are subject to the Major Site Plan Review procedures of Sec. 1111.0800. General site planning for manufactured housing parks must be carried out in accordance with Chapter 3701-27 of the Ohio Administrative Code.

1104.1311 Management

Each manufactured housing park must be managed by an operator licensed in accordance with Chapter 3701-27 of the Ohio Administrative Code. The operator must establish rules governing the operation and maintenance of the manufactured housing park and assume responsibility for enforcement of those rules. These rules must be conspicuously posted or provided to each occupant as they initially enter the park.

1104.1400 | Marinas

Marinas are subject to the following standards.

1104.1401 Exception

The requirements of this Section do not apply to the mooring, berthing, or securing of recreational boats where:

- A. it is exclusively an accessory use to a residential use; and
- B. the number of boat berths does not exceed two per dwelling unit, to a maximum of six per parcel.

1104.1402 Allowed Uses

Uses are allowed in accordance with the underlying zoning district and may include the following:

- A. Wet storage and temporary docking of seaworthy watercraft at piers, pilings, buoys and other such facilities.
- B. Fuel and supply facilities.
- C. Launching ramps and hoists for the launching and removal of watercraft.
- D. Dry storage of seaworthy watercraft and outside storage of licensed watercraft trailers, not to intrude into parking spaces required for the seasonal activities currently functioning at the marina.
- E. Maintenance and simple repairs of watercraft, of a type that normally can be done while the vessel is in the water and simple repairs done on the land, including scraping, sanding, painting and emergency repairs to watercraft. Boats may be repaired in outside storage areas only between the hours of 8:00 a.m. and 8:00 p.m.
- F. Restaurants, restaurants with bar facilities, snack and vending machines.
- G. Swimming pools, tennis courts, and other recreational facilities.
- H. Clubhouse facilities, including office and administration facilities necessary for operating the marina, and/or a residential dwelling, limited to occupancy by one household, for the sole purpose of custodial, managerial, or operational aspects of the uses permitted by this provision.
- I. Signs, in accordance with the provisions of Part 13, Title 9 of the Building Code.
- J. Off-street parking, in accordance with Chapter 1107.

1104.1403 Lot Size

- A. The minimum lot size shall be 1 acre.
- B. Each lot shall have a minimum width at the shoreline of 130 feet, measured along the straight line drawn from one waterfront corner of the lot to the other waterfront corner of the lot, to allow for a dock and water access aisles.

1104.1404 Marina Basin

The extent of the marina basin shall be determined as follows.

- A. The direction of side lot line extension channelward from the shoreline must be determined by the Plan Commission, and must follow the course of a line extended:
 - 1. perpendicular to the shoreline of the subject property at the intersection of the side lot line with the shoreline; or
 - 2. perpendicular to the centerline of body of water; or
 - 3. along a line extending the course of the side lot line which intersects with the shoreline; or

4. along a line connecting the point of intersection between the side lot line and the shoreline with the center of cove; or
 5. along a line which is generally parallel to existing piers located on adjacent properties.
- B.** The length of each side lot line extension is limited as follows:
1. one-half the distance from the shoreline to the centerline of the river, not to exceed 500 feet or go beyond a channel line; or
 2. one-half the distance from the shoreline to the centerpoint of a cove.
- C.** Water at the sides and channel edges of a marina basin shall remain open as follows:
1. Along the side lot line extensions, a minimum of 25 feet shall remain free of piers, pilings, slips, buoys, and the edge of the arc of swing therefrom, to provide navigation access between open waters and docks; and
 2. Along the channelward edge, a setback of 50 feet shall be maintained between the harbor line, channel line, or docking limit and all piers, pilings, slips, buoys, and the edge of the arc of swing therefrom. This area shall serve as an area outside of the navigation channel for returning boats to wait their turn for access to docking space.

1104.1405 Access and Parking

- A.** Lots used for marinas shall border a paved street for a minimum of 50 feet.
- B.** All roadways and required parking areas shall be improved with a concrete, bituminous or similar impervious and dustless surface and shall be graded to drain all surface water within the parking area.
- C.** Areas used solely for boat storage shall be graded and covered with a low dust-producing surface and treated as necessary to prevent dust.
1. Interior roadways shall remain unobstructed at all times, and shall be well maintained to serve as fire lanes.

1104.1406 Watercraft Repair and Maintenance Areas

All outside areas, including dry storage areas, used for any type of repair or maintenance of watercraft, including scraping, sanding, painting and fiberglass repairs, shall be set back at least 100 feet from all Residential districts and screened in accordance with Sec. 1108.0203. All discharge of fiberglass residue, oil, gasoline or any other wastes shall be collected at the site and removed to an appropriate disposal facility.

1104.1407 Lighting

Site illumination shall be limited to walkways, steps, parking areas, piers, docking facilities, and dry storage areas. All lighting shall be shielded to prevent glare observable from any residence or from the water, and shall not cause reflections on the water surface that will constitute a hazard to navigation.

1104.1408 Sanitary Facilities

Any marina facility providing dockage for more than seven boats shall conform with requirements for sanitary facilities as stipulated in Revised Code Sections 3733.21 through 3733.30, and Chapter 3701-35 of the Ohio Administrative Code. Connection

with the public sanitary sewer line shall be provided, subject to the approval of the Department of Engineering Services.

1104.1409 Additional Approvals

Additional applications and reviews may be necessary as a part of the City permit process. Specifically, the Department of Public Services, Division of Streets, Bridges, and Harbor, the Department of Fire and Rescue Operations and the Division of Building Inspection and Code Enforcement.

1104.1500 | Sexually-Oriented Business Establishment

1104.1501 Location and Spacing

A sexually-oriented business establishment shall not be located within:

- A. 500 feet of any residential district, school (K-12), religious institution, public park, public playground, public library, pre-school, child day care, or other use established specifically for the activities of minors; and
- B. 1,000 feet of another existing sexually-oriented business establishment.
- C. For the purposes of this Section, the measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-oriented business establishment is conducted, to the nearest property line of the premises of a residential district, school (K-12), religious institution, public park, public playground, public library, pre-school, child day care, or other use established specifically for the activities of minors. The distance between any two sexually-oriented businesses establishments shall be measured in a straight line, without regard to any intervening structures or objects, from the closest exterior wall of the structure in which each business establishment is located. For leased spaces in multi-tenant properties, the measurements shall be from the outer boundaries of the leased space (projected to ground level, if applicable); for leased space in single-tenant properties, the measurements shall be from the property lines.

1104.1502 Massage Parlors Prohibited

A massage parlor, as defined in Sec. 1116.0100, is not a permitted use in any zoning district in the City of Toledo.

1104.1503 Non-Conforming Status

A sexually-oriented business establishment granted a permit in conformance with this section shall not become non-conforming because a residential district, school, religious institution, public park, public playground, public library, pre-school, child day care, or other use is subsequently established within 500 feet of it or because the City of Toledo or another jurisdiction changes the zoning designation of property within 500 feet of it to one of the protected zoning districts.

1104.1600 | Storage of Towaway Vehicles

Storage of towaway vehicles in such facilities as tow lots and impound yards must be developed and operated in compliance with the following standards:

1104.1601 Location

Storage of towaway vehicles must be 500 feet from any Residential district and be located on a major street.

1104.1602 Outdoor Storage

Any space for the storage of vehicles outdoors must be shielded by a fence between 6 and 10 feet tall that shields the premises from ordinary view on all sides and protected by a guardrail or other barriers approved by the Planning Director. All inventory of the business must be stored behind the fence.

1104.1603 Landscaping

A Type A landscape buffer shall be provided as required by the Planning Director. (See Sec. 1108.0203E)

1104.1700 | Tobacco Shops

The following standards apply to tobacco shops.

1104.1701 Location

A tobacco shop shall not be located within 500 feet of any of the following uses: school, public park, public library, child day care center, or other use established specifically for the activities of minors.

1104.1702 Hours of Operation

The hours of operation of a tobacco shop may be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of development approval. Particular attention will be given to tobacco shops located adjacent to any residential district.

1104.1800 | Wireless Telecommunications Facilities

1104.1801 All Wireless Facilities

- A. With the exception of necessary electric and telephone service and connection lines approved by the City, no part of any Wireless Facility tower or antenna, nor any lines, cable, equipment, wires or braces connecting to a tower or antenna, shall at any time extend across or over any part of the right-of-way.
- B. Construction of or a change to a main or accessory structure on a Wireless Facility site when not involving a change to a Wireless Facility need not be reviewed as a Special Use amendment but shall comply with all applicable zoning district standards.
- C. Wireless Facilities shall be designed to reasonably blend into the surrounding environment through the use of neutral colors (such as gray), screening, landscaping and architecture, unless the Federal Aviation Administration, or other federal or state authorities, require otherwise. Any Wireless Facility sited on the ground, as opposed to being attached to a structure, shall:
 - 1. be subject to setback requirements, have an 8 foot high privacy fence or wall, as measured from the finished grade of the site, constructed around the perimeter of the Wireless Facility; and
 - 2. be landscaped in accordance with the screening requirements of Sec. 1108.0203. For purposes of said Section, a Wireless Facility shall be deemed an Industrial use regardless of the zoning district in which the Facility is located.
- D. No commercial advertising shall be allowed on a tower or antenna, except for antennas attached to an existing and approved sign. Towers may have safety or warning signs in appropriate places.

- E.** No signals, lights or other illumination shall be permitted, unless required by FAA regulation, other federal or state law, or otherwise authorized below.
 - 1.** Light fixtures may be attached to a tower or antenna if it is part of the design incorporated into the structure to be used for the illumination of parks, athletic fields, parking lots, streets, or other similar areas.
 - 2.** Lighting of accessory structures for security purposes is permissible but shall be so arranged so as to direct and reflect light away from any adjacent residential property or public way
 - 3.** When lighting of a tower is required, it shall be placed on the tower and designed in such a way as to minimize glare on adjacent residential properties.
- F.** Mobile or immobile equipment not used in direct support of a Wireless Facility shall not be stored or parked on the site, unless repairs to the Facility are being made.

1104.1802 Co-Location on Existing Wireless Facility

Installation of an antenna on any existing Wireless Facility is a Permitted Use.

1104.1803 Co-Location By Attachment to Existing Structure

- A.** This subsection addresses the installation of a tower or antenna on an existing structure, other than a Wireless Facility tower, including but not limited to buildings, light poles, water towers, commercial signs, church steeples, and any other freestanding structures.
- B.** Such Wireless Facilities, including associated equipment and accessory structures, shall be subject to the Minor Site Plan Review procedures of Sec. 1111.0800 and the following minimum standards:
 - 1.** The site plan/area map included in the application shall contain a drawing and a description of the proposed Facility including, but not limited to, colors and screening methods.
 - 2.** Such Wireless Facilities may not be located in a designated Historic District unless approved by the respective Historic District Commission.
 - 3.** The addition of a Wireless Facility to an existing structure shall not cause the height of said structure to increase by more than 20 percent.
 - 4.** Wireless Facilities erected upon, or attached to, existing structures shall not be subject to standard setback requirements.

1104.1804 Freestanding Wireless Facilities

- A.** Freestanding Wireless Facilities are subject to Minor Site Plan Review procedures of Sec. 1111.0800 where permitted by right.
- B.** An affidavit of intent committing the site owner, his successors and assigns and the operator and his successors and assigns to allow the shared use of the tower and to offer a potential additional user reasonable terms and conditions for co-location. Failure to follow through with this commitment constitutes a violation of this Zoning Code and may result in revocation of the permit associated with the site.
- C.** Freestanding Wireless Facilities are subject to the following standards:

1. The Wireless Facility shall be setback from the property line in all directions a distance at least equal to the height of the tower or 100 feet, whichever is greater, if the site is in or abuts a Residential district or Household Living or Group Living uses.
2. A Freestanding Wireless Facility may not be located in a designated Historic District unless approved by the respective Historic District Commission.
3. The tower shall be designed, and shall have the capacity in all respects, to accommodate both the applicant's antenna and at least two comparable antennas if the tower is over 120 feet in height or at least one comparable antenna if the tower is over 70 feet in height but less than 120 feet in height. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
4. Towers shall be of a monopole design, and guyed or lattice towers are prohibited.
5. Towers shall be constructed of galvanized metal.
6. Towers shall be constructed so that if a failure does occur, the tower will collapse into itself and will not fall onto structures near the site.
7. No tower shall have a platform, catwalk, crow's nest or like structure around it, or attached to it, except while under construction or repair.

1104.1805 Radio/TV Wireless Facilities

Radio/TV Wireless Facilities are subject to the following standards:

- A. A Radio/TV Wireless Facility may not be located in a designated Historic District unless approved by the respective Historic District Commission.
- B. The Facility shall be setback from the property line in all directions a distance equal to the height of the tower or antenna or 100 feet, whichever is greater, if the Facility abuts a Residential district or Household Living or Group Living uses.
- C. The tower or antenna shall be constructed so that if a failure does occur, it will collapse into itself and will not fall onto structures near the site.

1104.1806 Inspections

All Wireless Facilities may be inspected at any time by the City in order to determine compliance with original construction standards. Deviation from the original construction for which a permit is obtained constitutes a violation of this Zoning Code.

1104.1807 Abandoned or Unused Facilities

All abandoned or unused Wireless Facilities shall be removed by the operator within 6 months of the cessation of use unless ownership and use thereof has been transferred to another person. A Wireless Facility shall be considered abandoned if use has been discontinued for 180 consecutive days. The Planning Director may extend this time period or waive this requirement if it is shown by the operator that the Wireless Facility has not been abandoned.

1104.1808 Transfer of Use

Approved Wireless Facilities may be transferred to successors and assigns of the approved party, subject to all of the conditions that apply to initial approval.

1104.1900 | Zero Lot Line Housing, Detached

1104.1901 Approval Procedure

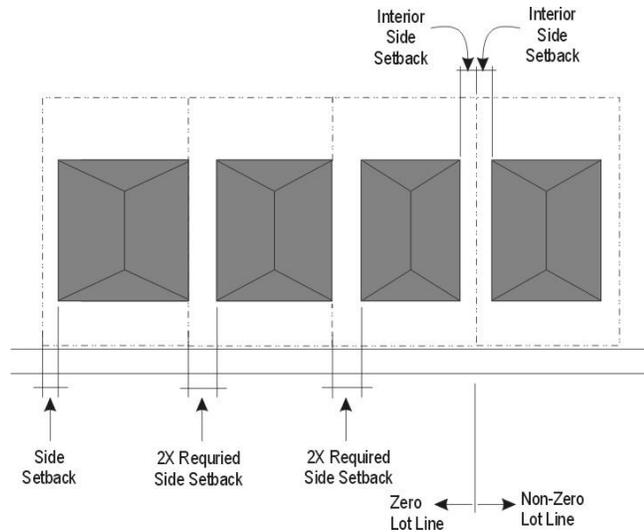
Review for compliance with the standards of this Section will occur during the subdivision platting process, if platting is required. If platting is not required or has already occurred, the zero lot line development will be subject to Minor Site Plan Review in accordance with Sec. 1111.0800.

1104.1902 Restrictions

Restrictions that ensure the minimum distance between houses must be submitted with the building permit application.

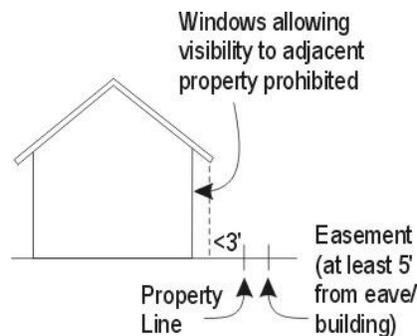
1104.1903 Standards

- A. The side setback on one side of the house may be reduced to zero. Front setbacks and side setbacks adjacent to lots that are not part of the zero lot line project may not be reduced.
- B. The minimum distance between all houses in the project must be equal to twice the required side setback required by the underlying zoning district. A deed restriction must be recorded on the deed of each lot to ensure continued compliance with this setback. (See Sec. 1104.1902, above)



- C. Eaves and other minor building projections on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line if they are located at least 9 feet above the ground. In this case, an easement for the projection must be recorded on the deed of the lot where the projection occurs. (See Sec. 1104.1902, above)
- D. An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are within 3 feet of the adjacent property line. The easement on the adjacent property must provide at least 5 feet of unobstructed space between the furthestmost projection of the structure (including the eave) and the edge of the easement.

- E. If the side wall of the house is on the property line, or within 3 feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.



- F. See Sec. 1104.0200 for attached house development standards when a dwelling unit is on its own lot and common walls are shared.

1104.2000 | Halfway Houses

1104.2001 Detailed Application

A special use permit application for a halfway house shall include the following information, in addition to all other required application materials.

- A. The name of the agency providing or expected to provide funding / licensing to the operator; the term of such funding / licensing; and the expiration date thereof.
- B. A statement demonstrating the need for the new or expanded facility.
- C. Contact information for the operator.
- D. Addresses of all similar facilities currently or previously operated by the proposed operator and the licensing agency.
- E. The proposed design capacity of the facility in terms of the number of residents and staff on the largest shift.
- F. Written policies of the operator governing admission to residence in the facility, as well as rules for residents, including storage and taking of medication, and policies on drug or alcohol use.
- G. Client groups to be served by type, age, range, level of functioning or rehabilitation, nature of past institutionalization or incarceration, present status in treatment and in the correctional system (e.g., with respect to transitional control, parole or probation status).
- H. Description of supervision and security arrangements, and a description of arrangements for maintenance of the facility and the grounds.
- I. Description of services to be provided to residents in on-site and off-site locations.
- J. Plans and descriptions of all exterior and interior building alterations proposed to accommodate the facility.

- K. A statement of the operator's policy on keeping of vehicles by residents and estimated vehicle demand by residents of the facility.
 - L. Any other information deemed necessary by the Planning Director to determine compliance with the provisions of this section and other applicable provisions of these Codified Ordinances.
- (Ord. 552-11. Passed 11-29-11.)

1104.2002 Density Requirements

Halfway houses are limited to 1.2 residents per 1,000 square feet of lot area.
(Ord. 552-11. Passed 11-29-11.)

1104.2003 Public Meeting

A public meeting with the surrounding community of the proposed facility shall be held before any official hearings regarding the special use permit. The proposed operator shall answer questions by residents and discuss the need for the facility, the operator's record in managing similar facilities, the size of the proposed facility, the policies and procedures of operation, and demonstrate the steps taken to make the facility secure, including staffing policies and contact information.

The public meeting shall be held in accordance with the provisions of Sec. 1111.0202, 1111.0203, and 1111.0204.
(Ord. 552-11. Passed 11-29-11.)

1104.2004 Review Criteria

The following items shall be considered as part of a special use permit for a halfway house. The items listed below are in addition to general review criteria found in Sec. 1111.0706.

- A. Demonstration by the proposed operator of the need for a new or expanded facility within the community.
- B. The record of the proposed operator in managing similar facilities.
- C. The size of the proposed facility, the level of concentration of a correctional system population in the immediate vicinity, and its proximity to residential uses.
- D. Confidence in the proposed operator's ability to maintain a facility with minimum impact on the surrounding community, including;
- E. Policies, procedures, and rules regarding the operation of the facility;
- F. A security plan, including staffing policies, to appropriately monitor and control residents of the facility.
- G. Proximity to bus routes or other public transportation services.
- H. Willingness of operator to maintain open communication with the community regarding issues at the facility as well as long-term success rates.

(Ord. 552-11. Passed 11-29-11.)

1104.2005 Spacing

Subject to the spacing standards of Sec. 1104.1000.
(Ord. 552-11. Passed 11-29-11.)

1104.2100 | Cremating

1104.2101 The crematory shall be in compliance with all applicable Ohio EPA requirements, local and state building codes and ordinances, environmental laws and OSHA requirements;

1104.2102 The crematory shall have an exhaust stack height of at least 25 feet above ground.
(Ord. 228-14. Passed 05-20-14.)

Chapter 1105 | Accessory Uses

1105.0100 | Authorization

Except as otherwise expressly provided in this Zoning Code, accessory uses and structures are permitted by right in connection with any lawfully established principal use. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use.

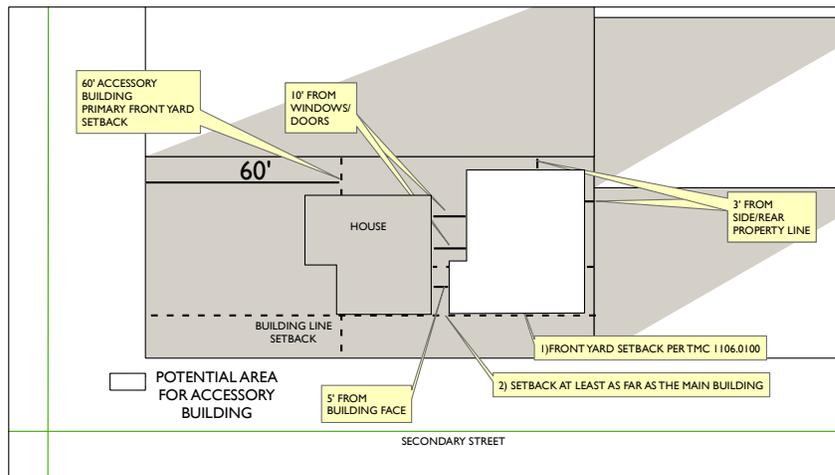
1105.0200 | General Standards

All accessory uses and structures shall comply with the following standards, unless otherwise stated.

1105.0201 Setbacks

- A. No accessory building shall be located less than 60 feet from the primary front lot line.
- B. No accessory building shall be closer than 10 feet to the main building, except that an accessory building may not be nearer than 5 feet to the main building if no windows or doors are located in that portion of the wall of the main building that is directly opposite and parallel to a wall of the accessory building.
- C. No accessory building shall be closer than 3 feet to any side or rear lot line.
- D. The secondary frontage for an accessory building on a double frontage lot is subject to front yard setback requirements per Sec.1106.0100.
- E. The secondary frontage for an accessory building on a corner lot must be setback at least as far as the main structure.

(Ord. 670-10. Passed 12-21-10. Ord. 276-13. Passed 05-28-13.)



1105.0202 Height

The height of accessory buildings may not exceed 20 feet and limited to one story. An attic as defined in 1116.0187 is not counted as a story.

(Ord. 589-07. Passed 9-4-07.)

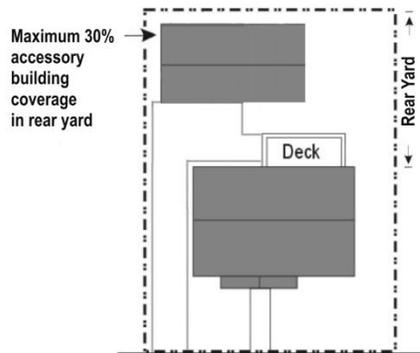
1105.0203 Number of Structures

- A. No more than two accessory structures in Residential districts. Open gazebo, trellis, cabanas and similar structures shall not be counted as structures for purposes of this provision.
- B. No limit on the number of accessory structures in Commercial or Industrial districts.

1105.0204 Rear Yard Coverage

Rear yard refers to the total area of a lot from the rear of a structure to the rear property line as that term is defined in Sec. 1116.0100.

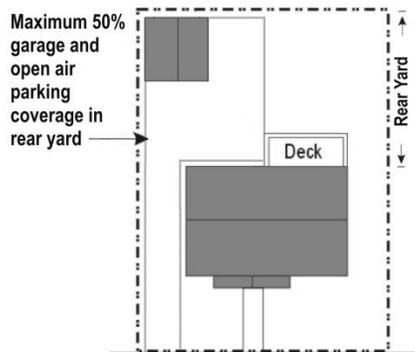
- A. The total of all accessory buildings may not occupy more than 30 percent of the total rear yard in a Residential district.



- B. The coverage of driveways, open air parking, detached garages and carports may not occupy more than 50 percent of the total rear yard in a Residential district.

1105.0205 Business Use

No business may be conducted from an accessory building in a Residential district.



1105.0300 | Fences and Hedges

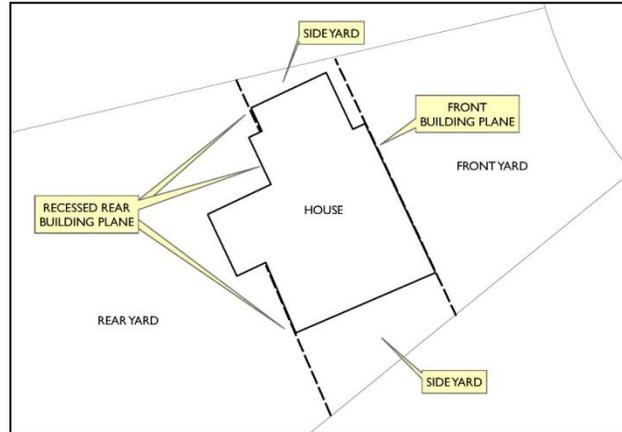
Fences and hedges shall be permitted in any required setback.

1105.0301 Residential Districts

The following standards apply in all Residential districts:

- A. Fences or hedges may not exceed 3½ feet in height in the required front setback.

- B. Fences may not exceed 4 feet in height in the required side setback adjacent to the main building and projected to the required front setback. Any recess in the rear building plane shall not be considered part of the required setback.



- C. Fences may not exceed 7 feet in height in any other location on a lot.
- D. No part of any fencing may extend into the public right-of-way.
(Ord. 402-11. Passed 8-23-11.)

1105.0302 Commercial and Industrial Districts

- A. The following standards apply in all Commercial and Industrial districts:
1. Fences may not exceed 3½ feet in height in the required front setback.
 2. Fences may not exceed 10 feet in any other location on a lot.
 3. No part of any fencing or swing gate may extend into the public right-of-way.
- B. See Sec. 1108.0203H for required outdoor storage screening standards.
- C. See Sec. 1104.1600 for storage of towaway vehicles screening standards.

1105.0303 Barbed Wire Prohibited

The use of barbed wire, razor wire, concertina wire or the like shall not be permitted in any zoning district except the Industrial districts and then only in the side and rear yards when not within 50 feet of a Residential district, not in the front yard setback and not anywhere along a street right-of-way.

1105.0304 Fencing Materials

See Sec. 1108.0404

1105.0305 Visibility Obstruction

See Sec. 1107.2000

1105.0306 Fencing Plan Submission and Approval

Within Commercial and Industrial districts three copies of a fencing plan shall be submitted to the Planning Director for review and approval prior to issuance of building permits.

1105.0400 | Home Occupations

1105.0401 Purpose

Home occupations are accessory uses to uses in the Household Living use category. Special regulations apply to such activities to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations are intended to ensure that the home occupation remains subordinate to the residential use, and that the residential character of the dwelling and the surrounding area is maintained. The regulations recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood. These are the types of activities intended to be accommodated by the home occupation regulations of this Section.

1105.0402 Applicability

Uses are allowed as home occupations only if they comply with all of the requirements of this Section.

1105.0403 Exemptions

A. Type B Family Day Care Homes

Type B Family Day Care Homes are not regulated as a home occupation and are exempt from the regulations of this Section. They are subject to Sec. 1104.0700, Day Care.

B. Bed and Breakfast

Bed and Breakfasts are not regulated as home occupations and are exempt from the regulations of this Section. They are subject to Sec. 1104.0400.

1105.0404 Description of Limited and General Home Occupations

There are two types of home occupations: Limited home occupations and General home occupations.

A. Limited

A Limited home occupation is one where residents use their home as a place of work, with no employees or customers coming to the site. Examples include artists, craftspersons, writers, and consultants.

B. General

A General home occupation is one where either one employee or customers come to the site. Examples are counseling, tutoring, and music lessons.

1105.0405 Use-Related Regulations

A. Allowed Uses

The intent of the regulations of this Section is to establish performance standards for all home occupations rather than to limit uses and activities to a specific list. Home occupations that comply with the standards of this Section are allowed by right unless otherwise expressly stated.

B. Prohibited Uses

The following are prohibited as home occupations pursuant to this Zoning Code:

1. Any maintenance, alteration, repair, reconditioning, or construction of or connection in any way with, a motor vehicle as defined by Revised Code Sec. 4511.01, if such work is performed in connection with a bona fide business transaction for value received by a resident of the subject premises.

2. Any maintenance, alteration, repair, reconditioning, or assembly of equipment with internal combustion engines (such as outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) in connection with a bona fide business transaction for value received by a resident of the subject premises.
3. Home occupations that serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
4. Funeral and Interment Services.
5. Animal care or boarding facilities, including but not limited to animal hospitals, kennels, stables and all other types of animal boarding and care facilities.
6. Restaurants and food service facilities.
7. The Commissioner of Building Inspection and Code Enforcement is authorized to classify uses not listed above as a prohibited home occupation if the use closely fits into one of the above prohibited use types or descriptions.

1105.0406 Site-Related Standards

A. Signs

No more than one sign is allowed. Such sign must be a nameplate type sign, no larger than 1 square foot in area.

B. Outdoor Activities

1. All activities must be in completely enclosed structures.
2. Exterior storage or display of goods or equipment is prohibited.

C. Appearance

The dwelling and site must remain residential in appearance and characteristics. Internal or external changes that will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.

1105.0407 Impact-Related Standards

A. Hazardous Substances

Hazardous substances are prohibited as determined by the Fire and Rescue Operations Department and by the Division of Environmental Services.

B. Noise

The maximum noise level for a home occupation shall be in accordance with Sec. 507.14 of Chapter 507, Anti-Noise Law.

C. Trucks and Vehicles

No more than one truck, associated with the home occupation, may be parked at the site. The maximum truck size that is allowed on-site shall not exceed the size stated in Sec. 351.07(a)(8) of the Traffic Code.

D. Deliveries

Truck deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the home occupation only between 8 a.m. and 9 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.

1105.0408 Additional General Home Occupation Regulations

The following additional regulations apply to General home occupations.

A. Hours

Customers may visit the site only during the hours of 8 a.m. to 9 p.m.

B. Nonresident Employees

One nonresident employee is allowed with a General home occupation provided no customers come to the site. Home occupations that have customers coming to the site are not allowed to have nonresident employees. For the purpose of this Section, the term “nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation. Adjustments or variances to this regulation are prohibited.

C. Customers

Only eight customers or clients may visit the site in a day.

D. Retail Sales

Retail sales of goods must be entirely accessory to any services provided on the site (such as sheet music sold to music students).

1105.0409 Number

More than one General home occupation per dwelling unit is prohibited.

1105.0410 General Home Occupation Permit

A. Purpose

Permits for General home occupations must be obtained from the Commissioner of Building Inspection and Code Enforcement prior to their establishment. The permit requirements are intended to ensure:

1. that the applicant is aware of the provisions of this Zoning Code governing home occupations;
2. that the City has all information necessary to evaluate whether the proposal initially meets and continues to meet Zoning Code regulations; and
3. that the distribution and location of General home occupations is known.

B. Procedure

A home occupation permit for General home occupations will be issued by the Commissioner of Building Inspection and Code Enforcement for a 2-year period. It is the responsibility of the applicant to obtain the permit every 2 years. The review process requires the applicant to submit an affidavit pledging agreement with these conditions and documentation that the proposal is a General home occupation. The permit is tied to the applicant and not to the lot occupied by the home occupation; permits are not transferable to other sites or other operators.

C. Revocation

A General home occupation permit may be revoked for failure to comply with the regulations of this Section. When a General home occupation permit has been revoked, a new General home occupation permit will not be issued to the applicant or other persons residing with the applicant for 2 years.

1105.0500 | Liquid Petroleum Gas Storage in Residential Districts

1105.0501 Special Use approval in accordance with Sec. 1111.0700 is required for liquid petroleum gas storage in Residential districts in the following instances:

- A. one or more liquid petroleum gas containers of more than 2,000 gallons water capacity in the aggregate; or
- B. a central supply serving three or more dwelling units, or more than one building not including accessory structures.

1105.0502 Installations must conform to:

- A. the requirements for permits set forth in Chapters 1511 of the Fire Prevention Code and 1365 of the Building Code pertaining to liquefied petroleum gases; and
- B. regulation promulgated by the Fire Prevention Bureau and the Division of Building Inspection and Code Enforcement relative to the storage, handling and installation of equipment for liquefied petroleum gases.

1105.0503 The Special Use review should address at least the following matters:

- A. Fencing and/or barriers, screening and landscaping, subject also to Fire Prevention Bureau review.
- B. Location within the subdivision or residential area.
- C. Effect on the surrounding land use or uses.
- D. Vehicular access.

1105.0600 | Residential Garages

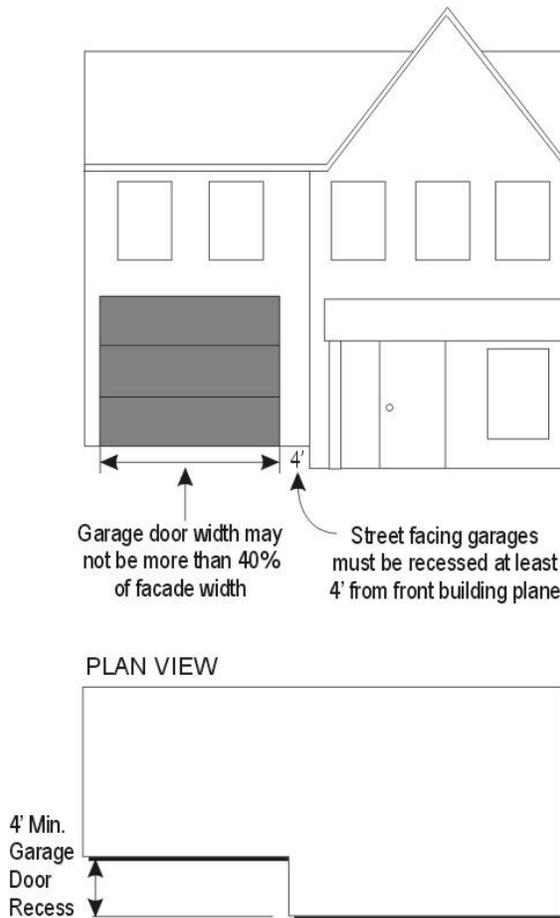
1105.0601 Each detached house, attached house, and duplex is limited to one garage for the use of the household or households within in the principal building. If the total land area associated with the dwelling is:

- A. 12,000 square feet or more, this accessory building may be designed or used for storage of up to four vehicles.
- B. less than 12,000 square feet, then the accessory building may be designed or used for storage of up to three vehicles.

1105.0602 Residential garages must be located on the same lot as the principal building.

1105.0603 On a detached house there is no façade limitation on the location of a garage door. For each attached house, duplex, and multi-dwelling:

- A. no more than 40 percent of the horizontal width of a street-facing facade on an attached house may be comprised of garage door area; and
- B. all garage doors must be recessed at least 4 feet from the front building plane.



- C. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature of the structure when viewed from the street or place.

1105.0604 Also see Sec. 1107.1202 Setbacks and Sec. 1105.0200 General Standards for accessory structures.

1105.0700 | Satellite Dishes and Antennas

1105.0701 All Satellite Dishes

- A. No satellite dish may block a required exit or other means of emergency egress for a building or other enclosed structure.
- B. Installation of such a dish in a designated historic district shall require review by the applicable Historic District Commission and issuance of a Certificate of Appropriateness.

1105.0702 Satellite Dishes Less than One Meter and TV/Radio Antennas

A satellite dish of less than 1 meter in diameter, television/radio broadcast receiving antennas, and amateur “HAM” radio antennas are permitted as an accessory use in all zoning districts, subject to the following restrictions:

- A. No such dish or antenna may be located where it would interfere with sight at the intersection of streets or of driveways with streets.
- B. In Residential districts such dishes and antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such dish or antenna may be placed anywhere on the lot except within an easement of record. Proof of inability to receive an acceptable quality signal shall be provided to the One Stop Shop, Division of Building Inspection and Code Enforcement, upon request.

1105.0703 Satellite Dishes Less than Two Meters

A satellite dish of less than 2 meters in diameter, but larger than 1 meter in diameter, is permitted as an accessory use in any zoning district except RS and RD districts, subject to the following:

- A. Such dish may be allowed in a rear yard, but such dish shall not be located in a side yard or front yard.
- B. Such dish shall be screened from view of the street or place and any abutting RS or RD zoning district with an opaque fence, extensions of building walls or dense landscaping.

1105.0704 Satellite Dishes More than Two Meters

A satellite dish of more than 2 meters shall not be allowed in any Residential district.

1105.0800 | Solar Panels

1105.0801 Applicability

The standards of this Section apply to all solar panel energy conversion systems that are accessory to a principal structure.

1105.0802 Location without Special Use

Solar panels are permitted when:

- A. Panels are attached to a building and are not visible from a street.
- B. Panels are visible from a street as long as the panels are installed parallel to the roof slope and project no more than 12 inches from the roof surface.

1105.0803 Location with Special Use

Special Use approval is required in accordance with Sec. 1111.0700 when the solar panel energy conversion system is a stand-alone facility or cannot meet the standards of Sec. 1105.0802

1105.0804 Location within Historic Districts

Solar panel energy conversion systems may not be located in a designated Historic District unless approved by the respective Historic District Commission.

1105.0900 | Swimming Pools

In Residential districts, a family swimming pool may be located in the side yard or rear yard provided such pool shall not be within 8 feet of any side or rear lot line or front setback line. A portable family pool may be placed in the rear or side yard provided such portable pool is set back at least 3 feet from the rear or side lot lines and 3 feet from the front setback line. Pools must be surrounded by a minimum 4-foot high (barrier) fence, with any access gates secured with

locks, unless a portable aboveground pool is at least 4 feet high and ladders are removed or locked up when not in use. See Sec. 1116.0100 Terminology – Swimming Pool.
(Ord. 555-08. Passed 09-09-08. Ord. 198-11. Passed 04-19-11.)

1105.1000 | Temporary Uses

1105.1001 Contractor's Office and Construction Equipment Sheds

Contractor's offices and construction equipment sheds are allowed in any zoning district when accessory to an allowed construction project.

- A. Contractor's offices and construction equipment sheds must be located on the same site as the construction project unless approved by the Commissioner of Building Inspection and Code Enforcement.
- B. Mobile and manufactured homes or trailers may be used for a contractor's office and construction equipment shed.
- C. No contractor's office or shed shall contain sleeping or cooking accommodations, except as necessary to accommodate security personnel.
- D. Any such office or shed shall be removed within 14 days of completion of the construction project.

1105.1100 | Caretaker Quarters

A security guard or caretaker dwelling unit as an accessory use in any Industrial or Park and Open Space district.

1105.1200 | Wind Energy Systems

The purpose and intent of this chapter is to provide a uniform set of standards, conditions, and procedures for the placement of Micro Wind Systems, Small Wind Energy Systems, and Meteorological Towers on property located within the City of Toledo.

- A. Further, the intended purpose is to
 1. Allow the use of wind energy system towers and anemometers of limited height.
 2. Protect residential areas from any potentially adverse visual or noise impacts of wind energy systems or related devices and structures.
 3. Provide for a land use that will provide an energy source with low associated environmental impacts.
 4. Provide for the removal of abandoned or noncompliant wind energy turbine generator towers, anemometer towers, and/or related devices or structures.

(Ord. 96-10. Passed 3-2-10.)

1105.1201 Definitions

Anemometer: A device for measuring the speed of wind.

Decibel (db): The measurement of sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 db (A-weighted). In general, this means the quietest sound we can hear is near 0 db (A-weighted) and the loudest we can hear without pain is near 120 db (A-weighted). The average background noise in a house

is about 50 dB, while a car driving down a street would be measured at 60 dB at a distance of 300 feet. A vacuum cleaner emanates sound at 70 dB.

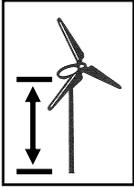
Meteorological Tower: Means a facility consisting of a tower and related wind-measuring devices, which is used solely to measure wind speed and directions preliminary to construction of a Small Wind Energy System.

Micro Wind System: A building-mounted wind system (either a Vertical or Horizontal Axis Turbine) that has a Rated Capacity of 10 kW or less, (3kW or less for residential properties), and cannot exceed the maximum permitted building height by more than thirty (30%) percent. Micro wind systems shall also include similar systems such as wind spiral and all other building-mounted wind energy systems except for wind cubes.

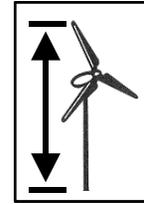
Rated Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

Small Wind Energy Systems: Means a free-standing wind energy electric generation system consisting of a tower, a turbine, and associated control or conversion electronics, with a rated capacity of 10kW or less per tower. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers.

System height. The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point



Tower height: The height above grade of the fixed portion of the tower.



Turbine: The parts of a wind system including the blades, generator and tail. The definition of a turbine includes both Horizontal Axis Wind Turbines (HAWT) and Vertical Axis Wind Turbines (VAWT).

Wind Cubes: A special type of horizontal axis wind turbine with a cubical shroud around the blade assembly that is used to increase the velocity of the wind for a given blade capture area.
 (Ord. 96-10. Passed 3-2-10.)

1105.1202 Zoning Districts Where Permitted

	RS 12	RS 9	RS 6	RD 6	RM12, RM24, RM36 ¹	CN, CO, CR, CD ¹	IL, IG, IP ¹	IC ¹
Small	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Micro	Yes, with SUP	Yes	Yes	Yes, if shown on approved Master Plan, SUP if not shown				
Wind Cubes	No	No	No	No	Yes, if Apartment Complex	Yes, if 10,000 building sq. ft.	Yes, if 10,000 building sq. ft.	Yes, if shown on approved Master Plan, SUP if not shown

¹SUP required if exceeds height limit or nameplate capacity under general requirements or if more than one (1) wind energy system on a parcel

(Ord. 96-10. Passed 03-02-10. Ord. 164-11. Passed 04-05-11.)

1105.1203 General Requirements

- A.** Meteorological Towers shall not be allowed for time periods in excess of twelve (12) months and shall be removed prior to the installation of the wind energy system for which they are measuring. A request to install a meteorological tower shall be included in the application to install either a Micro Wind System or a Small Wind Energy System.
- B.** Building-mounted micro wind systems shall be regulated by applicable building and electrical codes, and system height shall not exceed the maximum permitted building height by more than thirty (30%) percent. Any building mounted micro wind system that exceeds the maximum permitted building height by more than thirty (30%) percent shall be subject to review by the Toledo City Plan Commission as a major site plan review unless a Special Use Permit (SUP) is required.
- C.** Maximum System Height - Freestanding Small Wind Energy Systems shall not exceed the maximum height requirement in residentially zoned districts, subject to TMC 1106.0100 - Intensity and Dimensional Standards. These systems shall not exceed 65 feet for commercial and one hundred and twenty (120') feet for industrial and institutional zoned districts. A SUP is required in an IC District if the system height exceeds the maximum height as shown on the approved Master Plan. In multi-dwelling residential, commercial and industrial zoning districts, a wind energy system that exceeds these height limits may be allowed with a SUP.
- D.** Setbacks - Small Wind Energy Systems shall be set back from all property lines a distance equal to 120 percent of the height of the structure including the blades to maintain an adequate fall zone. Micro Wind Energy Systems shall be set back from all property lines a distance equal to fifty (50%) percent of height of the structure including the blades to maintain an adequate fall zone. No part of the Small Wind Energy System or micro wind system structure, including, but not limited to, guy wire anchors, may extend closer than ten feet (10') to the property line.
- E.** Sound - Micro Wind Systems and Small Wind Energy Systems shall not exceed 30 dbA, measured from the closest property line (4' or 5' above grade) in residentially zoning district and 55 dbA in non-residential zoned district and enforced by either Toledo Police Department per TMC 507 or Environmental Services. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any proposed wind energy system.
- F.** Turbine Clearance - No portion of any turbine shall extend within twenty feet (20') of the ground, overhead utility lines, parking areas, driveways and sidewalks.
- G.** Automatic Over-Speed Controls - All Micro Wind Systems and Small Wind Energy Systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the Micro Wind System or Small Wind Energy System.
- H.** Tower color - Tower colors shall be off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.

- I. Lighting - Micro Wind Systems and Small Wind Energy Systems shall not be artificially lighted, except as required by the FAA.
 - J. Climb prevention - Small Wind Energy Systems shall not be climbable up to fifteen feet (15') above the ground surface.
 - K. Wind Energy Systems on residentially zoned properties shall have a nameplate capacity of 10 kilowatts or less. In multi-dwelling residential, commercial, industrial, and institutional campus zoning districts, a wind energy system with more than ten (10) kilowatts shall be allowed with a SUP.
 - L. Wind Energy Systems shall not be permitted in any front yard.
 - M. No more than one Wind Energy System shall be permitted per parcel. More than one (1) wind energy system may be allowed on a parcel in an IC District if shown in the approved Master Plan or with a SUP, and in multi-dwelling residential, commercial and industrial zoning districts with a SUP.
 - N. Wind energy system proposed for location in a designated historic district shall be subject to TMC 1103.0300 and TMC 1111.1109.
- (Ord. 164-11. Passed 04-05-11.)

1105.1204 Application Requirements

Application to construct new or alter an existing wind energy system facility shall be submitted to the Division of Building Inspection. The Division of Building Inspection and Plan Commission staff shall determine if the application conforms to the requirements of this ordinance and other applicable regulations of the City of Toledo.

Application: The following materials shall be provided as part of the application process:

- A. Property lines and dimensions of the applicant's property.
- B. Location, dimensions, and use of existing structures on the property.
- C. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
- D. Setback requirements as outlined in this ordinance.
- E. The right-of-way of any public road that is contiguous with the property.
- F. Any overhead utility lines.
- G. Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, and kilowatt rating.
- H. Foundation and anchoring details sealed by an architect or engineer registered in the State of Ohio.
- I. Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider and application for a City of Toledo electrical permit.
- J. Sound level analysis prepared by the wind generator manufacturer or qualified engineer.
- K. A maintenance schedule and a clear fall zone shall be shown on the site plan.

- L.** Certification that the design is in compliance with the current National Electric Code and local electrical code. Building permit applications for Micro Wind Systems and Small Wind Energy Systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code and local electrical codes.
- M.** Evidence satisfactory to the Director of the Toledo-Lucas County Plan Commissions that the proposed system meets the following standards:
 - 1.** That the Micro Wind System or Small Wind Energy System is Under Writers Laboratory (UL) listed, and/or meets the Institute of Electrical and Electronic Engineers (IEEE) standards, or other Nationally Recognized Testing Lab (NRTL);
 - 2.** Information demonstrating that the wind turbine is approved under an emerging technology program, such as International Electrotechnical Commission (IEC) or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified wind turbines must submit a description of the safety features of the turbine prepared by a professional mechanical engineer.
- N.** Equipment Replacement - Any major replacement such as the turbine blades, generator, main gear-box or the entire wind energy system shall comply with the current ordinance.
(Ord. 96-10. Passed 3-2-10.)

1105.1205 Abandoned Facilities

Any Wind Energy System that is not operated on a functional basis for a period of twelve (12) consecutive months shall be deemed abandoned. The building official may order the repair or removal of said Wind Energy System, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within thirty (30) days of receipt of notification by certified mail. If said facility is not either operational or removed after thirty days (30) from the date of notification, the City may remove the system at the owner's expense.

The City reserves the right to enter upon and disconnect, dismantle or otherwise remove any Wind Energy System should it become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the Commissioner of Building Inspection or building official, such as natural or man-made disasters or accidents, when the applicant, owner, or other person responsible for the facility is not available to immediately remedy the hazard. The City shall attempt to notify any such applicant, owner, or other person responsible for the facility of such action within forty-eight hours. The applicant, owner, or other person responsible for the facility shall reimburse the City for all costs incurred for action taken pursuant to this Section.
(Ord. 96-10. Passed 3-2-10.)

Chapter 1106 | Intensity and Dimensional Standards

1106.0100 | Intensity and Dimensional Standards Tables

1106.0101 Residential Districts

Unless otherwise expressly stated, all buildings in Residential (R) districts must comply with the following standards, as well as all other applicable standards of this Zoning Code.

Standard	RS 12	RS 9	RS 6	RD 6	RM 12	RM 24	RM 36	RMH
Minimum Lot Area (sq. ft. per unit)								
Detached House	12,000	9,000	6,000	6,000	6,000	6,000	6,000	NA
Attached House	NA	NA	NA	3,000	3,000	3,000	3,000	NA
Duplex	NA	NA	NA	3,000	3,000	3,000	3,000	NA
Multi-Dwelling [8]	NA	NA	NA	NA	3,600	1,800	1,200	NA
Manufactured Home [1]	NA	NA	NA	NA	NA	NA	NA	3,600
All Other Development	12,000	9,000	6,000	6,000	6,000	6,000	6,000	NA
Max. Density (dwelling units per acre) [2]	3	4	6	6	10	20	30	10
Minimum Lot Width (feet)	75	60	50	50	50[3]	50[3]	50[3]	40
Minimum Setbacks (feet)								
Front	35	30	25	25	25	25	25	25[4]
Side (one side/combined)	7.5/16	6/14[5]	5/12[5]	5/12[5]	10/20[5]	5/12[5][6]	5/12[5][6]	10/20
Rear	35	30	25	25	25	25	25	12[7]
Maximum Height (feet)	35	35	35	35	35	35	50	20

NA = Not Applicable

Table Notes

- [1] The standards apply to manufactured homes in manufactured housing parks.
- [2] These density standards apply only to cluster housing, Sec 1104.0500, and to Multiple Buildings on Lot, Sec. 1106.0300, unless otherwise expressly stated.
- [3] Minimum lot width for attached house: 25 feet.
- [4] Where a lot in a manufactured housing park abuts a dedicated place, the minimum front setback is 7 feet.
- [5] Combined total setbacks for attached houses, detached houses and duplexes may be reduced to 10 feet to accommodate an attached garage or carport.
- [6] Minimum side setback is increased to 10 feet when adjacent to RS or RD district.
- [7] Where a lot in a manufactured housing park abuts the periphery of the development, the minimum rear setback is 25 feet. No structure in a manufactured housing park may be located in the required rear setback.
- [8] These density standards apply to single buildings, For multiple buildings on a lot see Max. Density Row and Table Note [2]. (Ord. 346-10. Passed 6-22-10; Ord. 229-13. Passed 04-30-13.)

1106.0102 Commercial Districts

Unless otherwise expressly stated, all buildings in Commercial (C) zoning districts must comply with the standards of the following table.

Standard	CN	CO	CM	CS	CR	CD
Minimum Lot Area (square feet)						
Detached House	6,000	NA	NA	NA	NA	NA
Duplex/Attached House (per unit)	3,000	NA	1,400	NA	NA	1,400
Multi-Dwelling (per unit)	4,200	1,800	1,400 [1]	1,800	1,800	500 [1]
All Other Development	None	None	None	None	None	None
Maximum Floor Area Ratio (FAR)	0.75	2.5	1	3	2.5	12
Minimum Setbacks (feet)						

Chapter 1106 | Intensity and Dimensional Standards
Sec. 1106.0100 | Intensity and Dimensional Standards Tables

Standard	CN	CO	CM	CS	CR	CD
Front	20	20	0	0	20[2]	0
Side/Rear abutting other C or I districts	0	0	0	0	0	0
Side/Rear abutting R districts	[3]	[3]	[3]	[3]	[3]	[3]
Maximum Front Setback (feet)	35	35	10 [4]	10 [4]	None	10 [4]
Maximum Height (feet)	35	65	120	45	65	None
Maximum Building Coverage (% of site)	85	85	100	100	85	100

NA = Not Applicable

Table Notes

- [1] See Sec. 1106.0400 on minimum lot area reductions in CM and CD districts.
- [2] Minimum Front Setback is increased to 30 feet for properties over 5 acres and/or with over 500 feet of frontage.
- [3] Minimum side and rear setbacks from residential zoning districts:

Height of Accessory or Principal Building (feet)	Setback Abutting Side Lot Line of R-Zoned Lot (feet)	Setback Abutting Rear Lot Line of R-Zoned Lot (feet)
0-20	10	15
21+	10 + 1 per 2 feet of building height above 20 feet. Setback is not required to exceed 50 feet	15 + 1 per 4 feet of building height above 20 feet. Setback is not required to exceed 50 feet

- [4] At least 50 percent of the length of the ground level building must be located within 10 feet of the front lot line. For sites with three or more lot frontages, this standard applies to only two of the street facing walls. The Plan Commission is authorized to waive maximum front setback standards in the -DO district to accommodate plazas or other pedestrian amenities.

1106.0103 Industrial District Standards

Unless otherwise expressly stated, all buildings in Industrial (I) zoning districts must comply with the standards of the following table.

Standard	IL	IG	IP
Minimum Contiguous Site Area (acres)	None	None	5
Minimum Setbacks (feet)			
Front	30	30	50
Side/Rear abutting other C or I districts	0	0	0
Side/Rear abutting R districts	[1][2]	25[2][3]	[1]
Maximum Height (feet)	No Max	No Max	65
Maximum Building Coverage (% of site)	85	100	65

Table Notes

- [1] Minimum side and rear setbacks from residential zoning districts are as follows:

Height of Accessory or Principal Building (feet)	Side Setback Abutting R-Zoned Lot (feet)	Rear Setback Abutting R-Zoned Lot (feet)
0-20	10	25
21-35	10	25
36+	10+1 for each foot of building height above 35 feet to max. of 50	25+1 for each foot of building height above 35 feet to max. of 50

- [2] Outdoor manufacturing, repairing, refuse compacting and recycling areas (when permitted by district use regulations) must be set back at least 50 feet from all R-zoned lots.
- [3] Outdoor recycling collection stations; loading spaces and storage areas must be setback at least 15 feet from all R-zoned lot.

1106.0200 | Measurements, Computations and Exceptions

1106.0201 Lot Area

A. Measurement

The area of a lot includes the total horizontal surface area within the lot's boundaries, not including rights-of-way. For nonconforming lots see Sec. 1114.0400.

B. Contiguous Parcels

Two or more parcels, lots of record or platted lots that are contiguous and held in common ownership may be treated together as a single lot for purposes of this Zoning Code, provided such lots are located in the same zoning district and provided they are combined on the same tax card.

1106.0202 Floor Area Ratio

Floor area ratio (FAR) standards regulate the amount of building floor area allowed on a site. FARs are calculated by dividing the floor area of nonresidential building space on a site by the gross lot area of the site. Unless otherwise expressly stated, residential floor space is not counted in calculating FARs. For example, a building containing 20,000 square feet of floor area on a lot of 10,000 square feet has a floor area ratio of 2.0.

1106.0203 Density

A. Standards

Maximum density standards established for Residential districts, as stated in Sec. 1106.0101, for cluster housing and multiple buildings on a lot have factored into their calculations a reduction to account for internal drives and streets.

B. Measurement

Maximum density refers to the number of dwelling units allowed per acre of site area, after subtracting existing rights-of-way from the gross site area.

1. In determining density, each three beds in a dormitory will be considered the equivalent of a dwelling unit.
2. In determining density, each rooming house unit will be considered the equivalent of a dwelling unit.

C. Calculation

1. To calculate the number of dwelling units allowed on a parcel, first subtract from the gross site area the total area of all existing rights-of-way, then multiply the resulting figure by the maximum (units per acre) density standard of the zoning district.
2. Example, a proposed attached house (villas) development on a 3.47 gross acre site area is located in a RD6 Residential Duplex district. There are 0.70 acres in existing right-of-way resulting in a developable parcel of 2.77 acres. The RD6 district maximum density for attached houses is 10 units per acre per the Residential District Table in Sec. 1106.0101. The project site could contain 28 units ($2.77 \times 10 = 27.70$ or 28 units) in 14 two-unit structures (see Sec. 1104.0202).
3. Example, a 40,000 square foot platted lot in a RM36 Multi-Dwelling Residential district with a 1,200 square foot minimum lot area, per the

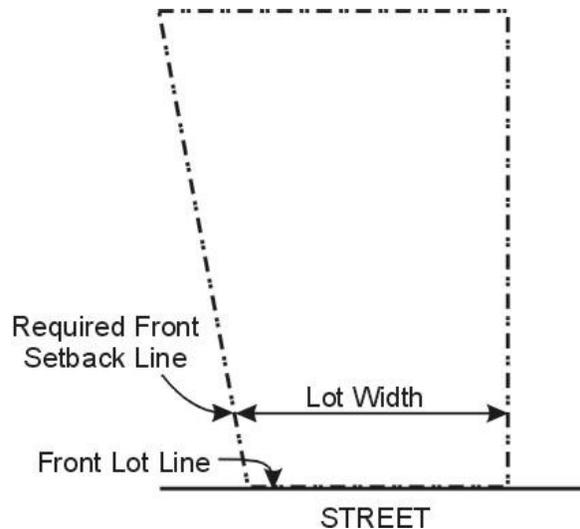
Residential District Table in Sec. 1106.0101, could contain a 33 unit (40,000 / 1,200 = 33.33 or 33 units) apartment building.

D. Rounding of Fractions

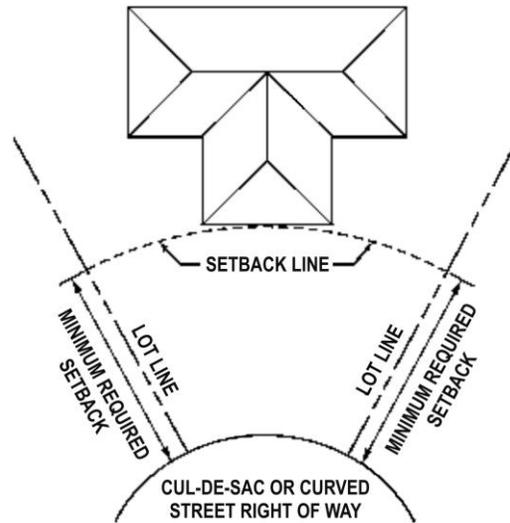
When the number of dwelling units yielded by density calculations result in fractions, fractions of one-half or greater are rounded to the next highest whole number, while fractions of less than one-half are rounded down to the next lowest whole number.

1106.0204 Lot Width

- A.** Lot width is the distance between side lot lines measured at the point of the required front setback. The lot width must be a continuous distance between the side lot lines.



- B.** Where the front lot line is along a cul-de-sac or curved street lot width is measured at the required front setback line that is parallel to the arc of the street right-of-way.



1106.0205 Setbacks

A. Measurement

Setbacks must be unobstructed from the ground to the sky except as otherwise expressly allowed in this subsection. Some exceptions are allowed (See Sec. 1106.0205E).

B. Front Setbacks

Measurement

Front setbacks extend the full width of a lot and are measured from the street or place right-of-way line.

Double-Frontage Lots

Double-frontage lots must provide a front setback on both streets.

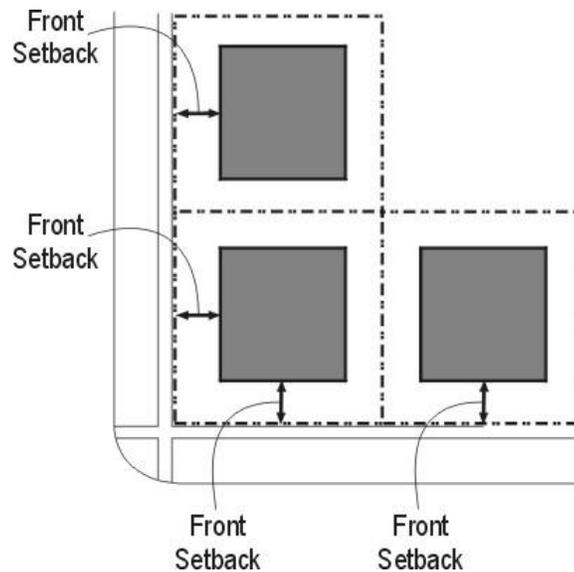
Corner Lots

Where front setbacks have been established or are required on each of two intersecting streets, a front setback must be provided on each lot frontage of the corner lot, with the following two exceptions:

- a. In Residential districts, where the required front setback exceeds 25 feet, only one front setback in excess of 25 feet is required by this Zoning Code.
- b. The building width of a lot of record need not be reduced to less than 28 feet when the owner of such lot can show that ownership and control of any adjacent lot or lots of record are by another person.

Under this provision, no structure shall be constructed closer than 10ft to a right-of-way without review and approval from the Board of Zoning Appeal, unless specified in Sec. 1106.0100.

(Ord. 276-13. Passed 05-28-13.)



Contextual Front Setbacks

Regardless of the minimum front setback requirements imposed by the zoning district standards in this Chapter, applicants shall be allowed to use a Contextual Front Setback. A Contextual Front Setback may fall at any point between the required front setback and the front setback that exists on a lot that is nearest and oriented to the same street as the subject lot. If the subject lot is a corner lot, the Contextual Setback may fall at any point between the required front setback and the front setback that exists on the lot that is nearest and oriented to the same street as the subject lot. If all lots on the block face of the subject lot are vacant, the setback that is required by the zoning district shall apply.

- c. In no case shall the setback resulting from this provision exceed any applicable maximum setback in the Commercial Districts Intensity and Dimensional Standards Table, Sec. 1106.0102.
- d. Enclosed porches extending into a setback will not be considered part of the structure in determining the Contextual Front Setback.

C. Side Setbacks

1. Side setbacks extend from the front setback line to the rear setback line and are measured from the side lot line. If no front, or rear, setback is required, the required setback area must run to the opposite lot line.
2. Side setbacks on through lots must run the full length of the lot between front lot lines.
3. The side setback of a corner lot is on the side opposite of the lot frontage without the address.
4. Whenever the wall of any building, principal or accessory, exceeds 50 feet in length adjacent to the side lot line of a residential zoning district, the required setback for the building must be increased by 1 foot for each 10 feet of wall

length or fraction thereof beyond 50 feet, provided that that the required setback need not exceed 50 feet.

5. For nonconforming lots see Sec. 1114.0400.

D. Rear Setbacks

1. Rear setbacks extend the full width of the lot and are measured from the rear lot line.
2. The rear setback of a lot with more than one lot frontage is on the side of the lot opposite the lot frontage with the address.

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, 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.

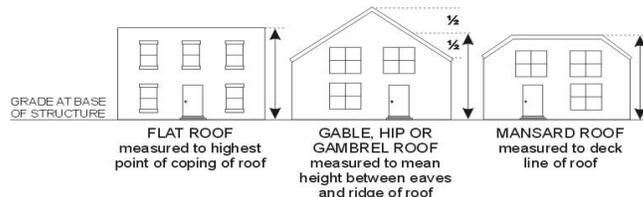
(Ord. 589-07. Passed 09-04-07. Ord. 198-11. Passed. 04-15-11.)

1106.0206 Height

A. Measurement

Building height is measured as the vertical distance from grade at the base of the structure to:

1. the highest point of the coping of a flat roof;
2. the deck line of a mansard roof; or
3. the mean height between eaves and ridge for gable, hip and gambrel roofs.

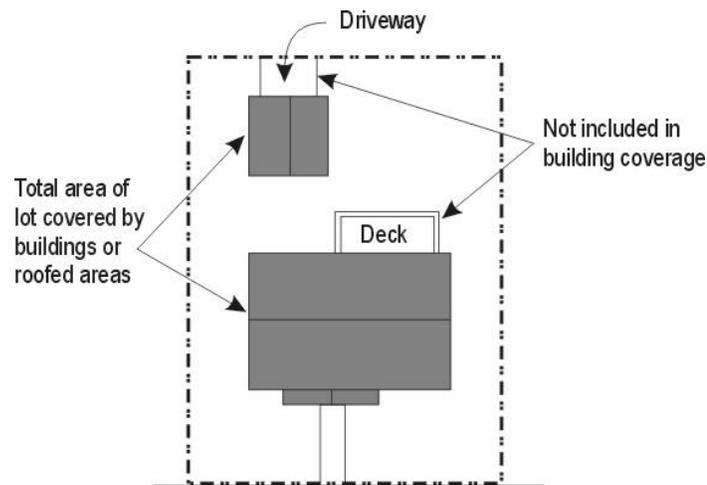


B. Exceptions

1. Except as specifically provided herein, the height limits of this Zoning Code do not apply to: chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, lighthouses, solariums, steeples, penthouses for mechanical equipment (e.g., elevators), stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, wireless, television or radio towers or necessary mechanical appurtenances.
2. The limitation on number of stories does not apply to buildings used exclusively for storage purposes.
3. Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding 60 feet and religious assembly structures may be erected to a height not exceeding 75 feet when the required side and rear setbacks are each increased by 1 foot for each foot of additional building height above the height limit of the underlying zoning district.

1106.0207 Building Coverage

Building coverage refers to the total area of a lot covered by buildings or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies and the first 3 feet of a roof overhang. Ground-level parking, open recreation areas, courtyards, patios and plazas are not to be counted as building coverage.



1106.0208 Distances for Spacing Requirements

Unless otherwise specified, separation distances between a proposed use and an existing use or district are measured from property line to property line by the shortest distance. For leased space in multi-tenant properties, the measurement shall be from the outer boundaries of the leased space.

1106.0300 | Multiple Buildings on Lot

1106.0301 Applicability

More than one principal building shall be allowed on a lot when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased, or under option by a single entity. This applies to the RM12, RM24, RM36, IL,

IG, IP and IC zoning districts. More than one principal building on a lot in other zoning districts is allowed only in a Planned Unit Development (PUD).
(Ord. 554-09. Passed 9-29-09.)

1106.0302 Intensity and Dimensional Standards

- A. All of the intensity and dimensional standards of the base zoning district shall apply, provided that all buildings shall be separated by a minimum of 10 feet, or as required by the Building Code.
- B. In any Residential district no more than 40% of the gross parcel acreage shall be devoted to coverage by buildings, street pavement, motor vehicle driveway pavement and parking area pavement.

1106.0303 Review Procedures

A proposal to place multiple buildings on a lot shall be subject to the Major Site Plan Review procedures of Sec. 1111.0800.

1106.0304 Review Criteria

- A. The regulations and standards in this Zoning Code shall apply as appropriate to the project. Where no applicable regulations or standards can be determined the issues to be considered by the Plan Commission shall include the size and placement of buildings; the location of drives and parking; landscaping and screening; and the circulation of pedestrians and traffic, particularly as it relates to ingress, egress, traffic flow and safety.
- B. The necessity for platting to achieve orderly development shall also be considered. Other items that affect adjoining properties may also be reviewed.

1106.0400 | Multi-Dwelling Lot Area Bonuses in CM and CD Districts

In the CM and CD districts, the minimum lot area required for multi-dwellings under Sec. 1106.0102 above may be reduced as provided below, provided that the allowed density does not exceed 100 percent more than otherwise allowed by the zoning district.

1106.0401 Review

Any reduction under this Section must be applied for and reviewed under the Major Site Plan review provisions of Sec. 1111.0800, unless the development is subject to Special Use review or an Institutional Master Plan, in which case review of a proposed reduction under this Section shall be conducted under that procedure.

1106.0402 Reduction

The minimum lot area required for multi-dwellings in the CM and CD districts shall be reduced by 100 square feet in the CM district and 50 square feet in the CD district for the guaranteed provision of each of the following amenities:

- A. Provision of all required off-street parking spaces in an on-site multi-story garage.
- B. Devoting the ground floor to commercial uses and establishing residential dwelling units on all other floors.
- C. Second bathroom (full or half) in unit.
- D. A washing machine and dryer in each dwelling unit.
- E. Use of brick and stone on the building facades that face streets.

F. Child day care facility.

1106.0403 Bonus Examples

- A.** A 39,000 square foot CM district platted parcel is allowed a base density of 28 dwelling units ($39,000 / 1,400 = 27.85$ or 28 units). The developer will provide four amenities and receives a 400 square foot reduction in minimum lot area per unit to 1,000 square feet per unit ($1,400 - (100 \times 4)$). The allowed density is now 39, a bonus of 11 units. The following table shows allowed density for each number of amenities:

No. of Amenities	Minimum Lot Area (sq. ft.) Per Unit	Allowed Units on a 39,000 sq. ft. parcel
0	1,400	28
1	1,300	30
2	1,200	33
3	1,100	35
4	1,000	39
5	900	43
6	800	49

- B.** A 71,250 CD district platted parcel is allowed a base density of 143 units ($71,250 / 500 = 142.5$ or 143 units). The developer will provide three amenities and receives a 150 square foot reduction in minimum lot area per unit to 350 square feet per unit ($500 - (50 \times 3)$). The allowed density is now 204, a bonus of 61 units. The following table shows allowed density for each number of amenities:

No. of Amenities	Minimum Lot Area (sq. ft.) Per Unit	Allowed Units on a 71,250 sq. ft. parcel
0	500	143
1	450	158
2	400	178
3	350	204
4	300	238
5	250	285
6	200	286[1]

Table Notes

[1] Allowed density bonus cannot exceed 100 percent than otherwise allowed by the zoning district.

1106.0404 Guarantees

- A.** When the amenity is pursuant to Sec. 1106.0402A above, the Plan Commission or other decision-making body shall condition the reduction of required lot area upon the inclusion in the lease or deed of each dwelling unit a provision reserving a parking space for the use of the residents of that dwelling unit, by conveyance, easement, or some other means. The form and nature of that provision may be determined by the Plan Commission or other decision-making body.
- B.** The Plan Commission or other decision-making body may condition the reduction of required lot area per unit upon any other reasonable condition intended and designed to guarantee the continued provision of the amenities upon which the reduction was based, including but not limited to a notarized document

that the developer or landowner accepts the condition of approval, subject to review and approval by the Department of Law.

1106.0500 | Neighborhood Commercial District Maximum Floor Area

In addition to the intensity and dimensional standards of Chapter 1106, an individual establishment or business classified as a Commercial use in the CN district may not exceed a floor area of 10,000 square feet. This does not prohibit buildings that exceed that area so long as each Commercial establishment or business located therein complies with this Section.

1106.0600 | Mixed Commercial-Residential District Additional Standards

The following standards apply in addition to the use standards of 1103.1215 and the intensity and dimensional standards of Chapter 1106:

1106.0601 Ground-Floor Uses

No off-street parking spaces may be located on the ground floor of any new building, except for attached houses, constructed in the CM district after June 6, 2004 in that portion of the building within 50 feet of the street or place right-of-way.

1106.0602 Residential Component

A minimum of 50 percent of the floor area of any new buildings over 25,000 square feet constructed in the CM district after June 6, 2004 must be devoted to residential dwelling units.

1106.0700 | Planned Business/Industrial Park District Additional Standards

In addition to the intensity and dimensional standards of Chapter 1106:

1106.0701 Subdivision Plat Approval Required

Requests to rezone property to the IP district under the Rezoning procedure of Sec. 1111.0600 must be processed concurrently with an application for subdivision plat approval. The proposed subdivision plat must be accompanied by a landscape plan pursuant to Sec. 1108.0500.

1106.0702 Architectural Review Committee

The owners/developers of the property must form an architectural committee for the industrial/business park property. At least one member of the architectural committee must be a licensed architect. The architectural committee must prepare a plan and design guidelines for development within the IP district and review proposed building plans with the district for compliance with those plans and guidelines. Documents establishing the architectural committee and proposed design plans and guidelines must be approved as part of the subdivision approval process.

1106.0800 | Parks and Open Space District Intensity and Dimensional Standards

The following intensity and dimensional standards apply in the POS district:

1106.0801 Maximum Building Height

35 feet

1106.0802 Minimum Required Setbacks

- A. Buildings and off-street parking areas must be set back at least 25 feet from all street and place rights-of-way.

Chapter 1106 | Intensity and Dimensional Standards

Sec. 1106.0900 | Institutional Campus District Intensity and Dimensional Standards

- B.** Buildings and off-street parking areas must be set back at least 20 feet from side and rear lot lines that abut RS or RD districts; otherwise, the minimum building and parking area setback from side and rear lot lines is 10 feet.
- C.** Any playground, sport court or other active recreation area must be set back at least 50 feet from any RS or RD district and at least 25 feet from any other Residential or Commercial district.

1106.0900 | Institutional Campus District Intensity and Dimensional Standards

1106.0901 Governed by Institutional Master Plan or Special Use

Intensity and dimensional standards in the IC district shall be governed by the Institutional Master Plan or Special Use approval, whichever is applicable. Institutional Master Plans and Special Use applications shall contain the applicant's detailed description of the standards proposed to be used within the subject IC district. See Sec. 1111.1304E.

1106.0902 Exceptions

Within 150 feet of an abutting Residential, CN or CS district buildings may be erected to a height not exceeding 60 feet when the required side and rear setbacks are each increased by 1 foot for each foot of additional building height above the height limit of the abutting zone district.

Chapter 1107 | Parking, Loading, and Access

1107.0100 | General

1107.0101 Purpose

The regulations of this Chapter are intended to ensure that the off-street parking, loading, and access demands of various land uses will be met without adversely affecting surrounding areas. Access includes pedestrians and bicyclists as well as vehicles. The regulations are also intended to help maintain a safe and efficient transportation system. In recognition of the fact that different approaches will be appropriate in different areas of the City, the regulations allow flexibility in addressing vehicle parking, loading, and access demand.

1107.0102 Applicability

A. New Development

The parking, loading and access standards of this Chapter apply to all new buildings constructed and all new uses established in all zoning districts.

B. Expansions and Substantial Modifications

The parking, loading and access standards of this Chapter apply when an existing structure or use is expanded or enlarged, whether through the addition of dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements.

1. Additional off-street parking and loading spaces to meet minimum ratios are required only to serve the enlarged or expanded area, not the entire building or use.
2. If the number of parking spaces on a site at the time of expansion or substantial modification exceeds the maximum ratios of this Chapter, no Alternative Parking Plan approval will be required, but no additional spaces will be allowed, except through the Alternative Parking Plan provisions of Sec. 1107.1400.

C. Requirements for Change in Use

If a change in use causes an increase in the required number of parking, stacking, or loading spaces, 80 percent of such additional spaces shall be provided in accordance with the requirements of this Zoning Code; except that if the change in use would require an increase of less than 50 percent in the required number of parking spaces or fewer than five parking spaces, no additional parking shall be required.

D. Applicability in the Event of Damage or Destruction of Existing Use

1. When a conforming or nonconforming building or use that does not comply with current off-street parking and/or loading regulations is damaged and the cost of reconstruction does not exceed 75 percent of the assessed value at the time such damage occurred, the building may be reconstructed with the same number of parking and loading spaces that existed at the time of damage or destruction. However, when the cost of reconstruction exceeds 75 percent of the assessed value at the time such damage occurred, off-street parking and loading spaces must be provided in the amount required for new construction on the date the application for reconstruction is approved.

2. Notwithstanding the preceding, within a historic (-HO) or pedestrian-oriented (-PO) overlay zoning district, any damaged building or use of 5,000 square feet or less that is nonconforming only in the amount of off-street parking and/or loading space that is provided, may be reconstructed (if authorized by Secs. 1114.0205C or 1114.0305B) without providing additional off-street parking and/or loading.

1107.0103 No Reduction Below Minimums or Additions Above Maximums

The number of parking and loading spaces existing on a site may not be reduced below the minimum requirements of this Chapter or increased above the maximum requirements of this Chapter except by an Alternative Access and Parking Plan in Section 1107.1400.

1107.0104 Effect on Nonconforming Status

A building or use that was legally established is not deemed nonconforming solely as a result of providing fewer than the minimum number or more than the maximum number of off-street parking or loading spaces specified in this Chapter.

1107.0105 Consultation with Division of Transportation

Before making any decision or issuing any approval under this Chapter, the Planning Director shall first refer the matter to the Division of Transportation, which shall make recommendations that the Planning Director shall give due consideration in making his or her decision.

1107.0200 | Special Parking Districts

1107.0201 CD, Downtown Commercial District

A. Non-residential Parking

Due to the unique characteristics of the central business district, including higher land values, integration with public transportation, and the presence of parking garages, allowed non-residential uses in the CD zoning district are exempt from providing off-street parking spaces.

B. Residential Parking

The minimum number of off-street parking spaces required is one space per residential unit, plus one space per 10 dwelling units for visitor parking.

C. Residential Parking Exception

No off-street parking spaces are required for residential building projects of 10 units or less.

1107.0202 Central-City Special Parking District

Within the Central-City Special Parking District, which includes all of Census Tracts 16, 21, 22, 23, 27, 28, 29, 30, 34 and 37, the minimum off-street parking requirement for multi-dwelling units created through rehabilitation or conversion of an existing structure will be one space per dwelling unit, plus one space per 10 dwelling units for visitor parking.

1107.0203 Surface Parking Lot Ban Districts

A. Surface Lot Prohibition

Within the Surface Parking Lot Ban Districts, one-level surface parking lots are strictly prohibited, and existing one-level surface parking lots may not be increased in size. Other modifications to existing one-level surface parking lots may occur subject to the provisions of this Chapter.

B. Establishment of Surface Parking Lot Ban Districts

Surface Parking Lot Ban District Name	Boundaries
Downtown Core District	Centerline of Summit Street, the centerline of Jefferson Street, the centerline of Erie Street, and the centerline of Jackson Street.
Warehouse District	Centerline of Michigan Street, Monroe Street, Washington Street, 11 th Street, the Anthony Wayne Trail, Interstate 75, Swan Creek, and Monroe Street.

1107.0204 Locally Designated Historic Districts

No additional off-street parking or loading spaces are required for rehabilitation or reuse of existing structures within locally designated historic districts. For new construction within locally designated historic districts, minimum off-street parking ratios are reduced by 50 percent from the otherwise applicable standards of this Chapter.

1107.0205 -PO, Pedestrian-Oriented Overlay District

The first 2,400 square feet of floor area devoted to uses in the -PO district is exempt from off-street parking. This means that uses comprising 2,400 square feet of floor area or less are exempt from providing off-street parking in the -PO district and that uses of more than 2,400 square feet are required to provide parking for all floor area in excess of 2,400 feet. This provision applies only to uses that have a required off-street parking ratio that is based on floor area. Uses that have employee-based or other non-floor area parking ratios are not exempt from off-street parking ratios of Schedule A.

1107.0300 | Off-Street Parking Schedule “A”

1107.0301 Minimums

Off-street parking spaces must be provided in accordance with the minimum ratios of the following, Schedule A. In lieu of complying with the minimum standards of Schedule A, an applicant may request approval of an Alternative Parking Plan, pursuant to Sec. 1107.1400.

1107.0302 Maximums

No use may provide more than 150 percent of any of the minimum off-street parking ratios of Schedule A, except through approval of an Alternative Parking Plan pursuant to Sec. 1107.1400. This provision notwithstanding, Alternative Parking Plan approval is not required for four or fewer parking spaces. This provision is not to be interpreted as requiring Alternative Parking Plan approval for, or the removal of, parking spaces that legally exist on a site.

1107.0303 How to use Off-Street Parking Schedules A, B, C and D

Look up the use category in Schedule A to find the number of parking spaces required. Schedule A mirrors the uses found in the Use Table of Sec. 1104.0100. Some uses in Schedule A utilize a formula to determine the number of required parking spaces. These formulas are given in Schedule B for selected commercial uses and Schedule C for selected industrial uses. Schedule D gives the procedure to use when a study must be used to determine parking needs.

Chapter 1107 | Parking, Loading, and Access
Sec. 1107.0300 | Off-Street Parking Schedule "A"

1107.0304 Schedule A

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required (See Sec. 1107.0900 Below)
Residential		
Household Living		
Detached House	2 per dwelling unit	None
Detached House (Zero Lot Line)	2 per dwelling unit	None
Attached House	2 per dwelling unit	None
Duplex	2 per dwelling unit	None
Cluster Housing	2 per dwelling unit	None
Manufactured Home within a RMH district	2 per dwelling unit	None
Multi-Dwelling Structure[1]	1.5 per dwelling unit plus 1 space per 10 units for visitor parking	1 per 10 parking spaces
Adult Foster Home	2 per dwelling unit	None
Certified Foster Home	2 per dwelling unit	None
Elderly and Disabled	See Sec. 1107.0700	1 per 10 parking spaces
Group Living		
Adult Family Home	1 per 2 employees	1 per 10 parking spaces
Residential Facility, Small	1 per 2 employees	1 per 10 parking spaces
Residential Facility, Large	1 per 2 employees	1 per 10 parking spaces
Drug/Alcohol Residential Facility	1 per 2 employees	1 per 10 parking spaces
Halfway House	1 per 8 residents plus 1 per 2 employees	None
Nursing Home	1 per 4 residents/beds	1 per 10 parking spaces
Rest Home	1 per 4 residents/beds	1 per 10 parking spaces
Home for the Aging	1 per 3 residents/beds	1 per 10 parking spaces
Group Rental	1 per sleeping quarter	1 per 10 parking spaces
Homeless Shelter	1 per 4 residents/beds	1 per 10 parking spaces
Other Group Living	per Schedule D (§1107.0600)	1 per 10 parking spaces
Public and Civic		
Colleges and Universities	per Schedule D (§1107.0600)	1 per 4 students, faculty, and staff
Community Recreation	per Schedule D (§1107.0600)	1 per 10 parking spaces
Marinas	1 per boat space, plus spaces for other associated uses	1 per 10 parking spaces
Cultural Exhibits and Libraries	1 per 1,000 square feet	1 per 10 parking spaces
Day Care		
Type A Family Day Care Home	1 space in addition to requirement for dwelling	None
Type B Family Day Care Home	1 space in addition to requirement for dwelling	None
Day Care Center	1 per 6 person-capacity or 1 per 400 square feet, whichever is greater	1 per 10 parking spaces
Hospital	1 per 4 beds	1 per 10 parking spaces
Lodge, Fraternal and Civic Assembly	1 per 250 square feet	1 per 10 parking spaces
Postal Service	per Schedule D (§1107.0600)	1 per 10 parking spaces
Public Safety	per Schedule D (§1107.0600)	1 per 10 parking spaces
Religious Assembly	1 per 6 seats or 1 per 100 square feet of seating area, whichever is greater	1 per 10 parking spaces

Chapter 1107 | Parking, Loading, and Access
Sec. 1107.0300 | Off-Street Parking Schedule "A"

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required (See Sec. 1107.0900 Below)
Schools, Elementary and Middle	1 per faculty member plus 1 per 3 staff members plus 1 space per 50 students for student drop-off and pick-up	1 per 3 students plus 1 per 10 parking spaces for faculty and staff
Schools, High	1 per 10 students plus 1 per faculty member plus 1 per 3 staff members plus 1 space per 50 students for student drop-off and pick-up	1 per 3 students plus 1 per 10 parking spaces for faculty and staff
Utilities and Services, Minor	None	None
Utilities and Services, Major	per Schedule D (§1107.0600)	None
Commercial Use Types		
Animal Services		
Sales and Grooming	per Schedule B (§1107.0400)	None
Kennels	Per Schedule B (§1107.0400)	None
Veterinary	1 per 300 square feet	None
Building Maintenance Services	1 per vehicle used in business, plus 1 per 750 square feet	1 per 10 parking spaces
Business Equipment Sales and Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Business Support Services	1 per vehicle used in business, plus 1 per 400 square feet	1 per 10 parking spaces
Communications Service Establishments	1 per 400 square feet	1 per 10 parking spaces
Construction Sales and Services	1 per 500 square feet	1 per 10 parking spaces
Eating and Drinking Establishments		
Tavern	1 per 3 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Fast Order Food	1 per 3 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Fast Order Food, Drive-through	1 per 3 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Restaurant, Sit-Down	1 per 3 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Entertainment and Spectator Sports		
Limited	1 per 50 square feet	1 per 10 parking spaces
General	per Schedule D (§1107.0600)	1 per 10 parking spaces
Financial, Insurance and Real Estate Services	1 per 400 square feet	1 per 10 parking spaces
Food and Beverage Retail Sales	per Schedule B (§1107.0400)	1 per 10 parking spaces
Funeral and Interment Services		
Cremating	1 per vehicle used in the business	None
Interring	1 per vehicle used in the business	None
Undertaking	1 per 200 square feet	None
Cemeteries	per Schedule D (§1107.0600)	None
Gasoline and Fuel Sales	1 per pump (count as if parked at pump) + 1 per 300 square feet	None
Hair Salon	1 per 100 square feet	1 per 10 parking spaces
Medical Services		
Drug and Alcohol Treatment Center, Nonresidential	1 per 300 square feet	1 per 10 parking spaces

Chapter 1107 | Parking, Loading, and Access
Sec. 1107.0300 | Off-Street Parking Schedule "A"

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required (See Sec. 1107.0900 Below)
Other Medical Services	1 per 200 square feet	1 per 10 parking spaces
Office, Administrative and Professional	1 per 300 square feet	1 per 10 parking spaces
Parking, Commercial	None	Per Sec. 1107.0903
Personal Convenience Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Personal Improvement Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Rental Halls	1 per 3 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Repair Services, Consumer	per Schedule B (§1107.0400)	1 per 10 parking spaces
Retail Sales, General	per Schedule B (§1107.0400)	1 per 10 parking spaces
Sexually Oriented Business Establishment	1 per 100 square feet	1 per 10 parking spaces
Sports and Recreation, Participant		
Indoor	1 per 150 square feet	1 per 10 parking spaces
Outdoor	1 per 500 square feet of customer/activity area	1 per 10 parking spaces
Tattoo and Body Piercing	per Schedule B (§1107.0400)	1 per 10 parking spaces
Tobacco Shop	per Schedule B (§1107.0400)	1 per 10 parking spaces
Transient Habitation		
Bed and Breakfast	0.5 per sleeping room	1 per 10 parking spaces
Lodging	1 per room, plus spaces required for associated uses	1 per 10 parking spaces
Rooming House	0.5 per rooming unit	1 per 10 parking spaces
Vehicle Sales and Service		
Cleaning/Washing	2	None
Fleet Storage	1 per 2 employees	None
Heavy Equipment Repairs	1.5 per service bay	None
Light Equipment Repairs	1.5 per service bay	None
Heavy Equipment Sales/Rental	1 per 7,500 square feet of open sales area, plus 1 per 750 square feet of enclosed sales area, plus 1.5 per service bay	None
Auto and RV Sales/Rental	1 per 5,000 square feet of open sales area, plus 1 per 500 square feet of enclosed sales area, plus 1.5 per service bay	None
Storage of Nonoperating Vehicles	1 per 2 employees	None
Storage of Recreational Vehicles	1 per 2 employees	None
Industrial Use Types		
Explosive Storage	per Schedule C (§1107.0500)	1 per 10 parking spaces
Freight Terminal	per Schedule C (§1107.0500)	1 per 10 parking spaces
Industrial, General	per Schedule C (§1107.0500)	1 per 10 parking spaces
Industrial, Intensive	per Schedule C (§1107.0500)	1 per 10 parking spaces
Laundry Service	per Schedule C (§1107.0500)	1 per 10 parking spaces
Manufacturing and Production, Limited	per Schedule C (§1107.0500)	1 per 10 parking spaces
Manufacturing and Production, Technological	per Schedule C (§1107.0500)	1 per 10 parking spaces
Scrap and Salvage Operations	1 per acre	1 per 10 parking spaces
Wholesale, Storage and Distribution	per Schedule C (§1107.0500)	1 per 10 parking spaces
Mini-Warehouse	4 + 1 per 250 rental spaces	1 per 10 parking spaces
Light	per Schedule C (§1107.0500)	1 per 10 parking spaces
Heavy	per Schedule C (§1107.0500)	1 per 10 parking spaces

Chapter 1107 | Parking, Loading, and Access
 Sec. 1107.0400 | Off-Street Parking Schedule “B” Additional Commercial Standards

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required (See Sec. 1107.0900 Below)
Other Use Types		
Agriculture		
Nurseries and Greenhouses	per Schedule D (§1107.0600)	None
Other Agriculture	None	None
Mining	per Schedule D (§1107.0600)	None
Recycling Facilities		
Large Collection Facilities	per Schedule C (§1107.0500)	None
Small Collection Facilities	per Schedule C (§1107.0500)	None
Processing Center	per Schedule C (§1107.0500)	None
Wireless Telecommunications Facilities		
Co-located Facility	None	None
Freestanding Facility	None	None

Table Notes

[1] Check Sec. 1107.0200 for special parking districts, such as the Central-City Parking District, for applicable parking reductions. (Ord. 402-11. Passed 8-23-11; Ord 552-11. Passed 11-29-11.)

1107.0400 | Off-Street Parking Schedule “B” Additional Commercial Standards

Off-street parking spaces for Schedule B uses must be provided in accordance with the following standards. This schedule is to be read cumulatively using each increment. For example, to determine the total required spaces for a 100,000 square foot building calculate the number of spaces required for the first 50,000 square feet at 1 per 300 square feet (167 spaces) and for the next 50,000 square feet at 1 per 375 square feet (134 spaces) for a total of 301 parking spaces.

Floor Area (Sq. Ft.)	Off-Street Parking Spaces Required
1 to 50,000	1 per 300 square feet
50,001+	1 per 375 square feet

(Ord. 26-07. Passed 1-2-07; Ord. 115-09. Passed 3-3-09; Ord. 231-09. Passed 4-14-09.)

1107.0500 | Off-Street Parking Schedule “C” Additional Industrial Standards

Off-street parking spaces for Schedule C uses must be provided in accordance with the following standards. This schedule is to be read cumulatively using each increment.

Floor Area (Sq. Ft.)	Off-Street Parking Required		
		Warehousing Floor Area	Manufacturing or Other Floor Area
1-20,000	1 per vehicle used in the business +	1 per 1,000 square feet +	1 per 750 square feet
20,001 – 120,000		1 per 5,000 square feet +	1 per 1,500 square feet
120,001 +		1 per 10,000 square feet +	1 per 3,000 square feet

1107.0600 | Off-Street Parking Schedule “D”

Schedule “D” uses have widely varying parking demand characteristics, making it impossible to specify a single off-street parking standard.

1107.0601 Upon receiving a development application for a use subject to “Schedule D” standards, the Planning Director must apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking study prepared by the applicant.

1107.0602 The study must include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the Planning Director and include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

1107.0700 | Elderly and Disabled Housing Parking Reduction

These provisions are intended only for new developments and projects that involve major remodeling.

1107.0701 Parking Reduction

The minimum parking for units restricted pursuant to Sec. 1107.0703 is one space for every two units plus an area on the site reserved for future parking to accommodate one parking space per dwelling unit. All other parking provisions of Chapter 1107 shall apply.

1107.0702 Review Procedures

Unless otherwise expressly required in this Zoning Code, Elderly and Disabled projects are subject to the Site Plan Review provisions of Sec. 1111.0800.

1107.0703 Occupant Restricted

Occupancy of a specified number of dwelling units will be restricted to households with a disabled or elderly member.

1107.0800 | Traffic Study

1107.0801 Applicability

The Division of Transportation may require a traffic study prepared by qualified experts for any development of over 50,000 square feet and for multi-dwelling developments of over 40 units. Modification of existing developments may also require a Traffic Study.

1107.0802 Scope

Traffic Studies shall indicate the effect of the proposed development on adjacent streets and also indicating the anticipated points of origin and direction and the amount of traffic flow to and from the development.

1107.0900 | Bicycle Parking

1107.0901 Number

Except as provided below, bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A,” Sec. 1107.0300.

- A.** The exemptions of Sec. 1107.0200 shall not apply to bicycle parking. Bicycle parking slots shall be provided in the amounts required by Schedule “A” even when vehicle parking spaces are not required due to Sec. 1107.0200.
- B.** When the provision of bicycle parking slots is required, the minimum number of slots provided shall be two.
- C.** No more than 50 bicycle parking slots shall be required for any listed use category.

- D.** The Planning Director may waive the bicycle parking requirements for a particular use if the owner or operator can demonstrate in writing, supported by evidence, that the use does not generate any bicycle usage.

1107.0902 Standards

- A.** Bicycle parking pursuant to this Section is a space at least 2 feet by 6 feet per parking slot and must consist at a minimum of either:
1. poles, racks, or other structures, fixed securely to the ground or a building, to which a bicycle may be locked or chained; or
 2. space in a locked structure, room, or enclosure.
- B.** Areas used for required bicycle parking shall be:
1. paved and drained to be reasonably free of mud, dust, and standing water; and
 2. well-lighted.
- C.** Up to two vehicle parking spaces required under this Chapter may be used for bicycle parking.

1107.0903 Commercial Parking

A Commercial Parking facility must provide bicycle parking area equivalent to one parking space, or two parking spaces if the facility has more than 200 parking spaces. The space must contain lockers, hard covers or shells, or other similar structures or devices in which bicycles may be individually covered and locked.

1107.1000 | Off-Street Loading Schedule

Off-street loading spaces must be provided in accordance with the following minimum ratios.

Type of Use/Floor Area	Loading Spaces Required
Business, institutional, personal or professional service uses, including but not limited to offices, hotels, motels, recreational or entertainment uses	
Under 20,000 square feet	None
20,000 – 99,999 square feet	1
100,000 – 349,999 square feet	2
350,000 square feet or more	2 plus 1 for each additional 300,000 square feet or fraction thereof in excess of 350,000 square feet.
Commercial or industrial uses involving the retail or wholesale exchange, sale, storage, processing or manufacturing of merchandise or personal property of any use allowed in any C or I district	
Under 5,000 square feet	None
5,000 – 9,999 square feet	1
10,000 – 29,999 square feet	2
30,000 – 89,999 square feet.	3
90,000 – 149,999 square feet.	4
150,000 – 249,999 square feet.	5
250,000 square feet or more	5 plus 1 for each 80,000 square feet or fraction thereof in excess of 250,000 square feet.

1107.1100 | Rules for Computing Requirements

The following rules apply when computing off-street parking requirements.

1107.1101 Multiple Uses

Unless otherwise approved, lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

1107.1102 Rounding of Fractions

In computing the number of required spaces any fractional number must be rounded to the next highest whole number.

1107.1103 Area Measurements

Unless otherwise specifically noted, all area-based (square feet) parking and loading standards must be computed on the basis of gross floor area, which is to be measured as all of the gross floor area on each floor of the building whether or not such area is enclosed by walls. Interior areas, other than garages, used for off-street parking or loading facilities are not counted in calculating the number of parking spaces required.

1107.1104 Occupancy- or Capacity-Based Standards

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations are to be based on the greatest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

1107.1105 Bench Seating

When seating consists of benches, pews or other similar seating facilities, each 20 linear inches of seating space counts as one seat.

1107.1200 | Location

1107.1201 General

Required off-street parking spaces must be located on the same lot as the principal use except as otherwise expressly provided in this Section. (See Sec. 1107.1407C.)

1107.1202 Setbacks

A. Residential Districts

In Residential districts:

1. no parking space may be located within the front yard, except that parking spaces for detached houses, attached houses, and duplexes may be located on a driveway;
2. the paved area of driveways serving detached houses, attached houses, or duplexes may not cover more than 40 percent of the front yard up to a maximum driveway width of 24 feet;
3. off-street parking spaces are prohibited within required landscape buffers;
4. off-street parking areas serving multi-dwelling and nonresidential uses must be set back at least 10 feet from all RS and RD zoning districts. See Chapter 1108 for applicable landscaping and screening requirements; and
5. see also Sec. 1105.0204 Rear Yard Coverage in Residential Districts, and Sec. 1105.0600 Residential Garages.

B. Commercial and Industrial Districts

Off-street parking facilities, including vehicular drives and maneuvering areas, in Commercial or Industrial districts are prohibited within:

1. required landscape buffers (see Chapter 1108);
2. 15 feet, and for properties over 5 acres and/or those with over 500 feet of frontage 30 feet, of street rights-of-way, except for approved driveways from streets;
3. 25 feet for properties less than 5 acres and/or those with less than 500 feet of frontage of the street right-of-way when located within 50 feet of a Residential district that fronts on the same street as the lot containing the off-street parking area; and
4. 10 feet from all RS and RD districts.

1107.1203 Street Access

- A. Ingress and egress to a parking lot in a Commercial or Industrial zoning district must be from a major street or from a street located in a Commercial or Industrial district with Commercial or Industrial zoning on the opposite side of the street.
- B. Pursuant to Chapter 911 of the Streets, Utilities and Public Services Code, Sec. 911.16, no driveway shall be constructed or reconstructed to serve a commercial or industrial use if such driveway is less than 65 feet from the intersecting curb line to its nearest side on the stop side of any major street unless approved by the Division of Transportation.

1107.1300 | Sidewalks

Sidewalks shall be provided as required in this Section.

1107.1301 Residential Districts – New Plat

Sidewalks shall be constructed, at the time of development, along all public streets in a new plat in:

- A. RS12, RS9, and RS6 districts in which the average lot width is 100 feet or less at the right-of-way line; and
- B. all other Residential districts regardless of lot width.

1107.1302 Residential Districts – Existing Plat

Unless otherwise provided in this Zoning Code, sidewalks shall be provided at the time of development, on any parcel along public streets within Residential districts, when at least 50 percent of the frontage is undeveloped, or has sidewalks already installed, or a combination of the two.

1107.1303 Commercial Districts

Sidewalks shall be constructed along all public streets, at the time of development, of any parcel in any Commercial district.

1107.1304 Additional Requirements

For development subject to an institutional master plan or major site plan review, additional sidewalks along public streets and internal walkway systems may be required.

1107.1305 Construction Standards and Timing

The minimum standards for the construction of sidewalks in the public right-of-way under this Section shall be the improvements standards of the Subdivision Regulations.

- A. Such standards may be required for internal walks with provision for continued maintenance and/or specific standards as may be required to insure serviceability.
- B. Construction shall be deferred to correspond with any delay approved under the City Subdivision Regulations, and may be deferred in other cases for not more than 6 months after occupancy provided a bond or other approved assurance of performance is posted.

1107.1306 See Secs. 1109.0103, 1109.0204A, and 1109.0304 for on-site walkway provisions.

1107.1400 | Alternative Access and Parking Plans

1107.1401 Scope

An Alternative Access and Parking Plan represents a proposal to:

- A. meet minimum vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established in the parking schedules of this Chapter; or
- B. provide off-street parking spaces in excess of allowed maximums.

1107.1402 Applicability

Applicants who wish to provide a fewer or greater number of off-street parking spaces than required or allowed in the off-street parking schedules of this Chapter (Secs. 1107.0300, 1107.0400 or 1107.0500) must secure approval of an Alternative Access and Parking Plan, in accordance with the standards of this Section.

1107.1403 Contents

Alternative Access and Parking Plans must be submitted to the Planning Director. At a minimum, such plans must detail the type of alternative proposed and the rationale for such a proposal, including supporting research on or documentation of parking demand for the proposed use.

1107.1404 Review and Approval Procedure

The Planning Director is authorized to approve, approve with conditions, or deny Alternative Access and Parking Plans. Decisions of the Planning Director may be appealed to the Plan Commission.

1107.1405 Recording

An attested copy of an approved Alternative Access and Parking Plan must be filed with the Lucas County Recorder's office for recordation on forms made available in the Plan Commission office. No building permit, parking lot permit, or use and occupancy certificate may be issued without proof of recordation of the agreement.

1107.1406 Violations

Violations of an approved Alternative Access and Parking Plan will be considered violations of this Zoning Code and subject to enforcement and penalty under Chapter 1115.

1107.1407 Eligible Alternatives

A. General

The Planning Director is authorized to approve off-street parking spaces in excess of allowed maximums or any of the parking reductions and access

alternatives in this subsection if the applicant demonstrates to the satisfaction of the Planning Director that the proposed plan:

1. will not adversely affect surrounding neighborhoods;
2. will not adversely affect traffic congestion and circulation; and
3. will have a positive effect on the economic viability or appearance of the project or on the environment.

B. Shared Parking

It is the City's stated intention to encourage efficient use of land and resources by allowing users to share off-street parking facilities whenever feasible. The Planning Director may authorize a reduction in the number of required off-street parking spaces for multiple use developments or for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking arrangements are subject to the following standards.

Location

Shared off-street parking spaces may be located no further than 1,320 feet from the buildings and uses they are intended to serve, measured along the shortest legal, practical walking route. The Planning Director may waive this distance limitation if adequate assurances are offered that adequate van or shuttle service will be operated between the shared lot and the principal use. If the shared parking spaces are located off-site, they must comply with the off-site provisions of Sec. 1107.1407C.

Zoning Classification

Shared parking areas are accessory to the principal uses that the parking spaces serve. Shared parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area, unless approved as a Special Use pursuant to Sec. 1111.0700.

Required Study and Analysis

The applicant must submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

Shared Parking Agreement

A shared parking plan, assuring the retention of shared parking spaces, must be enforced through written agreement among the owners of record. The agreement must be properly drawn and executed by the parties concerned and approved as to form and execution by the Law Department. The agreement must be recorded as required in Sec. 1107.1405. The parties to the agreement may revoke the shared parking agreement only if the otherwise required off-street parking spaces are provided on-site or if an Alternative Access and Parking Plan is approved by the Planning Director.

C. Off-Site Parking

The Planning Director may permit all or a portion of the required off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of this Section.

Location

No off-site parking space may be located more than 1,320 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the Planning Director if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the principal use.

Zoning Classification

Off-site parking areas are accessory to the principal uses that the parking spaces serve. Off-site parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area, unless approved as a Special Use pursuant to Sec. 1111.0700.

Off-Site Parking Agreement

An off-site parking plan, assuring the retention of off-site parking spaces, must be enforced through written agreement among the owners of record. The agreement must be properly drawn and executed by the parties concerned and approved as to form and execution by the Law Department. The agreement must be recorded as required in Sec. 1107.1405. The parties to the agreement may revoke the agreement only if the otherwise required off-street parking spaces are or if an Alternative Access and Parking Plan is approved by the Planning Director.

D. Bicycle Parking

The Planning Director may authorize a reduction in the number of required off-street parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of accommodations include enclosed bicycle lockers, employee shower facilities and dressing areas for employees. A reduction in parking may not be granted merely for providing outdoor bicycle spaces.

E. Transit Stops

The Planning Director may authorize up to a 20 percent reduction in the number of required off-street parking spaces for developments that provide transit stops if the following conditions are met:

1. the transit stop must be designed to be a waiting area for transit riders, clearly identified as such, and open to the public at large;
2. the transit stop must be designed as an integral part of the development project, with direct access to the waiting area from the development site; and
3. the transit waiting area must be designed to accommodate passengers in a covered waiting area, with a capacity of at least five persons and must include internal lighting and other features that encourage use of the facility, such as temperature control within the waiting area.
4. the transit stop shall be owned and/or maintained as part of the project unless other arrangements are made to the satisfaction of TARTA.

F. Pervious Parking

The Planning Director may authorize all or a portion of required off-street parking spaces (not to included drive aisles) to be provided on permeable/porous surfaces, subject to the following criteria.

1. The findings of the Planning Director shall indicate what number or percentage of required parking spaces may be so provided.
2. The permeable/porous surface shall meet the approval of the Division of Engineering Services, Division of Environmental Services, Fire Prevention Bureau and Division of Transportation.
3. Parking spaces, aisles, etc. shall be marked by flags, biodegradable dyes or paints, or some other method that does not kill grass or plants.
4. Permeable/porous surfaces shall be adequately drained.
5. Permeable/porous parking areas shall be maintained by the property owner for their intended function for the duration of its life.

(Ord. 253-09. Passed 4-28-09.)

1107.1500 | Use of Off-Street Parking and Loading Areas

Required off-street parking and loading areas are to be used solely for loading, unloading, and the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the outdoor display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

1107.1600 | Vehicle Stacking Areas

The vehicle stacking standards of this subsection apply unless otherwise expressly approved by the Division of Transportation.

1107.1601 Minimum Number of Spaces

Off-street stacking spaces must be provided as follows, in consultation with the Commissioner of Transportation:

Activity Type	Minimum Number of Stacking Spaces	Measured to Right-of-Way Line From
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Pharmacies	4	Window
Restaurant drive-through	7	Order Box
Car wash stall, automatic	10	Entrance
Car wash stall, self-service	3	Entrance
Gasoline pump island	1	Pump Island
Other	Determined by Division of Transportation based on Traffic Study	

1107.1602 Design and Layout

Required stacking spaces are subject to the following design and layout standards.

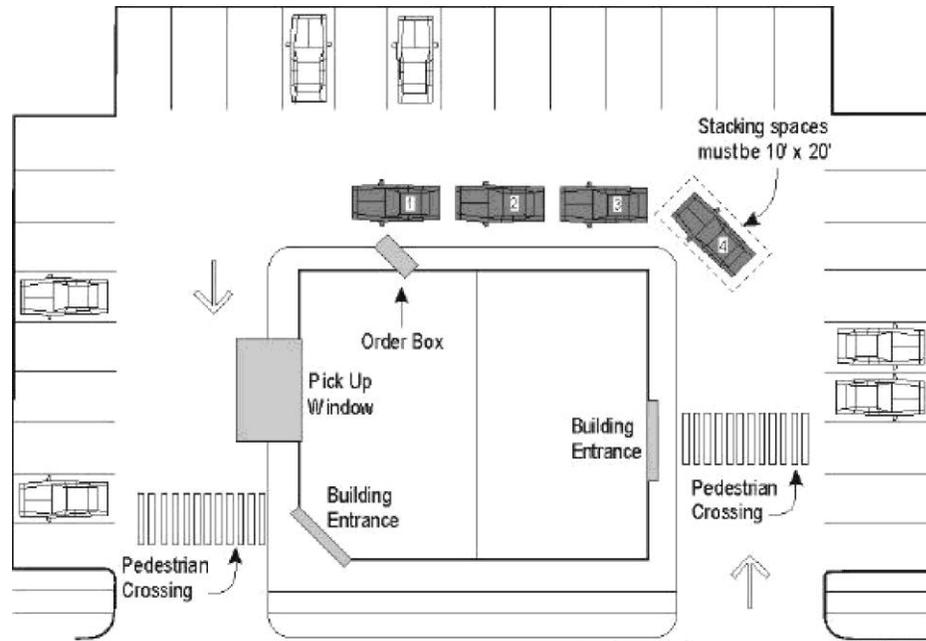
A. Size

Stacking spaces must be a minimum of 10 feet by 20 feet in size.

B. Location and Design

Stacking spaces may not be located in the street right-of-way and must be located and designed to ensure safe and efficient movement of pedestrians and vehicles. Designated pedestrian crossings at least 5 feet wide must be provided to ensure pedestrian safety. Pedestrian walkways that cross vehicle stacking lanes must be clearly marked though the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt. Raised walkways may be installed if elevated 6 inches with tapered sides and meet ADA

standards. Stacking spaces must be separated from other internal walkways or driveways by raised medians if the Division of Transportation determines that such improvements are necessary for traffic movement and pedestrian safety.



1107.1700 | Accessible Parking for Physically Disabled Persons

A portion of the total number of required off-street parking spaces in each off-street parking area must be specifically designated, located, and reserved for use by persons with physical disabilities.

1107.1701 Number of Spaces

The following table shows the minimum number of accessible spaces that must be provided. Parking spaces designed for persons with disabilities are counted toward fulfilling off-street parking standards. These standards may not be varied or waived, see Revised Code Section 3781.111.

Total Parking Spaces Provided	Required Number of Accessible Spaces		
	Auto	Van	Total
1 – 25	0	1	1
26 – 50	1	1	2
51 – 75	2	1	3
76 – 100	3	1	4
101 – 150	4	1	5
151 – 200	5	1	6
201 – 300	6	1	7
301 – 400	7	1	8
401 – 500	7	2	9
501 – 1,000	7 per 8 accessible spaces	1 per 8 accessible paces	2% of total spaces
1,001+			20, plus 1 per 100 spaces over 1,000

1107.1702 Minimum Dimensions

All parking spaces reserved for persons with disabilities must comply with the parking space dimension standards of this Section, provided that aisles must be provided immediately abutting such spaces, as follows:

A. Car-Accessible Spaces

Car-accessible spaces must have at least a 5-foot wide aisle abutting the designated parking space.

B. Van-Accessible Spaces

Van-accessible spaces must have at least an 8-foot wide aisle abutting the designated parking space.

1107.1703 Location of Spaces

Required spaces for persons with disabilities must be located in close proximity to building entrances and be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

1107.1704 Signs and Marking

Required spaces for persons with disabilities must be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs must be posted directly in front of the parking space at a height of no less than 60 inches and no more than 72 inches above pavement level.

1107.1705 Ramps

Ramps shall be provided as needed for access to the adjacent sidewalk or entrance.

1107.1800 | Special Regulations for Residential Zoning Districts

1107.1801 Vehicle Repair

Vehicles in residential districts may be repaired, serviced or maintained if:

- A.** The motor vehicle repaired, serviced or maintained is owned by and registered to a person who resides on the lot.
- B.** The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage or, lacking a garage on the lot, within an area which is wholly enclosed from view by a wall or fence conforming to the requirements of this Zoning Code.
- C.** The prohibition of work on vehicles not owned by a resident on the lot is stated in Sec. 1105.0405B, Home Occupations.

1107.1802 Recreational Vehicles, Recreational Equipment and Utility Trailers

Outside parking or storage of recreational vehicles, recreational equipment and utility trailers in a Residential district is subject to the following standards.

- A.** Such vehicles, equipment and trailers must be stored only on premises containing an occupied residential use.
- B.** The required side setback between and adjacent to the main residential structure and the lot line may not be used for the parking or storage of recreational vehicles, recreational equipment or utility trailers.

- C.** Recreational vehicles, recreational equipment and utility trailers must be located 3 feet or more behind the front building line of the main residential structure on the parcel. This requirement applies on both lot frontages of a corner parcel.
- D.** All recreational vehicles, recreational equipment and utility trailers parked or stored behind the main residential structure must be set back from the lot lines in accordance with the following schedule:
 - 1.** For vehicles, equipment and trailers not more than 5 feet in height or 22 feet in length, a minimum setback of 3 feet is required.
 - 2.** For vehicles, equipment and trailers more than 5 feet but not more than 8 feet in height and not more than 22 feet in length, a setback of not less than 3 feet may be maintained so long as such equipment is at least 10 feet from all dwelling units on adjoining parcels.
 - 3.** One foot of setback must be added to the minimum of 3 feet setback for each foot of height in excess of 8 feet and for each 2 feet in excess of 22 feet provided no such vehicle, equipment, or trailer may be closer than 10 feet to a dwelling unit on an adjoining parcel.
- E.** Recreational vehicles and equipment so parked or stored may not have fixed connections to electricity, gas, water or sanitary sewer facilities and at no time may this equipment be used for living or housekeeping purposes.
- F.** Recreational vehicles, recreational equipment and utility trailers so parked and stored must be maintained in usable condition and may not be parked or stored longer than 1 year without a current Ohio license.
- G.** Notwithstanding the setback provisions of this Section, recreational vehicles, recreational equipment, and utility trailers may be temporarily parked in a driveway for loading and unloading purposes for not more than 24 hours in any calendar week.
- H.** In the event of a conflict between this Section and Chapter 1729 of the Health Code, this Section will prevail.

1107.1803 Commercial Vehicle Parking

- A.** No commercial vehicle, or other vehicle that infringes on the residential character of a Residential zoning district may be stored or parked in a Residential district, with the exception of infrequent, short-term parking of a commercial vehicle during the time necessary for:
 - 1.** conveying tools and materials to premises where labor using such tools and materials is being performed;
 - 2.** delivery of goods to a dwelling unit; or
 - 3.** moving furniture to or from a dwelling unit.
- B.** Utility trailers not used for commercial purposes are exempted from paragraph A above and shall be parked or stored in accordance with Section 1107.1802
- C.** One truck on site is exempted from paragraph A above when associated with a Home Occupation as stated in Sec. 1105.0407C.

1107.1900 | Design Standards

This standard applies to any parking, loading, or maneuvering area, regardless of whether or not such area is required.

1107.1901 Access

Off-street parking lots and loading areas must be designed with an appropriate means of vehicular access to a street, place, or alley in a manner that will least interfere with traffic movement and shall be subject to the approval of the Division of Transportation. See Sec. 1109.0300 for additional design considerations concerning Large-Scale Retail Projects.

1107.1902 Striping

To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces and aisles must be clearly striped, with a minimum width of 4 inches. The width of the parking stall shall be computed from the centers of the striping. When a parking space is designated for the use of persons with disabilities, it shall be clearly marked and signed as provided in Sec. 1107.1704 above and by The Ohio Manual of Uniform Traffic Control Devices.

1107.1903 Layout

There must be safe, adequate, and convenient arrangement of pedestrian walkways (See Secs. 1109.0103, 1109.0204A, and 1109.0304 for walkway provisions), bikeways, roads, driveways, and off-street parking and loading spaces within off-street parking areas. Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall site design, which must be properly related to existing and proposed buildings, adjacent uses and landscaped areas.

1107.1904 Maneuvering Area

All parking and loading spaces must have sufficient access and maneuvering area.

- A.** The maneuvering area for a parking space may occur anywhere on a parcel except within any required landscape buffers. The maneuvering area may include an aisle or circulation area. For detached houses, attached houses, or duplexes, the maneuvering area may include a driveway, street, place, or parking space.
- B.** The Division of Transportation may waive the requirement for maneuvering area only for a parking lot that has and continues to have an operator on duty during all hours of operation.
- C.** Backing directly onto a street, place, or driveway where it could create interference with through or entering traffic flow is prohibited. An area for backing up or maneuvering to an adjacent aisle shall be provided at the end of a parking lot row. This provision does not apply to detached house, attached house, duplex, cluster housing or manufactured housing type dwellings.

1107.1905 Appearance

The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches must be of good appearance, easily maintained, and indicative of their function.

1107.1906 Surfacing and Drainage

Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot.

- A. An internal storm drainage system must be provided and connected to the nearest outlet, subject to the regulations and approval of the Department of Public Utilities.
- B. All off-street parking, loading and other vehicle circulation areas must be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
- C. Concrete curbs may also be required as part of the overall drainage design for all or part of the parking lot or driveway perimeter.
- D. The Planning Director may authorize all or a portion of required off-street parking spaces (not to include drive aisles) to be provided on permeable/porous surfaces. A permeable/porous parking area shall be maintained by the property owner for its intended function for the duration of its life.
(Ord. 253-09. Passed 4-28-09.)

1107.1907 Wheel Stops

- A. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping.
- B. The minimum height of a wheel stop device shall be 5 inches, with a minimum length of 6 feet when used in conjunction with a 90-degree parking space. The minimum distance from a wheel stop device to a property line or protected area shall be 2.5 feet.
- C. A wheel stop device is not required when a guardrail or other suitable barrier is used to prevent the vehicle from intruding into a protected area.

1107.1908 Lighting

Lights and light fixtures used to illuminate any parking or loading area must be selected and arranged to direct and reflect the light away from any adjacent residential property and public ways and away from the sky above the light fixture.

1107.1909 Maintenance

Parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the construction of paving, lighting fixtures, retaining walls, fences, curbs and benches must be continuously maintained and kept free of debris and hazards.

1107.1910 Litter Receptacles

Litter receptacles, for the use of parking area users and others, must be provided in off-street parking areas in accordance with the provisions of Part 9 Street, Utilities and Public Services Code, Section 963.22. A litter receptacle is treated as an accessory structure and must be:

- A. in a designated location that does not interfere with any aisle, driveway, parking space or loading space or other circulation area;
- B. located outside the required setback area;
- C. shown for the purpose of location on the site plan; and

- D. maintained according to the requirements of the Toledo-Lucas County Health Department.

1107.1911 Dimensions

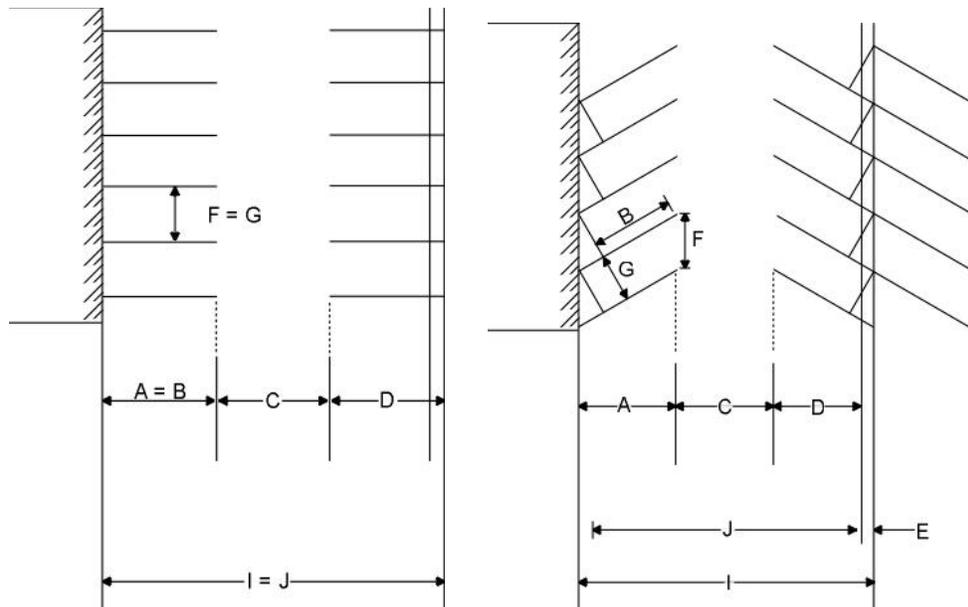
A. Parking

All new or altered off-street parking areas must comply with the following dimensional standards:

Dimension (in feet)		Angle			
		45	60	75	90
A.	Stall Depth to Wall	17	18.5	19	18
B.	Stall Depth Parallel to Vehicle	18	18	18	18
C.	Aisle Width	12	16	22	25
D.	Stall Depth to Interlock	15	17	18	18
E.	Stall Depth Reduction due to Interlock	2	1.5	1	0
F.	Stall Width (Parallel to Aisle)	12.7	10.4	9.3	9
G.	Stall Width Perpendicular to Vehicle	9	9	9	9
I.	Module Width Wall to Wall	46	54	60	61
J.	Module Width Interlock to Interlock	42	51	58	61

Table Notes:

- (1) For bumper overhang deduct 1.5 feet from stall depth to wall or 3 feet from wall to wall for 45° and 60° parking. Deduct 2 feet from stall depth to wall or 4 feet from wall to wall 75° and 90° parking.
- (2) Where natural and/or man-made obstacles, obstructions or other features such as but not limited to landscaping, support columns or grade difference exist, the Commissioner of Transportation may approve a reduction in stall width, stall length and/or module width. In all instances where a reduction is requested, attention to emergency vehicle access must be considered and incorporated into the parking lot design.



B. Loading

Required loading spaces must have a minimum vertical clearance of 15 feet, with minimum dimensions of 10 feet by 25 feet. For uses of over 25,000 square feet, loading spaces must have minimum dimensions of 12 feet by 50 feet.

1107.1912 | Landscaping

Parking lot landscaping must be provided in accordance with Chapter 1108.

1107.2000 | Sight Distance Setback

No fence, sign structure or planting which obstructs visibility between 42 inches and 84 inches above grade shall be maintained within 23 feet of the curb or pavement edge of any street.

Chapter 1108 | Landscaping and Screening

1108.0100 | General

1108.0101 Purpose and Intent

To regulate the planting and preservation of landscape materials to promote general health, safety and welfare; to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; provide coordinated streetscapes; reduce pollutants in stormwater runoff and improve the appearance of parking lots.

1108.0102 Applicability

The regulations of this Chapter apply to all new development and redevelopment plans approved after June 6, 2004, including those that include construction of any principal building, redevelopment and rehabilitation that results in an increase in a principal building's floor area or building footprint, any increase in size of an off-street parking area, and any change in use that changes the treatment of the premises under this Chapter.

1108.0103 Exemptions

Development involving the construction of a single detached house or duplex shall be exempt from the Landscaping and Screening standards of this Chapter.

1108.0104 Building Permits and Certificates of Use and Occupancy

A. Building Permits

Where landscaping is required, no building permit will be approved until the required landscaping plan has been submitted, approved, and bonded or otherwise assured.

B. Certificates of Use and Occupancy

All required trees, plants, groundcover, screening materials landscape material and irrigation improvements must be in place prior to issuance of the final Certificate of Use and Occupancy unless an extension is approved by the Planning Director secured either by the execution of a deferred completion agreement, the posting of full cash bond, or the posting of an irrevocable letter of credit from a banking institution with offices in Lucas County as a financial security. In no case must such a deferred completion agreement be extended for a period exceeding 180 days.

1. If landscape and screening has not been installed in compliance with the applicable standards of this Chapter within 180 days, the Commissioner of Building Inspection and Code Enforcement shall authorize use of the funds or financial security to acquire and install required landscaping and screening.
2. When landscaping and screening has been installed in compliance with the applicable standards of this Chapter, the funds or financial security shall be returned to the developer or approved developer-authorized beneficiary.

1108.0200 | Landscape Standards

1108.0201 Intent

Landscaping installed to meet the requirements of this Chapter should be designed to be functional – reducing the urban heat island effect of impervious surfaces, helping to control runoff, etc. – as well as aesthetically pleasing. The size of plants at maturity

should be considered when selecting plant material and designing its installation. If any thematic elements are found in the surrounding area they should be continued, including plant types and planting patterns.

1108.0202 Frontage Greenbelt

A. Applicability

An extensively landscaped frontage greenbelt shall be provided along public right-of-ways, but not including alleys. Plantings required to meet this section shall not be located within the public right-of-way. This requirement applies to all zoning districts except those districts defined in Sec. 1108.0300

B. Requirements

Said frontage greenbelt shall include grass, trees and shrub plantings.

1. At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. Trees are not required to be evenly spaced and may be clustered.
2. If a parking lot is proposed to be developed in the front of the property, the frontage greenbelt shall include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street. Low, undulating (horizontal and vertical) earth berms or decorative stone or brick walls (no concrete block), or ornamental metal fencing or combinations thereof may also be approved by the Planning Director.
3. Frontage greenbelts shall be a minimum width of 15 feet. For properties over 5 acres and/or those with over 500 feet of frontage, the frontage greenbelt shall be a minimum of 30 feet wide measured perpendicular from the street or place right-of-way abutting the property.
4. See also Sec. 1107.1202B.3 when within 50 feet of a Residential district.

1108.0203 Buffer and Screening Requirements

A. Intent

The intent of this Section is that effects of incompatible land uses on abutting properties be reduced by requiring screening and buffering between the uses in order to minimize the harmful impacts of noise, dust and debris, headlight glare, and other objectionable activities by an adjoining or nearby use. The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared side and/or rear property lines. The purpose of the screen is to provide a year round visual obstruction.

B. Applicability

Except as stated in Sec. 1108.0300, the buffer and screening requirements of this Section apply to all development that requires Major or Minor Site Plan Review (See Sec. 1111.0800).

C. Requirements

Refer to Table 1108.0203 to determine any screening requirements for the proposed development. First identify the type of zoning for the proposed development (along the left side of the table) and each adjoining property (along the top of the table). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of buffer to be applied.

Table 1108.0203– Screening Requirements Matrix

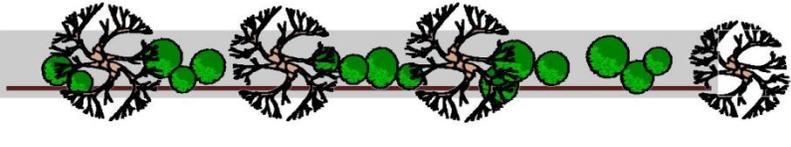
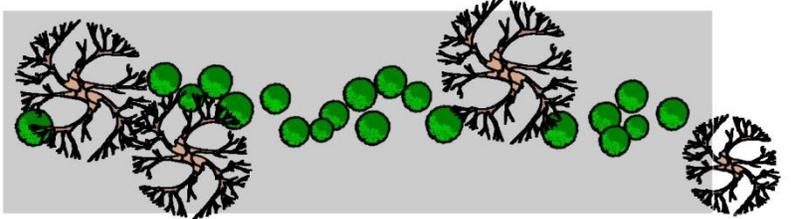
		Existing Zoning					
		Industrial	CR	CN, CO and IC	RM	RS and RD	CM, CS, -PO, -DO & -HO
Zoning of Subject Site	Industrial	◆	B	B	A	A	B
	CR	B	◆	B	A	A	B
	CN, CO, and IC	B	B	◆	A	A	◆
	RM	A	A	A	◆	B ^[1]	◆
	RS and RD	A	A	A	B ^[1]	◆	◆
	CM, CS, -PO, -DO & -HO	See Sec. 1108.0300, "Urban Commercial Landscape Standards."					
		◆ = No screen or buffer required ^[1] Type A buffer required along rear property line					

D. Landscape Buffer Standards

For all landscape buffers (Type A, and B):

1. One and a half understory trees or one evergreen tree may be substituted for one canopy tree for up to 50 percent of the required canopy trees.
2. A fence, wall, or berm 6 feet to 8 feet in height may be used and can substitute for shrub requirements except for a Type A landscape buffer with a minimum width of 10 feet.
3. All landscape material required for the buffer must be confined to the required width of the boundary buffer.
4. Plant material shown in the illustrations for the buffer width is for illustrative purposes only. The actual landscape design for placement and spacing of the plant material will vary per buffer area, although the landscape design and installation must equal the required amount of plant material per buffer.
5. If the buffer is part of the site drainage system, the ground cover and soil must be capable of filtering stormwater runoff prior to discharge into the City’s storm sewer system.

E. Type A Landscape Buffer

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 feet	Solid fence or wall required. 	4	15
25 feet		4	20

F. Type B Landscape Buffer

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 feet		4	15

G. Dumpster/Trash Receptacle Screening

1. Screening must be a minimum height of 6 feet.
2. All four sides of the dumpster must be screened.
3. The screen should incorporate access to the dumpster by using a wooden fence or other opaque device to serve as a gate.
4. Screening materials can be any combination of evergreen plantings, fence or wall structure.
5. A dumpster may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible.
6. Dumpsters and trash receptacles serving commercial or industrial uses may not be located in Residential districts.
7. Dumpsters may not be located in the public right-of-way as stated in Sec. 1361.10(b)(10) of the Building Code.

H. Outdoor Storage Screening

In all Commercial and Industrial districts, fencing to screen from public view open storage areas, except display areas for customer viewing when abutting a

Commercial or Industrial district, shall be required in accordance with the following criteria:

1. The fencing shall be at least 6 feet high, but not higher than 10 feet, except that, when adjacent to a Residential district or residential use, fencing no higher than 3½ feet high shall be installed within the front setback.
2. The fence type may be shadow box, chain link with slats, stockade, or another type approved by the Plan Commission.
3. Wherever possible a Type A landscape buffer should be used to soften the appearance of the fence. (See Sec. 1108.0203E)
4. No part of any fencing may extend into the public right-of-way.
5. See Sec. 1104.1600 for Storage of Towaway Vehicles screening standards.

I. Stormwater Facilities

1. No rip-rap, crushed stone, concrete or other impervious materials may be exposed above the average pool elevation for any retention pond.
2. Trees and other plant material can be planted along the stormwater facility.
3. Buffers or landscape screening areas that are part of the stormwater runoff system must comply with the City's stormwater discharge control policies pursuant to Chapter 941 of the Streets, Utilities and Public Services Code as administered by the Department of Public Utilities.

1108.0204 Parking Lot Landscaping (Interior and Perimeter)

A. Applicability

1. Parking lots include the parking use area, access drives, driveways, aisles and loading areas for the purpose of this Section.
2. The standards of this Section applies to all off-street parking lots containing five or more off-street parking spaces for any use, except in those districts defined in Sec. 1108.0300 and IG districts unless the IG district abuts a residential use.
3. Where an existing parking lot is expanded by 20% or more, landscaping must be provided for the entire area and not merely to the extent of its expansion.
4. See also Sec. 1108.0202 for frontage greenbelt requirements and Sec. 1109.0303 for additional standards that apply to Large-Scale Retail projects.

B. Area and Dimensional Standards

1. The total interior landscaping required in parking lots is 20 square feet per parking and stacking space. Any landscaping required for frontage greenbelt plantings (Sec. 1108.0202) or that required between the building and parking lot does not account for required interior parking lot landscaping.
2. Landscape areas within the parking area must be peninsular or island types and must be constructed with 6 inch by 18 inch concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director, to minimize damage to plant material. Where the landscape area is part of the drainage facility for the parking lot, curb openings or wheel stops must be used to allow for drainage into the swale or buffer area.

3. Topsoil must be back filled to provide positive drainage of the landscape peninsula or island.
4. All parking spaces must be within 100 linear feet of a landscaped area.
5. All landscaping areas must have a minimum dimension of at least 9 feet and be at least 160 square feet in area.
6. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground cover.
7. Landscaped terminal islands must be provided at the end of each parking row.
8. Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces. The minimum width of divider medians must be 10 feet.
9. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property.
 - a. Perimeter landscaping must consist of a landscape area at least 10 feet in width, exclusive of sidewalks, walkways, trails, or right-of-way and must be located between the parking lot and the property line.
 - b. For overlap with another perimeter buffer area see Sec. 1108.0204D.
10. Wheel stops must be provided to ensure that vehicles cannot overhang directly on plant material.

C. Quantity Requirements

Interior

- a. Two canopy trees are required to be installed in interior landscape areas for each 10 parking spaces within the parking lot.
- b. Six shrubs are required to be installed in interior landscape areas for each 10 parking spaces within the parking lot. One canopy tree may substitute for three shrubs.
- c. Trees and shrubs do not have to be equally spaced, but may be grouped.

Perimeter

- d. A perimeter landscape buffer shall be provided abutting the parking area and to visually screen all off-street loading facilities from view of Residential districts and public right-of-ways. A minimum of at least one canopy tree must be provided for each 30 linear feet, plus a continuous shrub with a minimum height of 18 inches (when installed so as to achieve full screening at maturity).

Credit

Existing healthy trees and shrubs on a site may be used to meet these requirements upon review and approval by the Planning Director.

D. Overlapping Requirements

1. The parking lot perimeter landscaping width and planting requirements of Sec. 1108.0204 when along a public right-of-way will count towards the width and planting requirements of the frontage greenbelt requirement of Sec. 1108.0202.
2. The parking lot perimeter landscaping width and planting requirements of Sec. 1108.0204 when adjacent to another property will count towards the width and planting requirements of the buffer and screening requirements of Sec. 1108.0203.

1108.0205 Interior Site Landscaping

A. Applicability

All developments and redevelopment, except those districts defined in Sec. 1108.0300, including alterations or expansions to existing developments, must provide interior landscaping in addition to other landscaping requirements. Interior site landscaping must consist of foundation shrub plantings and new tree planting or the preservation of existing trees or hedges within the development site.

B. Standards

The following interior landscape standards apply:

Use	Requirement
Multi-Dwelling Residential	One tree per 500 square feet of building coverage, or fraction thereof, for all structures. Greenbelt Frontage trees are included in this total, minimum of two trees in the front and side yards. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances.
Commercial	In addition to the other landscape requirements for buffer areas, frontage greenbelts, and landscaping for parking lot areas, the following shall be provided: one 2-inch caliper tree for every 1,000 square feet of building coverage (footprint); foundation plantings along all portions of the building that are visible from the public rights-of-way; and landscaping at all major building entrances.
Industrial (not including IG unless it abuts a residential use)	In addition to the other landscape requirements for buffer areas, frontage greenbelt, and landscaping for parking lot areas, the following shall be provided: one 2-inch caliper tree for every 2,000 square feet of building coverage; foundation plantings along all portions of the building that are visible from public street rights-of-way; and landscaping at all major building entrances.

C. Accessibility

Interior landscaping must not prohibit or block access to emergency facilities (e.g., fire hydrants).

1108.0206 Bioretention Areas (Rain Gardens)

- A. In all zoning districts except the Downtown Overlay District (DOD), bioretention areas may be located within the frontage greenbelt area, buffer area, parking lot screening area, or landscape islands provided the following criteria are met:
 1. Only 50% of any required frontage greenbelt area may be occupied by a bioretention area.

development and to therefore provide more flexible landscape standards for redevelopment of existing structures and infill development in such areas of the City.

1108.0302 Applicability

The Urban Commercial Landscape Standards of this Section apply:

- A. in the CM, CS, -PO, -DO, -HO, and Monroe Street Corridor UNO districts and Main Street / Starr Avenue UNO District.
- B. unless the Planning Director determines that there are no architectural characteristics or physical constraints of the site and existing or proposed structures that preclude compliance with the standards of Sec. 1108.0200. (Ord. 497-07. Passed 7-24-07. Ord. 95-10. Passed 3-2-10.)

1108.0303 Area Required to be Landscaped

- A. Any part of a lot area not used for buildings, other structures, or for roads, walks, parking, service areas or accessways must be landscaped with a combination of groundcover, trees and shrubs. Grass may be used in conjunction with other plant material.
- B. Landscape improvements must be provided in the sidewalk or other paved area in front of a building with tree grates, or other walkable surface material treatment for open tree pits, in the form of one shrub or understory tree for every 30 feet of lot frontage. The minimum tree pit size will be 4 feet by 4 feet unless otherwise approved by the Planning Director.

1108.0304 Buffers and Screening

This Section is intended to buffer the effects of uses on adjacent properties by requiring a screen and/or buffer between the uses in order to minimize the harmful impacts of noise, dust/debris, headlight glare and other objectionable activities by an adjoining or nearby use. Any screening buffer area must be maintained in good order at all times by the owner of the property. When deemed necessary by the Planning Director to provide an effective visual screen, additional landscaping or other improvements may be required.

A. Land Use Buffers

Where deemed necessary by the Planning Director, any of the following may be required to ensure effective buffering and screening:

- 1. a masonry wall or fence with a minimum height of 6 feet, with no openings;
- 2. a solid 6-foot high evergreen hedge, with minimum plant height at installation of at least 3 feet;
- 3. any combination of the above; or
- 4. any alternative buffer of equal quality approved by the Planning Director.

B. Dumpsters and Trash Receptacle Screening

- 1. Screening must be a minimum height of 6 feet.
- 2. All sides of the dumpster must be screened.
- 3. The screen should incorporate access to the dumpster by using a wooden fence or other opaque device to serve as a gate.
- 4. Screening materials can be any combination of evergreen plantings, fence or wall structure.

5. Dumpsters may not be in any required setbacks or landscape buffer and shall be located as far away from residential areas as possible.
6. Dumpsters and trash receptacles serving commercial or industrial uses may not be located in Residential districts.
7. Dumpsters may not be located in the public right-of-way as stated in Sec. 1361.10(b)(10) of the Building Code.

1108.0305 Parking Lot Landscaping

- A. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway. Perimeter landscaping will consist of one of the following, located between the parking lot and the property line:
 1. landscaped area at least 5 feet wide, exclusive of easements, sidewalks, or rights-of-way, planted with at least one shrub for every 3 to 5 feet of property line, as determined by growth characteristics;
 2. 3½ feet high metal tube or solid bar fence, with at least one shrub for every 3 feet of property line planted on the outside of the fence; or
 3. solid 3½ foot high brick or stone wall.
- B. Wheel stops (i.e., parking blocks) must be provided to ensure that vehicles cannot overhang directly on plant material, if a landscaped area is used.

1108.0400 | Landscape Material Standards

The following standards must be considered the minimum required standards for all trees, shrubs and landscape material installed to satisfy the requirements of this Section.

1108.0401 Quality and Installation

- A. Only those plant species shown on the “City of Toledo Approved Plant Materials List” or those otherwise identified by a licensed Landscape Architect, Horticulturist, or Ohio Certified Nursery Technician as appropriate for this region may be used to satisfy the landscaping and screening standards of this Chapter.
- B. Plants installed to satisfy the requirements of this Chapter must meet or exceed the plant quality and species standards of the most recent edition of “American Standards for Nursery Stock” published by the American Association of Nurserymen.
- C. Plants must be nursery-grown and adapted to the local area. No artificial plants or vegetation must be used to meet any standards of this Section.
- D. All plant material will be mulched with shredded hardwood mulch, or approved equal. Plant material massings will be incorporated into mulch beds.
- E. All plant material must be installed according to sound nursery practices in a manner designed to encourage vigorous growth that is not intrusive to utilities, pavement, pedestrian traffic or vehicular traffic.
- F. All required plant material must be planted within 6 months or by the next planting season, as outlined in the latest edition of “American Standards for Nursery Stock,” after all construction activity in the area of the new planting has ceased.

- G. Plant material will be specified and placed to minimize conflict with overhead and underground utilities.

1108.0402 Rounding of Fractions

In computing landscaping and planting requirements, any fractional number must be rounded to the next highest whole number.

1108.0403 Plant Material Size

A. Trees

1. Deciduous Canopy Trees must be a minimum of 12 feet overall height or a minimum caliper of 2 inches when installed.
2. Evergreen Trees must be a minimum of 5 feet in height when installed.
3. Understory Trees (ornamental) must be a minimum of 5 feet in height in clump form or 1½ inches caliper in single stem form when installed.

B. Shrubs

1. Shrubs must be at least 18 inches in height or 24 inch spread when installed.
2. Shrubs for parking lot perimeters will be maintained to provide the necessary visibility into the site for safety along the street right-of-way. Shrubs must be maintained no greater than 42 inches high along the street right-of-way, or where a taller shrub would interfere with sight at the intersection of streets or of driveways with streets. (See Sec. 1107.2000)
3. Shrubs installed for buffer and screening must have a mature height of 5 feet or greater.

C. Grass or Ground Cover

1. Grasses may be sodded, plugged, sprigged, or seeded, except in swales or other areas subject to erosion where solid sod, erosion-reducing net, or suitable mulch must be used.
2. Groundcover must be planted not more than 12 inches on center, in such a manner as to present a finished appearance. Rocks, pebbles, sand and similar materials are not approved groundcover.

1108.0404 Walls, Fences or Berms

A wall, fence, or berm, whether or not intended to satisfy the landscape and screening requirements of this Chapter, must comply with the following standards.

A. Walls

Any wall must be constructed to be durable, in brick, stone, or other masonry materials as approved by the Planning Director.

B. Fences

Any fence must be durable and constructed of wood, decorative rigid vinyl (polyvinyl chloride), metal, or wrought iron. Fence posts must be structurally stable. The finished side of the fence must face the adjacent property, street, or place. Chain link fencing must not be used to meet buffers and screening requirements. Wood fence posts must be treated lumber.

C. Berms

Berms must be physical barriers made of earth which block or screen the view similar to a hedge, fence, or wall. In no event must a mound have a slope of greater than 3:1. Topsoil must be placed over all berms at a depth of 4 inches to facilitate vegetation growth on the mound. All mounds must be stabilized to prevent erosion immediately after its construction and must be landscaped within the next planting season in accordance with the landscaping requirements in this Chapter.

1108.0405 Maintenance

- A. All landscape material must be properly maintained. The landowner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed.
- B. Proper maintenance includes all actions necessary to keep plantings healthy and orderly in appearance and to keep walls, fences, berms, irrigation improvements and other landscape features depicted on plans approved by the City in good repair and neat appearance.
- C. Any landscape material that fails to meet the minimum requirements of this Section at the time of installation must be removed and replaced with acceptable materials. All unhealthy or dead plant material, installed or credited to meet these requirements, must be replaced by the next planting period, or within 6 months, whichever comes first. All plant material must be protected from damage by motor vehicles or pedestrians. Topping trees, or the severe cutting of limbs larger than 3 inches in diameter to stubs, within the tree crown, and to such a degree as to remove the normal canopy, must be considered improper maintenance of trees as required by this Chapter.
- D. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscaped plan to the Planning Director for review or approval.

1108.0406 Irrigation/Watering

Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation shall be required for projects of over ½ acre in site area. Irrigation plans must be submitted with development plans and must contain all construction details.

1108.0407 Tree Preservation and Credit For Existing Landscape Materials

The intent of this Section is to provide and encourage the protection and preservation of existing woodlands and established plant material.

A. Tree Preservation

All existing trees on a site with a caliper of 4 inches or more must be mapped prior to site planning.

- 1. Existing trees should be incorporated into the landscape plan to the maximum practical extent.
- 2. All trees in excess of 12 inches in diameter must be retained to the maximum practical extent.

B. Existing Landscape Material Credits

Trees

Credit may be given for existing Canopy Trees, Evergreen Trees and Understory Trees as follows:

- a. Existing healthy non-nuisance trees may be preserved and used to fulfill landscape requirements for any required planting provided they are in accordance with the standards in this Section.
- b. Trees may be credited only one time towards any one buffer, screen or other landscape requirements set forth in this Chapter and other related Chapters. Trees must be located within the required landscape area to which it will be credited, or approved for credit, by the Planning Director.
- c. Trees which conform to these standards and are proposed to be used for credit must generally have location, species, caliper and drip line indicated on the required landscape plan.
- d. Trees must be credited according to the following criteria in the quantities shown:

Minimum Caliper (inches)	Minimum Surrounding Landscape Area (square feet)	Minimum width of Landscape area (feet)	Number of Trees Credited
Greater than 36	350	15	10
25½ – 36	300	15	8
13 – 25	250	10	6
8½ – 12	100	5	4
4 – 8	100	5	2
2 – 3½	100	5	1

- e. To be credited, a tree must have the minimum landscape area prescribed by the previous chart surrounding the tree, or the area of the dripline of the tree, whichever is greater. The surrounding landscape area must be undisturbed land.
- f. If any preserved tree dies it must be replaced with another tree or trees that are at least equal to the credited value of the preserved tree.

Shrubs

Shrubs may be credited on a one-to-one basis towards landscape material requirements if the following criteria are met. The Planning Director is authorized to grant additional credit for preservation of existing shrubs if it is determined that preservation would better meet the intent of this Chapter than would new plantings:

- g. Existing healthy shrubs may be used to fulfill landscape requirements for any required planting provided they conform to the standards set forth in this Chapter and in other related Chapters.
- h. Shrubs may be credited only one time towards any one buffer, screen or other landscape requirement. Shrubs must be located within the required area for the buffer or screen to which it will be credited or approved for credit by the Planning Director.

- i. Shrubs which conform to these standards and are proposed to be used for credit must have location, species, width and height indicated on the required landscape plan.

1108.0408 Protection During Construction

If trees or shrubs are to be credited towards landscaping requirements they must be protected during all phases of construction as follows:

- A. Prior to any site demolition, or grading, barriers must be constructed around existing trees and shrubs to be preserved.
- B. Barriers around trees to be preserved must include the area under the drip line of the tree.
- C. Barriers around shrubs to be preserved must include the area within 3 feet of the shrub mass.
- D. Failure to maintain barriers may result in revocation of the building permit.
- E. When large machinery is to be used on the site, these barriers must be sturdy fences or a similar barrier and must be made more visible by high visibility orange paint or construction flagging. When large machinery is not to be on site, high visibility construction flagging or similar device must clearly delineate the protected area.
- F. The following activities are prohibited during demolition and construction under tree canopies and within any areas enclosed by protective fencing as required by this Section:
 1. placing backfill or storing material;
 2. storing construction equipment;
 3. changing site grades within the drip line of trees or within 3 feet of shrubs or changing site grades so that drainage flows into or collects near protected trees or shrubs; and
 4. all other construction activity not previously mentioned.
- G. For projects not requiring a site grading plan, the required barriers must be constructed by the property owner and approved by the Commissioner of Building Inspection and Code Enforcement prior to issuance of a building permit.

1108.0500 | Landscape Plan Submission and Approval

A. Landscape Plan Required

A landscape plan must be prepared for all sites that are subject to the landscaping and screening standards of this Chapter. Landscape plans must be submitted in a form and in such numbers as specified by the official responsible for accepting the application.

B. Contents of Landscape Plan

A licensed landscape architect, landscape designer, landscape contractor, horticulturalist or Ohio Certified Nursery Technician must prepare every landscape plan required by this Chapter. All landscape plans must include the following information:

1. Vicinity map, zoning districts, north arrow, readable scale no smaller than 1 inch = 30 feet, dimensions, and the dates the plans are submitted or revised.

2. The name of applicant or owner, and the name, address and phone number of the person or firm responsible for the preparation of the landscape plan.
3. The existing and proposed contours at a minimum of 2-foot intervals of the site. Contours must be shown at 1-foot intervals for berms.
4. All existing and proposed buildings and other structures, planted areas, light standards, signs, fences and other permanent features to be added and/or retained on the site.
5. All existing and proposed streets, sidewalks (on or adjacent to the property), curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
6. The location of parking lot areas including parking stalls, driveways, service areas, etc.
7. The location of utilities (including underground).
8. The location of proposed plant material, mulch beds and other landscape improvements such as but not limited to berms, etc.
9. Plant schedule with botanical and common plant names, quantity of plants to be installed, plant size at installation and on-center planting dimensions where applicable.
10. All existing plant material to be removed or retained and all new landscaping materials to be installed.
11. All existing and proposed property lines and easements.
12. Typical elevations and/or cross-sections as may be required to adequately convey the aspects of the plan.
13. Details for the planting of the types of trees, shrubs and ground cover within the landscaped area.
14. Development summary that quantifies the landscape requirements as they relate to the development plan for the proposed site improvements.
15. Any other information that is deemed appropriate by the Planning Director.

C. Review Procedures

Landscape plans shall be reviewed at the time of Site Plan Review, or review and approval of a Special Use. For development not subject to these procedures, the Planning Director is responsible for reviewing and approving all landscape plans. Upon receipt of required drawings and plans, the Planning Director must, within 45 days of receipt, approve the landscape plan or make a determination as to whether the application:

1. presents a unique situation, in which case the Planning Director must require the applicant to submit the application to the Plan Commission; or
2. is not in conformance with the Landscaping and Screening standards of 8. In such case the Planning Director must deny approval of the plan and send written notice of denial to the applicant along with the reasons for denial.

1108.0600 | Modifications and Waivers

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site, the site plan, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping and or buffer, the Plan Commission may, upon proper application by the property owner and upon making findings of fact, modify and/or waive the requirements of this Chapter provided the existing or resulting boundary features of the development site comply with the spirit and intent of this Chapter, and other related Chapters.

Chapter 1109 | Design Standards

1109.0100 | Multi-Dwellings and Duplexes

1109.0101 Orientation

Where a principal building has a wall facing a street or place, that wall must be parallel to:

- A. the street or place if the street or place is essentially straight; or
- B. the tangent, with the point of tangency at the midpoint of the front lot line between the side lot lines, if the street or place is curved.

1109.0102 Entraceways

At least one main entrance within each building must face the street, place, or the main access drive within the development. Entrances must include architectural elements that emphasize the entrance, including but are not limited to front porches, transom and sidelight windows, decorative trim and moldings, and arches.

1109.0103 Connecting Walkways and Pedestrian Connections

- A. Connecting Walkways must be provided for internal pedestrian circulation within the site to connect to street or place sidewalks and to connect parking spaces with the main building entrance. Connecting walkways may cross parking aisles or driveways if distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated 6 inches with tapered side slopes and meet ADA standards.
- B. Sidewalks must be provided along the street or place property line, pursuant to Sec. 1107.1300. To the maximum extent feasible, provision must be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or future sidewalks, bikeways and walkways.
- C. Where vehicles extend into or overhang any walkway a 5-foot walkway shall be installed. Other walkways may be 4 or 5 feet in width depending on location and usage.
- D. The on-site pedestrian circulation system must be illuminated to a level where the system can be used at night by residents and visitors.

1109.0104 See also Sec. 1105.0600, Residential Garages

1109.0200 | Commercial, Mixed Use and Institutional Design Standards

1109.0201 Purpose

These standards are intended to promote the design of an urban environment that is built to human scale, encourage attractive street fronts, and accommodate pedestrians while also accommodating vehicular movement. It is desirable that there be a base level of quality architecture of scale, color and materials that will allow a project to blend into its setting and build upon the existing aesthetic identity of an area. Building shapes can be articulated to provide a sense of human scale at the ground level that is inviting to the

public through the application of horizontal and vertical patterns expressed by architectural features such as cornices, columns, windows, doors or variations in massing.

1109.0202 Applicability

The standards in this Section apply citywide to all Commercial, Mixed Commercial-Residential, and Institutional Use Type Buildings except for Large-Scale Retail Projects that have their own separate standards in Sec. 1109.0300. Where the standards in this section conflict with other standards or overlay districts adopted for a specific geographic area, the standards associated with the geographic area shall apply.

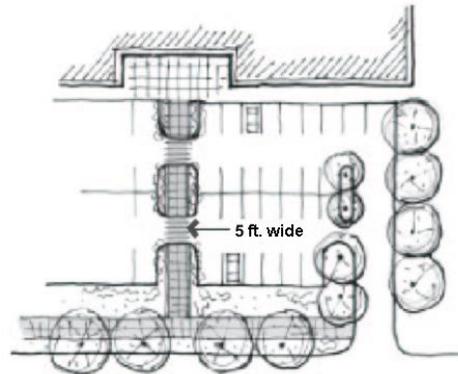
1109.0203 Review Procedures

The Commercial, Mixed Use and Institutional Design Standards shall apply, as applicable, in the normal review process for rezonings, special use permits and site plan reviews as set forth in Chapter 1111, Development Approval Procedures.

1109.0204 Relationship of Buildings to Streets, Walkways and Parking

A. Connecting Walkways

1. At least one main entrance of any commercial, mixed-use, or institutional building shall face and open directly onto a 5 foot wide connecting walkway to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route.
2. Connecting walkways may cross parking aisles or driveways if distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated 6 inches with tapered side slopes and meet ADA standards.
3. Any building which has only vehicle bays and/or service doors for intermittent/infrequent nonpublic access to equipment, storage or similar rooms (e.g. self-service car washes and utilities) shall be exempt from the connecting walkway requirement.



B. Mandatory Build-to Lines

A specific build-to line setback based on a consistent relationship of buildings to street may be required by the Planning Director in all or part of an area where an Ordinance is adopted. Such an ordinance shall be adopted in accordance with Sec. 1111.0500 when petitioned by at least 50 percent of the property owners by count within the area and based on a commercial area or corridor plan amendment to the Comprehensive Plan recommending the creation of such specific build-to line setback.

Specific Building-to Line Setbacks Established

The following specific building line setbacks are established:

Street Name	Boundaries	Build-to Line Setback
(none at this time)		

Orientation of Buildings to Build-to Lines

Where build-to lines are required at least 30 percent of the total length of the building along the street shall be extended to the build-to line area. If a parcel, lot or tract has multiple streets, then the building shall be built to the corner that is projected to have the most pedestrian activity associated with the building.

Exceptions to the Build-to Line Standards

Exceptions to the build-to line standards shall be permitted in the case of large retail establishments, supermarkets or other anchor-tenant buildings that face internal connecting walkways with pedestrian frontage in a development that includes additional outlying buildings at the build-to line.

1109.0205 Building Design Standards

The intent of building design standards is to ensure a base level of quality architecture that is responsive to its context and contributes to the established architectural character of an area rather than a design solution that is based on a standardized formula or market prototype superimposed on the selected site. Not all buildings in the surrounding area contribute equally to the area character and each example shall be weighed against the balance of all other projects. In areas with little, no or poor immediate context, or under redevelopment, proposals should add to area character without rigid uniformity of design.

A. Variation in Massing

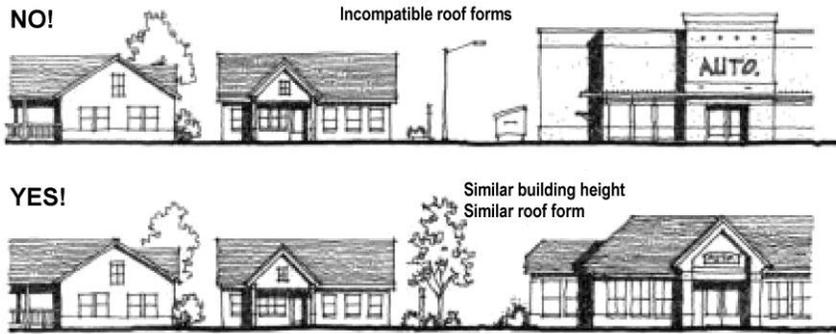
The design of a building shall reduce its apparent mass or bulk by dividing the building into smaller masses. The internal function of the building may indicate a logical hierarchy for breaking the mass of the building. The apparent mass of a building may be reduced by the following techniques such as:

1. variations in roof form and parapet heights;
2. incorporating clearly pronounced recesses and projections;
3. introducing wall plane offsets (dimension established by building module);
4. use of other reveals and projections and subtle changes in texture and color of wall surfaces;
5. use of deep set windows with mullions;
6. use of ground level arcades and second floor galleries/balconies; or
7. other techniques that reduce the apparent mass of a building.

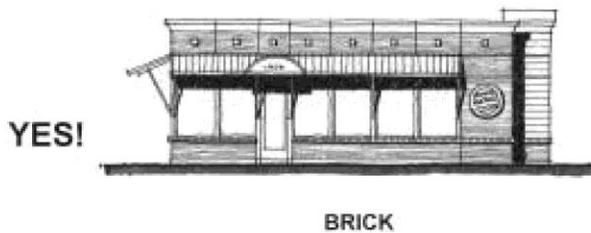
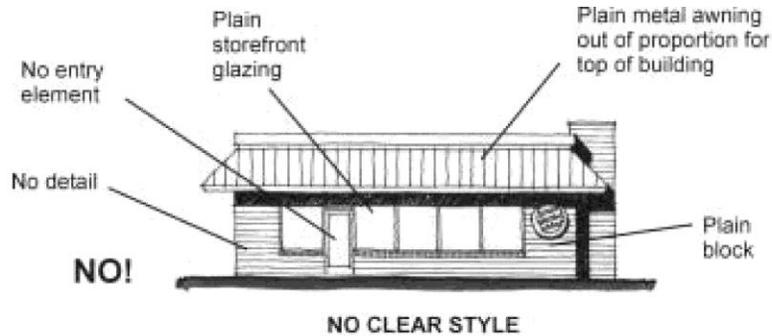
B. Character and Image

1. Building design shall contribute to the uniqueness of established neighborhoods by harmonizing design elements of the adjacent architecture such as the following:
 - a. scale and massing of structures;
 - b. roof and parapet forms;
 - c. door and window fenestration pattern; and

d. materials.



2. In multiple building development, each individual building shall include predominant characteristics shared by all buildings in the development so that the development forms a cohesive sense of place.
3. Building design that is based on a standardized formula associated with a business or franchise shall be modified if necessary to meet the provisions of this section.

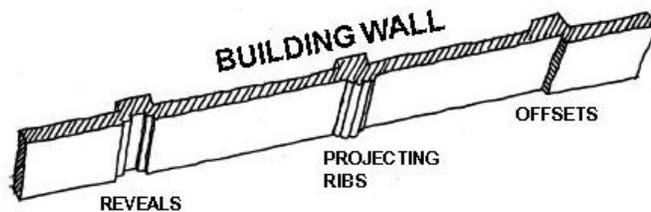


C. Building Façade Treatment

Minimum Wall Articulation

Exterior walls shall be articulated in order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. Articulation shall be visually established by using architectural features such as columns, ribs or pilasters, piers, and fenestration pattern. The following minimum wall articulation treatment standards shall apply:

- a. Exterior walls over 50 feet in length that face a street or connecting walkway shall be divided and include at least two of the following within each successive articulation:
 - i. change in wall plane, such as projections or recesses extending at least 20 percent of the length of the façade;
 - ii. change in texture or masonry pattern;
 - iii. windows; or
 - iv. an equivalent element that subdivides the wall into human scale proportions.



- b. All sides of the building shall include compatible materials and design characteristics consistent with those on the primary façade. The degree of consistency required will be in proportion to the visibility of the side to the public or to an adjacent residential district.

Primary Façade

The primary façade shall be subdivided and proportioned using features such as windows, entrances, arcades, and awnings.

YES!



NO!



Entrances

Primary building entrance(s) shall be clearly defined and contrast with the surrounding wall plane using techniques such as the following:

- c. recessed or framed by a sheltering element such as an awning, arcade, portico or overhang;
- d. raised corniced parapets over the door or peaked roof forms;
- e. architectural detail such as tile work and moldings integrated into the building structure and design; and
- f. integral planters or wing walls that incorporate landscaped areas.

Base and Top Treatments

The design of a building shall reduce its perceived height by dividing the building mass into smaller scale components. One way to achieve this breakdown is to provide a well-defined base, middle and top to the building using the following techniques:

- g. A solid building base may be achieved by elements such as low planters and walls, base planting, a base architectural veneer banding (wainscot) and treatments defined by a different material, texture or color.
- h. A solid building base (and a more articulated building mass) may be achieved by the addition of covered walkways, or architectural awnings that provide deep shadow at ground level.
- i. Using features such as distinct and multiple architectural roof forms, clearly pronounced eaves, and distinct parapet designs and cornice treatments may achieve a well-defined building top.

Exterior Building Materials and Color

See Sec. 1109.0500 Building Façade Materials and Color

1109.0206 Design Assistance

Applicants are encouraged to utilize design service assistance from the City's Façade Program for target areas, architectural firms, or the Toledo Design Center.

1109.0207 Exemptions

The Plan Commission may exempt all or parts of the design standards in this section for commissioned buildings by an architect for a site when, in the opinion of the Plan Commission, the design constitutes a unique, one of a kind building that meets the intent of these design standards.

1109.0300 | Large-Scale Retail Projects

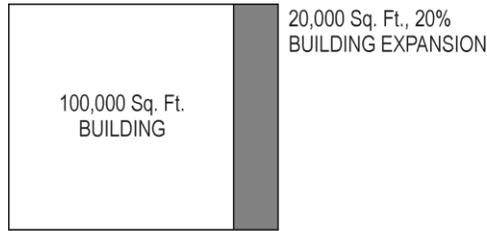
1109.0301 Applicability

The standards of this Section apply to all Large-Scale Retail Projects of over 50,000 square feet, including their expansion and redevelopment. When the standards in this section conflict with other standards or overlay districts for a specific geographic area, the standards associated with the geographic area shall apply.

1109.0302 Review Procedures

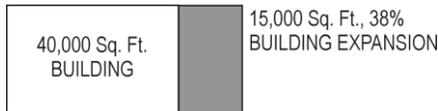
- A. Expansion to an existing large-scale retail project of under 25 percent in floor area shall be reviewed as a minor site plan in accordance with Sec. 1111.0800

and shall conform to the standards of this section to the extent feasible and appropriate.

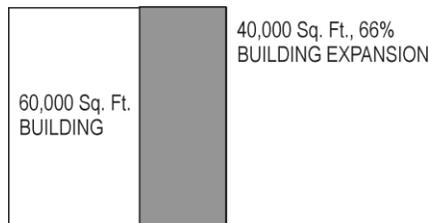


**LESS THAN 25% EXPANSION
MINOR SITE PLAN REVIEW**

- B.** Expansion to an existing large-scale retail project of over 25 percent in floor area shall be reviewed as a major site plan in accordance with Sec. 1111.0800 and shall conform to the standards of this section to the extent feasible and appropriate.
- C.** Any addition to a building which would result in a large retail establishment and which would increase the floor area of such building over 25 percent shall be reviewed as a major site plan in accordance with Sec. 1111.0800 and shall conform to the standards of this section to the extent feasible and appropriate.



**25% AND OVER EXPANSION RESULTING IN
TOTAL GROSS AREA OF OVER 50,000 Sq. Ft.
MAJOR SITE PLAN REVIEW**

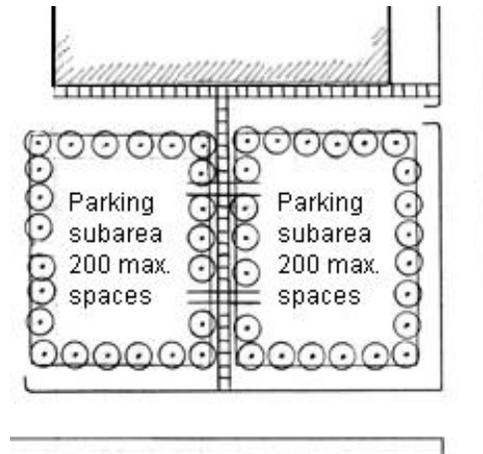


**25% AND OVER EXPANSION
MAJOR SITE PLAN REVIEW**

1109.0303 Parking Lots

- A.** Large-scale retail projects should recognize parking facilities as transitional spaces where users change modes of travel, from car, bus, or bicycle to pedestrian. The design of those spaces shall therefore safely and attractively serve all modes.
- B.** Parking areas shall be distributed around large buildings on not less than two sides in order to shorten the distance to other buildings and public sidewalks and to reduce the perceived scale of paved surfaces.
- C.** In order to reduce the scale of parking areas, no single parking area shall exceed 200 spaces unless divided into two or more sub-areas separated from each other

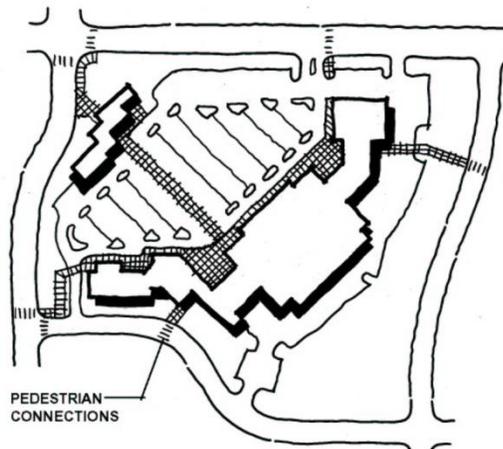
by landscaping, access drives or public streets, pedestrian walkways, or buildings. Safe and clearly defined pedestrian walkways, leading to store entrances, must be provided within large parking lots.



- D. Placing large amounts of parking between the front door of buildings and the adjacent street contributes to a formless arrival experience for users, and creates a detached relationship between the primary building and the street. If more than 65 percent of the total off-street parking spaces for the entire site are located between the front facade of the principal building and the Primary Street abutting the site additional landscaping, buffering and raised pedestrian walkway connection will be required as a condition of approval.

1109.0304 Pedestrian Circulation

- A. At least one continuous internal pedestrian connecting walkway for each primary street frontage, no less than 6 feet in width, shall be provided from the public sidewalk or right-of-way linking the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature items such as adjoining landscaped areas that includes trees, shrubs, benches, flower beds, planters, groundcover, or other such materials for no less than 30 percent of its length.



- B. Walkways, no less than 6 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such walkways shall be located an average of 6 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows, planters or entryways are part of the facade.
- C. Customer entrances shall have weather protection features such as awnings, arcades, or vestibules.
- D. All internal pedestrian walkways that cross parking aisles or driveways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated 6 inches with tapered side slopes and meet ADA standards.

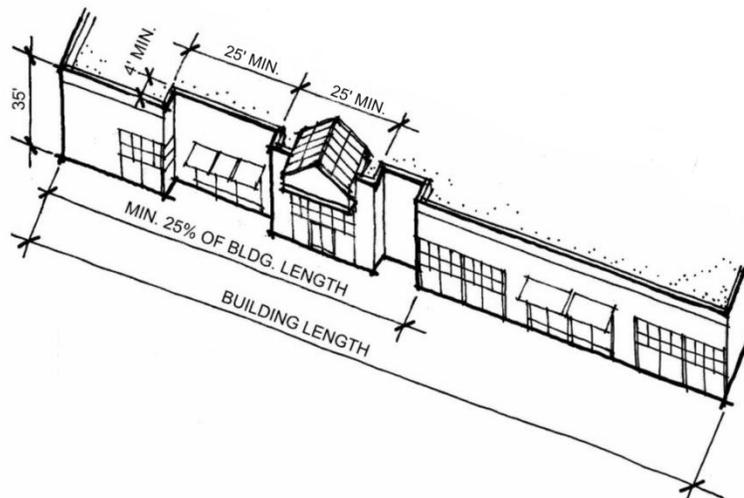
1109.0305 Landscaping and Screening

The Landscaping and Screening standards of Chapter 1108 shall apply.

1109.0306 Building Design

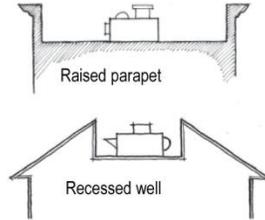
The following standards shall apply to all building facades and exterior walls that are visible from adjoining streets or properties.

- A. A wall surface longer than 100 feet will incorporate a series of recesses or offsets, at intervals of not less than 25 feet nor more than 100 feet, that vary the depth of the building wall by a minimum of 4 feet. Not less than 25 percent of the building wall shall be varied in this way. The required recess or offset need not extend to the roofline if an alternate design solution is used such as arches.



- B. Ground floor facades that face streets shall have one or more features along no less than 60 percent of their horizontal length such as:
 - 1. variations in roof form and parapet heights;
 - 2. incorporating clearly pronounced recesses and projections;
 - 3. introducing wall plane off-sets (dimension established by building module);

4. use of other reveals and projections and subtle changes in texture and color of wall surfaces;
 5. use of deep set windows with mullions;
 6. use of ground level arcades and second floor galleries/balconies; or
 7. other techniques that reduce the apparent mass of a building.
- C. Buildings shall have architectural features fully concealing rooftop equipment, such as HVAC units from public view.



- D. Each building shall have a clearly defined, highly visible customer entrance(s) featuring at least three of the following elements such as:
1. canopies or porticos;
 2. overhangs;
 3. recesses/projections;
 4. arcades;
 5. raised corniced parapets over the door;
 6. peaked roof forms;
 7. arches;
 8. outdoor patios;
 9. display windows;
 10. architectural details such as tile work and moldings which are integrated into the building structure and design; or
 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- E. Building height shall not exceed 35 feet for a one-story building.
- F. See Sec. 1109.0500 for building façade materials and color.

1109.0307 Transit Stops

Existing bus stops shall be integrated into the traffic and pedestrian circulation system on the site. The developer shall consult with TARTA on the need to provide one or more of the following:

- A. connection to future bus stops;
- B. bus turnout lanes for customers and employees; or
- C. other transit improvements.

1109.0400 | Industrial Building Design Standards

1109.0401 Building Orientation for New Construction

Along major streets buildings shall be sited so that at least 30 percent of the building frontage shall not consist of a blank wall.

1109.0402 Building character and color

Façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, subject to the approval of the Planning Director.

1109.0403 Storage and Operational Areas

To the extent reasonably feasible when buildings are along a major street or across from a residential district, side and rear yards shall be used for vehicle operations and storage areas, front yards shall be used for less intensive automobile parking. When a building has more than one major street frontage this provision shall apply to the most traveled street.

1109.0500 | Building Façade Materials and Color

This section establishes façade materials and colors to be used with building design standards unless otherwise stated.

1109.0501 Façade Materials

- A. Predominant exterior building materials shall be high-quality materials. For facades visible from the public right-of-way, predominant materials must comprise at least seventy-five percent (75%) of the total wall area of the façade. These include, but are not limited to:
 - 1. brick;
 - 2. wood;
 - 3. natural stone, cut stone, field stone, cast stone;
 - 4. glass;
 - 5. stucco; and
 - 6. exterior insulation and finish systems (EIFS) or equivalent product when 36 inches above grade and not within an entryway, and comprising less than fifteen (15%) of the façade;
 - 7. materials with a brick-like appearance such as “Founders Brick” or similar material.
- B. The Planning Director may approve:
 - 1. prefabricated metal panels;
 - 2. colored, fluted and textured concrete block as a building trim or accent area;
 - 3. tilt-up masonry panels; and
 - 4. vinyl siding.
- C. Predominant exterior building materials shall not include the following:
 - 1. concrete blocks;
 - 2. smooth-faced tilt-up concrete panels; and

- 3.** wood sheet goods.
(Ord. 26-07. Passed 1-2-07.)

1109.0502 Façade Colors

- A.** Façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director.
- B.** Façade colors within Commercial Storefront (CS) districts shall be harmonious with the overall appearance, history and cultural heritage of the area.

Chapter 1110 | Flood Control Regulations

1110.0100 | General

1110.0101 Statutory Authorization

Article XVIII, Section 3 of the Ohio Constitution and Sections 8 (m) and (r) of the Charter of the City of Toledo grant the City of Toledo the legal authority to adopt land use and control measures for promoting the health, safety and general welfare of the citizens of the City.

(Ord. 368-11. Passed 07-26-11.)

1110.0102 Findings of Fact

The City of Toledo has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(Ord. 368-11. Passed 07-26-11.)

1110.0103 Warning and Disclaimer of Liability

The degree of Flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. These regulations do not imply that land outside the areas of Special Flood Hazard or uses permitted within such areas will be free from Flooding or Flood damage. These regulations shall not create liability on the part of the City of Toledo, any officer or employee thereof, or the Federal Emergency Management Agency for any Flood damage that results from reliance on these regulations or any administrative decision lawfully made hereunder.

(Ord. 368-11. Passed 07-26-11.)

1110.0104 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances, codes, statutes or laws including but not limited to subdivision regulations and zoning or building codes. In the event of a conflict between these regulations and any other ordinance, code, statute or law the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

In the interpretation and application of these regulations, all provisions shall be considered as minimum requirements, be liberally construed in favor of the City of Toledo and be deemed neither to limit nor repeal any other powers granted under state or federal law.

For the purposes of this Chapter, the following studies and / or maps are adopted:

- A.** Flood Insurance Rate Map for Lucas County, Ohio and Incorporated Areas effective date August 16, 2011.
- B.** Flood Insurance Study for Lucas County, Ohio and Incorporated Areas effective date August 16, 2011.

- C. Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year Flood Plain, floodways or delineation of other areas of special flood hazard.
- D. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio, which has been approved by the City of Toledo as required by Section 1110.0600(C) Subdivisions and Large Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Division of Engineering Services.

(Ord. 368-11. Passed 07-26-11.)

1110.0105 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly Flood control projects;
- C. Minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of Special Flood Hazard;
- F. Help maintain a stable tax base by promoting the proper use and Development of areas of Special Flood Hazard so as to protect property and minimize future blight from Flood loss;
- G. Ensure that those who occupy the areas of Special Flood Hazard assume responsibility for their actions;
- H. Minimize the impact of Development on adjacent properties within and near Flood prone areas;
- I. Ensure that the Flood storage and conveyance functions of the Floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the Floodplain;
- K. Prevent Floodplain uses that are hazardous or environmentally incompatible with the Floodplain; and
- L. Meet community participation requirements of the National Flood Insurance Program.

(Ord. 368-11. Passed 07-26-11.)

1110.0200 | Definitions

1110.0201 “Accessory Structure” means a Structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal Structure.

(Ord. 368-11. Passed 07-26-11.)

1110.0202 “Appeal” means a request for review of the Floodplain administrator’s interpretation of any provision of these regulations.
(Ord. 368-11. Passed 07-26-11.)

1110.0203 “Applicant” means a person or other legal entity who is responsible, per these regulations, for submittal of a Floodplain Development Permit to the Floodplain Administrator, the Toledo Plan Commission, or the Division of Inspection, as applicable, as specified herein.
(Ord. 368-11. Passed 07-26-11.)

1110.0204 “Base Flood” means a Flood having a one percent chance of being equaled or exceeded in any given year. The Base Flood may also be referred to as the 1% chance annual Flood or one hundred (100) year Flood.
(Ord. 368-11. Passed 07-26-11.)

1110.0205 “Base (100-Year) Flood Elevation (BFE)” means the water surface elevation of the Base Flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the Base Flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
(Ord. 368-11. Passed 07-26-11.)

1110.0206 “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.
(Ord. 368-11. Passed 07-26-11.)

1110.0207 “Building Permit” means a document issued by the Certified Building Official which approves the construction or alteration of residential and non-residential structures as being in compliance with the State and City building codes, based on the submission and successful plan review of construction documents detailing the construction or alterations.
(Ord. 368-11. Passed 07-26-11.)

1110.0208 “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
(Ord. 368-11. Passed 07-26-11.)

1110.0209 “Ditch” means a long trench or channel dug into the ground for permanent drainage purposes.
(Ord. 368-11. Passed 07-26-11.)

1110.0210 “Enclosure Below the Lowest Floor” - see “Lowest Floor.”
(Ord. 368-11. Passed 07-26-11.)

1110.0211 “Executive Order 11988 (Floodplain Management)” means the order issued by President Carter in 1977 which requires that no federally assisted activities be conducted in or have the potential to affect identified Special Flood Hazard Areas, unless there is no practicable alternative.
(Ord. 368-11. Passed 07-26-11.)

1110.0212 “Federal Emergency Management Agency (FEMA)” means the agency with the overall responsibility for administering the National Flood Insurance Program.

(Ord. 368-11. Passed 07-26-11.)

1110.0213 “Fill,” means a deposit of earth material placed by artificial means.
(Ord. 368-11. Passed 07-26-11.)

1110.0214 “Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.
(Ord. 368-11. Passed 07-26-11.)

1110.0215 “Flood Hazard Boundary Map (FHBM)” means the initial map produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate Special Flood Hazard Areas.
(Ord. 368-11. Passed 07-26-11.)

1110.0216 “Flood Insurance Rate Map (FIRM)” means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of Special Flood Hazard.
(Ord. 368-11. Passed 07-26-11.)

1110.0217 “Flood Insurance Risk Zones” means the zone designations on FHBMs or FIRMs that indicate the magnitude of the Flood hazard in specific areas of a community, and are as follows:

- A. “Zone A” means Special Flood Hazard Areas inundated by the 100-year Flood; Base Flood Elevations are not determined.
- B. “Zones A1-30 and Zone AE” means Special Flood Hazard Areas inundated by the 100-year Flood; Base Flood Elevations are determined.
- C. “Zone AO” means Special Flood Hazard Areas inundated by the 100-year Flood; with Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
- D. “Zone AH” means Special Flood Hazard Areas inundated by the 100-year Flood; Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations are determined.
- E. “Zone A99” means Special Flood Hazard Areas inundated by the 100-year Flood to be protected from the 100-year Flood by a Federal Flood protection system under construction; no Base Flood Elevations are determined.
- F. “Zone B and Zone X (shaded)” means Areas of 500-year Flood; areas subject to the 100-year Flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the Base Flood.
- G. “Zone C and Zone X (unshaded)” means Areas determined to be outside the 500-year Floodplain.

(Ord. 368-11. Passed 07-26-11.)

1110.0218 “Flood Insurance Study (FIS)” means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided Flood profiles, Floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the Base Flood.

(Ord. 368-11. Passed 07-26-11.)

1110.0219 “Flood Loss” means destruction and casualties caused by flooding.
(Ord. 368-11. Passed 07-26-11.)

1110.0220 “Floodplain” means any land area susceptible to being inundated by flood waters from any source.
(Ord. 368-11. Passed 07-26-11.)

1110.0221 “Flood Protection Elevation (FPE)” means the Base Flood Elevation plus one (1) foot of Freeboard. In areas where no Base Flood Elevations exist from any authoritative source, the Flood Protection Elevation can be historical Flood elevations, or Base Flood Elevations determined and/or approved by the Flood Plain Administrator.
(Ord. 368-11. Passed 07-26-11.)

1110.0222 “Floodway” means the channel of a river or other Watercourse and the adjacent land areas that have been reserved in order to pass the Base Flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the Base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The Floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity Flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
(Ord. 368-11. Passed 07-26-11.)

1110.0223 “Freeboard” means a factor of safety usually expressed in feet above a Flood level for the purposes of Floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to Flood heights greater than the height calculated for a selected size Flood and Floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
(Ord. 368-11. Passed 07-26-11.)

1110.0224 “Historic Structure” means any Structure that is:

- A.** Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- B.** Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C.** Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- D.** Individually listed on the inventory of historic places maintained by the City of Toledo whose historic preservation program has been certified by the Ohio Historic Preservation Office.

(Ord. 368-11. Passed 07-26-11.)

1110.0225 “Hydrologic and Hydraulic Engineering Analysis” means an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine Flood elevations and/or Floodway boundaries.

(Ord. 368-11. Passed 07-26-11.)

1110.0226 “Impervious Cover” means any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.

(Ord. 368-11. Passed 07-26-11.)

1110.0227 “Letter of Map Change (LOMC)” means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC’s are broken down into the following categories:

- A.** Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated Special Flood Hazard Area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a Special Flood Hazard Area.
- B.** Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to Flood zones, Flood elevations, Floodplain and Floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a Structure or parcel has been elevated by Fill above the Base Flood Elevation and is, therefore, excluded from the Special Flood Hazard Area.
- C.** Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program Floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(Ord. 368-11. Passed 07-26-11.)

1110.0228 “Lowest Floor” means the floor of the lowest enclosed area (including a Basement) of a Structure. This definition excludes an “Enclosure Below the Lowest Floor” which is an unfinished or Flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a Basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the Lowest Floor.

(Ord. 368-11. Passed 07-26-11.)

1110.0229 “Manufactured Home” means a Structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle". For the purposes of these regulations, a Manufactured Home includes Manufactured Homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

(Ord. 368-11. Passed 07-26-11.)

1110.0230 “Manufactured Home Park” means a Manufactured Home Park as specified in the Ohio Administrative Code 3701-27-01, which is defined as any tract of land upon

which three or more Manufactured Homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, Structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of Manufactured Homes on the lots, is not a Manufactured Home Park, even though three or more Manufactured Homes are parked thereon, if the roadways are dedicated to the local government authority.

(Ord. 368-11. Passed 07-26-11.)

1110.0231 “National Flood Insurance Program (NFIP)” means the Federal program enabling property owners in participating communities to purchase insurance protection against losses from Flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by Floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce Floodplain management regulations to reduce future Flood risks to all Development in Special Flood Hazard Areas, the Federal government will make Flood insurance available within the community as a financial protection against Flood Loss.

(Ord. 368-11. Passed 07-26-11.)

1110.0232 “New Construction” means Structures for which the "Start of Construction" commenced on or after the initial effective date of the City of Toledo's Flood Insurance Rate Map, June 4, 1980, and includes any subsequent improvements to such Structures.

(Ord. 368-11. Passed 07-26-11.)

1110.0233 “Ordinary High Water Mark” means the point of the bank or shore to which the presence and action of surface water is so continuous as to leave a distinct mark by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The Ordinary High Water Mark defines the channel of a Watercourse.

(Ord. 368-11. Passed 07-26-11.)

1110.0234 “Person” means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college.

“Agency” does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(Ord. 368-11. Passed 07-26-11.)

1110.0235 “Plat” means a map of a tract or parcel of land.

(Ord. 368-11. Passed 07-26-11.)

1110.0236 “Preliminary Plan” means a drawing of a development for the purpose of Plan Commission or Board of Zoning of Appeals approval.

(Ord. 368-11. Passed 07-26-11.)

1110.0237 “Recreational Vehicle” means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4)

designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
(Ord. 368-11. Passed 07-26-11.)

1110.0238 “Registered Professional Architect” means a person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.
(Ord. 368-11. Passed 07-26-11.)

1110.0239 “Registered Professional Engineer” means a person registered as a professional engineer under Chapter 4733 of the Revised Code.
(Ord. 368-11. Passed 07-26-11.)

1110.0240 “Registered Professional Surveyor” means a person registered as a professional surveyor under the Chapter 4733 of the Revised Code.
(Ord. 368-11. Passed 07-26-11.)

1110.0241 “Special Flood Hazard Area” or “Areas of Special Flood Hazard” means the land in the Floodplain subject to a one percent or greater chance of Flooding in any given year. Special Flood Hazard Areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, and A99. Special Flood Hazard Areas may also refer to areas that are Flood prone and designated from other federal state or local sources of data including but not limited to historical Flood information reflecting high water marks, previous Flood inundation areas, and Flood prone soils associated with a Watercourse.
(Ord. 368-11. Passed 07-26-11.)

1110.0242 “Start of Construction” means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a Basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure. For a Substantial Improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
(Ord. 368-11. Passed 07-26-11.)

1110.0243 “Stream Bank” as used herein means the area adjacent to a Watercourse or Ditch with a slope greater than 25 percent. The Stream Bank is measured from the edge of the water outward to a point where the slope levels out to less than 25 percent for a distance of at least 12 feet measured laterally from the Watercourse or Ditch.
(Ord. 368-11. Passed 07-26-11.)

1110.0244 “Structure” means a walled and roofed building, Manufactured Home, or gas or liquid storage tank that is principally above ground.
(Ord. 368-11. Passed 07-26-11.)

1110.0245 “Subdivision” means either:

- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres provided, however, that the following are exempt: a division or partition of land into parcels of more than five acres not involving any new streets or easements of access; the sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites; or parcels of land that are specifically and specially exempted out by Toledo City Council; or,
- B. The improvement of one or more parcels of land for residential, commercial, or industrial Structures or groups of Structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial Structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

(Ord. 368-11. Passed 07-26-11.)

1110.0246 “Substantial Damage” means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred. Substantial Damage also means Flood related damage sustained by a Structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such Flood event, on the average, equals or exceeds 25 percent of the market value of the Structure before the damage occurred.

(Ord. 368-11. Passed 07-26-11.)

1110.0247 “Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or exceeds 50 percent of the market value of the Structure before the Start of Construction of the improvement. When the combined total of all previous improvements or repairs made during the life of the Structure equals or exceeds 50 percent of a Structure’s market value, that Structure is considered to have undergone Substantial Improvement. This term includes Structures that have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include:

- A. Any improvement to a Structure that is considered New Construction;
- B. Any project for improvement of a Structure to correct existing Violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a Development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- C. Any alteration of a Historic Structure provided that the alteration would not preclude the Structure's continued designation as a Historic Structure.

(Ord. 368-11. Passed 07-26-11.)

1110.0248 “Variance” means a grant of relief from the standards of these regulations consistent with the Variance conditions herein.

(Ord. 368-11. Passed 07-26-11.)

1110.0249 “Violation” means the failure of a Structure or other Development to be fully compliant with these regulations.

(Ord. 368-11. Passed 07-26-11.)

1110.0250 “Watercourse” means a natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.

(Ord. 368-11. Passed 07-26-11.)

1110.0300 | Administration

1110.0301 Floodplain Administrator

The Certified Building Official is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(Ord. 368-11. Passed 07-26-11.)

1110.0302 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluating applications for permits to develop in Special Flood Hazard Areas.
- B. Interpreting Floodplain boundaries and providing Flood Hazard and Flood Protection Elevation information.
- C. Issuing permits to develop in Special Flood Hazard Areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspecting buildings and lands to determine whether any Violations of these regulations have been committed.
- E. Making and permanently keeping all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in Special Flood Hazard Areas, determinations of whether Development is in or out of Special Flood Hazard Areas for the purpose of issuing Floodplain Development permits, elevation certificates, Variances, and records of enforcement actions taken for Violations of these regulations.
- F. Enforcing the provisions of these regulations.
- G. Providing information, testimony, or other evidence as needed during Variance hearings.
- H. Coordinating map maintenance activities and FEMA follow-up.
- I. Conducting Substantial Damage determinations to determine whether existing Structures, damaged from any source and in Special Flood Hazard Areas identified by FEMA, must meet the Development standards of these regulations.
- J. Making periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(Ord. 368-11. Passed 07-26-11.)

1110.0303 Floodplain Development Permits Required

It shall be unlawful for any Person to begin construction or other Development activity including but not limited to Filling; grading; construction; alteration, remodeling, or expanding any Structure; or alteration of any Watercourse wholly within, partially within or in contact with any identified Special Flood Hazard Areas, or upon any property which

contains any portion of a levee indicated on the currently effective Flood Insurance Rate Map for Lucas County, until a Floodplain Development permit is obtained from the Floodplain Administrator. Such Floodplain Development permit shall show that the proposed Development activity is in conformity with the provisions of these regulations. The Floodplain Administrator shall issue no such permit until the requirements of these regulations have been met.

(Ord. 368-11. Passed 07-26-11.)

1110.0304 Application

An application for a Floodplain Development permit shall be required for all Development activities located wholly within, partially within, or in contact with an identified Special Flood Hazard Area. The owner of the property or his/her agent, herein referred to as the Applicant, shall make such application prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a Development site is in a Special Flood Hazard Area, the Floodplain Administrator may require an application for a Floodplain Development permit to determine the Development's location. Such applications shall include, but not be limited to:

- A.** Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed Structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B.** Elevation of the existing, natural ground where Structures are proposed.
- C.** Elevation of the Lowest Floor, including Basement, of all proposed Structures.
- D.** Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E.** Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a Floodplain Development permit when applicable.
- F.** Floodproofing certification for non-residential Floodproofed Structure.
- G.** Certification that fully enclosed areas below the Lowest Floor of a Structure not meeting the design requirements within this Chapter are designed to automatically equalize hydrostatic Flood forces.
- H.** Description of any Watercourse alteration or relocation that the Flood carrying capacity of the Watercourse will not be diminished, and maintenance assurances.
- I.** A Hydrologic and Hydraulic Engineering Analysis demonstrating that the cumulative effect of proposed Development, when combined with all other existing and anticipated Development will not increase the water surface elevation of the Base Flood by more than one foot in Special Flood Hazard Areas where the Federal Emergency Management Agency has provided Base Flood Elevations but no Floodway.
- J.** A Hydrologic and Hydraulic Engineering Analysis showing impact of any Development on Flood heights in an identified Floodway.
- K.** Generation of Base Flood Elevation(s) for subdivision and large-scale Developments.

- L. Volumetric calculations demonstrating compensatory storage have been provided.
- M. Generation of the 500-year Flood elevation for critical Development.
- N. A Floodplain Development Permit application fee by the schedule of fees adopted by the City of Toledo shall be charged for each Floodplain Development.

(Ord. 368-11. Passed 07-26-11.)

1110.0305 Review of Floodplain Development Permit Application

After receipt of a completed application that includes all information required in these regulations, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met and assure that all necessary permits have been received from those federal, state, or local government agencies from which prior approval is required. It shall be the responsibility of the Applicant to obtain all external permits required, including but not limited to permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(Ord. 368-11. Passed 07-26-11.)

1110.0306 Approval of Floodplain Development Permit Application

Upon receipt of a completed Floodplain Development permit application, the Floodplain Administrator shall either approve or disapprove the application. The City of Toledo's permit approval process is dependent upon the review of the Division of Engineering Services and other agencies. No approval will be granted until all necessary reviews have been completed. If an application is approved, a Floodplain Development permit shall then be issued. All Floodplain Development permits shall be conditional upon the commencement of work within one (1) year. A Floodplain Development permit will expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(Ord. 368-11. Passed 07-26-11.)

1110.0307 Post-Construction Certifications Required

As-built certifications are required after a Floodplain Development permit has been issued for new or substantially improved residential Structures or nonresidential Structures that have been elevated. The Applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated Structures in Zone A and Zone AO areas without a Base Flood Elevation, the property owner or owner's representative may complete the elevation certificate.

For all development activities subject to the standards of Section 1110.0400(A), a Letter of Map Revision is required after a Floodplain Development permit has been issued.

(Ord. 368-11. Passed 07-26-11.)

1110.0308 Revoking a Floodplain Development Permit

A Floodplain Development permit is revocable in certain circumstances, including but not limited to, failure of the actual Development activity to conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an Appeal may be taken to the Appeals Board in accordance with this Chapter.

(Ord. 368-11. Passed 07-26-11.)

1110.0309 Exemption From Filing a Development Permit

An application for a Floodplain Development permit shall not be required for:

- A. Maintenance work such as roofing, painting, and Basement sealing, or for small nonstructural Development activities (except for Filling and grading) valued at less than \$5,000, indexed to the Engineering News Record's Building Cost Index at the time of passage of this regulation.
- B. Development activities in an existing or proposed Manufactured Home Park that are under the authority of the Ohio Department of Health and subject to the Flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- C. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a Floodplain development permit is also exempt from the standards of these regulations.

(Ord. 368-11. Passed 07-26-11.)

1110.0400 | Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have Flood data reviewed and approved by FEMA, and to ensure that the City of Toledo Flood maps, studies and other data identified in Section 1110.0104(D) accurately represent Flooding conditions so appropriate Flood Plain management criteria are based on current data, the following map maintenance activities are identified:

- A. For all Development proposals that impact Floodway delineations or Base Flood Elevations, the City shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These Development proposals include:
 - 1. Floodway encroachments that increase or decrease Base Flood Elevations or alter Floodway boundaries;
 - 2. Fill sites to be used for the placement of proposed Structures where the Applicant desires to remove the site from the Special Flood Hazard Area;
 - 3. Alteration of Watercourses that result in a relocation or elimination of the Special Flood Hazard Area, including the placement of culverts; and
 - 4. Subdivision or large-scale Development proposals requiring the establishment of Base Flood Elevations.
- B. It is the responsibility of the Applicant to have technical data, required in this Chapter, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the Applicant.
- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a Floodplain Development permit for a proposed Floodway encroachment that increases the Base Flood Elevation or a proposed

Development that increases the Base Flood Elevation by more than one foot in areas where FEMA has provided Base Flood Elevations but no Floodway.

- D.** Floodplain Development permits issued by the Floodplain Administrator shall be conditioned upon the Applicant obtaining a Letter of Map Revision from FEMA for any Development proposal subject to this Chapter.
- E.** The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact Floodplain or Floodway delineations or Base Flood Elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Toledo, and may be submitted at any time.
- F.** Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Toledo have been modified by annexation or agreement, or if the City of Toledo no longer has authority to adopt and enforce Floodplain management regulations for a particular area. Included within such notification should be a copy of a map of the City of Toledo suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Toledo has assumed or relinquished Floodplain management regulatory authority.

(Ord. 368-11. Passed 07-26-11.)

1110.0401 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A.** In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B.** Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C.** When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
 - 1.** Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - 2.** Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.

- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.
 - E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.
- (Ord. 368-11. Passed 07-26-11.)

1110.0500 | Substantial Damage Determinations

Damages to Structures may result from a variety of causes including Flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged Structures are located in Special Flood Hazard Areas;
- B. Conduct Substantial Damage determinations for damaged Structures located in Special Flood Hazard Areas; and
- C. Make reasonable attempt to notify owners of substantially damaged Structures of the need to obtain a Floodplain Development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the Floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in Special Flood Hazard Areas; and assisting owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

(Ord. 368-11. Passed 07-26-11.)

1110.0600 | Use Standards Within Special Flood Hazard Areas

The following use and development standards apply to development wholly within, partially within, or in contact with any Special Flood Hazard area:

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Toledo are allowed provided they meet and do not conflict with the provisions of these regulations.

- A. Prohibited Uses
 - 1. Private water supply systems in all Special Flood Hazard Areas that would be otherwise permitted under Section 3701 of the Ohio Revised Code.
 - 2. Infectious waste treatment facilities in all Special Flood Hazard Areas that would be otherwise permitted under Section 3734 of the Ohio Revised Code.
 - 3. New construction of any residential or nonresidential structures in Floodway areas.
 - 4. Storage or processing of materials that are hazardous, pollutants, flammable, poisonous, explosive, or could be injurious to human, animal or plant life in

time of flooding or that have a high flood damage potential in the identified Special Flood Hazard Area.

5. Storage or use of material or equipment that, in time of Flooding, could become buoyant and pose an obstruction to flow in identified Floodway areas, unless however, the material or equipment is firmly anchored to prevent flotation.

B. Water, Sanitary Sewer and Waste Systems not otherwise regulated by the Ohio Revised Code

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of Floodwaters;
2. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into Floodwaters; and,
3. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during Flooding.

C. Subdivisions and Large Developments

1. All Subdivision proposals shall be consistent with the need to minimize Flood damage and are subject to all applicable standards in these regulations.
2. All Subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize Flood damage.
3. All Subdivision proposals shall have adequate drainage provided to reduce exposure to Flood damage.
4. In all Special Flood Hazard Areas where Base Flood Elevation data are not available, the Applicant shall provide a Hydrologic and Hydraulic Engineering Analysis that generates Base Flood Elevations for all major (Platted) Subdivision proposals, and other proposed Developments at least 5 acres or 50 lots in size, whichever is less.
5. The applicant shall meet the requirement to submit technical data to FEMA when a Hydrologic and Hydraulic Engineering Analysis is completed that generates Base Flood Elevations.
6. All preliminary plans for Platted subdivisions shall identify the Flood hazard area and the elevation of the Base Flood, where published Base Flood Elevation data are available.
7. All final subdivision Plats shall provide the boundary of the Special Flood Hazard Area, the Floodway boundary, and Base Flood Elevations.
8. In Platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-Filled) 1% chance annual Floodplain. The buildable area shall be large enough to accommodate any primary Structure and associated Structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, if applicable.

D. Residential Structures

Chapter 1110 | Flood Control Regulations

Sec. 1110.0600 | Use Standards Within Special Flood Hazard Areas

1. New Construction and Substantial Improvements shall be anchored to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a Structure, including its foundation members, is elevated on Fill to or above the Base Flood Elevation, the requirements for anchoring and construction materials resistant to Flood damage are satisfied.
2. New Construction and Substantial Improvements shall be constructed with methods and materials resistant to Flood damage.
3. New Construction and Substantial Improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of Flooding.
4. New Construction and Substantial Improvement of any residential Structure, including Manufactured Homes, shall have the Lowest Floor, including crawl space or Basement, elevated to or above the Flood Protection Elevation. In Zone AO areas with no elevations specified, the Structure should have the Lowest Floor, including crawl space or Basement, elevated at least two feet above the highest adjacent natural grade. Where Flood protection data are not available the Structure shall have the Lowest Floor, including crawl space or Basement, elevated at least two feet above the highest adjacent natural grade. Support Structures and other foundation members shall be certified by a registered professional engineer or architect as designed in accordance with ASCE 24, Flood Resistant Design and Construction.
5. New Construction and Substantial Improvements, including Manufactured Homes, that do not have Basements and that are elevated to the Flood Protection Elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of Flood waters may have an Enclosure Below the Lowest Floor provided the enclosure meets the following standards:
 - a. Be used only for the parking of vehicles, building access, or storage; and
 - b. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of Floodwaters; or
 - c. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of Floodwaters.
6. Manufactured Homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.

7. Repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the Structure's continued designation as a Historic Structure and is the minimum necessary to preserve the historic character and design of the Structure shall be exempt from the development standards for residential Structures.
8. In AO Zones, New Construction and Substantial Improvement shall have adequate drainage paths around Structures on slopes to guide Floodwaters around and away from the Structure.
9. Each new residential site adjacent to a roadway which is above the Base Flood Elevation, shall have direct access from each structure to a walkway, driveway, or roadway whose surface elevation is not less than the Flood Protection Elevation and such escape route shall lead directly out of the 1% chance annual Floodplain area.

E. Nonresidential Structures

1. New Construction and Substantial Improvement of any commercial, industrial or other nonresidential Structure shall meet the requirements identified in Section 1110.0600(D)(1) through (3), and (5) through (7).
2. New Construction and Substantial Improvement of any commercial, industrial or other non-residential Structure shall either have the Lowest Floor, including crawl space or Basement, elevated to or above the level of the Flood Protection Elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - a. Be dry Floodproofed so that the Structure is watertight with walls substantially impermeable to the passage of water to the level of the Flood Protection Elevation;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - c. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction satisfy this Chapter.
3. Where Flood protection data are not available the Structure shall have the Lowest Floor, including Basement, elevated at least two feet above the highest adjacent natural grade.
4. Each new nonresidential site adjacent to a roadway which is above the Base Flood Elevation, shall have direct access from each structure to a walkway, driveway, or roadway whose surface elevation is not less than the Flood Protection Elevation and such escape route shall lead directly out of the 1% chance annual Floodplain area.

F. Accessory Structures

Relief to the elevation or dry Floodproofing standards may be granted for Accessory Structures containing no more than 600 square feet. Such Structures: must not be used for human habitation; shall be constructed of Flood resistant materials; shall be constructed and placed on the lot to offer the minimum resistance to the flow of Floodwaters; shall be firmly anchored to prevent flotation; and shall meet the opening requirements of Section

1110.0600(D)(5)(c). Moreover, service facilities such as electrical and heating equipment shall be elevated or Floodproofed to or above the level of the Flood Protection Elevation.

- G.** Recreational Vehicles shall not be located on sites in Special Flood Hazard Areas for more than 180 days, or they must be fully licensed and ready for highway use, or else they must meet all standards for residential Structures.
- H.** Above Ground Gas or Liquid Storage Tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- I.** The following standards apply to all Fill activities in Special Flood Hazard areas:
 - 1.** Fill sites, upon which Structures will be constructed or placed, must be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test method or an acceptable equivalent method.
 - 2.** Fill slopes shall not be steeper than one foot vertical to two feet horizontal.
 - 3.** Adequate protection against erosion and scour is provided for Fill slopes. When expected velocities during the occurrence of the Base Flood of five feet per second armoring with stone or rock protection shall be provided. When expected velocities during the Base Flood are five feet per second or less protection shall be provided by vegetative cover.
 - 4.** Fill shall be composed of clean granular or earthen material.
 - 5.** Fill shall not be placed in the designated Floodway.
 - 6.** Fill shall not be placed in wetland areas without approvals from Ohio EPA and the US Army Corps of Engineers, as required by law.

(Ord. 368-11. Passed 07-26-11.)

1110.0700 | Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing Flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the Flood carrying capacity of Watercourses is minimized:

- A.** Development in Floodways
 - 1.** In Floodway areas, Development shall cause no increase in Flood levels during the occurrence of the Base Flood discharge. Prior to issuance of a Floodplain Development permit, the Applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed Development would not result in any increase in the Base Flood Elevation; or
 - 2.** Development in Floodway areas causing increases in the Base Flood Elevation may be permitted provided the Applicant completes all of the following:
 - a.** Meets the requirements to submit technical data in Section 1110.0400(A);
 - b.** An evaluation of alternatives that would not result in increased Base Flood Elevations and an explanation why these alternatives are not feasible;

- c. Certification that no Structures are located in areas that would be impacted by the increased Base Flood Elevation;
- d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
- e. Concurrence of the Mayor of City of Toledo and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but without Floodways

- 1. In Riverine Special Flood Hazard Areas identified by FEMA where Base Flood Elevation data are provided but no Floodways have been designated, the cumulative effect of any proposed Development, when combined with all other existing and anticipated Development, shall not increase the Base Flood Elevation more than 1.0 (one) foot at any point. Prior to issuance of a Floodplain Development permit, the Applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
- 2. Development in Riverine Special Flood Hazard Areas identified by FEMA where Base Flood Elevation data are provided but no Floodways have been designated causing more than one foot increase in the Base Flood Elevation may be permitted provided the following is completed by the Applicant: an evaluation of alternatives which would result in an increase of one foot or less of the Base Flood Elevation and an explanation why these alternatives are not feasible and the criteria listed in Section 1110.0700(A)(2)(a), and (c) through (e) are met.

C. Alterations of a Watercourse

For the purpose of these regulations, a Watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on the USDA Forest Service General Technical Report RM-245, or other applicable publication available from a Federal, State, or other authoritative source. For all proposed Developments that alter a Watercourse, the following standards apply:

- 1. The bankfull Flood carrying capacity of the altered or relocated portion of the Watercourse shall not be diminished. Prior to the issuance of a Floodplain Development permit, the Applicant must submit a description of the extent to which any Watercourse will be altered or relocated as a result of the proposed Development, and certification by a registered professional engineer that the bankfull Flood carrying capacity of the Watercourse will not be diminished.
- 2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a Watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

3. The Applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said Watercourse so that the Flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Toledo specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the Floodplain Development permit.
4. The Applicant shall meet the requirements to submit technical data in Section 1110.0400(A)(3) when an alteration of a Watercourse results in the relocation or elimination of the Special Flood Hazard Area, including the placement of culverts.

D. Compensatory Storage

Fill within the area of Special Flood Hazard shall result in no net loss of natural Floodplain storage. Providing an equal volume of Flood storage by excavation or other compensatory measures shall offset the volume of the loss of Floodplain storage due to Filling in the Special Flood Hazard Area. For the purpose of satisfying this provision, compensating cut may be from any properties within the watershed, along the same watercourse or hydraulically connected, where the Base Flood Elevation is within one foot of the Base Flood Elevation of the fill area, and where the compensating cut and fill are at the same range of elevations. Fill of less than 10 cubic yards per residential lot, cumulative from the time of passage of this regulation, will not require compensating cut, providing that the fill does not adversely affect adjoining properties.

(Ord. 368-11. Passed 07-26-11.)

1110.0800 | Critical Development

Critical Development is that which is critical to the community's public health and safety, are essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical Development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities. Critical Developments shall be elevated to the 500-year Flood elevation or be elevated to the highest known historical Flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year Flood elevation or the highest known historical Flood elevation, the critical development shall be elevated to one foot above the Flood Protection Elevation. Critical developments shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the Flood Protection Elevation and such escape route shall lead directly out of the 1% chance annual Floodplain area.

(Ord. 368-11. Passed 07-26-11.)

1110.0900 | Ditch Maintenance Access

A. General

Development should not restrict the City's ability to access Ditches and Watercourses for maintenance.

B. Clear Zone

A clear zone shall be maintained adjacent to Ditches and Watercourses, which shall be free of structures, permanent fences, walls, or other obstructions that would restrict maintenance access. The clear zone shall be measured from the top of Stream Bank, as defined herein, a horizontal distance of twelve feet away from the Ditch or Watercourse. If there is no defined Stream Bank, the clear

zone shall be measured from the Ordinary High Water Mark. If the Floodway extends further than twelve feet from the top of bank, then the clear zone shall extend to the edge of the Floodway. The required clear zone shall not exceed 25 feet from the Ordinary High Water Mark, or to the edge of Floodway, whichever is larger.

C. Exemptions

Exemption to this clear zone requirement may be granted if site constraints exist which would render an otherwise developable property undevelopable due to the requirement, and there is adequate clear zone on the opposite side of the Ditch or Watercourse.

D. Prior Uses

This Section 1110.0900 applies only to new development and not structures or uses existing at the time of the passage of these regulations.

(Ord. 368-11. Passed 07-26-11.)

1110.1000 | Variances

1110.1001 Appeals Board

The Board of Zoning Appeals has authority to hear and decide Appeals and requests for Variances from the requirements of this chapter. The Appeals Board shall meet as needed, shall hear and decide Appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator and shall authorize Variances. Records of the Appeals Board shall be kept and filed in the offices of Building Inspection at One Government Center, Toledo, Ohio 43604.

(Ord. 368-11. Passed 07-26-11.)

1110.1002 Appeals

Any Person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such Person shall file, within twenty (20) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such Appeal shall be in writing, signed by the Applicant and be filed with the Floodplain Administrator. Upon receipt of the Appeal, Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board. Upon receipt of the notice of Appeal, the Appeals Board shall fix a reasonable time for the Appeal, give notice in writing to parties in interest, and decide the Appeal within a reasonable time after it is submitted.

(Ord. 368-11. Passed 07-26-11.)

1110.1003 Conditions of Variances

A. Application

1. Any owner, or agent thereof, of property for which a Variance is sought shall make an application for a Variance by filing it with the Floodplain Administrator, who upon receipt of the Variance shall transmit it to the Appeals Board.
2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the Applicant; legal description of the property; parcel map; description of the existing use; description of the

proposed use; location of the Floodplain; description of the Variance sought; and reason for the Variance request.

3. Upon receipt of the application for Variance, the Appeals Board shall fix a reasonable time for a public hearing of the Appeal, give notice, in writing, to parties in interest, and decide the Appeal within a reasonable time after it is submitted.

B. Public Hearing

At such hearing the Applicant shall present such statements and evidence, as the Appeals Board requires. In considering such Variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility, and its contents to flood damage, and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use, which are not subject to Flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated Development.
8. The relationship of the proposed use to the comprehensive plan and Floodplain management program for that area.
9. The safety of access to the property in times of Flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the Floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

C. Granting Variances shall only occur upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the Variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the Applicant.
3. A determination that the granting of a Variance will not result in increased Flood heights beyond that which is allowed in these regulations; additional

threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

4. A determination that the Structure or other Development is protected by methods to minimize Flood damages.
5. A determination that the Variance is the minimum necessary, considering the Flood hazard, to afford relief.
6. A determination that the purposes and intent of these regulations are not affected or are mitigated to a reasonable degree.

D. Other conditions for Variances

1. The Appeals Board may attach such conditions to the granting of Variances, as it deems necessary, to further the purposes of these regulations.
2. Variances shall not be issued within any designated Floodway if any increase in Flood levels during the Base Flood discharge would result.
3. Generally, Variances may be issued for New Construction and Substantial Improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing Structures constructed below the Base Flood level, providing all items of this Section have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the Variance increases.
4. Any Applicant to whom a Variance is granted shall be given written notice that the Structure will be permitted to be built with a Lowest Floor elevation below the Base Flood Elevation and the cost of Flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor elevation.

E. Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The Applicant shall proceed first to present evidence and testimony in support of the Appeal or Variance.
4. The Floodplain Administrator may present evidence or testimony in opposition to the Appeal or Variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for Appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter

issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

- F. Those aggrieved by the decision of the Appeals Board may Appeal such decision to the Lucas County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
(Ord. 368-11. Passed 07-26-11.)

1110.1100 | Enforcement

1110.1101 Compliance Required

No Structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a Development permit.

Failure to obtain a Floodplain Development permit is a Violation of these regulations.

Floodplain Development permits issued on the basis of plans and application approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a Violation of these regulations.

(Ord. 368-11. Passed 07-26-11.)

1110.1102 Stop Work Order

Whenever the Floodplain Administrator determines that there has been a Violation of any provision of these regulations, he shall serve a written notice of adjudication, also known as a stop work order, upon the property owner, the owner's agent, or the person responsible for the violation. The notice of adjudication shall direct that person to stop such illegal action and suspend such unauthorized work until the condition in violation has been remedied. Such notice may be either provided in Person or by registered or certified mail, or by copy posted in a conspicuous place in or on the dwelling affected, if necessary.

(Ord. 368-11. Passed 07-26-11.)

1110.1103 Abatement

In cases where such notices or orders are not promptly complied with, the Floodplain Administrator shall request the Director of Law to institute an appropriate action or proceeding at law or in equity to prevent an unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use; or to restrain, correct or abate a violation; or to prevent the occupancy of a building, structure or premises; or to prevent an illegal act, conduct, business or use in or about any premises upon which the violation has occurred or is occurring. The penalties prescribed in Section 1110.1104 shall not preclude the Director of Law from instituting appropriate legal actions or proceedings to prevent such illegal or unauthorized work from continuing.

(Ord. 368-11. Passed 07-26-11.)

1110.1104 Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a first-degree misdemeanor and the violator shall also be subject to the penalties and fines shown in Section 1110.1104(A). Each day such Violation continues shall be considered a separate offense. Additionally, the City of Toledo may in its sole discretion, pursue all

other lawful actions including but not limited to the implementation of civil penalties, filing civil actions, and seeking reimbursement for expenses.

A. The penalty for illegal and unauthorized work identified prior to issuing the required permit shall be in addition to the required permit fee and shall be double the permit fee specifically required in Chapter 1307 of this Code plus a fine in accordance with the schedule of fines shown in Section 1110.1104(A)(1) of this code. With the exception of court costs deposited as required by law, all fines for citations issued in accordance with this section shall be deposited in the Building Inspection Trust Fund designated for and to be exclusively used in the investigation, administration, enforcement and prosecution of violations and violators of Chapter Eleven – Planning and Zoning Code and Chapter Thirteen – Building Code, as well as the continuing education and certification of the staff of the Division of Building Inspection.

1. Schedule of fines. The fines imposed on violators of this Chapter 1110 Floodplain Regulations for the investigation and prosecution of violations shall be as shown below. If three (3) years occurs between offenses, the violation shall be reduced to the previous fine but shall never be less than a first offense.

a. First offense	\$250.00
b. Second offense	\$500.00
c. Third offense	\$1,000.00
d. Fourth offense	\$2,000.00
e. Fifth offense, any offense thereafter	\$3,000.00

B. The payment of the aforementioned charges shall not relieve any person, firm or corporation from full compliance with the requirements of the Floodplain Regulations in the execution of the work nor from any penalty prescribed therein.

C. The owner of any building, structure or premises where anything in violation of this Chapter 1110 Floodplain Regulations shall be placed or shall exist, and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. Each day's continued violation of any provision of this Chapter 1110 Floodplain Regulations shall constitute a separate offense.

(Ord. 368-11. Passed 07-26-11.)

Chapter 1111 | Development Approval Procedures

1111.0100 | General

1111.0101 Authority to File Applications

An application for development review or approval under this Zoning Code must be filed by the person having legal authority to take action in accordance with the approval sought.

- A. Unless otherwise expressly stated, that person is presumed to be the record owner, option holder, or duly authorized agent of the record owner. City officials are authorized to require proof of legal authority to take the action sought.
- B. Review and decision-making bodies may initiate action with or without an application from the property owner. When a review or decision-making body initiates an application it does so without prejudice toward the outcome.

1111.0102 Pre-application Conference

- A. Each applicant for development approval is encouraged to arrange a pre-application conference with Plan Commission staff. Plan Commission staff will provide assistance to applicants and ensure that the appropriate review agencies are involved in such meetings.
- B. At such time as the Toledo Design Center becomes fully functional as determined by the Planning Director, a development review application may be recommended for referral to the Toledo Design Center.

1111.0103 Form of Application

Applications required under the Zoning Code must be submitted in a form and in such numbers as required by the One Stop Shop, Division of Building Inspection and Code Enforcement. Application forms and checklists of required submittal information shall be available in the One Stop Shop, Division of Building Inspection and Code Enforcement.

1111.0104 Storm Water Discharge Control Plan

Where necessary, an application for development approval shall include, for review and approval, a topographical plan indicating proposed control practices that will reduce pollutants from storm water runoff, both during development activity and upon completion.

- A. The objectives and requirements of storm water discharge control are found in Chapter 941 of the Streets, Utilities and Public Services Code.
- B. Review and approval of the topographical plan may be conducted by the Director of Public Utilities concurrently with review and approval of the application for development approval, or may be a condition of approval prior to the issuance of permits,
- C. When a topographical plan has been approved for a site or parcel, no further submittal or approval of a topographical plan for the same development activity on the same site or parcel shall be required.

1111.0105 Application Filing Fees

Applications must be accompanied by the fee amount that has been established by the City Council and available at the One Stop Shop, Division of Building Inspection and

Code Enforcement. Fees are not required with applications initiated by review or decision-making bodies. Any fee refund is solely at the discretion of the Commissioner of Building Inspection and Code Enforcement.

1111.0106 Application Completeness

An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.

- A. The official responsible for accepting the application will make a determination of application completeness within 10 working days of application filing.
- B. If an application is determined to be incomplete, the official responsible for accepting the application must notify the applicant along with an explanation of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn.

1111.0107 Wetlands Determination

- A. The presence of a wetland, and delineation of its boundaries, shall ordinarily be determined by the applicant through the performance of a field survey in accordance with the procedures set forth in the currently used 1987 Wetland Delineation Manual of the U.S. Army Corps of Engineers. Actual site conditions may demonstrate the presence of a wetland, not shown on the maps, which may require the applicant to comply with Section 404 of the Federal Clean Water Act.
- B. The City shall assume no liability for the failure of an applicant to comply with Section 404 of the Federal Clean Water Act or other applicable law.

1111.0108 Letters of Zoning Verification

Any person may request from the Planning Director a written zoning verification letter verifying the zoning currently applicable to a particular parcel.

1111.0109 City Council Notification

Within 10 days of receipt of any application for a Zoning Map Amendment, Special Use, Major Site Plan Review or Institutional Master Plan the Planning Director shall notify City Council of the application.

1111.0110 Continuation of Public Hearings

A public hearing for which proper notice was given may be continued to a later date without providing additional notice as long as the continuance is set for a date and time certain and that date and time is announced at the time of the continuance. If a public hearing is tabled or deferred for an indefinite period of time or postponed more than 3 months from the date of the originally scheduled public hearing, new public notice must be given before the rescheduled public hearing. The review or decision-making body is authorized to require that the party responsible for the deferral or postponement pay the cost of re-notification.

1111.0111 Action By Review Bodies

In making their recommendation, review bodies may take any action that is consistent with the Toledo Municipal Code and the notice that was given, including recommending approval of the application, recommending approval with modifications or conditions, or recommending denial of the application.

- A. Review bodies may recommend modifications, amendments, or the imposition of conditions on the application if the effect of the condition is to allow a less intensive use or zoning district than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.
- B. Review bodies may not recommend approval of a greater density of development, a more intensive use or a more intensive zoning district than was indicated in any public notice.

1111.0112 Action By Decision-Making Bodies

Decision-making bodies may take any action that is consistent with regulations of the Toledo Municipal Code and the notice that was given, including approving the application, approving the application with modifications or conditions, or denying the application.

- A. The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or zoning district than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.
- B. Decision-making bodies may not approve a greater density of development, a more intensive use or a more intensive zoning district than was indicated in any public notice.
- C. Decision-making bodies are not required to approve the maximum density or intensity of use allowed.

1111.0113 Burden of Proof or Persuasion

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

1111.0114 Conditions of Approval

When the procedures of this Chapter allow decision-making bodies to approve applications with conditions, the conditions must relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impact of the use or development.

1111.0115 Inaction by Review/Decision-Making Bodies

- A. When a review or decision-making body fails to take action on an application within any time limit that is specified in this Chapter, that inaction will be interpreted as a recommendation of approval or a decision to approve, respectively.
- B. Time limits for action may be extended if the applicant consents to the extension or when the applicant requests a deferral. If an applicant requests a deferral, their request constitutes automatic consent to an extension of any required processing time.
- C. When a review body fails to take action on an application within the time required, the decision-making body is free to proceed with its own action on the matter without awaiting a recommendation.

1111.0200 | Neighborhood Meetings

1111.0201 Applicability

Prior to any Plan Commission public hearings, if a Councilperson or the Planning Director believes that an application warrants a neighborhood meeting with persons required to be notified, then the Planning Director shall advise the applicant to hold a neighborhood meeting.

1111.0202 Neighborhood Meeting Notice

For the purposes of this Section, persons required to be notified shall include property owners required to be notified by law and Plan Commission policy as stated in Sec. 1111.0303, and representatives of identifiable neighborhood organizations (Sec. 145.06)

1111.0203 Neighborhood Meeting

When a neighborhood meeting is advised, the applicant shall do the following:

- A.** Notify those persons required to be notified that a neighborhood meeting will be held prior to the scheduled Plan Commission hearing to explain and discuss the proposed development. The applicant shall be responsible for identifying and notifying the persons required to be notified. Notification shall be sent by regular mail.
- B.** Hold the neighborhood meeting at a time and location reasonably convenient to the persons required to be notified. The applicant shall notify The Clerk of Council and the Planning Director of the time, place and location of the meeting. The meeting format shall include an explanation of the project and time for questions, discussion and comment.

1111.0204 Summary of Neighborhood Meeting

- A.** The applicant shall submit to the Planning Director a written report (no more than two pages in length) summarizing the neighborhood meeting and issues raised and resolved or unresolved. This report shall be due to the Planning Director 21 days prior to the hearing date for the application. The applicant's failure to submit the report may be grounds for deferral of the matter by the Plan Commission.
- B.** Persons required to be notified in attendance at the neighborhood meeting may also submit their own report (no more than two such reports containing no more than two pages) to the Planning Director 21 days prior to the hearing date for the application.
- C.** Reports received after the deadline of 21 days prior to the Plan Commission hearing shall be kept on file but shall not be part of the staff report. All reports received prior to the deadline shall be contained in the Plan Commission staff report as attachments.

1111.0205 Neighborhood Meeting after Plan Commission Hearing Exception

In the event that a Councilperson determines that an application warrants a neighborhood meeting after the Plan Commission hears the application, but before the scheduled Council Zoning and Planning Committee review of the application, the applicant shall hold a neighborhood meeting using the procedures of Sec. 1111.0203, paragraphs A and B (except for the requirement to hold the meeting prior to the Plan Commission hearing.). Written reports of these meetings containing no more than two pages in length may be

submitted by the applicant and persons required to be notified to the Clerk of Council for consideration by Council.

1111.0300 | Notices

These “notice” provisions are general in nature. To determine the specific notice requirements for each type of application, see the specific review procedures. To determine the notice requirements for rezonings, for example, see the rezoning procedures of Sec. 1111.0600.

1111.0301 Content

- A.** All notices required under this Zoning Code must:
 - 1. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
 - 2. describe the property involved in the application by street address or other means to appropriately identify the property.
 - 3. describe the nature, scope and purpose of the application or proposal; and
 - 4. indicate where additional information on the matter can be obtained.
- B. Posted Notice Exception**

Content of the posted notice on a subject property at a minimum must indicate the application by street address, the type of request, and the telephone number where additional information on the matter can be obtained.

1111.0302 Newspaper Notice

- A.** When the provisions of this Zoning Code require that “Newspaper Notice” be provided, the City is responsible for publishing notice in a daily newspaper of general circulation in the City of Toledo.
- B.** The notice must appear in the newspaper at least 30 days before the date of the City Council public hearing.

1111.0303 Mailed Notice

When the provisions of this Zoning Code require that “Mailed Notice” be provided, the City must mail notice to all owners of the subject property and all owners of property abutting or directly across the street or place from the subject property as required by the Revised Code Chapter 713, and as established by Plan Commission policy.

- A.** Ownership information is to be obtained from the county auditor's current tax list, the Treasurer's mailing list or other list that may be specified by City Council.
- B.** Notices must be deposited in the U.S. mail at least 20 days before the date of the City Council public hearing.
- C.** When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.
- D.** Mailed notice is not required for zoning map amendments involving more than 10 parcels of land as listed on the current tax list; however, at the discretion of the Planning Director, notice may be mailed.

1111.0304 Posted Notice

When the provisions of this Zoning Code require that “Posted Notice” be provided, the applicant must ensure that notice is posted on the subject property. Posted notice must be in the form of official signs provided by the Plan Commission and be done in a manner that makes the notice clearly visible to neighboring residents and passers-by from each street bordering the subject property.

- A.** One or more signs must be posted where instructed by the Planning Director. At least one sign must be posted for each lot frontage.
- B.** Required posted notice must be in place for at least 15 days before the hearing, meeting, or date of action that is the subject of the notice.
- C.** Failure to properly post signs is grounds for deferral or denial of the application. No one, except the applicant or an agent of the applicant or the City, shall remove or tamper with any such required sign during the period it is required to be maintained under this section.
- D.** The applicant must remove signs between 7 and 10 days of the date that the decision-making body takes action.

1111.0305 Public Meeting Notice

When the provisions of this Zoning code require a public hearing or provide for an appeal, the City also must provide public meeting notice in accordance with Chapter 107 of the Administrative Code.

1111.0306 Courtesy Notice

As a matter of practice the City may provide broader notice to supplement the above notice provisions. Examples are:

- A.** when the official responsible for accepting the application or providing the notice determines that broader notice is necessary because of the extraordinary land use impacts likely to result from the proposal,
- B.** attempt to provide notice to occupants of property within notice areas,
- C.** to interested persons and groups who have requested such notice,
- D.** to neighborhood organizations within the subject area,
- E.** utilize new technologies of communication such as the Internet to upload review and decision-making bodies’ agendas.

1111.0400 | Summary of Procedures

The following table provides a summary of the procedures in this Chapter. In the event of conflict between this summary table and the detailed procedures in this Chapter, the detailed procedures govern.

	Staff	HDC	PC	BZA	CC	Notice [1]
Text Amendments	R	—	<R>	—	<DM>	N
Zoning Map Amendments	R	—	<R>	—	<DM>	N, P, M
Special Uses	R	—	<R>	—	<DM>	N, P, M
Site Plan Review						
Minor	DM	—	A	—	A	P,M [2]

Chapter 1111 | Development Approval Procedures
Sec. 1111.0500 | Text Amendments

	Staff	HDC	PC	BZA	CC	Notice [1]
Major	R	—	<DM>	—	A	P,M
Downtown Review (Physical Changes)	DM	—	A/DM[3]	—	A	—
Downtown Review (Demolition)	R	—	DM	—	A	M
Historic Districts (Designation/Expansion)	R	R	<R>	—	<DM>	N, P, M
Certificate of Appropriateness	R	<DM>	A	—	—	M
Administrative Certificate of Appropriateness	DM	A	A	—	—	M[2]
Institutional Master Plan	R	—	<R>	—	<DM>	N,P,M
Maumee Riverfront Review	R	—	<DM>	—	A	M
Certificate of Use and Occupancy	DM	—	—	<A>	—	—
Variances	R	—	—	<DM>	—	M
Exceptions	R	—	—	<DM>	—	M
Written Interpretations	DM	—	—	<A> [4]	—	—
Appeals of Bldg Official's Zoning Decisions	—	—	—	<DM>	—	M

Decision Making Bodies

HDC = Historic District Commission
PC = Plan Commission
BZA = Board of Zoning Appeals
CC = City Council
Staff = Plan Commission or the Div.
of Building Inspection and
Code Enforcement

Types of Procedures

R = Review Body
DM = Decision Making Body
A = Appellate Body
<xx>= Public Hearing Required

Types of Notice

N = Newspaper (published)
P = Posted (signs)
M = Mailed

When no local appellate body is specified, appeals are taken to court as provided by law.

Table Notes

- [1] See Sec. 1111.0300
- [2] For appeals only
- [3] Planning Director has review and decision-making authority unless a Plan Commission members calls up the application for review by the full Plan Commission. Plan Commission acts as appeal body when Planning Director is decision-maker.
- [4] Appeals processed as "Appeals of Administrative Decisions."

1111.0500 | Text Amendments

1111.0501 Initiation and Application Filing

The Plan Commission or City Council may initiate Zoning Code text amendments.

1111.0502 Public Hearing Notice

Newspaper notice of the City Council public hearing must be provided in accordance with Sec. 1111.0300.

1111.0503 Staff Review/Report

Plan Commission staff will review each proposed text amendment in accordance with the criteria of Sec. 1111.0506 and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the staff will provide a report on the proposed amendment to the Plan Commission and City Council.

1111.0504 Plan Commission's Review/Recommendation

The Plan Commission must hold a public hearing on proposed text amendments and recommend that the City Council approve, approve with modifications or deny the proposed amendment. In making its recommendation, the Plan Commission must use the criteria of Sec. 1111.0506.

- A. In the case the proposed text amendment is disapproved by the Plan Commission such amendment may not be passed except by a three-fourths vote of the full membership of City Council.
- B. The Plan Commission must make its recommendation to the City Council within 90 days of receipt of a complete application by the Plan Commission.

1111.0505 City Council Hearing and Decision

Not less than 30 days after receiving the Plan Commission’s recommendation or after having allowed the time required for the Plan Commission’s consideration, the City Council must hold at least one public hearing on the proposed text amendment. Following the public hearing (at the same or subsequent meeting), the City Council must take action to approve, approve with modifications or deny the proposed amendment based on the criteria of Sec. 1111.0506

1111.0506 Review and Decision-Making Criteria

In reviewing and making decisions on proposed zoning text amendments, review and decision-making bodies must consider at least the following factors:

- A. whether the proposed text amendment corrects an error or inconsistency in the Zoning Code or meets the challenge of a changing condition; and
- B. whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Zoning Code (See Sec. 1101.0400).

1111.0600 | Zoning Map Amendments (Rezoning)

1111.0601 Application Filing

Applications must be filed with the One Stop Shop, Division of Building Inspection and Code Enforcement.

1111.0602 Public Hearing Notice

Posted, and mailed notice of the Plan Commission public hearing, and posted, newspaper and mailed notice of the City Council public hearing, must be provided in accordance with Sec. 1111.0300.

1111.0603 Staff Review/Report

Plan Commission staff will review each proposed zoning map amendment in accordance with the criteria of Sec. 1111.0606 and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the staff will provide a report on the proposed amendment to the Plan Commission and City Council.

1111.0604 Plan Commission’s Review/Recommendation

The Plan Commission must hold a public hearing on proposed zoning map amendments and recommend that the City Council approve, approve with modifications or deny the proposed amendment. In making its recommendation, the Plan Commission must use the criteria of Sec. 1111.0606.

- A. In the case the proposed map amendment is disapproved by the Plan Commission, such amendment may not be passed except by a three-fourths vote of the full membership of City Council.
- B. The Plan Commission must make its recommendation to the City Council within 90 days of receipt of a complete application by the Plan Commission unless the applicant concurs with a deferral.

1111.0605 City Council Hearing and Decision

Not less than 30 days after receiving the Plan Commission’s recommendation or after having allowed the time required for the Plan Commission’s consideration, the City Council must hold at least one public hearing on the proposed zoning map amendment. Following the public hearing, at the same or subsequent meeting, the City Council must take action to approve, approve with modifications or deny the proposed amendment based on the criteria of Sec. 1111.0606.

1111.0606 Review and Decision-Making Criteria

In reviewing and making decisions on proposed zoning map amendments, review and decision-making bodies must consider at least the following factors:

- A. consistency of the proposed rezoning with the Comprehensive Plan and the stated purpose of this Zoning Code (See Sec. 1101.0400);
- B. existing land uses within the general vicinity of the subject property;
- C. the zoning classifications of properties within the general vicinity of the subject property;
- D. the physical suitability of the subject property for the uses permitted under the existing and proposed zoning classifications;
- E. the extent to which rezoning will positively or detrimentally affect properties within the vicinity of the subject property;
- F. whether the proposed amendment corrects an error or inconsistency in the Zoning Code or meets the challenge of a changing condition;
- G. whether the City and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development; and
- H. whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

1111.0607 Official Zoning Map

Approved zoning map amendments must be indicated on the Official Zoning Map.

1111.0608 Successive Applications

When the City Council denies a zoning map amendment application or the applicant withdraws an application after the first public hearing notice has been published in the newspaper, the One Stop Shop staff of the Division of Building Inspection and Code Enforcement may not accept and the Plan Commission staff may not process another application for the same or similar amendment affecting the same property or a portion of it until the expiration of a 1-year period, extending from the date of denial by the City Council or withdrawal by the applicant.

1111.0609 Appeals

Appeals of City Council decisions on zoning map amendments may be taken to the courts, as provided by law.

1111.0700 | Special Uses

1111.0701 Application Filing

Applications and a site plan of the proposed special use must be filed with the One Stop Shop, Division of Building Inspection and Code Enforcement.

1111.0702 Public Hearing Notice

Posted, and mailed notice of the Plan Commission public hearing, and posted, newspaper and mailed notice of the City Council public hearing, must be provided in accordance with Sec. 1111.0300.

1111.0703 Staff Review/Report

Plan Commission staff will review each proposed Special Use in accordance with the criteria of Sec. 1111.0706 and, if deemed necessary, distribute the proposed Special Use to other agencies and reviewers. Based on the results of those reviews, the staff will provide a report on the proposed Special Use to the Plan Commission and City Council

1111.0704 Plan Commission's Review/Recommendation

The Plan Commission must hold a public hearing on each proposed Special Use application and recommend that the City Council approve, approve with conditions or deny the proposed Special Use. In making its recommendation, the Plan Commission must use the criteria of Sec. 1111.0706.

- A. In the case the proposed special use application is disapproved by the Plan Commission such application may not be passed except by a three-fourths vote of the full membership of City Council.
- B. The Plan Commission must make its recommendation to the City Council within 90 days of receipt of a complete application by the Plan Commission.

1111.0705 City Council Hearing and Decision

Not less than 30 days after receiving the Plan Commission's recommendation or after having allowed the time required for the Plan Commission's consideration, the City Council must hold at least one public hearing on the proposed Special Use. Following the public hearing, at the same or subsequent meeting, the City Council must take action to approve, approve with modifications or deny the proposed amendment based on the criteria of Sec. 1111.0706.

1111.0706 Review and Decision-Making Criteria

In reviewing and making decisions on proposed Special Uses, review and decision-making bodies must consider at least the following factors:

- A. whether the proposed use meets the stated purpose of this Zoning Code (See Sec. 1101.0400);
- B. whether the proposed use complies with all applicable provisions of this Zoning Code;
- C. whether the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation);
- D. how the proposed use will affect the value of other property in the neighborhood in which it is to be located;
- E. whether the City and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to the subject

property while maintaining sufficient levels of service for existing development;
and

- F. whether the proposed use will have any adverse land or environmental impacts and, if so, whether those impacts can and will be mitigated.

1111.0707 Lapse of Approval

- A. An approved Special Use permit will lapse and have no further effect 1 year after its effective date unless:
 - 1. a building permit has been issued and construction diligently pursued;
 - 2. a Certificate of Use and Occupancy has been issued;
 - 3. the use is established; or
 - 4. the City Council extends the expiration period by no more than 6 months upon request filed before the expiration of the 1 year period.
- B. A Special Use permit also lapses upon abandonment of a project or revocation of a building permit. A project is deemed abandoned if the use has been discontinued for a period of 1 year or more or if the permit holder notifies the Planning Director in writing that the project has been abandoned.
- C. Use and occupancy permits for Special Uses are valid for the period established by the City Council or as long as the use is established and maintained in conformance with the plans submitted to and approved by City Council. This is in addition to any rescission of a use and occupancy permit based on Building Code violations.
- D. If the ownership of the property transfers, or the operator of the special use changes, prior to the establishment of the special use, the new permit holder (owner or operator) must submit written notice to the Planning Director indicating knowledge of, and agreement with, all terms and conditions set forth in the Ordinance approving the Special Use Permit.

(Ord. 345-10. Passed 6-22-10.)

1111.0708 Amendments to Approved Special Uses

Minor amendments to approved Special Use applications or permits may be approved by the Planning Director. Major amendments require full review and approval in accordance with the procedures of this Section (Sec. 1111.0700)

- A. An application will be considered a major amendment to an approved Special Use application or permit when any of the following criteria are met:
 - 1. an increase in building footprint size by more than 10 percent, cumulative;
 - 2. an increase in the cumulative floor area by more than 10 percent or 1,500 square feet, whichever is less;
 - 3. an increase in building height by more than 10 percent or 6 feet, whichever is less;
 - 4. an increase in the cumulative impervious surface coverage by more than 10 percent or 2,000 square feet, whichever is less;
 - 5. new uses, defined as uses falling under a different use category or use type in Sec. 1116.0200, or improvements not previously approved, extensive site

modification involving location of buildings, razing and reconstruction of approved uses;

6. an increase in the number of dwelling units or residential occupancy by more than 10 percent; or
7. for schools, a change in the hours of operation resulting in a shift of the majority of academic classes from daytime to evening or visa versa; or
8. the Planning Director determines that the proposed change will have impacts that warrant full review of the application in accordance the customary Special Use procedures.

B. An application that is not classified as a major amendment will be considered a minor amendment.

(Ord. 345-10. Passed 6-22-10.)

1111.0709 Successive Applications

When the City Council denies a special use application or the applicant withdraws an application after the first public hearing notice has been published in the newspaper, the One Stop Shop staff of the Division of Building Inspection and Code Enforcement may not accept and the Plan Commission staff may not process another application for the same or similar special use affecting the same property or a portion of it until the expiration of a 1-year period, extending from the date of denial by the City Council or withdrawal by the applicant.

1111.0710 Appeals

Appeals of City Council decisions on Special Use permits may be taken to the courts, as provided by law.

1111.0800 | Site Plan Review

1111.0801 Purpose

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of this Zoning Code; minimize land use conflicts; and encourage the compatible physical design and arrangement of buildings, off-street parking, lighting, landscaping, drainage, vehicle and pedestrian access, all in a manner that will promote public safety and convenience and will preserve property values.

1111.0802 Applicability

A. Minor Site Plan Review

Minor Site Plan Review is required for all of the following:

1. all nonresidential developments containing up to 49,999 square feet of floor area;
2. proposed off-street parking developments with between 5 and 59 spaces;
3. multi-unit residential developments containing more than 4 dwelling units and less than 40 dwelling units. See Sec. 1106.0300 for multiple buildings on a lot; and
4. at such time as the Toledo Design Center becomes fully functional as determined by the Planning Director, any development, regardless of square footage size, number of off-street parking spaces or number of dwelling

units, that has received from the Toledo Design Center documentation of having successfully utilized their design and planning assistance.

5. whenever expressly required by any other part of this Zoning Code.

B. Major Site Plan Review

Major Site Plan Review is required for all of the following:

1. all nonresidential developments with a floor area of more than 50,000 square feet;
2. proposed off-street parking with 60 or more spaces; and
3. multi-family residential development containing 40 or more dwelling units. See Sec. 1106.0300 for multiple buildings on a lot; and
4. whenever expressly required by any other part of this Zoning Code.

1111.0803 Exemption

The Site Plan Review procedures of this Section do not apply to developments for which plans have been reviewed and approved pursuant to the Special Use procedures of this Zoning Code. This provision is intended to clarify that Site Plan Review is not required for projects that have received equivalent review through other procedures of this Zoning Code.

1111.0804 Initiation and Application Filing

Site Plan Review applications must be filed with the One Stop Shop, Division of Building Inspection and Code Enforcement.

1111.0805 Decision-Making Authority

A. Minor Site Plan Review

The Planning Director shall have final decision-making authority on Minor Site Plan Review applications unless otherwise expressly stated in this Section.

B. Major Site Plan Review

The Plan Commission shall have final decision-making authority on Major Site Plan Review applications unless otherwise expressly stated in this Section.

1111.0806 Public Hearing Notice

Posted and mailed notice of the Plan Commission's consideration of a Major Site Plan Review application must be provided in accordance with Sec. 1111.0300.

1111.0807 Review/Action

A. Minor Site Plan Review

The Planning Director will review each complete application for Minor Site Plan Review and, within 45 days, take one of the following actions: approve the application;

1. identify those revisions or modifications that would allow approval of the application;
2. approve the application with conditions;
3. disapprove the application; or
4. forward the application to the Plan Commission for review and action.

(Ord. 274-07. Passed 5-1-07.)

B. Major Site Plan Review

1. The Planning Director will review each complete application for Major Site Plan Review and, within 90 days, recommend that the Plan Commission take one of the following actions:
 - a. approve the application;
 - b. identify those revisions or modifications that would allow approval of the application;
 - c. approve the application with conditions; or
 - d. disapprove the application.
2. The Plan Commission must hold a public hearing on the Major Site Plan Review application and take one of the following actions:
 - a. approve the application;
 - b. identify those revisions or modifications that would allow approval of the application;
 - c. approve the application with conditions; or
 - d. disapprove the application.

1111.0808 Notice of Decision

Notice of the decision of the Planning Director or Plan Commission must be mailed to the applicant.

1111.0809 Approval Criteria

In order to be approved, the submitted plan must comply with all of the following criteria:

- A. the plan must comply with all standards of the Toledo Municipal Code, this Zoning Code and other adopted City policies;
- B. the proposed use must be allowed in the district in which it is located;
- C. vehicular ingress and egress to and from the site and circulation within the site must provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well; and
- D. the plan must provide for the safe, efficient and convenient movement of pedestrians on the subject site.

1111.0810 Appeal of Site Plan Decisions

- A. Appeals of the Planning Director's decision on a Minor Site Plan Review application may be taken to the Plan Commission by filing a notice of appeal with the Planning Director. Appeals must be filed within 10 days of the Planning Director's decision. Public notice of appeals shall be provided by posted and mailed notice in accordance with Sec. 1111.0300.
- B. Appeals of the Plan Commission's decision, in the case of Major Site Plan Review applications or Minor Site Plan Review applications appealed to the Plan Commission, may be appealed to the City Council by filing a notice of appeal to the Planning Director and the Clerk of City Council. Appeals must be filed within 10 days of the Plan Commission's decision.

1111.0811 Right to Appeal Site Plan Decisions

- A.** Any person aggrieved by a final decision on a site plan application may make an appeal.
- B.** An appeal shall be accompanied by a written statement from the aggrieved party setting forth the grounds for the appeal. Grounds for appeal shall include at least one of the following:
 - 1.** A description of the asserted error or abuse of the discretion by the Planning Director or Plan Commission.
 - 2.** A description of how it is claimed a standard or review criteria was incorrectly applied.
 - 3.** A description of how the decision creates an inconsistency with the City's Comprehensive Plan or this Zoning Code.

1111.0812 Action on Appeal of a Site Plan

In the case of appeals, the Plan Commission or City Council must consider the appealed decision as a new matter. After considering the matter, the Plan Commission or City Council must act on the original Site Plan Review application. The procedure is to be the same as required of the original action before the Plan Commission staff.

1111.0813 Modifications and Revisions to Approved Site Plans

- A.** An applicant who wishes to alter or revise an approved Minor Site Plan must contact the Planning Director to determine if a revised plan must be resubmitted for review in accordance with the procedures of Sec. 1111.0807A.
- B.** An applicant who wishes to alter or revise an approved Major Site Plan must be reviewed in accordance with the procedures of Sec. 1111.0807B when any of the following criteria are met:
 - 1.** an increase in building footprint size by more the 10 percent, cumulative;
 - 2.** an increase the cumulative floor area by more than 10 percent or 1,500 square feet, whichever is less.
 - 3.** an increase in building height by more than 10 percent or 6 feet, whichever is less;
 - 4.** an increase in the cumulative impervious surface coverage by more than 10 percent or 2,000 square feet, whichever is less;
 - 5.** new improvements not previously approved, extensive site modification involving location of buildings, razing and reconstruction of approved buildings;
 - 6.** an increase in the number of dwelling units or residential occupancy by more than 10 percent; or
 - 7.** the Planning Director determines that the proposed change will have impacts that warrant full review of the application in accordance the customary Major Site Plan procedures.
- C.** An applicant who wishes to alter or revise an approved Major Site Plan and is not classified in any of the above criteria of Sec. 1111.0813B must contact the

Planning Director to determine if a revised plan must be resubmitted for review in accordance with the procedures of Sec. 1111.0807A.

1111.0814 Lapse of Approval

If no building permit is issued for the site within 1 year from the date of Site Plan approval, the approved plan shall lapse and become null and void. In such cases, no building permits may be issued until a new application is submitted and approved.

1111.0815 Approval plus Variance

If a development proposal requires both a site plan and a variance as provided for in Sec. 1111.1700, the applicant shall proceed through the Site Plan Review process first. The applicant shall seek the variance only after obtaining approval under the provisions of this section.

1111.0900 | Downtown Review (Physical Changes and Demolitions)

1111.0901 Required Review

Before a physical change or demolition is commenced and before a use and occupancy certificate, building permit or other permit or license is issued within the boundaries of the -DO district (See Sec. 1103.0200), site plans, building plans or any other plans as required by the Plan Commission for review, must be submitted to the Planning Director. The Plan Commission may review proposals without detailed plans in order to reduce the time and expense of review in those cases where the Plan Commission finds it can feasibly judge the proposal independently of such detailed plans. Reviews must be carried out in accordance with this Section.

1111.0902 General Provisions

A. Cost of Emergency Repairs or Demolition

The cost of emergency repairs or demolition necessitated by explosion, fire or act of God and that results in imminent danger of personal injury or property damage, must be considered separately from other work.

B. Abatement of Nuisances

Nothing in this Section will be construed to prevent the authorized municipal officers from abating public nuisances as defined in Section 1726.01 and 1726.02 of the Health Code.

1111.0903 Review of Physical Changes

A. Review and Approval Authority

Proposals for physical change must be filed with the Planning Director. Within 10 working days the Planning Director shall notify the Plan Commission of any filings for physical change. The Planning Director will review proposals for approval or disapproval unless any Plan Commission member specifically requests that the proposal be placed on the Plan Commission's agenda for review. Such a request must occur prior to the Planning Director's decision and within 15 working days of the filing date.

B. Review Process

The Planning Director must complete the review within 30 days of the application filing date. In the event that the Planning Director does not take action within 30 days, the application must be placed on the next regularly scheduled Plan Commission agenda for review.

C. Review Criteria

The -DO district review process must complement the Downtown Toledo Master Plan, adopted by Ordinance 280-02, by identifying proposed changes that would conflict with the Downtown Toledo Master Plan and its implementation. During the review of proposed physical changes, consideration must be given to such items as:

1. The development of sufficient off-street parking areas as part of the Downtown Toledo Master Plan based on location, system of streets and public transportation facilities.
2. Compatibility with the downtown urban design guidelines in Sec. 1103.0205.

1111.0904 Demolition Review

A. Applicability

All demolition requests are subject to review under the provisions of this subsection (Sec. 1111.0904).

B. Authority

The Plan Commission has review and approval authority for Demolition Review under this Section after seeking comment from the City Historic District Commission for review and comment.

C. General Review Criteria

When application is made to demolish a structure that is subject to the provisions of this Section, the Plan Commission must approve the application when it finds that an economic hardship exists in that:

1. There is no reasonable economic use or return for the structure as it exists;
2. Deterioration has progressed to the extent that rehabilitation is not economically sound; or
3. The structure is of no reasonable value to the -DO district.

D. Economic Hardship Criteria

The Plan Commission, in making a determination of economic hardship, may consider any relevant information, including, without limitation, the following criteria:

1. Alternative uses are not feasible because they cannot earn a reasonable economic return in relation to all the following:
 - a. Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred for changes necessary for the continued use of the building.
 - b. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures on the property and their suitability for rehabilitation;
 - c. Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alteration, demolition or removal; and after changes for the renovation of the existing property for continued use; and

- d. Testimony from an architect, developer, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
2. The current economic return on the property in relation to all the following:
 - a. The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased;
 - b. If the property is income-producing, the annual gross income from the property for the previous 2 years; itemized operating and maintenance expenses for the previous 2 years; and depreciation deduction and annual cash flow after debt service, if any, during the same period;
 - c. Real estate taxes for the previous 2 years and assessed value of the property according to the most recent assessed valuation; and
 - d. All appraisals obtained within the previous 2 years by the owner or applicant in connection with the purchase, financing or ownership of the property.
3. The property is not able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous 2 years, including testimony and relevant documents regarding:
 - a. Any real estate broker or firm engaged to sell or lease the property;
 - b. Reasonableness of the price or rent sought by the applicant; and
 - c. Any advertisements placed for the sale or rent of the property.
4. Economic incentives and/or funding available to the applicant through federal, state, city or private programs.
5. Other information considered by the Plan Commission to be significant in determining whether the property does yield or may yield a reasonable return to the owner.

E. Additional Demolition Review Procedures

After receipt of a demolition application, the Plan Commission must make a decision on the application.

1. The Planning Director must evaluate each application in accordance with the criteria set forth in Sec. 1111.0904C and Sec. 1111.0904D and provide a written evaluation and report. The report must be presented to the Plan Commission on or before the Plan Commission's initial hearing.
2. The Plan Commission must hold an initial hearing on the application within 45 days of the date of filing of the application with mailed notice in accordance with Sec. 1111.0300. The Plan Commission may:
 - a. Approve the application upon a finding that an economic hardship exists under Sec. 1111.0904D; or
 - b. May impose a waiting period of at least 30 days and not longer than 6 months from the date of the hearing of the application upon a finding that

no economic hardship exists under Sec. 1111.0904D. This finding may include written recommendations to the applicant.

3. Upon the imposition of a waiting period, the Plan Commission must undertake meaningful and continuing discussions during the waiting period in order to find a means of preserving the structure. The Plan Commission and applicant must investigate the feasibility of preserving the structure. During this period the Plan Commission and the applicant must make reasonable efforts to find a demolition alternative for the structure.
 - a. If the Plan Commission and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussions at least every 30 days after the initial meeting.
 - b. During these meetings, the Plan Commission must give written notice to the applicant when the Plan Commission believes that the structure may be saved if the applicant agrees to a longer waiting period.
4. The Plan Commission may develop its own information on the criteria in Secs. 1111.0904C and 1111.0904D, and this information must be made part of the record on the application.
5. The Plan Commission must announce at the initial public hearing that further information from any interested party may be made part of the record by submitting such information to the Planning Director by a date certain, and the Planning Director must transmit any such information received to the Plan Commission and the applicant.
6. The Plan Commission must seek the help of downtown leaders and suggest that they and the Plan Commission work together on developing an alternative to demolition by a date certain.
7. If, after reviewing all relevant information, the Plan Commission finds that an economic hardship exists under Sec. 1111.0904D, then the Plan Commission must approve the application.
8. If the Plan Commission, or upon appeal the City Council, and the applicant cannot agree on an alternative to demolishing the structure within the specified waiting period, then the application must be approved as a matter of law.
9. During the waiting period, the owner of such structure must reasonably maintain the structure to reduce further deterioration.
10. The applicant may appeal a decision of the Plan Commission, including the imposition of a waiting period, to the City Council for a determination pursuant to Sec. 1111.0905.
11. At the end of each year the Plan Commission must prepare a report summarizing the demolitions that year and the reasons for these demolitions. These summaries must be given to the Mayor, City Council, and interested downtown organizations.

1111.0905 Appeals

- A.** The applicant or any other interested person, including any member of the Plan Commission, may appeal any decision of the Planning Director under this Section by giving written notice to the Planning Director within 10 days after the Planning Director's action. No work on the proposed change may be commenced during the time for appeal or while an appeal is pending.
- B.** The Plan Commission must hear appeals or proposals that are properly called up for review, within 45 days of the time of appeal from the Planning Director or call up by the Plan Commission.
- C.** The applicant or any other interested person may, within 10 days after a Plan Commission decision, appeal the decision to City Council by filing written notice of the appeal with the Plan Commission and the Clerk of City Council, in which case the study and decision of the Plan Commission shall be forwarded to the City Council for a final decision by the City Council within 45 days. No work on the proposed change may be commenced during the time for appeal or while an appeal is pending.

1111.1000 | Historic Districts and Landmarks (Designation or Expansion)

1111.1001 Generally

Historic districts and landmarks must be designated or expanded in accordance with the zoning map amendment procedures of Sec. 1111.0600 except as expressly modified by the provisions of this Section.

1111.1002 Initiation

Proposals to designate or expand historic districts and landmarks must be initiated by resolution of the City Council, with referral to the Plan Commission and the City Historic District Commission for study and recommendation.

1111.1003 Information Required

Proposals to designate or expand historic districts and landmarks must include the following documentation:

- A.** an architectural survey of the same quality as required for listing on the National Register of Historic Places;
- B.** a boundary description; and
- C.** a description of the architectural and historical significance of the area or property.

1111.1004 Report Contents

The reports of the Plan Commission and City Historic District Commission, containing their written recommendations to the City Council, must include information about how the proposed historic district or landmark, or expansion, is of special historical and architectural significance. The reports must include the following:

- A.** whether the district or landmark proposed to be designated is listed on the National Register of Historic Places;
- B.** whether the district or landmark proposed to be designated provides significant examples of architectural styles of the past; and

- C. a description of the district or landmark to serve as an informational resource. The description must include, but need not be limited to, the following:
 - 1. a geographic description including location and its relationship to the entire City;
 - 2. a description of the general land uses;
 - 3. a general description of the building conditions;
 - 4. a general description of the socio-economic characteristics;
 - 5. a description of existing developmental plans or programs within or including the historic district or landmark; and
 - 6. a list of neighborhood organizations within or serving the historic district or landmark.

1111.1005 Notification of Designation

Upon designation, the Clerk of the City Council must promptly notify the Commissioner of Building Inspection and Code Enforcement, the Planning Director and the City Law Director.

- A. The Law Director must then cause the designation to be recorded by the Lucas County Recorder.
- B. The Planning Director must notify interested or affected property owners, groups, City departments, boards and commissions.

1111.1100 | Certificates of Appropriateness

1111.1101 Applicability

No contractor, owner or other person may make any environmental changes to any property designated as a historic landmark or within a designated historic district unless a valid written Certificate of Appropriateness has been issued by the respective Historic District Commission in accordance with the procedures of this Section.

1111.1102 Exemptions

- A. Nothing in this Section will be construed to prevent ordinary maintenance or repair of any exterior architectural feature of any property that does not involve a change in design, material or other appearance thereof covered by the Historic District Commission's standards and guidelines.
- B. Nothing in this Section will prevent authorized municipal officers from abating public nuisances as defined in Title 17, Health Code, Secs. 1726.01 and 1726.02.
 - 1. Whenever the Commissioner of the Division of Building Inspection and Code Enforcement receives a public nuisance complaint involving a landmarked structure or structure within a historic district, the Commissioner must notify the Planning Director within two working days after receipt of such nuisance complaint.
 - 2. In no event may an oral demolition permit be issued under this exclusion to allow abatement of public nuisances unless the municipal official authorized to issue such permits has certified, in writing, that the public health, safety, or welfare, is in immediate danger unless such oral permission is granted.

- C. Nothing in this Section will authorize a Historic District Commission to regulate or review development of the interior of a building or structure that does not affect the exterior thereof.

1111.1103 Initiation

Applications for a Certificate of Appropriateness for environmental changes upon landmarks or within designated historic districts shall be submitted directly to the Planning Director on forms provided by the Plan Commission, together with four complete sets of all applicable plans, designs, elevations, specifications and documents relating thereto.

1111.1104 No Retroactive Certificates

Applications for retroactive Certificates of Appropriateness shall not be accepted, and retroactive Certificates of Appropriateness shall not be issued.

1111.1105 Planning Director's Review and Report

Upon receipt of all pertinent documents, the Planning Director:

- A. must inform the applicant of the review procedures and application requirements;
- B. has the authority to request from the applicant additional pertinent information regarding the proposed environmental change;
- C. must inform the respective Historic District Commission members of the Certificate of Appropriateness applications.

1111.1106 Public Hearing Notice

Mailed notice of the Historic District Commission public hearing must be provided in accordance with Sec. 1111.0300. In addition to those to be notified pursuant to that Section, notice must be provided to:

- A. any interested citizen who has filed with the Historic District Commission a formal request for such notice; and
- B. other owners, residents and neighborhood organizations as determined by the Historic District Commission to carry out the intent of this Section.

1111.1107 Initial Hearing Procedures

- A. A public hearing on an application for a Certificate of Appropriateness must be conducted at the next regularly scheduled Historic District Commission meeting, no later than 45 days after the filing of the application. The Historic District Commission chairperson may call special meetings with the applicant for consultation at his or her own discretion or at the request of the Commissioner of the Division of Building Inspection and Code Enforcement prior to the regularly scheduled Historic District Commission meeting.
- B. At the Historic District Commission's discretion, a maximum of one deferral not to exceed 45 days beyond the originally scheduled hearing date may be granted. This does not apply to requests for demolition, which are governed by Sec. 1111.1108.
- C. The chairperson will conduct meetings of the Historic District Commission and a record of minutes must be kept and maintained for at least 6 years. All meetings must be open to the public and the minutes of meetings must be a public record.
- D. The applicant and all interested parties either supporting or opposing such issuance must be permitted to present information and arguments.

- E. In ruling upon an application for a Certificate of Appropriateness, the Historic District Commission must consider the following:
 - 1. the adherence of the environmental change to the landmark's or district's adopted standards and guidelines; and
 - 2. the effect of the Historic District Commission's decision upon the applicant.
- F. At the hearing, the Historic District Commission must issue an oral decision followed by a written decision within 7 days after the date of the hearing, setting forth with specificity its findings and issue a Certificate of Appropriateness. In the event that no action is taken within 45 days, the Certificate of Appropriateness must be issued as a matter of law.
- G. Building permit applications to the Division of Inspection and Code Enforcement for construction or rehabilitation work within a designated historic district shall not be accepted or approved unless three of four complete sets of building plans, where required in Section 1305.04 of the Building Code, detailing the proposed construction or rehabilitation work bear the official endorsement stamp of the respective Historic District Commission on each and every page, signed by the chairperson thereof or their duly authorized designee and a Certificate of Appropriateness is issued with the three sets of plans. The fourth set of stamped plans shall remain in the office of the Plan Commission.
- H. Unless the work described in the Certificate of Appropriateness is commenced within 1 year and continued progress is made and is completed within 2 years, the Certificate of Appropriateness will expire as a matter of law. The respective Historic District Commission may grant an extension of time for good cause shown.
- I. In the event that the owner, contractor, subcontractor, or other person to whom a Certificate of Appropriateness has been issued either violates the terms or conditions thereof or deviates from the approved plans, designs, elevations, and specifications therein, then the Commissioner of Building Inspection and Code Enforcement may revoke such Certificate and further deny issuance of the building, use and occupancy and/or demolition permit for such Certificate. In no event may the Commissioner of Building Inspection and Code Enforcement approve retroactively any amendment to a Certificate of Appropriateness.

1111.1108 Demolition Hearing Procedures

- A. Where application is made for a Certificate of Appropriateness to demolish a landmarked structure or structure within a designated historic district, the respective Historic District Commission must grant the application and issue the certificate when one or both of the following conditions are found to exist:
 - 1. the structure for which demolition is sought contains no features of architectural or historic significance, and it does not contribute to maintaining the character of the historic district; or
 - 2. there is no reasonable economic return for the structure as it exists and there is no feasible alternative to demolition submitted to the applicant by concerned organizations or individuals who wish to preserve the structure.

B. Economic Hardship Standards and Criteria

The Historic District Commission, in making a determination of economic hardship, may consider any relevant information, including but not limited to the following standards and criteria:

1. Alternative uses and the economic return they will earn in relation to all the following:
 - a. estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic District Commission for changes necessary for the continued use of the building and the issuance of a Certificate of Appropriateness;
 - b. a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures on the property and their suitability for rehabilitation, including any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical;
 - c. estimated market value of the property in its current condition, based on an independent MAI-certified appraiser; after completion of the proposed redevelopment, alteration, demolition or removal; and after changes recommended by the Historic District Commission for the renovation of the existing property for continued use; and
 - d. testimony from a third party architect, developer, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property, taking into consideration any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical.
2. The current economic return on the property in relation to all the following:
 - a. the amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased;
 - b. if the property is income-producing, the annual gross income from the property for the previous 2 years; itemized operating and maintenance expenses for the previous 2 years; and depreciation deduction and annual cash flow after debt service, if any, during the same period;
 - c. real estate taxes for the previous 2 years and assessed value of the property according to the most recent assessed valuation; and
 - d. all appraisals obtained within the previous 2 years by the owner or applicant in connection with the purchase, financing or ownership of the property.
3. The property is not able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous 2 years, including testimony and relevant documents regarding:
 - a. any real estate broker or firm engaged to sell or lease the property;

- b. reasonableness of the price or rent sought by the applicant; and
 - c. any advertisements placed for the sale or rent of the property.
4. Economic incentives and/or funding available to the applicant through federal, state, city or private programs.
 5. Other information considered by the respective Historic District Commission to be significant in determining whether the property does yield or may yield a reasonable return to the owner.

C. Alternatives To Demolition Submitted By Others

In deciding on the feasibility of an alternative to demolition, the Historic District Commission must find that the alternative plan meets the following requirements:

1. it contains a credible short-term and long-term program for the protection and use of the building;
2. it contains financial and architectural plans prepared by architects, engineers, real estate professionals, and other persons experienced in the rehabilitation and reuse of historic buildings; and
3. it has been submitted to the applicant as a good faith proposal containing an offer to enter into a contract at a price that reflects the fair market value of the property based upon three independent MAI-certified appraisers.

D. Additional Application Requirements

An applicant must meet with the Historic District Commission or the Plan Commission staff, and the applicant must then submit evidence on the following standards and criteria.

1. For a demolition application to be considered by the Historic District Commission, the application must contain sufficient information so that the Historic District Commission may adequately analyze the application in relation to its standards and criteria and then make a factual decision on the application.
2. The application shall include photographs and a written description of the present condition of the structure for which demolition is sought. The applicant shall include information about any changes in the condition of the structure during the previous 2 years.
3. At the initial meeting with the applicant, the Historic District Commission or the staff must indicate the information the Historic District Commission will need for a valid application.
4. For applications based on a lack of reasonable economic return, the applicant has the burden of showing that the property in question is incapable of earning a reasonable economic return in the absence of the proposed demolition. The showing must be made in accordance with the standards and criteria set forth in Sec. 1111.1108B.
5. The Planning Director must notify the applicant of any deficiencies in the documentation or other evidence provided.
6. Failure of the applicant to submit the required documentation and/or evidence will be construed as a failure on the part of the applicant to meet that standard for which the documentation and/or evidence is lacking.

7. After receipt of a completed application in which all required information is attached, the Historic District Commission must make a determination on the applicant's submission in accordance with the time frames set forth herein.
- E. The Plan Commission staff must evaluate each application in accordance with the standards and criteria contained in Sec. 1111.1108A and Sec. 1111.1108B and must provide a written evaluation and report. The report must be presented to the respective Historic District Commission on or before the Historic District Commission's initial hearing.
- F. The respective Historic District Commission must hold an initial hearing on the application as set forth in Sec. 1111.1107. The Historic District Commission, at the initial hearing, may delay a determination on the application and may impose a waiting period of at least 30 days and not longer than 9 months upon a finding that the structure is of value to the historic district and that alternatives to demolition may be feasible and should be actively pursued by both the Historic District Commission and the applicant. This finding may include written recommendations to the applicant.
- G. Upon the imposition of a waiting period, the Historic District Commission must undertake meaningful and continuing discussions during the waiting period in order to find a means of preserving the structure.
 1. The Historic District Commission and applicant must investigate the feasibility of all means of preserving the structure. During this period the Historic District Commission and the applicant must make every reasonable effort to find a demolition alternative for that structure.
 2. If the Historic District Commission and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussions at least every 30 days after the initial meeting. During these meetings, the Historic District Commission must give written notice to the applicant when the Historic District Commission believes that the structure may be saved if the applicant agrees to a longer waiting period.
- H. The Historic District Commission may develop its own information on the standards and criteria in Sec. 1111.1108, and this information must be made part of the record on the application.
- I. The Historic District Commission must announce at the initial public hearing that further evidence or documentation from any interested party may be made part of the record by submitting such information to the Planning Director by a date certain. These materials may include one or more plans for an alternative to demolition prepared by concerned organizations or individuals. The Planning Director must transmit any such information received to the Historic District Commission and the applicant.
- J. When the demolition application is first received, the Historic District Commission must seek the help of neighborhood leaders and suggest that they and the Historic District Commission work together on developing an alternative to demolition. The Historic District Commission shall arrange one or more meetings between the applicant and any organizations and individuals working on an alternative to demolition.

- K.** The Historic District Commission may cause to be established a three-person economic review panel. The review panel will be comprised of three real estate and redevelopment experts knowledgeable in the economics of renovation, redevelopment and other aspects of rehabilitation.

 - 1.** The panel will consist of one person selected by the Historic District Commission, one person selected by the applicant and one person selected by the first two appointments. If the first two appointments cannot agree on a third person, the third appointment will be selected by the Planning Director.
 - 2.** Within 60 days after the economic review panel is established and before the end of the 6th month of the waiting period, the panel must review the evidence and complete an evaluation of the economic return issue, applying the standards and criteria set forth in Sec. 1111.1108B. It must forward a written report on this evaluation to the Historic District Commission.
- L.** If, after reviewing all of the evidence, the Historic District Commission finds as follows below, then the Historic District Commission must issue the Certificate of Appropriateness, conditionally or otherwise. If the Historic District Commission finds that the standards, criteria, and requirements are not satisfied, the Certificate of Appropriateness will be denied. For the Certificate to issue, the Historic District Commission must find that:

 - 1.** the standards and criteria set forth in Sec. 1111.1108B are satisfied; and
 - 2.** there is no feasible alternative to demolition, per the requirements of paragraph C above.
- M.** If the applicant or a representative fails to meet with the Historic District Commission at the times specified, or to participate in a meeting arranged by the Historic District Commission, then the Historic District Commission may deny a Certificate of Appropriateness.
- N.** During the waiting period, the owner of such structure must maintain or mothball the structure to prevent further deterioration. If the application for a Certificate of Appropriateness is denied, the applicant must develop a program for continuing maintenance for the structure to ensure that the deterioration of the structure is not caused by the neglect of the structure by its owner or by a tenant. Such program must address the condition of the structure, the money currently available for repairs and maintenance, and any funds or in-kind assistance that may be available from interested third parties.
- O.** After holding good faith meetings pursuant to paragraph G above for 6 months into the waiting period specified by the Historic District Commission, or any time thereafter, the applicant may appeal to the Plan Commission for a determination pursuant to Sec. 1111.1109B through Sec. 1111.1109F
- P.** After each demolition of a landmarked structure or within a historic district, the Historic District Commission must prepare a brief report on that structure giving the reasons why the demolition took place. The report must be given to the Plan Commission and interested neighborhood organizations. At the end of each year the Historic District Commission must prepare a report summarizing the demolitions that year and the reasons for these demolitions. These summaries must be given to the Mayor, City Council, the Plan Commission and interested neighborhood organizations.

1111.1109 Appeals

- A.** Decisions by the Planning Director may be appealed by the applicant to the Historic District Commission. Notice of appeal must be made within 7 days of the decision. The appeal must be heard at the next regularly scheduled meeting of the respective Historic District Commission.
- B.** Decisions by the Historic District Commission may be appealed by the applicant or any other interested person to the Plan Commission, in writing, within 7 days of the Historic District Commission hearing provided for in Sec. 1111.1107. Applications must be accompanied by the fee amount that has been established by the City Council.
- C.** The Plan Commission will consider an appeal filed pursuant to this Section within 30 days of receipt of notice of appeal, and must utilize the written findings of that Historic District Commission to review economic, historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its cultural importance to the City. A majority vote of the Plan Commission is required to overturn a decision of the Historic District Commission.
- D.** In cases involving denial of an application for a Certificate of Appropriateness for demolition pursuant to Sec. 1111.1108, the Historic District Commission and the applicant must present such evidence as will be relevant to the conditions set forth in Sec. 1111.1108A and Sec. 1111.1108B and must further present evidence upon the efforts made, if any, to find a feasible and prudent alternative to demolition during the pendency of the appeal.
 - 1.** In such cases, the Plan Commission may, in its discretion, and to facilitate the production of the evidence contemplated herein, defer its final decision to a date no later than 9 months from the initial Historic District Commission hearing.
 - 2.** The Plan Commission may direct the applicant and the Historic District Commission to continue discussions as provided for in Sec. 1111.1108G for the balance of the waiting period.
- E.** Decisions by the Plan Commission will be deemed final administrative orders for appellate purposes and will be thereafter regulated by Revised Code Chapter 2506.
- F.** No Certificate of Appropriateness, building permit, or other permit necessary for the activity applied for, including environmental changes, may be issued, or if issued will be valid, during the appeal time provided in 1111.1109B, during the pendency of a timely-filed appeal before the Plan Commission, or during the time prescribed in Revised Code Chapter 2506 for an appeal of a decision of the Plan Commission.

1111.1200 | Institutional Campus

1111.1201 Development Review

A. Applicability

Unless otherwise expressly exempted below, development review shall be required prior to new construction, redevelopment or rehabilitation in the IC,

Institutional Campus district. To comply with the development review requirements of this Section, applicants have the option of:

1. submitting and securing approval of an Institutional Master Plan, in accordance with the procedures of Sec. 1111.1300, for the IC district as a whole; or
2. securing Special Use approval, in accordance with the Special Use procedures of Sec. 1111.0700, for each individual development proposal.

B. Exemptions

The following shall be exempt from the development review requirements of this Section:

1. development that complies with a valid, approved, and unexpired Institutional Master Plan; and
2. interior or exterior building alterations if the alteration will not result in an increase in the number of employees or the creation of or need for additional parking spaces.

1111.1300 | Institutional Master Plan

This Section sets out the required review and approval procedures for Institutional Master Plans.

1111.1301 Purpose

The Institutional Master Plan review and approval procedures are intended to provide a framework for development of large institutions in campus settings. Approval of an Institutional Master Plan is intended to permit flexibility in site development and in the design and arrangement of buildings that is not possible when development occurs on a lot-by-lot basis. In addition, it is intended that the master planning process and resulting Institutional Master Plan protect the integrity of adjacent neighborhoods. Institutional Master Plans are intended to create efficient, functional, and attractive areas that incorporate a high level of amenities and meet public objectives for protection and preservation of Toledo's neighborhoods. The provisions are intended to ensure appropriate uses and structures within Institutional Master Planned areas and between institutional areas and areas adjacent to them. The provisions are specifically intended to:

- A. maintain the integrity of existing residential neighborhoods and protect such areas from the adverse land use impacts sometimes associated with large institutional uses;
- B. ensure safe and adequate pedestrian and vehicular movements;
- C. offer predictability for institutions as they contemplate expansion and improvement efforts; and
- D. offer a predictable framework for the City in its efforts to make sound public investment decisions.

1111.1302 Application Filing

Applications for Institutional Master Plan approval must be filed with the One Stop Shop, Division of Building Inspection and Code Enforcement.

1111.1303 Master Planning Area

An Institutional Master Plan shall include all the area of the subject institution within the IC district and a boundary of influence extending out not less than 300 feet from the

boundary of the IC district, unless the Planning Director establishes a different area requirement based on a review of the following:

- A. physical area occupied or controlled by the existing institution;
- B. trends in property values;
- C. redevelopment potential of surrounding areas;
- D. proximity of other institutional uses;
- E. condition of structures; and
- F. level of area vacancy.

1111.1304 Planning Requirements

An Institutional Master Plan shall, at a minimum, include the following information unless the Planning Director determines that such information is not necessary to evaluate the proposed Institutional Master Plan and the institution's future impacts on surrounding neighborhoods.

A. Planning Horizon; Expiration and Lapse of Approval

The Institutional Master Plan shall cover at least a 6-year period unless the City Council approves a different Planning Horizon at the time of Institutional Master Plan approval.

B. Mission and Objectives

The Institutional Master Plan shall include a statement that defines the organizational mission and objectives of the institution and description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the institution. The statement should describe the population to be served by the institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to residents in adjacent neighborhoods and in other areas of the region.

C. Existing Property and Uses

The Institutional Master Plan shall include a description of land, buildings, and other structures occupied by the institution as of the date of submission of the Institutional Master Plan. At a minimum, the following information shall be required:

1. illustrative site plans showing the footprints of each existing and proposed building and structure, roads, sidewalks, parking, landscape features and other significant site improvements;
2. land and building uses;
3. floor area in square feet;
4. building height in stories and feet
5. landscaping and lighting concept plans; and
6. a description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility.

D. Needs of the Institution

The Institutional Master Plan shall include a summary and projection of the institution's current and future needs for the following facilities:

1. academic;
2. service;
3. research;
4. office;
5. housing;
6. patient care;
7. public assembly;
8. parking; and
9. other facilities related to the institutional use.

E. Development Envelope

The Institutional Master Plan shall include a description of the land area and “development envelope” within which future development will occur. The development envelope shall be described in narrative and through the use of drawings or models. The intent of this provision is to provide the institution with certainty regarding the future development potential of the site subject to the Institutional Master Plan while protecting the integrity of adjacent neighborhoods. The Institutional Master Plan shall include the following in describing the development envelope:

1. floor area ratio;
2. average daily and peak-hour traffic;
3. height;
4. setbacks;
5. total site area of open space; and
6. total number of parking spaces to be provided.

F. Transportation Management Plan

The Institutional Master Plan shall include a transportation and parking management plan that identifies any traffic mitigation measures to be employed.

G. Pedestrian Circulation Plan

The Institutional Master Plan shall include pedestrian circulation guidelines and objectives, including a description of the circulation system to be provided through the campus and plans for ensuring the accessibility of pedestrian areas and open spaces.

H. Urban Design Guidelines

The Institutional Master Plan shall include design guidelines and objectives for new and renovated buildings and structures to assure their appropriateness with surrounding neighborhoods and districts and to minimize potential adverse impacts on such neighborhoods. Urban design guidelines shall include listings of appropriate materials, height, bulk, massing, and colors that will be used to guide the course of proposed and future development.

I. Neighborhood Protection Strategy

The Institutional Master Plan shall identify standards and programs that will be put in place to ensure that the quality of the surrounding neighborhoods is maintained or enhanced.

1111.1305 Public Hearing Notice

Posted, and mailed notice of the Plan Commission public hearing, and newspaper and mailed notice of the City Council public hearing, must be provided in accordance with Sec. 1111.0300.

1111.1306 Planning Director's Review and Report

The Planning Director shall review each proposed Institutional Master Plan and, if deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Planning Director shall provide a report to the Plan Commission and City Council.

1111.1307 Plan Commission Review and Recommendations

The Plan Commission must hold a public hearing on the application and recommend approval, approval with conditions or denial of the application based on the Approval Criteria of Sec. 1111.1309.

- A. In case the proposed application is disapproved by the Plan Commission, such application may not be passed except by a three-fourths vote of the full membership of City Council.
- B. The Plan Commission must make its recommendation to the City Council within 90 days of receipt of a complete application by the Plan Commission.

1111.1308 City Council's Review and Decision

After receiving the recommendation of the Plan Commission, the City Council shall consider the Institutional Master Plan application. After holding at least one public hearing on the proposed Institutional Master Plan, the City Council shall act to approve, approve with conditions, or deny the application based on the Approval Criteria of Sec. 1111.1309.

1111.1309 Approval Criteria

The City Council may approve an Institutional Master Plan application only if it determines that the proposed use/development in its proposed location:

- A. is consistent with adopted plans of the City and the stated purposes of this Zoning Code;
- B. complies with all applicable standards of this Zoning Code;
- C. will not result in significant adverse impacts to other property in the vicinity of the subject tract or to the natural environment;
- D. will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:
 - 1. noise, glare from lights, late-night operations, odors, and litter; and
 - 2. privacy, traffic and other safety issues;
- E. any differences in appearance or scale from the surrounding area will be mitigated through setbacks, screening, landscaping, or other design features;
- F. has adequate mitigation measures for any other identified adverse impacts.

1111.1310 Effect of Approval

- A. Property covered by a valid, approved, Institutional Master Plan shall be entitled to building permits to develop in accordance with the approved Institutional Master Plan until the Plan expires or is amended in accordance with the procedures of this Section.
- B. Review pursuant to Special Use or Major Site Plan Review shall not be required for development in accordance with a valid, approved, and unexpired Institutional Master Plan.

1111.1311 Amendments

- A. The procedure for amending an approved Institutional Master Plan shall be the same as required for a new Institutional Master Plan under this Section, except that the Planning Director may approve minor revisions administratively. Minor revisions shall be interpreted as those that meet all of the following criteria:
 - 1. will not result in the addition of more than 3,000 square feet of floor area; and
 - 2. will not result in the coverage of more than 10,000 square feet of site area.
- B. The Planning Director has discretion to require minor revisions to go through the amendment process.

1111.1400 | Maumee Riverfront Review Procedure and Guidelines

1111.1401 Required Review

- A. No person shall make a change, as defined below, before such change is approved unless it has been exempted under the terms of this Section or is for emergency work.
- B. Emergency work may be commenced concurrent with an application for review when there is imminent danger of personal injury or material damage to property. Plans for emergency change shall be filed for review as soon as possible not later than the first working day after repairs have commenced. No building, use and occupancy, Health Department or other permit or license shall be issued for a change required to be reviewed under this Section unless the change has been approved or is proceeding as emergency work under concurrent review.
- C. For the purposes of the -MRO district, “change” means:
 - 1. development of premises;
 - 2. occupancy of vacant premises; or
 - 3. commencement of a different land use.

1111.1402 Application Filing

Before a change is commenced, site plans, building plans, and elevations and operational plans as required by the Plan Commission for its review, shall be submitted to the Plan Commission. The Plan Commission may review proposals without detailed plans as provided in Sec. 1111.1403.

1111.1403 Administrative Review

Review of changes not otherwise exempted, related to existing uses, which involve paragraphs 1111.1403A and 1111.1403B below may be reviewed by the Planning

Director within 30 days following his receipt thereof. The Planning Director shall mail or give personal delivery of written notice of each proposal or plan to the Plan Commission within one working day after it is approved and report on such proposals at the first Plan Commission meeting following approval. A building permit may be issued 15 days after approval unless an appeal is filed. Whether the Planning Director approves or disapproves the proposal, the Planning Director shall inform the applicant and the Plan Commission in writing of his or her decision. The applicant or any member of the Plan Commission may, within 15 days thereafter, appeal the decision to the Plan Commission, by written notice to the Plan Commission for their review and determination.

- A. A total expenditure of less than \$250,000 or 25 percent of the total appraised value of the premises, as listed by the Lucas County Auditor, whichever is the lesser amount; and
- B. all proposals pursuant to Sec. 1111.1406.

1111.1404 Plan Commission Review

- A. The Plan Commission shall hold a public hearing, with mailed notice in accordance with Sec. 1111.0300, on proposed changes not eligible for review by the Planning Director under Sec. 1111.1403, and on any items reviewed by the Planning Director and which are properly appealed. Such hearing shall be held within 60 days after the request for review by the Plan Commission is filed.
- B. If the Plan Commission approves the plans, building permits may be issued in accordance therewith 10 days thereafter, unless appealed.

1111.1405 Appeals

Any aggrieved party may, within 10 days after the Plan Commission decision, appeal the decision to City Council by filing written notice of appeal with the Plan Commission, and the Clerk of the City Council, in which case the study and decision of the Plan Commission shall be forwarded to the City Council for a final decision by Council within 45 days.

1111.1406 Limited Exemption from Review

- A. Proposed changes by existing industrial uses which involve a total projected expenditure of less than \$250,000 or 25 percent of the appraised value of the premises as listed by the Lucas County Auditor, whichever is the lesser, shall be exempt from review provided:
 - 1. They do not involve a change in land use, or the external configuration of a main structure, external-oriented signing, or substantial change in the grade of the land or access thereto.
 - 2. The cumulative total of such expenditures, over any 3-year period, on the same structure or project is not reasonably expected to, and does not exceed the lesser amount specified above.
- B. Proposed changes by industrial uses not otherwise exempt, located within the portion of the -MRO district designated by Sec. 1103.0405 as principally for industry, and in accordance with the underlying zoning, shall be limited to the following site plan and environmental review items including:
 - 1. Location, height, and bulk of buildings.
 - 2. Traffic access, roadways, parking.

3. Buffering, screening, site grading and erosion.
 4. Signage.
 5. Provision for public access.
- C.** Proposed changes to existing detached house, attached house, and duplex uses involving new construction, remodeling, building additions, accessory structures and garages when in conformance with zoning and building codes.

1111.1407 General

No permit required for uses or development reviewed under this Section shall be issued without final approval under this Section. Approval may be granted for the plans as submitted, or conditionally subject to stated modifications, or may be denied with written reasons for the denial supplied to the applicant.

1111.1408 Review Criteria

- A.** Reviews under this Section shall be based on: consideration of the intent, principles and standards of the -MRO district, regulations for the underlying zoning district; the Downtown Toledo Master Plan as most recently approved by City Council and amendments thereto, as approved by City Council; the Comprehensive Plan as amended by City Council with the adoption of the Maumee Riverfront Plan and amendments thereto.
- B.** The review shall include, but is not limited to, consideration of the following specific items:
1. The relation of the proposed use and/or development to surrounding or otherwise affected property in terms of location, amount, character, and continuity of open space; protection of desirable principal views; public access where feasible, height and bulk of structures.
 2. Convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets.
 3. Separation of pedestrian and vehicular traffic.
 4. Signs, lighting, landscaping.
 5. Advisory comments received from the Toledo-Lucas County Port Authority, the United States Army Corps of Engineers, the Toledo Metropolitan Area Council of Governments, the Toledo Environmental Services Agency, the Ohio Environmental Protection Agency, and United States Environmental Protection Agency and such other agencies as may be affected from time to time. Official permits and approvals from such agencies may be considered evidence of minimal environmental impact in the specific category covered by such permit or approval, though such permits and approvals are not necessarily required prior to review and approval under this Section.
 6. Such other matters as are appropriate to determinations in the circumstances of the case, particularly matters related to the purpose and intent of the -MRO district.
- C.** The following uses are set out as examples of development meeting the general purpose and intent of the -MRO:

1. Public parks, recreation and cultural facilities.
2. Scenic drives, walkways, bicycle paths.
3. Commercial recreation facilities, including small boat marinas, open to the public.
4. Restaurants and other food service facilities open to the public which orient public assembly areas to the river.
5. Indoor theaters, auditoriums, cultural and arts and crafts display areas.
6. Government buildings needed for service to the area or open to the public.
7. Office buildings in and adjacent to the Central Business District.
8. Boutiques and similar specialty shops and retail establishments particularly when located within or adjacent to a landmark or historic district which by their design and merchandising carry out the theme concept and purpose of the landmark or district or otherwise complement the waterfront area.
9. Public service facilities having a peculiar locational need.
10. Multi-dwellings on large sites or in areas not predominantly developed with detached houses, attached houses, duplexes, or incompatible commercial or industrial uses, but not within the flood hazard area.
11. Uses which are directly and necessarily related to water front locations, such as boat and ship repair and ship building, layover and winter dock facilities for freighters and other commercial watercraft.
12. Water-oriented industrial facilities within the Industry and Water-Oriented Industry subdistrict of the -MRO district (See Sec. 1103.0405) and such other sites as would be appropriate for the particular industrial use and in accordance with the purpose and guidelines of this Section. A water-oriented facility is hereby defined as one which:
 - a. operates docks, loading and unloading facilities for waterborne commerce as the only or primary activity;
 - b. stores materials unloaded from or to be loaded on ships at the site where stored, which materials cannot readily be moved from or to the dock area at the time of loading or unloading;
 - c. processes materials unloaded from ships which materials are primarily intended for reshipment by water from locations where such unloading and processing takes place; or
 - d. processes materials unloaded from ships at the unloading location, which material could not readily be shipped elsewhere.

1111.1409 Conflicts of Regulations

Where there are conflicts between the development standards of the underlying base zone, the design standards of Chapter 1109, and the -MRO review criteria, the -MRO review criteria will govern.

1111.1500 | Storefront Commercial Additional Review Procedure

1111.1501 Referral to Commercial District Organization

The Planning Director shall refer a copy of new development, redevelopment, and existing building rehabilitation plans submitted in accordance with this zoning code to the commercial district organization within the CS district for their review prior to any work or any permits being issued by the City. The commercial district organization shall make its recommendations known to the Planning Director.

1111.1502 Standards and Guidelines

The adopted Land Development Standards and Guidelines of the Lagrange Business District and Heritage South Business District shall remain in effect in their respective areas. In the event of conflict between the CS District regulations and these adopted Land Development Standards and Guidelines, the Land Development Standards Guidelines shall govern.

(Ord. 94-10. Passed 3-2-10).

1111.1600 | Certificates of Use and Occupancy

1111.1601 Certificate Required

No building hereafter erected or structurally altered shall be occupied or used, until a Certificate of Use and Occupancy has been issued by the Commissioner of Building Inspection and Code Enforcement.

1111.1602 Certificate of Use and Occupancy for a Building

A Certificate of Use and Occupancy for a new building or the alteration of an existing building shall be applied for at the same time as the application for a building permit, and a certificate shall be issued within 5 days after the erection or alteration of such building, provided such erection or alteration has been completed in conformity with the provisions of this Zoning Code and the Toledo Building Code.

1111.1603 Plans

All applications for building permits or Certificates of Use and Occupancy shall be accompanied by three sets drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, legal description, and such other information as may be necessary to provide for the enforcement of this Zoning Code.

- A.** A careful record of such applications and plans shall be kept in the office of the Division of Building Inspection and Code Enforcement.
- B.** Any conditions imposed by decision-making bodies shall be filed with the application.

1111.1604 Contents of Certificate

The Certificate of Use and Occupancy shall state that the building, or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of this Zoning Code.

- A.** A record of all certificates shall be kept on file in the office of the Division of Building Inspection and Code Enforcement.
- B.** Copies of certificates shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

1111.1700 | Variances

1111.1701 Applicability

This Section sets forth required procedures for review and approval of variances from the standards of this Zoning Code. Variances are intended to address unnecessary hardships or practical difficulties resulting from strict application of zoning standards. The variance procedures of this Section may not be used to permit a use in a zoning district that is not otherwise allowed in that district, nor may the variance procedures be used to waive, vary or otherwise circumvent a condition of approval or requirement imposed by another decision-making body.

1111.1702 Application Filing

Applications for zoning variances must be submitted to the One Stop Shop, Division of Building Inspection and Code Enforcement.

1111.1703 Public Hearing Notice

Mailed notice of the Board of Zoning Appeals hearing must be provided in accordance with Sec. 1111.0300.

1111.1704 Board of Zoning Appeals' Hearing and Decision

- A. The Board of Zoning Appeals must hold at least one public hearing on the proposed variance.
- B. Following the hearing, at the same or subsequent meeting, the Board of Zoning Appeals must take action to approve, approve with conditions, or deny the proposed variance.

1111.1705 Approval Criteria

Zoning variances shall only be approved when the Board of Zoning Appeals finds substantial evidence in the official record to support all the following findings:

- A. unnecessary hardships or practical difficulties apply to the subject land, buildings or uses which are not generally applicable to other land, buildings, structures, or uses in the same zoning district;
- B. the undue hardship or practical difficulties are not the result of the actions of the property owner or applicant, their agent, employee, or contractor;
- C. granting the requested variance will not result in advantages or special privileges to the applicant or property owner that the Zoning Code denies to other land, structures, or uses in the same district, and that the variance is the minimum variance necessary to provide relief;
- D. the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance;
- E. the variance is not inconsistent with the stated purpose and intent of this Zoning Code (See Sec. 1101.0400);
- F. allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Zoning Code and the individual hardships or inconveniences that will be suffered if the variance request is denied; and
- G. the variance is not an after-the-fact approval of an intentional violation.

1111.1706 Express Limitation of Authority

- A.** Issues that are under the express jurisdiction of the Plan Commission or applicable Historic District Commission shall not be subject to a variance. When the procedures of the Zoning Code expressly state that decisions of the Planning Director are to be appealed to other review and decision-making bodies, those decisions shall not be subject to a variance.
- B.** The variance does not overrule any decisions of the Plan Commission, applicable Historic District Commission, or City Council on matters over which the Plan Commission or City Council has final decision-making authority under this Zoning Code.

1111.1707 Findings of Fact

All decisions on zoning variances must be supported by an affirmative finding of fact on each of the approval criteria of Sec. 1111.1705. Findings must be supported by sworn testimony and substantial evidence in the record of proceedings.

1111.1708 Notice of Decision

Within 10 days after a final zoning variance decision is made by the Board of Zoning Appeals, copies of the written decision must be sent to the applicant and filed with the Division of Building Inspection and Code Enforcement, where it will be available for public inspection during regular office hours.

1111.1709 Lapse of Approval

- A.** An approved variance will lapse and have no further effect 1 year after its effective date unless:
 - 1.** a building permit has been issued and construction diligently pursued;
 - 2.** a Certificate of Use and Occupancy has been issued; or
 - 3.** the building or structure is established.
- B.** A variance also lapses upon revocation of a building permit for violations of conditions of approval
- C.** A variance lapses if the use has been voluntarily discontinued for a period of 2 years or more.

1111.1710 Optional Administrative Procedure

- A.** Any person seeking a variance has the option of having the variance reviewed by the Commissioner of Building Inspection and Code Enforcement in lieu of a formal Board of Zoning Appeals' hearing. This administrative review must be conducted in accordance with rules and procedures adopted by the Board of Zoning Appeals.
- B.** The rules and procedures adopted by the Board of Zoning Appeals for the administrative review procedure must include provisions for appropriate public notification and input, including the following:
 - 1.** Mailed notice must be provided in accordance with Sec. 1111.0300.
 - 2.** A formal Board of Zoning Appeals hearing must be held in all cases where an affected property owner files an objection to the Commissioner of Building Inspection and Code Enforcement's decision.

3. The Board of Zoning Appeals must be notified monthly of cases decided administratively.
- C. Any person who elects to have their case reviewed by this administrative review procedure, may, after receipt of the decision of the Commissioner of Building Inspection and Code Enforcement, appeal the decision to the Board of Zoning Appeals for a formal hearing. This hearing must be conducted at the next regularly scheduled meeting of the Board of Zoning Appeals, unless the next meeting occurs 7 days or less after receipt of the appeal of the Commissioner's decision, in which case the appeal will be heard at the second next scheduled meeting of the Board of Zoning Appeals.
- D. The Commissioner of Building Inspection and Code Enforcement, in exercising the rules and procedures of this administrative review procedure, has the same power as the Board of Zoning Appeals to grant variances.
- E. This administrative review procedure does not apply to appeals of orders issued by the Commissioner of Building Inspection and Code Enforcement concerning violations or enforcement of this Zoning Code. Those appeals are subject to a full Board of Zoning Appeals hearing.

1111.1711 Transferability

The status of a variance is not affected by changes of tenancy, ownership, or management.

1111.1712 Amendments

A request for changes in conditions of approval of a variance, or a change to development plans that would affect a condition of approval, must be processed as a new application.

1111.1713 Appeals

Any person who is directly affected by a zoning variance decision of the Board of Zoning Appeals may appeal the decision to the Court of Common Pleas, as provided by law.

1111.1800 | Exceptions

1111.1801 Applicability

Exceptions are intended to allow the efficient and expeditious disposition of requests for modification or exemptions from strict application of the Zoning Code under very specific circumstances where the decision requested has, by its nature, little prospect of significantly impacting neighboring land or the community as a whole. The following constitute exceptions pursuant to this Section:

- A. Extension of a district for a distance of not more than 25 feet, where the boundary line of a district divides a parcel or parcels in single ownership on September 14, 1959.
- B. Reconstruction of a nonconforming structure that has been destroyed or partially destroyed, where there is some compelling public necessity requiring the continuation of the nonconformity.
- C. Modification of the interpretation and application of the provisions of this Zoning Code where the street layout actually in existence varies from the street layout as shown on the Official Zoning Map.
- D. Enclosure of an existing porch with less than a minimum of 60 percent glass or other translucent material on exterior walls above the porch floor that extends

within the front setback for a distance of not more than 10 feet, subject to the following:

1. Consideration of the need for open, rather than enclosed, porches within yards as part of the open space proximate to dwellings, for the benefit of the dwelling's occupants and of the neighborhood.
2. Consideration of the need for the particular enclosure to provide reasonable living amenities for the dwelling generally, rather than for a particular occupant, and the alternatives for providing such amenities.
3. Consideration of the probable effect on the character of development and property values in the neighborhood, both negative and positive, and the desirability of encouraging owners to invest in those improvements in older neighborhoods that tend to increase living amenities and stabilize property values.
4. Authorizing the enclosure will not impair an adequate supply of light and air to adjacent property, create a traffic hazard in streets, increase the danger of fire or imperil the public safety, unreasonably diminish established property values in the surrounding areas, or in any other respect impair the health, safety, convenience, or general welfare of the inhabitants of the City.

1111.1802 Application Filing

Applications for zoning exceptions must be submitted to the One Stop Shop, Division of Building Inspection and Code Enforcement.

1111.1803 Public Hearing Notice

Mailed notice of the Board of Zoning Appeals hearing must be provided in accordance with Sec. 1111.0300.

1111.1804 Board of Zoning Appeals' Hearing and Decision

The Board of Zoning Appeals must hold at least one public hearing on the proposed exception.

A. Quasi-judicial

The Board of Zoning Appeals' public hearing is a quasi-judicial hearing.

B. Decision

Following the hearing, at the same or subsequent meeting, the Board of Zoning Appeals must take action to approve, approve with conditions, or deny the proposed exception.

1111.1805 Approval Criteria

Zoning exceptions shall be approved only when the Board of Zoning Appeals finds substantial evidence in the official record to support the findings expressly required by Sec. 1111.1801 as inherent to the exception and the following additional findings:

- A. the exception, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the exception; and
- B. the exception is not inconsistent with the stated purpose and intent of this Zoning Code (See Sec. 1101.0400).

1111.1806 Findings of Fact

All decisions on zoning exceptions must be supported by an affirmative finding of fact on each of the approval criteria.

1111.1807 Notice of Decision

Within 10 days after a final zoning exception decision is made by the Board of Zoning Appeals, copies of the written decision must be sent to the applicant and filed with the Division of Building Inspection and Code Enforcement, where it will be available for public inspection during regular office hours.

1111.1808 Lapse of Approval

- A.** An approved exception will lapse and have no further effect 1 year after its effective date unless:
 - 1. a building permit has been issued and construction diligently pursued;
 - 2. a Certificate of Use and Occupancy has been issued; or
 - 3. the building or structure is established.
- B.** An exception also lapses upon revocation of a building permit.

1111.1809 Optional Administrative Procedure

- A.** Any person seeking an exception has the option of having the exception reviewed by the Commissioner of Building Inspection and Code Enforcement in lieu of a formal Board of Zoning Appeals' hearing. This administrative review must be conducted in accordance with rules and procedures adopted by the Board of Zoning Appeals.
- B.** The rules and procedures adopted by the Board of Zoning Appeals for the administrative review procedure must include provisions for appropriate public notification and input, including the following:
 - 1. Mailed notice must be provided in accordance with Sec. 1111.0300.
 - 2. A formal Board of Zoning Appeals hearing must be held in all cases where an affected property owner files an objection to the Commissioner of Building Inspection and Code Enforcement's decision.
 - 3. The Board of Zoning Appeals must be notified monthly of cases decided administratively.
- C.** Any person who elects to have their case reviewed by this administrative review procedure, may, after receipt of the decision of the Commissioner of Building Inspection and Code Enforcement, appeal the decision to the Board of Zoning Appeals for a formal hearing. This hearing must be conducted at the next regularly scheduled meeting of the Board of Zoning Appeals, unless the next meeting occurs 7 days or less after receipt of the appeal of the Commissioner's decision, in which case the appeal will be heard at the second next scheduled meeting of the Board of Zoning Appeals.
- D.** The Commissioner of Building Inspection and Code Enforcement, in exercising the rules and procedures of this administrative review procedure, has the same power as the Board of Zoning Appeals to grant exceptions.

1111.1810 Transferability

The status of an exception is not affected by changes of tenancy, ownership, or management.

1111.1811 Amendments

A request for changes in conditions of approval of an exception, or a change to development plans that would affect a condition of approval, must be processed as a new application.

1111.1812 Appeals

Any person who is directly affected by a zoning exception decision of the Board of Zoning Appeals may appeal the decision to the Court of Common Pleas.

1111.1900 | Written Interpretations

1111.1901 Application Filing

- A.** Any person may apply to the Commissioner of Building Inspection and Code Enforcement for a written interpretation of this Zoning Code.
- B.** For existing nonconforming use verification see Sec. 1114.0107.

1111.1902 Additional Information

The person applying for an interpretation shall provide such additional information as the Commissioner of Building Inspection and Code Enforcement requests as necessary for a proper determination. The Commissioner may refuse to issue a written application if the person fails to provide the additional information.

1111.1903 Review and Decision

After receiving a complete application for a written interpretation, the Commissioner of Building Inspection and Code Enforcement must:

- A.** review and evaluate the application in light of this Zoning Code, the Comprehensive Plan, and any other relevant documents;
- B.** consult with the Planning Director, Law Director and other staff as necessary; and
- C.** render a written interpretation.

1111.1904 Form

The interpretation will be provided in writing to the person or administrative agency that requested the interpretation. The interpretation must also be filed in the official record of interpretations.

1111.1905 Official Record of Interpretations

An official record of interpretations is kept on file in the Division of Building Inspection and Code Enforcement. The record of interpretations is available for public inspection during normal business hours.

1111.1906 Appeals

Appeals of the Commissioner of Building Inspection and Code Enforcement's written interpretation may be taken by the applicant to the Zoning Board of Appeals in accordance with procedures of Sec. 1111.2000. If the appeal results in a change of interpretation, the new interpretation must be filed in the official record of interpretations.

1111.2000 | Appeals of Administrative Decisions

1111.2001 Authority and Applicability

The Board of Zoning Appeals is authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Commissioner of Building Inspection and Code Enforcement or the Planning Director in the administration or enforcement of the provisions of this Zoning Code.

1111.2002 “Commissioner”

For purposes of this Section, “Commissioner” means the Commissioner of Building Inspection and Code Enforcement or the Planning Director, whichever an appeal is being taken from in the particular case at hand.

1111.2003 Application Filing

Appeals of administrative decisions must be submitted to the One Stop Shop, Division of Building Inspection and Code Enforcement. Unless otherwise expressly stated, appeals of administrative decisions must be filed within 20 days of the date that notice of the Commissioner’s decision is given to the applicant.

1111.2004 Effect of Filing

The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the Commissioner certifies to the Board of Zoning Appeals, after the appeal is filed, that, because of facts stated in the certification, (a) a stay would cause immediate peril to life or property or (b) the situation appealed from is transitory in nature, and therefore, an appeal would seriously interfere with enforcement of this Zoning Code. In each instance, the Commissioner must place in the certificate facts to support the conclusion. In such case, proceedings may not be stayed other than by a restraining order.

1111.2005 Record of Administrative Decision

The Commissioner must transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed is taken.

1111.2006 Public Hearing Notice

The Board of Zoning Appeals must fix a reasonable time for a hearing on the appeal and give due notice to the parties in interest, including mailed notice pursuant to Sec. 1111.0300.

1111.2007 Board of Zoning Appeals Review and Decision

- A.** The Board of Zoning Appeals must hold at least one public hearing on the appeal.
 - 1.** At the hearing any party may appear in person, by agent or by attorney and must be given an opportunity to be heard.
 - 2.** Following the close of the public hearing, the Board of Zoning Appeals must take final action based on the procedures and requirements of this Section.
 - 3.** The concurring affirmative vote of a majority of the quorum of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Commissioner.
- B.** In exercising the appeal power, the Board of Zoning Appeals has all the powers of the Commissioner. The Board of Zoning Appeals may reverse or affirm wholly or partly or may modify the decision being appealed.

- C. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it will remand the appeal to the respective Commissioner, with directions to obtain such evidence and to reconsider the decision in light of such evidence.
- D. The Board of Zoning Appeals must decide the issue within 45 days after notice of appeal is filed unless the Board grants an extension in time to decide the issue.

1111.2008 Approval Criteria; Findings of Fact

The Board of Zoning Appeals may reverse an order, requirement, decision, or determination of the Commissioner only when the Board of Zoning Appeals finds substantial, factual evidence in the official record of the application that the Commissioner erred. The decision of the Board of Zoning Appeals must be supported by written findings of fact.

1111.2009 Notice of Decision

Within 10 days after a final decision on an administrative appeal is made by the Board of Zoning Appeals, copies of the written decision must be sent to the applicant and filed in the office of the Commissioner, where it must be available for public inspection during regular office hours.

1111.2010 Appeals

Any person who is directly affected by a decision of the Board of Zoning Appeals may appeal the decision to the courts, as provided by law.

Chapter 1112 | Review and Decision-Making Bodies

1112.0100 | Historic District Commissions

1112.0101 Establishment; Appointment

Each historic district must have a Historic District Commission.

- A. The purpose of these commissions will be to administer the delegated functions as set forth in this Section.
- B. All members of all Historic District Commissions shall be appointed by the Mayor with the consent of the City Council.
- C. All members of all Historic District Commissions shall have a demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines, though the neighborhood delegates need not have formal licensing in said disciplines.
- D. At least two members shall be from preservation-related professions to the extent that such professionals are available in the community. The qualifying professions include architecture, architectural history, archaeology, planning, and related disciplines.

1112.0102 City Historic District Commission

A. Membership

A City Historic District Commission, consisting of 11 members, is hereby established. The purpose of the Commission will be to administer the delegated functions as set forth in this Section. The City Historic District Commission members must be composed of Neighborhood Delegates and Delegates-At-large.

Delegates-At-Large

Three Delegates-At-Large may be a resident of a Historic District. The representation shall be from one of the following five organizations or areas of expertise listed below and shall be from nominations submitted by the organization where applicable:

- a. The American Institute of Architects (Toledo Chapter);
- b. The Landmarks Preservation Council of the Maumee Valley Historical Society;
- c. The City Plan Commission: A member of the Plan Commission or the Planning Director or the Planning Director's designee.
- d. American Society of Landscape Architects-Maumee Valley Section; and
- e. A delegate who has demonstrated special interest, experience or knowledge in history, architecture, preservation, planning, or related disciplines.

Neighborhood Delegates

Eight Neighborhood Delegates must be appointed from nominations made by, but not limited to, interested Historic District residents and neighborhood organizations. Selection of Neighborhood Delegates must be made from the following Historic Districts listed on or nominated for the National Register

of Historic Places. A majority of the Neighborhood Delegates must be residents of a Historic District.

- f. One delegate from the northern Historic Districts a delegate from Birkhead Place, Bronson Place, or from Bush Street and Vistula;
- g. One delegate from the western Historic Districts with a delegate from Old West End or Englewood;
- h. One delegate from the central Historic Districts with a delegate from Toledo Olde Towne or from St. Clair St., Warehouse Produce and Monroe St.;
- i. One delegate from the eastern Historic Districts or southern Historic District with a delegate from Birmingham, East Toledo, Yondota and Spring Grove, or St. Peter & Paul;
- j. Two delegates from Westmoreland;
- k. Two delegates from the Vistula Historic District; and
- l. Future Historic Districts, upon being listed on the National Register of Historic Places or designated by the City, must be inserted in the above listing as appropriate with no increase in the number of Neighborhood Delegates. To do so, the procedure of Sec. 1111.0500 must be followed.

B. Other Appointees

In the event that the organizations designated in this subsection do not submit nominations within 60 days after a vacancy or after a request is made, the Mayor may appoint, on his own nomination, from any of the listed Historic Districts or Delegates-at-Large pursuant to the requirements of this Section.

C. Terms of Membership

Initial appointments must be for staggered terms, as specified by the City Historic District Commission, of 1, 2, or 3 years. All subsequent terms will be for a period of 3 years. Vacancies will be filled for the unexpired term in the same manner as original appointments are made.

Those persons hereafter appointed who serve ten consecutive years as a member of the City Historic District Commission shall not be eligible for reappointment to the commission until expiration of a period equivalent to a full term on the commission, provided, however, they shall be permitted to complete the term for which they were last appointed.

D. Additional Powers and Duties

In addition to the duties of each Historic District Commission pursuant to Sec. 1112.0109, the City Historic District Commission shall:

1. designate landmark properties
2. for designated landmark properties, develop appropriate standards and guidelines reflecting the landmark's historic and architectural significance;
3. hear, review, grant, deny and recommend modifications to proposals for Certificates of Appropriateness involving environmental changes to landmarked properties. Applications for Certificates of Appropriateness must be judged using adopted historic landmark standards and guidelines;

4. conduct a continuing survey of cultural resources in the City with the support of the Historic/Environmental Section, Department of Economic and Community Development;
5. advise the Mayor, the Department of Economic and Community Development and other local officials and make recommendations as to the protection of the City's cultural resources;
6. act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation; and
7. review all proposed National Register nominations for properties within the City in a manner consistent with federal and state regulations, seeking expertise from disciplines not represented on the Commission as needed.
8. notify the respective active neighborhood organization of any demolitions requiring City Historic District Commission review, which is in the respective Historic District. Notification must be given to the respective active neighborhood organization at least ten calendar days before the City Historic District Commission hearing.

(Ord. 314-12. Passed 06-19-12.)

1112.0103 Old West End Historic District Commission

A. Membership

To protect and enhance the historical and architectural characteristics of the Old West End Historic District, the Old West End Historic District Commission, consisting of 9 members, is hereby established. Membership to the Commission must be as follows:

Delegates-at-large

Appointed from nominations submitted by the organizations below. The Delegates-At-Large may be residents of the Old West End Historic District. The representation shall be one member from each of the following four organizations:

- a. American Institute of Architects - Toledo Chapter;
- b. Arts Commission of Greater Toledo;
- c. Landmarks Preservation Council of the Maumee Valley Historical Society or a delegate who has demonstrated special interest, experience or knowledge of history, architecture, preservation, planning, or related disciplines; and
- d. The City Plan Commission: A member of the Plan Commission or the Planning Director or the Planning Director's designee.

Neighborhood Delegates

Five persons, of which at least four must reside in the Old West End Historic District. Persons must be chosen from nominations made to the Mayor by Old West End Historic District residents and the Old West End Association.

B. Terms

Initial appointments must be for staggered terms, as specified by the Old West End Historic District Commission, of 1, 2, or 3 years. All subsequent terms will be for a period of 3 years. Vacancies will be filled for the unexpired term in the same manner as original appointments are made.

Those persons hereafter appointed who serve ten consecutive years as a member of the Old West End Historic District Commission shall not be eligible for reappointment to the commission until expiration of a period equivalent to a full term on the commission, provided, however, they shall be permitted to complete the term for which they were last appointed.

(Ord. 314-12. Passed 06-19-12.)

1112.0104 Establishment of Additional Commissions

After the establishment of the City Historic District Commission, no additional Historic District Commissions may be established under this Section. The repeal by the City Council of the Old West End may include redesignation of the Historic District and administration by the City Historic District Commission. To do so, the procedure of Sec. 1111.0500 must be followed.

(Ord. 314-12. Passed 06-19-12.)

1112.0105 Vacancies

Any vacancy on a Historic District Commission shall be filled within 60 days.

(Ord. 314-12. Passed 06-19-12.)

1112.0106 Conflict of Interest

To avoid conflicts of interest, members of Historic District Commissions may not vote on cases in which they have economic interests.

(Ord. 314-12. Passed 06-19-12.)

1112.0107 Organization

- A. Each Historic District Commission must annually select one of its members to serve as chairperson and one as vice chairperson.
 - 1. The Planning Director must provide such staff assistance as is necessary and available.
 - 2. All City departments and agencies must cooperate in expediting the work of the Historic District Commissions.
- B. The majority of a Historic District Commission's members constitutes a quorum thereof. For the taking of any official action, a majority vote of the quorum is required.
- C. Each Historic District Commission must adopt rules and regulations consistent with this Section governing its procedures and transactions.
 - 1. Each Historic District Commission will meet as required to carry out the review of applications for Certificates of Appropriateness, and such other related work as may be accepted through request of the Plan Commission or City Council or undertaken on its own motion.
 - 2. Meetings will be held at least once each month when there are applications to be considered and not less than once every 3 months.
 - 3. Special meetings may be held at the call of the chairperson of each historic district Commission.
- D. Each Historic District Commission must annually issue a written annual report of Commission activities, cases, decisions, special projects and qualifications of the members.

(Ord. 314-12. Passed 06-19-12.)

1112.0108 Powers and Duties

- A.** A Historic District Commission must develop appropriate standards and guidelines reflecting the district's historic and architectural significance. The standards and guidelines must promote redevelopment of historic structures and compatible new development within the district. The standards and guidelines may not limit new construction within a district to any one historical period or architectural style, but must seek to preserve the integrity of existing historic structures. The standards and guidelines must include, but not be limited to, the following exterior architectural and design considerations:
1. structural proportion;
 2. foundations of structures;
 3. exterior walls;
 4. building height;
 5. building width;
 6. roof type;
 7. building material;
 8. exterior architectural features;
 9. paving or walkways;
 10. significant landscaping fixtures (including retaining walls); and
 11. color or colors of the exterior as related to color or colors of surrounding buildings.
- B.** Each Historic District Commission is authorized to hear, review, grant, deny and recommend modifications to proposals for Certificates of Appropriateness involving environmental changes. Applications for Certificates of Appropriateness must be judged using adopted historic district standards and guidelines.
- C.** Each Historic District Commission must establish, within the spirit and purposes of this Section, procedures for evaluating applications for Certificates of Appropriateness. Such information must be written and published within 3 months after the Historic District Commission members have been appointed and may be revised from time to time.
- D.** Each Historic District Commission must maintain files, available to the public, containing all applications granted or denied to serve as a basis for prospective applicants to conform their plans with established policy.
- E.** Each Historic District Commission may make recommendations to the Plan Commission regarding amendments to this Section and with respect to other legislation affecting the historic districts.
- F.** Each Historic District Commission must work for the continuing education of both the historic district residents which it serves and the residents of the City with respect to this Section and the district's historic heritage and architectural significance. In addition, each historic district must publish informational literature and hold periodic public meetings to disseminate information on preservation and rehabilitation techniques and resources.

- G.** The Historic District Commissions may delegate to the Planning Director review authority to issue Administrative Certificates of Approval over certain building permit items. Decisions must be based on historically and architecturally documented criteria adopted by the Historic District Commission. The Planning Director must then review, grant, deny and/or recommend modifications in writing to such applications.
(Ord. 314-12. Passed 06-19-12.)

1112.0200 | Board of Zoning Appeals

1112.0201 Creation

A Board of Zoning Appeals is hereby established.

1112.0202 Composition

The Board of Zoning Appeals shall consist of seven members.

- A.** One of such members shall be a member of the City Council who shall serve during his or her current elected term as councilperson.
- B.** One member shall be the Director of Public Service or his or her designee.
- C.** The other five members shall have been electors of the City for at least 3 years preceding the date of their appointment. One of such electors shall also be a member of the Plan Commission.
- D.** The Mayor may, with the advice and consent of the City Council, appoint two designated alternates. One alternate shall be a member of City Council, to serve as a substitute for the appointed councilperson and one shall be a member of the Plan Commission, to serve as a substitute for the appointed Plan Commission member.

1112.0203 Appointment and Terms

The Mayor shall appoint five members for terms of 5 years each with the advice and consent of City Council, except that the terms of members of the Board of Zoning Appeals so appointed shall be staggered so as to provide expiration of the term of one member each year. In the event of a vacancy on the Board of Zoning Appeals, the Mayor shall appoint a qualified person to serve the unexpired term. The members shall serve until their successors are appointed and qualified.

1112.0204 Officers

The Board of Zoning Appeals shall elect one of its members as chairperson and the Commissioner of Building Inspection and Code Enforcement or his or her designee shall serve as secretary to the Board of Zoning Appeals.

1112.0205 Attendance

The position of any of the five electors appointed to the Board of Zoning Appeals who misses three consecutive regular meetings shall be automatically vacated unless, for good cause shown, the Mayor excuses such absence.

- A.** The Secretary to the Board of Zoning Appeals shall notify an elector member, who has missed two consecutive meetings, of the two absences and the attendance requirements.
- B.** If a member misses three consecutive meetings the Secretary shall notify the Mayor with a copy to the member.

- C. Attendance of a duly appointed alternate for the City Council and Plan Commission member shall be considered attendance by the Plan Commission member for the purpose of determining vacancy under this subsection.

1112.0206 Meetings and Rules of Procedure

- A. Meetings of the Board of Zoning Appeals shall be held at least once a month unless there is no business to be considered by the Board of Zoning Appeals.
- B. There shall be a fixed place of meeting and all meetings shall be open to the public.
- C. The Board of Zoning Appeals shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Board of Zoning Appeals and the vote of each member upon each question considered.
- D. The presence of four members shall be necessary to constitute a quorum.

1112.0207 Rule Making

The Board of Zoning Appeals may adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this Zoning Code.

1112.0208 Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties:

A. Appeals of Commissioner of Building Inspection and Code Enforcement Decisions

1. To hear and decide appeals of the decisions of the Commissioner of Building Inspection and Code Enforcement concerning the enforcement of the provisions of this Zoning Code in accordance with the procedures of Sec. 1111.2000.
2. To hear and decide appeals of the decisions of the Commissioner of Building Inspection and Code Enforcement concerning the provisions of Part 13 – Title 9 – Sign Code in accordance with the provisions of Sec. 1111.2000.

B. Variances and Exceptions

To hear and decide:

1. variance requests in accordance with the procedures of Sec. 1111.1700; and
2. exception requests in accordance with the procedures of Sec 1111.1800.

1112.0209 Express Limitation of Authority

- A. Issues that are under the express jurisdiction of the Plan Commission or applicable Historic District Commission shall not be subject to appeal to the Board of Zoning Appeals. When the procedures of this Zoning Code expressly state that decisions of the Planning Director are to be appealed to other review and decision-making bodies, those decisions shall not be subject to appeal to the Board of Zoning Appeals.
- B. The Board of Zoning Appeals shall not have the authority to overrule any decisions of the Plan Commission, applicable Historic District Commission, or City Council on matters over which the Plan Commission or City Council has final decision-making authority under this Zoning Code.

Chapter 1113 | Signs

1113.0100 | Sign Provisions Reference Table

The Sign Provisions Reference Table provides a sign provision reference for each zoning district. The table also shows the zoning district map designations in effect before June 6, 2004 and the districts they are converted to.

Sign Provision	Zoning District Map Designation		Reference
	Existing District	New District	
Sign Code			
Residential	R-A, R-B, R-1, R-2, R-2A, R-3, R-4, R-4A, R-5 and R-MH	RS12, RS9, RS6, RD6, RM12, RM24, RM36 and RMH	Part 13 Building Code, Title 9 Sign Code, Sec. 1387.02
Neighborhood Shopping	C-1 and N-MX	CN	Part 13 Building Code, Title 9 Sign Code, Sec. 1387.03
Restricted Office	C-2 and C-7	CO	Part 13 Building Code, Title 9, Sign Code, Sec. 1387.04
Construction of Signs (Commercial and Industrial)	C-3, C-5, M-1, M-2 and M-4	CR, CD, IL and IG	Part 13 Building Code, Title 9, Sign Code, Sec. 1387.05
Storefront Commercial [1]			
Lagrange Business District	C-6-LA [2]	CS	Land Development Standards and Guidelines for Lagrange-Central Neighborhood Business District, Sec. VIII
Heritage South	C-6-HS [2]	CS	Land Development Standards and Guidelines for Heritage South Neighborhood Business District, Sec. VIII
Additional Sign Provisions			
Mixed Commercial-Residential	C-MX	CM	Sec. 1113.0201
Planned Business/Industrial Park	M-3	IP	Sec. 1113.0202
Parks and Open Space	P	POS	Sec. 1113.0203
Institutional Campus	None	IC	Sec. 1113.0204
Shopping Center Sign Control Overlay	C-4	-SO	Sec. 1103.0700
Monroe Street Corridor UNO	None	-UNO	Sec. 1103.0913
Summit Street Corridor Redevelopment (SSCR) UNO	None	-UNO	Sec. 1103.1200
Main Street / Starr Avenue UNO	None	-UNO	Sec. 1103.1313

Table Notes

[1] These are separately adopted ordinances available in the office of the Plan Commission

[2] See Sec. 1111.1502

(Ord. 497-07. Passed 7-24-07. Ord. 38-09. Passed 1-20-09. Ord 95-10. Passed 3-2-10.)

1113.0200 | Additional Sign Provisions

Following are specific sign provisions for several zoning districts not listed in Part 13, Title 9, Sign Code.

1113.0201 CM, Mixed Commercial-Residential District Signs

Within the CM, Mixed Commercial-Residential district, the following signs are allowed:

- A.** On-premise free-standing signs are permitted as described in Part 13, Title 9, Section 1387.05(c) of the Sign Code, provided the area of premises covers 1 acre or more.
- B.** On-premise fascia signs are permitted as described in Part 13, Title 9, Section 1387.05(d) of the Sign Code.
- C.** Low profile signs are permitted as described in Part 13, Title 9, Section 1387.02(b)(2) of the Sign Code.
- D.** On-premise signs on awnings as described in Part 13, Title 9, Section 1387.05(h) of the Sign Code.

1113.0202 IP, Planned Business/ Industrial Park District Signs

Within the IP, Planned Industrial/Business Park district, signs shall be included as part of the site plan and approved in accordance with Sec. 1111.0800.

1113.0203 POS, Parks and Open Space District Signs

Within the POS, Parks and Open Space district, signs shall be subject to the provisions of Part 13, Title 9, Section 1387.02 of the Sign Code.

1113.0204 IC, Institutional Campus District Signs

Within the IC, Institutional Campus district, signs shall be subject to the provisions of Part 13, Title 9, Secs. 1387.04 and 1387.05(h) of the Sign Code.

1113.0300 | Sign Administrator

See Part 13, Title 9, Sec. 1381.01 of the Sign Code

Chapter 1114 | Nonconformities

1114.0100 | General

1114.0101 Scope

The regulations of this Chapter govern uses, structures, lots, and other situations that came into existence legally but that do not conform to one or more requirements of this Zoning Code.

1114.0102 Intent

- A. In order to encourage development and redevelopment consistent with this Zoning Code and provide property owners with reasonable use of their land, it is the general policy of the City to allow uses, structures, and lots that came into existence legally – in conformance with then-applicable requirements – to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible. This Chapter establishes regulations governing uses, structures and lots that were lawfully established but that do not conform to one or more existing requirements of this Zoning Code.
- B. The regulations are further intended to:
 - 1. recognize the interests of property owners in continuing to use their property;
 - 2. promote reuse and rehabilitation of existing buildings; and
 - 3. place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

1114.0103 Authority to Continue

Any nonconformity that legally existed on June 6, 2004, or that becomes nonconforming upon the adoption of any amendment to this Zoning Code, may be continued in accordance with the provisions of this Chapter.

1114.0104 Determination of Nonconformity Status

The burden of establishing that a nonconformity is a legal nonconformity rests with the owner of such nonconformity.

1114.0105 Repairs and Maintenance

- A. Incidental repairs and normal maintenance of nonconformities are permitted unless such repairs are otherwise expressly prohibited by this Zoning Code. For the purpose of this provision, repair or replacement of non-bearing walls, fixtures, wiring or plumbing will be considered incidental repairs if the total value of the repairs in any 12 month period does not exceed 25 percent of the current replacement value of the structure.
- B. Nothing in this Chapter will be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official. When improvements are made to restore the property to a safe condition, the cost of such repairs or alterations are not be included in the 25% noted in the preceding paragraph.

1114.0106 Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

1114.0107 Certificate of Zoning Compliance

For existing nonconformities, landowners may request and obtain a Certificate of Zoning Compliance from the Commissioner of Building Inspection and Code Enforcement.

- A. Subject to verification procedures established by the Commissioner of Building Inspection and Code Enforcement, nonconformities documented in a Certificate of Zoning Compliance shall be deemed to be legal nonconformities to the extent documented in the Certificate.
- B. A record of all Certificates of Zoning Compliance shall be kept on file in the office of the Division of Building Inspection and Code Enforcement.

1114.0200 | Nonconforming Uses

1114.0201 Definition

A nonconforming use is a land use that was legally established but which is no longer allowed by the use regulations of the zoning district in which it is located. A land use that was legally established without a Special Use Permit will not be deemed nonconforming solely because a Special Use Permit is now required for the subject use.

1114.0202 Expansion

A nonconforming use may not be enlarged or expanded except as follows:

- A. Expansions that eliminate or reduce the nonconforming aspects of the situation are allowed.
- B. Expansions into a part of a building or other structure that was lawfully and manifestly designed or arranged for such use are allowed.
- C. Additions that provide additional living space for single-household dwelling units and that comply with applicable dimensional standards are allowed.
- D. Nonconforming uses of land may be extended or enlarged by up to 10 percent of the total nonconforming use area existing at the time such use became nonconforming. Such extension may not encroach upon any required setback without a variance.
- E. Garages for the sole purpose of providing off-street parking spaces are allowed.

1114.0203 Change of Use

- A. A nonconforming use may not be changed to any use other than a use allowed in the zoning district in which it is located except as provided below.
- B. A nonconforming use may be changed to another similar or less intensive use subject to the following standards:
 - 1. A nonconforming residential use may not be changed to another nonconforming residential use that would increase the number of dwelling units on the site.
 - 2. A nonconforming nonresidential use being changed to a residential use must comply with the maximum density requirement of the underlying zoning district.

3. For purposes of this subsection, “less intensive use” refers to the zoning district in which such use is first permitted. Use “X” will be construed as less intensive than Use “Y” if use “X” is first permitted by right in a zoning district that is more restrictive than the district in which Use “Y” is first permitted by right. See Sec. 1104.0107, Use Categories.

1114.0204 Moving

A nonconforming use may not be moved in whole or in part to another location on the lot or parcel unless the movement or relocation eliminates or decreases the extent of nonconformity.

1114.0205 Loss of Legal Nonconforming Status

- A. Once a nonconforming use is abandoned, the use’s nonconforming status is lost and any subsequent use of the property must comply with the regulations of the zoning district in which it is located. A nonconforming use will be considered abandoned when any of the following occurs:
 1. the intent of the owner to discontinue the use is apparent;
 2. the use has been voluntarily discontinued for a period of 1 year or more, as specified in Revised Code Sec. 713.15;
 3. the characteristic equipment and furnishings associated with the nonconforming use have been removed from the premises and have not been replaced by similar equipment and furnishings within 1 year, unless other facts show intention to resume the non-conforming use;
 4. the nonconforming use has been replaced by a conforming use;
 5. the nonconforming use has been changed to another use in accordance with Sec. 1114.0203; or
 6. a building permit to reconstruct a damaged nonconforming use (in accordance with paragraph C, below) has not been secured within 1 year of the date of occurrence of such damage, or construction has not been diligently pursued.
- B. If premises contain more than one nonconforming use and one of the uses is abandoned (as defined in paragraph A, above), the abandoned use’s nonconforming status is lost. If, for example, a nonconforming service station and vehicle repair use subsequently abandoned the vehicle repair use, the vehicle repair use would lose its nonconforming status and the site’s nonconforming use would be limited to the service station.
- C. When a building or structure, the use of which does not conform to the provisions of this Zoning Code, has been damaged to the extent of more than 75 percent of the property’s fair market value, the use may not be restored except in conformity with the regulations of the underlying zoning district.

1114.0206 Accessory Uses and Structures

A use or structure accessory to a principal nonconforming use or structure may not be continued after the principal use or structure has been abandoned, unless the accessory use or structure is also a lawful accessory to the permitted uses of the premises.

1114.0300 | Nonconforming Structures

1114.0301 Definition

A nonconforming structure is any building or structure, other than a sign, that was legally established but which no longer complies with the Intensity and Dimensional standards of this Zoning Code.

1114.0302 Structural Alterations

Structural alterations, including enlargements, will be permitted if the structural alteration does not increase the extent of nonconformity. When a structure is nonconforming because it encroaches into a required side or rear setback, this provision will be interpreted as allowing other portions of the structure to be expanded out to the extent of the existing encroachment, as long as there is no greater reduction of required setbacks.

1114.0303 Use

A nonconforming structure may be used for any use allowed in the underlying zoning district.

1114.0304 Moving

A nonconforming structure may be moved in whole or in part to another location on the subject parcel if the movement or relocation decreases or eliminates the nonconformity.

1114.0305 Loss of Nonconforming Status; Damage or Destruction

- A. Once a nonconforming structure is abandoned, its nonconforming status is lost and the structure, or any reconstructed or replacement structure, must comply with the regulations of the zoning district in which it is located, even if such compliance means that the structure must not remain, may not be reconstructed, and no replacement structure may be constructed. A nonconforming structure will be considered abandoned when any of the following occurs:
 - 1. the intent of the owner to discontinue all use of the structure is apparent;
 - 2. all use of the structure has been voluntarily discontinued for a period of 1 year or more, as specified in Revised Code Sec. 713.15;
 - 3. all equipment and furnishings have been removed from the premises and have not been replaced by similar or other equipment and furnishings within 1 year, unless other facts show intention to resume use of the structure; or
 - 4. a building permit to reconstruct a damaged nonconforming structure (in accordance with paragraph B, below) has not been secured within 1 year of the date of occurrence of such damage, or construction has not been diligently pursued.
- B. When a nonconforming structure has been damaged other than by a willful act of owner, including demolition by neglect, to the extent of more than 75 percent of the property's fair market value, it may not be reconstructed except in conformity with the regulations of the underlying zoning district. A building permit to reconstruct a damaged nonconforming structure must be obtained within 1 year of the date of occurrence of such damage and, once issued, construction must be diligently pursued.
- C. A nonconforming structure that is created as a result of conveyance to the federal, state, or local government as part of eminent domain proceedings may be rebuilt to its previous footprint.

1114.0400 | Nonconforming Lots

1114.0401 Definition

A nonconforming lot is a tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means, that

- A. was established prior to adoption of the City’s first zoning ordinance; or
- B. complied with all applicable lot area, lot width and lot depth standards of the zoning district in which it was located at the time of its creation, but which does not comply with the minimum lot area, lot width or lot depth requirements of the zoning district in which it is now located.

1114.0402 Use of Nonconforming Lots

- A. In residential zoning districts, single nonconforming lots may be used for detached houses and related accessory structures, subject to all other applicable standards of the underlying zoning district.
- B. In nonresidential zoning districts, single nonconforming lots may be used for uses allowed within the underlying zoning district, subject to all other applicable standards of the underlying zoning district. If the underlying zoning district allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area, lot width or other dimensional standards, while others would not, then only the uses or intensities that comply with applicable standards are permitted.

1114.0403 Setbacks

- A. Required side setbacks for nonconforming lots that are less than 50 feet in width are reduced to 10 percent of the lot width, provided that no side setback may be less than 4 feet.
- B. On nonconforming lots with a width of 40 feet or less, existing buildings may be extended along the same side setback building line, provided that no addition or extension to such building is greater than 12 feet in depth and provided that no such addition or extension encroaches upon front and rear setbacks.

1114.0500 | Appearance Upgrade for Nonconforming Development

1114.0501 Purpose

This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving buildings or changing facade materials.

1114.0502 Exterior Changes

Exterior changes may be made to the site which are in conformance with this zoning code. Changes which bring the site closer to conformance are allowed. Changes shall be in accordance with the Façade Material and Color provisions of Sec. 1109.0502 when applicable. Proposed changes that are not in conformance or do not move closer to conformance, are prohibited. Exterior changes include, but are not limited to building permits which result in a change in:

- A. landscaping, buffering and screening, see the Landscaping and Screening provisions of Chapter 1108;

- B. pedestrian circulation on site, see the Connecting Walkways and Pedestrian Connections provisions of Sec. 1109.0103 and the Pedestrian Circulation provisions of Sec. 1109.0304;
 - C. façade alterations, see the Design Standards provisions of Chapter 1109; or
 - D. exterior building color, see the Façade Color provisions of Sec. 1109.0502.
- (Ord.164-07. Passed 3-13-07.)

1114.0503 Applicability

This Section applies to all commercial, mixed use, institutional, public and multi-family use types regardless if the use is conforming or non-conforming, including changes where there is a change to a different nonconforming use. This section applies except where superseded by more specific regulations in the Zoning Code.

1114.0600 | Other Nonconformities

1114.0601 Examples

The types of other nonconformities to which this Section applies include but are not necessarily limited to: landscaping, screening, parking, and other nonconformities not involving structural aspects of a building, location of a building on a lot, lot dimensions or land or building use.

1114.0602 Parking

Off-street parking nonconformities are specifically addressed at Sec. 1107.0102.

1114.0603 Increase prohibited

It is the intent of this Zoning Code to encourage the reduction of these other types of nonconformities to the maximum extent feasible as buildings, lots or parking areas are redeveloped or expanded. The extent of such other nonconformities may not be increased, and no use, building or structure may be established, expanded, altered, changed or relocated in such a manner to increase the degree of such other nonconformity.

Chapter 1115 | Violations, Penalties and Enforcement

1115.0100 | Responsibility for Enforcement

1115.0101 It is the duty of the Director of the Department of Inspection to enforce this Zoning Code.

(Ord. 323-13. Passed 06-25-13.)

1115.0102 It is also the duty of all officers and employees of the City and especially of all members of the Police Department and Fire Department to assist the Director of the Department of Inspection by reporting apparent violations of the Zoning Ordinance. The Director of the Department of Inspection may authorize Police and Fire Officers to act on his or her behalf to enforce the provisions of this Zoning Code.

(Ord. 323-13. Passed 06-25-13.)

1115.0200 | Violations

All buildings and land used, and all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, must comply with all applicable provisions of this Zoning Code. All of the following are violations of the Zoning Code:

1115.0201 to use land or buildings in any way not consistent with the requirements of this Zoning Code;

1115.0202 to erect a building or other structure in any way not consistent with the requirements of this Zoning Code;

1115.0203 to engage in the development of land in any way not consistent with the requirements of this Zoning Code.

1115.0204 to engage in the use of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this Zoning Code without obtaining all such permits or approvals;

1115.0205 to violate the terms of any permit or approval granted under this Zoning Code or any condition imposed on such permit or approval;

1115.0206 to obscure, obstruct or destroy any notice required to be posted or otherwise given under this Zoning Code;

1115.0207 to violate any lawful order issued by any person or entity under this Zoning Code;

1115.0208 to violate any site plan;

1115.0209 to violate any provisions of the subdivision requirements;

1115.0210 to violate any provisions of the landscaping and screening requirements; or

1115.0211 to allow plant material installed as part of an approved landscape plan to die and not replace with like kind and/or removing approved plant material without submitting a revised landscape plan for review and approval.

1115.0300 | Liability

The owner, tenant or occupant of any land or structure, or part thereof, or any design professional, builder, contractor, vendor, authorized agent or other person who knowingly participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this Zoning Code may be held jointly and severally responsible for the violation and be subject to penalties and remedies.

1115.0400 | Continuing Violations

Each day that a violation remains uncorrected after receiving notice of the violation from the City constitutes a separate violation.

1115.0500 | Remedies and Enforcement Powers

The City may use the following remedies and enforcement powers:

1115.0501 Withhold Permit

- A. City officials may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Zoning Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. This provision applies regardless of whether the current owner or applicant is responsible for the violation in question.
- B. Instead of withholding or denying a permit or other authorization, City officials may grant such authorization subject to the condition that the violation be corrected by a specified time. City officials are also authorized to require adequate financial assurances that such correction will be made.

1115.0502 Revoke Permits

- A. Any permit or other form of authorization required and issued under this Zoning Code may be revoked by the Director of the Department of Inspection when the Director determines that:
 - 1. there is departure from the plans, specifications, or conditions required under terms of the permit;
 - 2. the development permit was procured by false representation or was issued by mistake; or
 - 3. any of the provisions of this Zoning Code are being violated.
- B. Written notice of revocation must be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or posted in a prominent location. Once notice of revocation is provided, all construction must stop.

(Ord. 323-13. Passed 06-25-13.)

1115.0503 Stop Work

Whenever a structure or part thereof is being constructed, reconstructed, altered, or repaired, or other development is occurring, in violation of this Zoning Code, the Director of the Department of Inspection may order the work to be immediately stopped.

- A. The stop-work order must be in writing and directed to the person doing the work.

- B. The stop-work order must state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
 - C. Violation of a stop-work order issued under this Section constitutes a misdemeanor of the third degree, as defined in Chapter 5, General Offenses Code, Sec. 501.99.
- (Ord. 323-13. Passed 06-25-13.)

1115.0504 Injunctive Relief

Pursuant to Revised Code Sec. 713.13, the City may seek an injunction or other equitable relief in court to stop any violation of this Zoning Code.

1115.0505 Abatement

The City may seek a court order in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

1115.0506 Criminal Penalties

- A. For each and every violation or instance of noncompliance, violators may be deemed guilty of a misdemeanor of the 4th degree, as defined by Title 5 Criminal Offenses, Sec. 501.99, and each day that the violation exists will constitute a separate offense.
- B. A subsequent violation of this Zoning Code involving the same property, the same violator, and occurring within 2 years of the last prior conviction for the same violation, constitutes a misdemeanor of the third degree, as defined in Title 5 Criminal Offenses Code, Sec. 501.99.

1115.0507 Citation for Infractions

A. Authority

The Director of the Department of Inspection may issue one or more citations and impose one or more non-criminal citations and civil penalties for a violation, as provided below. If the violator does not pay the penalty, the City may collect it in court through a civil action in the nature of debt.

B. Notice

Notice of the citation and penalty shall include a copy of the notice of violation, the amount of the penalty, information about where to pay the penalty, the deadline for payment, which shall be 15 days from the date of the notice, and the possibility of civil enforcement.

C. Amount

1. The Director of the Department of Inspection may impose a penalty of up to \$300 per violation.
2. If a violator has remedied the violation prior to imposition of the penalty, but not within the deadlines given in the notice of violation, and if the violator is not guilty of previous violations then the penalty shall not exceed \$50.
3. A late payment penalty of \$20 per day per violation may also be imposed for penalties not paid within 15 days of the date of the notice of citation and penalty.

4. The Director of the Department of Inspection shall formulate written guidelines for enforcement personnel to use in assessing penalties. Criteria for assessing penalties shall include, but not be limited to, the violator's knowledge of legal requirements, whether the violator has been guilty of past violations, the possible profit to the violator in continuing the violation, the impact of the violation on the community, the degree of noncompliance, and the cost and time required to remedy the violation.

D. Settlement of Claims

The Director of the Department of Inspection is authorized to determine the amount of payment that will be accepted in full and final settlement of some or all of the claims the governing body may have in connection with the violation. The Director of the Department of Inspection shall indicate in writing the claims from which the violator is released. If the violation has not been remedied, payment shall not release a violator from potential criminal prosecution or a claim for injunctive relief and/or an order of abatement.

E. Continuing Violations

The Director of the Department of Inspection may issue a citation for a violation which continues without being corrected. The violators in such cases may be assessed a penalty for each day of the continuing violation.

1. Except as provided below, an initial citation for a single violation must be issued before a citation for a continuing violation is issued.
2. An initial citation is not required if the Director of the Department of Inspection has previously issued a citation to the violator for the same violation at the same location within the previous 2 years, or if the violator has been specifically warned concerning the violation.
3. The Director of the Department of Inspection may give a single notice of a citation for a continuing violation. The notice must contain a copy of the notice of violation and must state the violation is continuing, that a daily penalty of a specified amount is being imposed, and that the penalty is cumulative.
4. If the violator has failed to pay the penalty and correct the violation after the initial citation the violator is subject to a citation for a continuing violation with a daily penalty.

(Ord. 323-13. Passed 06-25-13.)

1115.0508 Other Remedies

The City may seek such other penalties and remedies as are provided by Ohio law.

1115.0600 | Remedies Cumulative

The remedies and enforcement powers established in this Zoning Code are cumulative, and the City may exercise them in any order.

1115.0700 | Continuation of Previous Enforcement Actions

Nothing in this Zoning Code will be interpreted to prohibit the continuation of previous enforcement actions, undertaken by the City under previous, valid ordinances and laws.

1115.0800 | Enforcement Procedures

1115.0801 Non-Emergency Matters

In the case of violations of this Zoning Code that do not constitute an emergency or require immediate attention, the Director of the Department of Inspection must give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice will have up to 30 days to correct the violation before further enforcement action will be taken.

- A. Notice must be given in person, by the U.S. mail, or by posting notice on the premises.
- B. Notices of violation must state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

(Ord. 323-13. Passed 06-25-13.)

1115.0802 Emergency Matters

In the case of violations of this Zoning Code that constitute an emergency situation as a result of public safety concerns or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this Zoning Code without prior notice, but the Director of the Department of Inspection must attempt to give notice simultaneously with beginning enforcement action. Notice must be provided to the property owner and to applicants for any relevant permit.

(Ord. 323-13. Passed 06-25-13.)

1115.0803 Appeals

Enforcement actions by the Director of the Department of Inspection may be appealed to the Board of Zoning Appeals, in accordance with Sec. 1111.2000. A pending appeal to the Board of Zoning Appeals does not stay a decision to revoke a certificate or permit.

(Ord. 323-13. Passed 06-25-13.)

1115.0900 | Determination of Status as Household

1115.0901 Determination

Upon investigation, complaint or application of a person aggrieved, the Director of the Department of Inspection shall make a written determination of whether a specified group of persons constitutes a household by virtue of being the functional equivalent of a family.

(Ord. 323-13. Passed 06-25-13.)

1115.0902 Transferability

The determination of the Director of the Department of Inspection, subject to any modification on appeal, shall be transferable with the entire group of persons constituting the household or with a majority of the persons constituting such household. It shall not run with the premises when occupied by a different household or other group of persons.

(Ord. 323-13. Passed 06-25-13.)

1115.0903 Appeal

The Director of the Department of Inspection's determination of functional equivalency may be appealed to the Board of Zoning Appeals in accordance with Sec. 1111.2000. In acting on appeals, the Board of Zoning Appeals shall apply the factors set forth in Sec.

1115.0904 and shall be authorized to overrule the Directors's determination only where there is evidence in the record that the Director erred. The following individuals have the right to appeal the Director's determination:

- A. any member of the group proposed as a household;
 - B. the owner of the premises occupied by such group; or
 - C. any other person aggrieved by the Director's determination.
- (Ord. 323-13. Passed 06-25-13.)

1115.0904 Factors

The determination of whether a group of unrelated persons living together are the functional equivalent of a family shall be based on such of the following factors as may be known to the Director of the Department of Inspection. The presence or absence of any single factor is not necessarily determinative of whether the unit constitutes a family:

- A. The following factors shall be *prima facie* evidence that the group of persons living together constitutes a household:
 - 1. The same group of persons, or a majority of them, has resided together at a different location for a period of at least 6 months or at the present location for at least 12 months; and
 - 2. One or two members of the group have executed the lease for the entire premises, including the entire rental obligation, and there are no sub-lease, hold-harmless or other written arrangements to pro-rate the rent or recover the rent from other members of the group.
- B. The following factors shall be *prima facie* evidence that the group of persons does not constitute a household:
 - 1. Individual members of the group have entered into separate leases for the same premises, or parts thereof, with the obligation under each lease constituting only a portion of the total periodic rent payment due to the landlord for occupancy of the premises; and
 - 2. The premises are furnished with key-operated locks on individual rooms or with other means through which one member of the group may prevent other members of the group from entering her or his room or portion of the premises when she or he is not physically present (deadbolts, chains or other locking devices operated only from inside the room shall not be considered as evidence of the status of the group).
- C. The following additional factors shall be considered, to the extent known or applicable, in determining whether the group of persons constitutes a household:
 - 1. Voter registration by a majority of the eligible members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. Voter registration listing other addresses by a majority of the adult members of the group, or by a majority of those actually registered to vote shall be considered evidence negating the proposition that the group is a household.
 - 2. Drivers' licenses held by a majority of the adult members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. Drivers' licenses listing

other addresses by a majority of the adult members of the group, or by a majority of those actually holding such licenses shall be considered evidence negating the proposition that the group is a household.

3. The registration of motor vehicles regularly found at the dwelling listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. The regular presence at the dwelling of one or more motor vehicles belonging to members of the group and registered at one or more other addresses shall be considered evidence negating the proposition that the group is a household.
4. The filing of tax returns by a majority of the members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. The filing of tax returns listing other addresses by members of the group shall be considered evidence negating the proposition that the group is a household. Evidence that one or more individuals are claimed as dependents on the income tax return of individuals not resident in the household shall be considered evidence that the group is not a household.
5. The presence of minor dependent children regularly residing in the dwelling unit and enrolled in local schools with one or more members of the group acting in the role of parents (and primary care-givers) shall be considered a factor tending to support the proposition that the group is a household.
6. Evidence that different residents of the dwelling unit are away during the summer and that they have several as opposed to a single summer address shall be considered evidence negating the proposition that the group is a household.
7. Evidence of common acquisition and ownership of furniture and appliances shall be considered evidence in support of the proposition that the group is a household.
8. Full-time employment of some members of the group in the general community shall be considered evidence in support of the proposition that the group is a household.
9. Evidence that groceries are purchased and meals regularly prepared for the group as a whole shall be considered evidence in support of the proposition that the group is a household. For purposes of this factor, weekly joint purchases of groceries and the preparation and sharing of at least seven meals per week shall be considered "regularly prepared."

(Ord. 323-13. Passed 06-25-13.)

1115.0905 The Director of the Department of Inspection shall make the determination of whether the group constitutes a household based on a preponderance of the evidence. Where there is prima facie evidence supporting only one side of the proposition, the Director shall make a determination that is supported by that prima facie evidence unless the Director finds compelling evidence for the other side of the proposition, a finding which should normally be supported by at least four of the factors listed above.

(Ord. 323-13. Passed 06-25-13.)

1115.0906 Living arrangements for persons with a “handicap” and/or a “disability” as those terms are defined by the Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 *et seq.*) and the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 *et seq.*) will be presumed to be a household.

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1116.0100 | General Terms

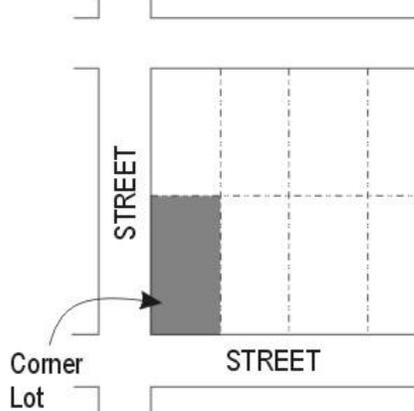
1116.0101	Abutting	Having property or district lines in common.
1116.0102	Accessory Structure (or Building)	A subordinate structure, located on the same lot as the principal building, the use of which is naturally and normally incidental to the principal use of the principal building or land. An accessory structure cannot exceed 10,000 square feet in total floor area.
1116.0103	Accessory Use	A use of land or of a building or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building and ordinarily located on the same lot with such principal use.
1116.0104	Agent	A person authorized by a property owner to represent the property owner.
1116.0105	Aisle	That portion of the circulation area within a parking lot that provides access to parking spaces or a delivery zone. The minimum width permissible for an aisle to serve adjacent parking spaces shall depend on the angle of parking as illustrated in Sec. 1107.1911.
1116.0106	Alley	A strip of land, dedicated to public use, which affords only a secondary means of access to property abutting thereon.
1116.0107	Basement	A basement shall be included for the purposes of bulk and height measurements if used for dwelling or business purposes.
1116.0108	Blank Wall	An exterior building wall with no openings and a single material and uniform texture on a single plane.
1116.0109	Block	A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
1116.0110	Boundary of Influence	The geographic area whose social, economic, and/or environmental conditions is significantly affected by changes in the study area.
1116.0111	Building	Any structure consisting of a roof supported by walls, beams, girders, or columns, with or without other parts or appurtenances.
1116.0112	Building Frontage	The side or facade of a building closest to and most nearly parallel to an abutting street or place right-of-way.
1116.0113	Build-to Line	An imaginary line on which the front of a building or structure must be located or built and which is measured as a distance from a public right-of-way.
1116.0114	Cellar	That portion of a building, the ceiling of which is entirely below, or not more than four feet above, grade. No cellar or portion thereof shall be used as a complete dwelling unit, and the cellar shall not be included in bulk or height measurements.
1116.0115	Channel	The portion of a river reserved for navigation of boats.
1116.0116	Clubs or Lodges	Organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit.
1116.0117	Commercial District Organization	An organization that represents and involves a coalition of organizations, agencies, businesses, and individuals from throughout the community including those who have a direct economic tie to the commercial district and other members of the community who are interested in the community's overall health.
1116.0118	Commercial Vehicle	A vehicle designed, or licensed by the State, for the carriage of freight or merchandise.
1116.0119	Common Open Space	Usable open space intended for common use by occupants of a development, either privately owned and maintained or dedicated to a public agency, normally including

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swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian walkways and equestrian and bicycle trails. Common open space does not include off-street parking or loading areas, driveways, detention ponds, floodways, riparian areas, land with slopes in excess of 25 percent, required landscaping, or setbacks.

1116.0120 Connecting Walkway Any street sidewalk or any walkway that directly connects a main entrance of a building to the street sidewalk without requiring pedestrians to walk across parking lots or driveways, around buildings or around parking lot outlines which are not aligned to a logical route.

1116.0121 Corner Lot A lot adjacent to two or more streets or places at their intersection.



1116.0122 Decision-Making Body The entity that is authorized to take final action (approval or denial) on an application or permit under this Zoning Code.

1116.0123 Development Any human caused change to improved or unimproved real estate that requires a permit or approval from any agency of the city, including but not limited to construction, structural alteration, or reconstruction of a building or other structure, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

1116.0124 District (or Zoning District) A section or sections of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of setbacks, and the intensity of use are uniform.

1116.0125 Dock Any construction that extends over water, providing attachments for tying up boats and a walkway for access to those boats. Pilings placed in the water for tying the stern end of dock and boats are considered a part of dock construction.

1116.0126 Dormitory A facility providing sleeping accommodations, common dining facilities and related uses for students or employees of a university or college.

1116.0127 Double-Frontage Lot A lot having a lot frontage on two non-intersecting streets or places, as distinguished from a corner lot.

1116.0128 Drip Line A somewhat circular line determined by the outside end of the branches of a tree or shrub projected vertically to the ground.

1116.0129 Drive-Through A building or portion of a building that permits customers to receive goods or services from within a motor vehicle.

1116.0130 Driveway A permanent hard-surfaced way that provides access to a garage, carport, unsheltered parking space, or parking lot from a street or place.

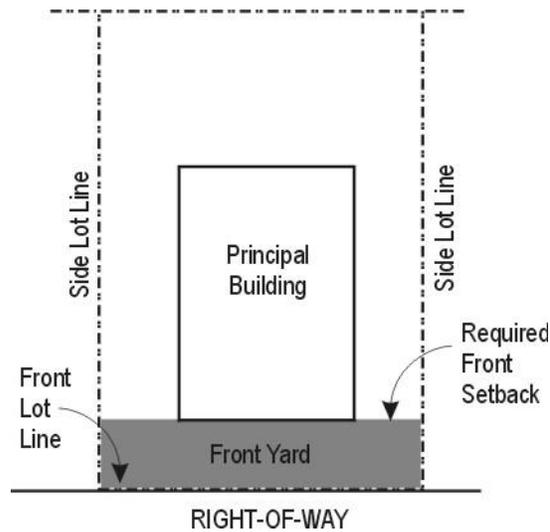
1116.0131 Dwelling Any building or portion thereof which is designed for and used exclusively for residential purposes containing one or more dwelling units.

1116.0132 Dwelling Unit A room or group of rooms in a building forming a single habitable unit, with facilities used or intended to be used for living, sleeping, cooking, and eating purposes.

1116.0133 Façade That portion of any exterior elevation on the building extending from grade to top of

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		the parapet, wall, or eaves and the entire width of the building elevation.
1116.0134	Floor Area	The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. Included shall be any basement (but not any cellar), interior balconies and mezzanines, elevator shafts and stair wells, and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.
1116.0135	Floor Area Ratio	The floor area of the building or buildings on a lot divided by the area of the lot.
1116.0136	Front Lot Line	A lot line along a street or place.
1116.0137	Front Yard	A yard extending across the front of a lot between the side lot lines, being the horizontal distance between the right-of-way and the principal building or any projections thereof other than the projections of permitted uncovered steps, uncovered balconies or unenclosed porches.



1116.0138	Grade	<ol style="list-style-type: none"> (1) For buildings having walls adjoining one street or place only, the elevation of the sidewalk at the center of the wall adjoining the street or place; (2) For buildings having walls adjoining more than one street or place, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets or places; (3) For buildings having no wall adjoining a street or place, the average level of the finished surface of the ground adjacent to the exterior walls of the building. <p>Any wall approximately parallel to and not more than 5 feet from a right-of-way is to be considered as adjoining the street or place. Where no sidewalk exists or where none of the walls adjoin a right-of-way, the grade shall be established by the Commissioner of Building Inspection and Code Enforcement or by the Division of Transportation.</p>
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1116.0139	Harbor line, channel line, and docking line	The publicly defined lines that identify the edge of navigation channels. They appear on the Official Zoning Map.
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1116.0140	Height (of Building or Other Structure)	The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
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1116.0141	Household	One or more persons occupying a dwelling unit as a functional unit. A functional unit is either a family, one or more persons related to each other by blood, adoption, or marriage; or two or more persons whose relationship is functionally equivalent to a family but who are not related by blood, adoption, or marriage. Persons occupying a boarding house, hotel, lodging house, group rental dwelling, or fraternity or sorority house, as herein defined do not constitute a household.
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In determining whether a group of unrelated persons is a household under the definition set forth above, the Commissioner of Building Inspection and Code

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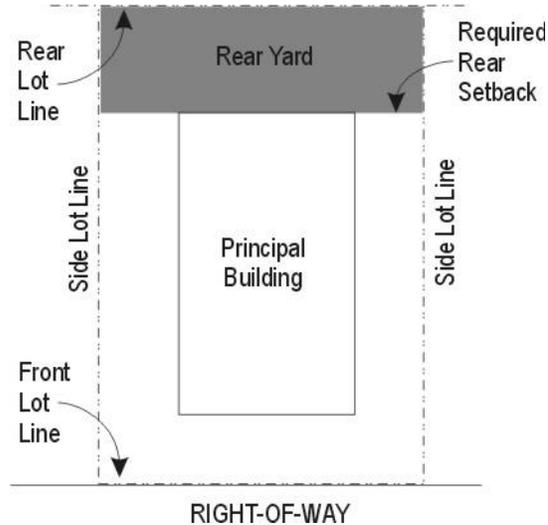
		Enforcement shall apply the factors set forth in Sec. 1115.0900 or such of those factors as may reasonably be known to the Commissioner on the date of determination.
1116.0142	Human Scale	Means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
1116.0143	Impound Yard	A facility used for the temporary storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop.
1116.0144	Industrialized Unit	An assembly of materials or products comprising all or part of a total structure assembled in a factory and built in compliance with the Ohio Basic Building Code, which, when completed, is self-sufficient or substantially self sufficient and when installed, constitutes the structure or part of a structure, except for preparations for its placement and meets the definition of industrialized unit under Revised Code Section 3781.10.
1116.0145	Institutional Use	A use that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, a place of religious assembly, public agency, or tax-exempt organization.
1116.0146	Landfills	Includes sanitary and construction/demolition type landfills and disposal of hazardous waste.
1116.0147	Landscaping	Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of existing trees.
1116.0148	Large-Scale Retail Project	Development of one or more General Retail Sales or Food and Beverage Retail Sales uses with an aggregate floor area of 50,000 square feet or more.
1116.0149	Loading Space	A space within the principal building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.
1116.0150	Lot	A parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including one principal building (except as expressly provided in Sec. 1106.0300) together with its accessory buildings, the open space and parking spaces required by this Zoning Code, and having its principal lot frontage upon a street or place.
1116.0151	Lot Frontage	The front lot line.
1116.0152	Lot of Record	A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder; or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Recorder.
1116.0153	Major Street	A street classified as freeway, expressway or controlled parkway, principal arterial, minor arterial, or major collector, on the Street and Highway Plan.
1116.0154	Manufactured Home	A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. §§ 5401, 5403 and that has a permanent label or tag affixed to it, as specified in 42 U.S.C. § 5415, certifying compliance with all applicable Federal construction and safety standards.
1116.0155	Marina Basin	The water area available for use by a particular marina. The limits to a marina basin are the shoreline of the subject site, two side lot line extensions, and a line drawn to connect their channelward ends.
1116.0156	Maximum Practical Extent	Means that, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the

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		potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from any noncompliance.
1116.0157	Mixed Use	Means a building or lot containing residential and commercial or industrial uses.
1116.0158	Mobile Home	A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35-body feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined above or as an industrialized unit as defined at Revised Code Sec. 3781.06(c)(3).
1116.0159	Neighborhood	A subarea of the city in which the residents share a common identity focused around a school, park, community business center, architectural style, or other feature.
1116.0160	Neighborhood Organization	An organization registered with the Planning Director for the purpose of receiving information concerning development or zoning in their neighborhood. (Sec. 145.06)
1116.0161	Nonconformity	Any characteristic of land, the uses of land, or structures and other development thereon, in lawful existence or operation at the effective date of this Zoning Code or amendment thereto which does not conform after the passage of this Zoning Code or amendment thereto with the applicable requirements of this Zoning Code as amended.
1116.0162	Ornamental Pond	Means an artificial body of water of permanent construction with a controlled water supply, which is no more than twenty-four inches in depth and with a capacity under 100 cubic feet. Ornamental ponds may project into any setback. Supporting structures must be less than forty-two inches above ground level. (Ord. 198-11. Passed 04-19-11.)
1116.0163	Owner of Record	Means the owner, as shown by the county auditor's current tax list, of any real property to which this Zoning Code applies.
1116.0164	Parking Area or Lot	Means any off-street area or structure which meets one of the following conditions: (1) Contains one or more parking, vehicular storage, loading or stacking space for public and civic, institutional, recreational, commercial, or industrial use, whether free or for compensation; or (2) Contains five or more parking spaces for any residential use.
1116.0165	Parking Space	A rectangular or rhomboid area, exclusive of any driveway or other circulation area, accessible from a street, place, alley or maneuvering area and designed for temporary parking of a motor vehicle.
1116.0166	Pedestrian-Oriented Development	Means development which is designed with a primary emphasis on the street sidewalk and/or connecting walkway access to the site and building, rather than on auto access and parking lots. In <i>pedestrian-oriented developments</i> , buildings are typically placed relatively close to the street and the main entrance is oriented to the street sidewalk or a walkway. Although parking areas and garages may be provided, they are not given primary emphasis in the design of the site.
1116.0167	Permanent Foundation	A permanent masonry, concrete, or other approved footing or foundation, to which a manufactured or mobile home may be affixed.
1116.0168	Pervious Surfaces	A surface that presents an opportunity for precipitation to infiltrate into the ground.
1116.0169	Place	An officially-approved private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.
1116.0170	Plan Commission	Means the Toledo City Plan Commission
1116.0171	Premises	A lot, plot or parcel of land, including the building or structures thereon.
1116.0172	Primary Street	A street to which a parcel's street address is assigned.
1116.0173	Principal Building	A building in which the principal use of the property is conducted. All lots containing at least one building shall be deemed to have a principal building.
1116.0174	Public-Private Setback	An area between a principal building and a street right-of-way, surfaced with an

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	Zone	impervious masonry material and used for seating, outdoor dining, public art or other pedestrian amenities.
1116.0175	Rear Lot Line	The lot line opposite the lot frontage. For a building on a corner lot, the rear of a lot is the lot line opposite the wall or plane of the principal building containing its principal entrance.
1116.0176	Rear Yard	A yard extending across the rear of a lot between the side lot lines and being the horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be at the opposite end of the lot from the front yard, or for a corner lot the rear yard shall be at the opposite of the front yard with the parcel address.



1116.0177	Reconstruction	The replacement or rebuilding of a building or structure.
1116.0178	Recreation Area	A public area or private area set aside to serve the recreational needs of area residents.
1116.0179	Recreational Vehicles and Equipment	<ol style="list-style-type: none"> (1) A nonself-propelled recreational vehicle that does not exceed an overall length of 35 feet, exclusive of bumper and tongue or coupling, and contains less than 320 square feet of space when erected on site. This includes a tent-type fold-out camping trailer as defined in Revised Code Sec. 4517.01. (2) A nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. (3) A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping. (4) Boats, floats, rafts, and trailers normally used to transport same on the highway.
1116.0180	Review Body	The entity that is authorized to review and recommend approval or denial of an application or permit under this Zoning Code.
1116.0181	Right-of-Way	The line determining the limit or ownership of a street, place, or alley. For purposes of setbacks, this includes right-of-way easements.
1116.0182	Setback	The unobstructed open area required by this Zoning Code to exist between the furthestmost projection of a structure and the property line of the lot on which the structure is located.
1116.0183	Sexually-Oriented Business	As used in this Zoning Code, 'sexually-oriented business' means an inclusive term used to describe collectively: adult media store, bathhouse, lingerie modeling or photograph studio, massage parlor (except for massage therapy as licensed by the

State of Ohio in Revised Code Section 4731.16), motion picture arcade booth, sex shop, sexual encounter center, sexually-oriented cabaret or sex-oriented cabaret, sexually-oriented cinema, sexually-oriented motion picture theater, or sex-oriented cinema. This collective term does not describe a specific land use and shall not be considered a single land-use category for purposes of the Zoning Code or other applicable ordinances.

- (1) **'Adult Media'** means magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.
- (2) **'Adult Media Store'** means an establishment that rents and/or sells media, and that meets any of the following three tests: 40 percent or more of the gross public floor area is devoted to adult media; 40 percent or more of the stock-in-trade consists of adult media; or it advertises or holds itself out in any forum as 'XXX', 'adult', 'sex', or otherwise as a sexually-oriented business other than an adult media store, sexually-oriented cinema, sexually-oriented motion picture theater, or sex-oriented cinema, or sexually-oriented cabaret or sex-oriented cabaret.
- (3) **'Bathhouse'** means an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated by a medical practitioner or professional physical therapist, licensed by the state.
- (4) **'Book or Media Store'** means a book or media store which devotes less than 10 percent of its gross public floor area or 10 percent of the number of items in inventory to hard-core material shall be treated for zoning purposes as a retail establishment. A book or media store which devotes more than 10 percent of its gross public floor area or 10 percent of the number of items in inventory to hard-core material, but which devotes less than 40 percent of its gross public floor area and less than 40 percent of the number of items in inventory to hard-core material shall be treated for zoning purposes as a book or media store and not as an adult media store, provided that it meets the following conditions: all hard-core material shall be maintained in a room that is separated from other material by an opaque wall that extends to the ceiling or eight feet above the floor, whichever is less; access to the room containing the hard-core material shall be through an opaque door; the room containing hard-core material shall be posted with a notice indicating that only persons 18 years of age or older (adults) are allowed in the room; and access to the room will be physically limited to adults through control of access by an employee of the store, through use of an access release located at least 66 inches off the floor, or through constant monitoring of the room by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.
- (5) **'Display publicly'** means the art of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.
- (6) **'Establishment'** means any business regulated by Sec. 1104.1500.
- (7) **'Explicit sexual material'** means any hard-core material.
- (8) **'Gross public floor area'** means the total area of the building accessible or visible to the public, including showrooms, sexually-oriented cinemas, sexually-oriented motion picture theaters, or sex-oriented cinemas, motion picture arcades booths, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled 'public'), areas used for sexually-oriented cabarets or sex-oriented cabarets, plus aisles, hallways, and entryways serving such areas.
- (9) **'Hard-core material'** means media characterized by sexual conduct that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a

- sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
- (10) **'Lingerie modeling or photograph studio'** means an establishment or business which provides the services of live models modeling lingerie, bathing suits, or similar wear or without clothing to individuals, couples or small groups in a room smaller than 600 square feet.
 - (11) **'Massage'** means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).
 - (12) **'Massage parlor'** means an establishment offering massage therapy and/or body work by a massage therapist not licensed under Revised Code Section 4731.16 or under the direct supervision of a licensed physician.
 - (13) **'Massage studio'** means an establishment offering massage therapy and/or body work by a massage therapist licensed under Revised Code Section 4731.16 or under the direct supervision of a licensed physician.
 - (14) **'Massage therapy'** means the profession in which a State of Ohio certified massage therapist applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools or devices designed as t-bars or knobblies, and (iii) instruct self care and stress management. 'Manual' means by use of hand or body.
 - (15) **'Media'** means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media, and undeveloped pictures.
 - (16) **'Motion picture arcade booth'** means any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat customers and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, cd-rom, books, magazines or periodicals) for observation by customers therein. The term 'booth', 'arcade booth,' 'preview booth', and 'video arcade booth' shall be synonymous with the term 'motion picture arcade booth'.
 - (17) **'Primary live entertainment'** means entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.
 - (18) **'Public park'** means a publicly-owned parcel of land kept for ornamental and recreational purposes, including land in its natural state.
 - (19) **'Public playground'** means a publicly-owned parcel of land used and equipped for recreation.
 - (20) **'Religious institution'** means a place that people regularly attend for religious services, meetings and other activities.
 - (21) **'Residential district'** means a zoning district contained in Sections 1102.0200 through 1102.0500 of the Toledo Municipal Code.
 - (22) **'Sadomasochistic practices'** means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
 - (23) **'School'** means either a private or public elementary, middle or high school established under state law maintained for the education of children.
 - (24) **'Sex shop'** means an establishment offering goods for sale or rent and that meets any of the following tests: it offers for sale items from any two of the following categories: adult media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than 10 percent of its stock in trade or occupies more than 10 percent of its gross public floor area; more than 5 percent of its stock in trade consists of sexually oriented toys or novelties; or more than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.
 - (25) **'Sexual conduct'** means the engaging in or the commission of an act of

sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

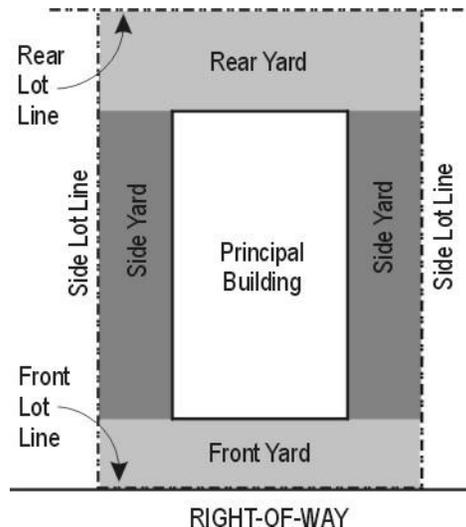
- (26) **'Sexual encounter center'** means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of 'specified sexual activities'. The definition of sexual encounter center or any sexually-oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- (27) **'Sexual gratification'** means sexual conduct as defined herein.
- (28) **'Sexually-oriented acts'** means sexual conduct as defined herein.
- (29) **'Sexually-oriented cabaret or sex-oriented cabaret'** means an establishment and/or building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the 'primary live entertainment' is distinguished or characterized by an emphasis on the exhibiting of 'specific sexual activities' or 'specified anatomical areas' for observation by customers therein. A cinema or motion picture theater which shows hard-core material on more than half the days that it is open, or which is marketed as or offers features described as 'adult', 'XXX', or sexually oriented.
- (30) **'Sexually-oriented cinema, sexually-oriented motion picture theater, or sex-oriented cinema'** means a cinema or motion picture theater which shows hard-core material on more than half the days that it is open, or which is marketed as or offers features described as 'adult', 'XXX', or sexually oriented.
- (31) **'Specified Anatomical Areas'** means any one of the following: (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (32) **'Specified sexual activities'** means Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

1116.0184 Shoreline

The line established between a body of water and land within the City, as established on the topographic maps taken from the aerial survey of March 1974, on file at the office of the Plan Commission.

1116.0185 Side Yard

A yard between the principal building and a side lot line, extending from the front yard to the rear yard and being the horizontal distance between a side lot line and the side of the principal buildings or any projections thereof.



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1116.0186	Skilled Nursing Care	“Skilled Nursing Care” as that term is defined at Revised Code Sec. 3721.01(A)(4)
1116.0187	Story	That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. The unfinished space between the ceiling joists of the top story and the roof rafters shall be considered an attic and not a story. (Ord. 589-07. Passed 9-4-07.)
1116.0188	Street	A public thoroughfare which affords the principal means of access to abutting property.
1116.0189	Street and Highway Plan	The latest version, as amended, of the Toledo-Lucas County Major Street and Highway Plan, on file in the offices of the Plan Commission and Clerk of Council. Such plan is hereby incorporated into the Zoning Code, and amendment of such plan shall be made only in accordance with the provisions of Sec. 1111.0600.
1116.0190	Structural Alterations	Any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.
1116.0191	Structure	Anything constructed, erected or placed on the land, the use of which requires a more or less permanent location on the land, or attached to something having a permanent location on the land.
1116.0192	Swimming Pool	(1) “Family Swimming Pool” - means an artificial body of water of permanent construction which necessitates any excavation, or in excess of forty-eight inches above ground level with a controlled water supply, over twenty-four inches in depth or with a capacity of over 100 cubic feet, used or intended to be used solely by the owner, tenant, family, or invitee without payment of any fee. Definition includes retention ponds and excludes detention ponds or ornamental ponds. (3) “Portable swimming pool” – means an artificial body of water with a controlled water supply located above ground, not exceeding forty-eight inches above ground level, over twenty-four inches in depth or with a capacity of over 100 cubic feet and with such a nature that it may be dismantled and/or relocated, used or intended to be used solely by the owner, tenant, family, or invitee without payment of any fee. (Ord. 198-11. Passed 04-19-11.)
1116.0193	TARTA	Toledo Area Rapid Transit Authority
1116.0194	Tattoo and Body Piercing Shop	A city-licensed establishment for tattoo and body piercing. Chapter 1717 of the Health Code.
1116.0195	Tobacco paraphernalia	Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, use or ingestion of tobacco products.
1116.0196	Tobacco products	Any substance containing any tobacco leaves, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco; including products prepared from tobacco.
1116.0197	Tow Lot	Establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. This shall not include Light Equipment Repair services that have a tow truck and repairs vehicles on-site.
1116.0198	Urban Design Center	An educational center and catalyst for planning and design excellence in Toledo and Lucas County. The <i>Urban Design Center</i> celebrates, supports and promotes good design by: increasing public awareness and appreciation of good design through educational efforts, facilitating civic dialogue on design and planning issues, facilitating community involvement in design and planning efforts and increasing the community’s capacity to produce high quality design.

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1116.0199	Utility Trailer	Any vehicle designed and constructed in such a manner, mounted on wheels or a motor vehicle, so it can be drawn or carried upon streets or highways whose primary purpose is to haul personal property or other property or materials and is licensable as a utility trailer under Ohio Motor Vehicle licensing law for use on highways or streets.
1116.01100	Walkway	Means an off-street pedestrian path.
1116.01101	Wood sheet goods	Produced by processes involving pressure, adhesives or binders. These may have layers or reconstituted wood, or materials other than wood. Examples are plywood, pressboard or other equivalent products.
1116.01102	Zero Lot Line	A detached dwelling unit distinguished by the location of one exterior wall on a side property line.

1116.0200 | Use Categories

1116.0201 General

A. Purpose

This Section classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain other site factors. The use categories provide a systematic basis for assignment of uses to zoning districts.

B. Classification Considerations

1. Uses are assigned to the category that most closely describes the nature of the principal use, based on the “Characteristics” description of each use category. Developments may have more than one principal use (See Sec. 1104.0105).
2. The following factors are considered to determine what use category the use is in, and whether the activities constitute principal uses or accessory uses. The presence or absence of any single factor is not necessarily determinative of what use category the use is in.
 - a. The description of the activity in relationship to the characteristics of each use category;
 - b. The relative amount of site or floor space and equipment devoted to the activity;
 - c. Relative amounts of sales from each activity;
 - d. The customer type for each activity;
 - e. The relative number of employees in each activity;
 - f. Hours of operation;
 - g. Building and site arrangement;
 - h. Vehicles used with the activity;
 - i. The relative number of vehicle trips generated by the activity;
 - j. Signs;
 - k. How the use advertises itself; and

1. Whether the activity would be likely to be found independent of the other activities on the site.

C. Examples

The “Examples” subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “Wholesale Liquidation” but that sells mostly to consumers would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

1116.0202 Agriculture

Activities that primarily involve raising or producing field crops or other plants.

A. Nurseries and Greenhouses

Land or greenhouses used to raise flowers, shrubs, and plants for sale.

B. Other Agriculture

Examples include farming, truck gardening, forestry, and tree farming.

1116.0203 Animal Services

The following are animal services use types:

A. Animal Shelter

An animal shelter is defined as a facility, other than a residential dwelling, and its surrounding grounds, which is used to house, feed and care for homeless, lost, neglected or abandoned animals. Animal shelters are maintained by nongovernmental, non-profit entities, including, but not limited to humane societies and animal welfare organizations.

B. Dog Run

A run is defined as a fully enclosed outdoor area of space attached to, or directly adjacent to a building, which is fully contained and able to be secured. Access to said run may be through a door or entryway on the exterior of the building. A run may be used for the unattended exercise of dogs, without a leash.

C. Exercise Area

An exercise area is a fully enclosed area of space, in which dogs are exercised either on or off a leash, with supervision.

D. Fully Enclosed Animal Shelter / Kennels

A facility that is entirely contained and limited to the interior use of the building for the housing, feeding and care of the animals in its possession. A fully enclosed animal shelter shall be less than ten thousand (10,000) square feet in size and shall not construct or maintain outdoor runs or exercise areas.

E. Kennel

A commercial establishment licensed to operate a facility housing dogs, cats, or other household pets. Typical uses include grooming, breeding, boarding (daily or weekly), training or selling of animals. Kennels typically have outdoor, fenced animal runs in addition to indoor holding areas.

F. Sales and Grooming

Sales, grooming, and daytime care of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons, and pet grooming shops. No overnight boarding is allowed.

G. Veterinary

Typical uses include veterinary offices, pet clinics, and animal hospitals. Overnight boarding is for animals receiving medical care only.

(Ord. 180-09. Passed 3-31-09.)

1116.0204 Building Maintenance Services

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

1116.0205 Business Equipment Sales and Services

Sale, rental, or repair of office, professional, and service equipment and supplies to the firms themselves rather than to individuals. Excludes Construction Sales and Service and Vehicle Sales and Service. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

1116.0206 Business Support Services

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services and blueprint services. Also includes business or trade schools that do not involve any outdoor storage or manufacturing processes. Business or trades schools that involve outdoor storage or manufacturing processes are classified as Limited Manufacturing and Production.

1116.0207 Colleges and Universities

Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, conservatories and seminaries.

1116.0208 Communications Service Establishments

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as Major Utilities and Services and Minor Utilities. Typical uses include recording studios, television and radio studios, telecommunication service centers, and telegraph service offices.

1116.0209 Community Recreation

Recreational, social, or multi-purpose uses typically associated with parks, play fields, golf courses, or community recreation buildings.

A. Active Recreation

Areas used or designed for participant-oriented, group sports and recreation activities, including spectator areas associated with such facilities. Typical uses include:

1. recreational facilities of an active nature, such as athletic fields, play grounds and children's play apparatus areas, court games;

2. public and community recreation buildings, including enclosed and semi-enclosed buildings providing public assembly and activity areas, such as gymnasiums, meeting rooms, game rooms, arts and crafts, dancing and dining.
3. band shells and outdoor theaters;
4. campgrounds; and
5. facilities incidental to the operation of public recreational uses, such as refreshment stands, small concessionaire shops dispensing sporting goods, miniature golf and similar uses accessory to public recreational uses;

B. Passive Recreation

Areas used or designed for individual sports and recreation uses of a passive nature. Typical uses include golf courses (although golf course club houses are considered an “active recreation” use); hiking, bicycle and equestrian trails; greens and commons; sitting areas; picnic areas; botanical gardens; arboretums; conservatories; and natural wildlife or plant habitat areas.

C. Marinas

Any public or private facilities used for mooring, berthing, or securing recreational boats. Typical uses include yacht clubs and public boat docks.

1116.0210 Construction Sales and Services

Construction activities and incidental storage on lots other than construction sites. Also includes landscape contractors, landscape maintenance businesses, retail landscape sales and the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware, but excludes those uses classified as Vehicle Sales and Service uses. Typical uses include building materials stores, tool and equipment rental or sales building contracting/construction offices and landscape maintenance/contractor offices.

1116.0211 Cultural Exhibits and Libraries

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

1116.0212 Day Care

Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are three types of Day Care uses:

A. Type A Family Day Care Home

A permanent residence of the day care administrator in which day care is provided for:

1. 7 to 12 children at one time, including any children under 6 years of age who are related to a licensee, administrator, or employee of the type A home and who are on the premises of the type A home;
2. 4 to 12 children at one time if 4 or more children at one time are under 2 years of age, including any children under 6 years of age who are related to a licensee, administrator, or employee of the type A home and who are on the premises of the type A home; or
3. 4 to 12 adults at one time.

4. Type A family day-care homes do not include a residence in which the needs of the children or adults are administered to if all the children or adults whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.

B. Type B Family Day Care Home

A permanent residence of the provider in which day care is provided for:

1. one to 6 children at one time and in which no more than three children are under 2 years of age; or
2. one to six adults.
3. In counting children for the purposes of this rule, any children under 6 years of age who are related to the provider and who are on the premises of the type B home shall be counted. Children 6 years of age or older who are related to the provider, who are not publicly funded and who are on the premises of the type B home shall not be included in this count.
4. A type B family day care home also includes a home that is the permanent residence of the provider and the relative.

C. Day Care Center

1. Any place that is not the permanent residence of the licensee or administrator in which day care is provided, with or without compensation, for 7 to 12 children or adults at one time; or
2. Any place in which day care is provided, with or without compensation, for 13 or more children or adults at one time.
3. In counting children for the purposes of this rule, any children under 6 years of age who are related to a licensee, administrator, or employee of the center and who are on the premises of the center shall be counted.
4. “Day care center” does not include a place located in and operated by a hospital, as defined in Revised Code Sec. 3727.01, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the onsite supervision of a physician licensed under Revised Code Chapter 4731 or a registered nurse licensed under Revised Code Chapter 4723, and the child day-care is provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured.

1116.0213 Eating and Drinking Establishments

Sale of prepared food and beverages for on and off premises consumption. The following are eating and drinking establishment use types:

A. Tavern

An establishment licensed to sell alcoholic beverages to be generally consumed on the premises, which may or may not also sell food prepared and served to be generally consumed on the premises.

B. Fast Order Food

An establishment whose primary business is the sale of food: a) primarily intended for immediate consumption; b) available within a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside

the premises where it is sold. Does not include drive-through fast order food establishments.

C. Fast Order Food, Drive-through

Sale of food directly to patrons in motor vehicles or to patrons that intend to use the motor vehicle as an eating area. Typically, this use is either dependent on a long driveway that provides adequate room for vehicle stacking at a drive-through service window or on a parking area near a walk-up service window.

D. Restaurant – Sit-down

Sale of food prepared and served to be generally consumed on the premises. Typically, clientele does not turn over rapidly.

1116.0214 Entertainment and Spectator Sports

Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings. The following are spectator sports and entertainment use types:

A. Limited

Those uses conducted within an enclosed building with a capacity of 299 or less people. Typical uses include small theaters and meeting halls.

B. General

Those uses generating an attendance of 300 or more people, such as theaters, large exhibition halls and sports stadiums.

1116.0215 Explosive Storage

Storage of any quantity of explosives. Typical uses include storage in the course of manufacturing, selling, or transporting explosives or in the course of blasting operations.

1116.0216 Financial, Insurance and Real Estate Services

Financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies and real estate firms.

1116.0217 Food and Beverage Retail Sales

Retail sale of food and beverages for home consumption. Typical uses include groceries and delicatessens. There are two types of Food and Beverage Retail Sales uses:

A. Convenience Stores, with a floor area of less than 5,000 square feet; and

B. Large Stores, with a floor area of 5,000 square feet or more.

1116.0218 Freight Terminal

A facility where trucks are temporarily parked for dispatch and / or where goods are delivered for distribution by truck or other modes of transportation. Goods may be stored on site or reconfigured into larger or smaller units for distribution purposes. Excludes uses that qualify as Scrap and Salvage Operations.

(Ord. 402-11. Passed 8-23-11.)

1116.0219 Funeral and Interment Services

Provision of services involving the care, preparation or disposition of the dead. The following are funeral and interment services use types:

A. Cremating

Crematory services involving the reduction of bodies by fire. Typical uses include crematories and crematoriums.

B. Interring

Interring services involving the keeping of human bodies other than in cemeteries. Typical uses include columbariums and mausoleums.

C. Undertaking

Undertaking services such as preparing the dead for disposition and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

D. Cemeteries

Land used for burial of the dead.

1116.0220 Gasoline and Fuel Sales

Retail sale, from the premises, of petroleum products with incidental sale of tires, batteries, and replacement items, lubricating services, and minor repair services. Typical uses include automobile service stations, filling stations and truck stops.

1116.0221 Group Living

Residential occupancy of a structure by other than a Household, where units or quarters do not each have its own kitchen facilities. Does not include Transient Habitation uses.

A. Adult Family Home

A state-licensed home or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults. Revised Code Sec. 3722.01(A)(7).

B. Residential Facility, Small

A state-licensed or state-regulated home or facility that provides room and board, personal care, habilitation services, and supervision in a family setting for as many as 6 (or, if allowed by state law, 8) persons who require such care because of any of the following: mental retardation or a developmental disability; physical disability; age; long-term illness, including HIV; domestic violence; or being a runaway minor. Includes the following types of facilities identified under state law: residential facility, Revised Code Sec. 5123.19(L); community alternative home, Revised Code Sec. 3724.01(B); shelter for victims of domestic violence, Revised Code Sec. 3113.33(C); shelter for runaways, Revised Code Sec. 5119.64(B); and other similar uses of the same size licensed by the state but not requiring skilled nursing care.

C. Residential Facility, Large

A state-licensed or state-regulated home or facility that provides room and board, personal care, habilitation services, and supervision in a family setting for more than 9 but not more than 16 persons who require such care because of any of the following: mental retardation or a developmental disability; physical disability; age; long-term illness, including HIV; domestic violence; or being a runaway minor. Includes the following types of facilities identified under state law: residential facility, Revised Code Sec. 5123.19(L); shelter for victims of domestic violence, Revised Code Sec. 3113.33(C); shelter for runaways, Revised Code Sec. 5119.64(B); and other similar uses of the same size licensed by the state but not requiring skilled nursing care.

D. Drug and Alcohol Residential Facility

A home or facility that provides habilitation services for persons with drug and alcohol addictions but not including methadone treatment. See also Sec. 1116.0229A

E. Halfway House

A facility, typically state-licensed, for the care and treatment of adult offenders. Revised Code Sec. 2967.14(C).

F. Nursing Home

A state-licensed home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services. Revised Code Sec. 3721.01(A)(6). Also includes Residential Care Facility, Revised Code Sec. 3721.01(A)(7).

G. Rest Home

A home or facility that provides personal care services but not skilled nursing services to adults who reside at the facility. Includes Residential Care Facility Revised Code Sec. 3721.01(A)(7). A facility that conforms with the definition for Adult Foster Home, Adult Family Home, Residential Facility (Small) or Residential Facility (Large) shall be treated as such, regardless of the fact that it may also meet this definition.

H. Home for the Aging

A state-licensed home that provides services as a Residential Care Facility and a Nursing Home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment.” Revised Code Sec. 3721.01(A)(8). A facility that conforms with the definition for Residential Facility (Small) or Residential Facility (Large) shall be treated as such a Residential Facility, regardless of the fact that it may also meet this definition.

I. Group Rental

Unrelated persons who do not constitute a family or a functional family as defined in this Zoning Code, living as a single housekeeping unit in which individual sleeping quarters may be occupied by the residents of the dwelling thereof, and in which the relationship among the members of the group rests primarily upon a cost-sharing arrangement.

J. Homeless Shelter

A home or facility that provides temporary housing, with or without meals, to indigent, homeless, or transient persons. Such home or facility shall not provide lodging on a regular basis.

K. Other Group Living

Includes fraternity and sorority houses and other community-based housing not provided for elsewhere in this code.

(Ord. 552-11. Passed 11-29-11.)

1116.0222 Hospital

Facilities providing medical or surgical care to patients and offering inpatient (overnight) care.

1116.0223 Household Living

Residential occupancy of a dwelling unit by a Household with tenancy arranged on a month-to-month or longer basis.

A. Detached House

A dwelling unit, located on its own lot, which is not attached to any other dwelling unit, including an industrialized housing unit and zero lot line configurations.

B. Attached House

A dwelling unit, located on its own lot, which shares one or more common or abutting walls with one or more dwelling units. An attached house does not share common floors/ceilings with other dwelling units. An attached house is also called a townhouse.

C. Duplex

A single structure that contains two primary dwelling units on one lot. The units may share common walls or common floors/ceilings.

D. Cluster Housing

A subdivision containing detached and attached houses and duplexes with some or all of the lots reduced below required minimum lot area and width requirements, but where the overall project complies with the maximum density standard of the applicable zoning district.

E. Manufactured Housing Park

Any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park.

F. Manufactured Home

A building unit located within a manufactured housing park

G. Multi-Dwelling Structure

A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.

H. Foster Home, Adult

A residence in which accommodations and personal care services are provided to one or two adults who are unrelated to the owners of the residence. Revised Code Sec. 173.36. This use category includes only those uses meeting this definition and not requiring a state license.

I. Foster Home, Certified

A state-certified private residence in which one or more children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. Revised Code Sec. 5103.02(C). Does not include temporary care; see “Day Care.”

1116.0224 Industrial, General

Production, processing, assembling, packaging, or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. General Industrial uses may require federal air quality discharge permits. General Industrial uses do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:

- A. continuous, frequent, or repetitive noises or vibrations;
- B. noxious or toxic fumes, odors, or emissions;
- C. electrical disturbances; or
- D. night illumination into residential areas.

E. Exceptions

Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; noise detectable only as part of a composite of sounds from various off-site sources.

1116.0225 Industrial, Intensive

Manufacturing, processing, or assembling of materials in a manner that would create any of the commonly recognized nuisance conditions or characteristics described above in the General Industrial use type classification.

1116.0226 Laundry Service

Laundering, dry cleaning, or dyeing services other than those classified as Personal Convenience Services. Typical uses include laundry agencies, diaper services and linen supply services.

1116.0227 Lodge, Fraternal and Civic Assembly

Meetings and activities primarily conducted for members of such groups. Excludes Group Living and Transient Habitation uses. Typical uses include meeting places for clubs, lodges, or fraternal or veteran organizations.

1116.0228 Manufacturing and Production, Limited

Establishments generally employing fewer than 20 persons, do not involve outside storage of materials, do not require federal air quality discharge permits, are compatible with nearby residential uses because there are few or no offensive external effects, and are primarily engaged in one of the following:

- A. On-site production of goods by hand manufacturing involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on-site, but if so this is a subordinate part of total sales. Typical uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, clothing, food products, and similar types of arts and crafts or small-scale manufacturing; or
- B. Manufacturing or assembling of electronic components, medical and dental supplies, computers, housewares, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on-site, but if so this is a subordinate part of total sales.

1116.0229 Manufacturing and Production, Technological

Production, processing, assembling, or packaging of products that rely upon research and technological innovation. Also includes research of an industrial or scientific nature. Typical uses include manufacturing research instruments, electronic products, and surgical and medical instruments, electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.

1116.0230 Medical Service

Personal health services including prevention, diagnosis and treatment, rehabilitation services provided by physicians, dentists, nurses, and other health personnel and medical testing and analysis services. Typical uses include medical offices, dental laboratories, and health maintenance organizations.

A. Drug and Alcohol Treatment Center, Non-residential

A facility providing alcohol and drug addiction services, including but not limited to methadone treatment, to one or more persons who do not reside at the center.

B. Exceptions

Use types more specifically classified, such as Hospitals.

1116.0231 Mining

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

1116.0232 Office, Administrative and Professional

Professional, governmental, executive, management or administrative offices of private organizations or government agencies Typical uses include government offices, administrative offices, legal offices and architectural firms.

1116.0233 Parking, Commercial

Facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking use.

1116.0234 Personal Convenience Services

Provision of small consumer-oriented, personal services. These include personal services of a small, neighborhood-scale. Typical uses include laundromats, dry cleaners, barbershops, and others.

1116.0235 Personal Improvement Service

Informational, instructional, personal improvement, and similar services of a nonprofessional nature. Excludes services classified as Entertainment and Spectator Sports, Participant Sports and Recreation, or Transient Habitation. Typical uses include photography studios, driving schools, weight reducing salons, nail salons, barbershops, tattoo and body piercing shops, and beauty parlors.

1116.0236 Postal Service

Mailing services and processing as traditionally operated or leased by postal and parcel service companies.

1116.0237 Public Safety

Services that provide protection to a district or entity according to Fire, Life, and Safety Code Sections, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

1116.0238 Recycling Facilities

Collection and/or processing of recyclable materials. Recyclable materials for these facilities include recoverable resources, such as newspapers, glassware, and metal cans. Automobile parts, construction debris, or similar items requiring disassembly are not

permitted at these facilities. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer.

Recycling facilities may include the following:

A. Large Collection Facilities

A building or enclosed space, completely screened from public view, for the acceptance by donation, redemption, or purchase, of recyclable materials from the public occupying an area of more than 1,000 square feet, which may or may not include permanent structures.

B. Small Collection Facilities

A center or facility for the acceptance by donation, redemption, or purchase, of recyclable materials from the public occupying an area of not more than 1,000 square feet, which may or may not include permanent structures. These facilities may include:

1. Recycling, Mobile Collection Unit: An automobile, truck, trailer or van, or roll-off container that is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers used for the collection of recyclable materials. These recycling units shall have a lid or shall be under cover of a roof or awning.
2. Reverse vending machines;
3. Kiosk type units;
4. Unattended containers placed for the donation of recyclable materials; and
5. Indoor facilities, ancillary to the primary activity of a business or organization.

C. Processing Center

A building or enclosed space, completely screened from public view, used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

(Ord. 181-09. Passed 3-31-09. Ord. 670-10. Passed 12-21-10.)

1116.0239 Religious Assembly

Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches.

1116.0240 Rental Hall

A facility that as its primary use is rented or otherwise made available for compensation to any person or group for a private event or function. Typical uses include banquets, luncheons, receptions, or conferences.

(Ord. 402-11. Passed 8-23-11.)

1116.0241 Repair Services, Consumer

Provision of repair services to individuals and households, but not to firms. Excludes Vehicle Sales and Service uses. Typical uses include appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

1116.0242 Retail Sales, General

Businesses involved in the sale, lease or rent of new or used products to the general public. Excludes Animal Services, Business Equipment Sales and Services, Construction Sales and Services, Food and Beverage Retail Sales, Gasoline and Fuel Sales, and Vehicle Sales and Service. Typical uses include department stores, drug stores, apparel stores and furniture stores.

1116.0243 Schools

Public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education. The following are school use types:

A. Elementary and Middle Schools

Schools enrolling students in any or all of grades K through 8.

B. High Schools

Schools enrolling students in any or all of grades 9 through 12.

(Ord. 345-10. Passed 6-22-10.)

1116.0244 Scrap and Salvage Operations

Storage, sale, dismantling, or other processing of used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include motor vehicle salvage dealers, wrecking yards, junk yards, and salvage yards, but not including Recycling Facilities.

1116.0245 Sexually-Oriented Business Establishment

The opening or commencement of any sexually-oriented business; the conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business; the addition of any sexually-oriented business to any other existing sexually-oriented business; or the relocation of any sexually-oriented business. Typical sexually-oriented business establishments include: adult media store, bathhouse, lingerie modeling or photograph studio, massage parlor (except for massage therapy as licensed by the State of Ohio in Revised Code Section 4731.16), motion picture arcade booth, sex shop, sexual encounter center, sexually-oriented cabaret or sex-oriented cabaret, sexually-oriented cinema, sexually-oriented motion picture theater, and sex-oriented cinema.

1116.0246 Sports and Recreation, Participant

Provision of sports or recreation primarily by and for participants. Spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types:

A. Indoor

Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers.

B. Outdoor

Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, swimming pools, and golf courses.

1116.0247 Tobacco Shop

Any retail establishment that devotes 33 percent or more of floor area or display area to the sale or exchange of retail packaged tobacco products and/or tobacco paraphernalia.

1116.0248 Transient Habitation

Provision of lodging services on a day-by-day or similar temporary basis, together with any incidental food, drink, and other sales and services intended for the convenience of

guests. Does not include Group Living uses. The following are transient habitation use types:

A. Bed and Breakfast

An establishment located within a detached house that is the principal residence of the operator, where short-term lodging is offered for compensation and which includes the service of one or more meals to guests.

B. Lodging

Provision of lodging is provided and offered to the public for compensation, and which is open to transient guests. Typical uses include hotels and motels.

C. Rooming House

A dwelling containing three or more rooming units, in which space is let by the owner or operator for living or sleeping, but not open to the public or overnight guests. Meals may or may not be provided. Typical uses include rooming and boarding houses. See also Chapter 1761 of the Health Code.

1116.0249 Utilities and Services, Major

Services and utilities that have substantial impacts. Such uses may be permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of the district for reasons of necessary location and community wide interest. Typical uses include: water and waste water treatment facilities, major water storage facilities, landfills, airports and detention and correction institutions

1116.0250 Utilities, Minor

Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations. Excludes “Wireless Telecommunications Facilities” use types.

1116.0251 Vehicle Sales and Service

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

A. Cleaning/Washing

Washing and polishing of automobiles. Typical uses include car washes and vehicle detailing.

B. Fleet Storage

Fleet storage, together with fueling and incidental maintenance, of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include taxi fleets, mobile-catering truck storage, and auto storage garages.

C. Heavy Equipment Repairs

Repair of trucks and other heavy equipment as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include engine repair shops, auto body shops and motor freight maintenance groups.

D. Light Equipment Repairs

Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages and auto glass shops.

E. Heavy Equipment Sales/Rentals

Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, farm machinery, trucks, and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

F. Auto and RV Sales/Rentals

Sale, retail, wholesale, or rental from the premises of motor vehicles, noncommercial trucks, motorcycles, noncommercial trailers, truck campers, manufactured homes, motorhomes and boats, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicles sales.

G. Auto and RV Sales, Used Only

Premises on which only used automobile, recreational vehicles, noncommercial trucks, motorcycles, noncommercial trailers and truck campers, together with incidental maintenance. Typical use is a used car lot.

H. Storage of Towaway Vehicles

Storage of nonoperating or towed motor vehicles. Typical uses include storage of private parking towaways, impound yards and tow lots.

I. Storage of Recreational Vehicles

Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles and boats.

1116.0252 Wholesale, Storage, and Distribution

Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

A. Mini-Warehouse

Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant, but in no case shall storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy shall be limited to that required to transport, arrange and maintain stored materials.

B. Light

Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.

C. Heavy

Open-air storage, distribution, and handling of materials and equipment, or bulk storage of fuel. Typical uses include monument or stone yards, grain elevators and large-scale fuel storage.

1116.0253 Wireless Telecommunications Facilities

The site, structures, equipment, and appurtenances used to transmit radio frequency transmissions licensed by the Federal Communications Commission.

A. Co-located Facility

A Wireless Facility for such services as cellular telephone, personal communication services, enhanced/specialized mobile radio, and commercial paging services that is attached to an existing pole, tower, or other structure including, but not limited to, a structure that can accommodate the future installation of two or more antenna systems.

B. Freestanding Facility

A Wireless Facility for such services as cellular telephone, personal communication services, enhanced/specialized mobile radio, and commercial paging services that consists of a new tower, monopole, or other unattached structure erected to support antennas and connecting appurtenances capable of co-location.

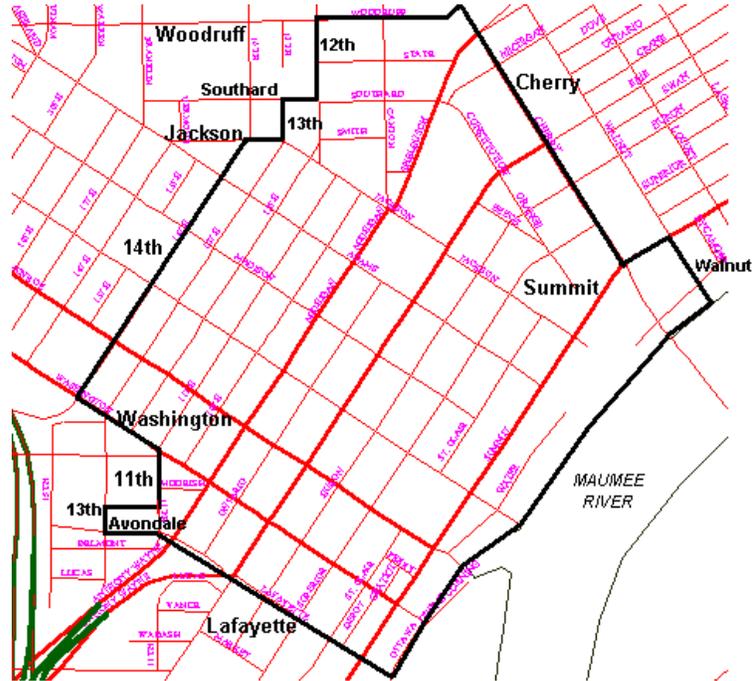
C. Radio and TV Towers

A Wireless Facility for the transmission of radio or television broadcasting.

Appendix A - Downtown Overlay District

Downtown Overlay District boundary

The boundaries of the land included and controlled by the Downtown Overlay District shall be as follows: Beginning at a point of intersection of the centerlines of Summit Street and Cherry Street, thence northwesterly along the centerline of Cherry Street to its intersection of the centerline of Woodruff Avenue; thence southwesterly and westerly along the centerline of Woodruff Avenue to the intersection of the centerline of North Twelfth Street; thence southerly along the centerline of North Twelfth Street to the centerline of Southard Avenue; thence westerly along the centerline of Southard Avenue, to the centerline of North Thirteenth



Street; thence southerly along the centerline of North Thirteenth Street to the centerline of Jackson Street; thence westerly along the centerline of Jackson Street to the centerline of Fourteenth Street; thence southwesterly along the centerline of Fourteenth Street to the centerline of Washington Street; thence southeasterly along the centerline of Washington Street to the centerline of South Eleventh Street; thence south along the centerline of South Eleventh Street to a point of intersection of the easterly extension of the north line of Subdivision One of Lot 609, Port Lawrence Division; thence westerly along the easterly extension of, and the north line of Subdivision One of Lot 609 in Port Lawrence Division and continuing westerly along the north line of Lot 626, 650 and 666 and its westerly extension of the north line of Lot 666 all in Port Lawrence Division to its intersection of the centerline of South Thirteenth Street; thence south along the centerline of South Thirteenth Street; to the centerline of Avondale Avenue; thence easterly along the centerline of Avondale Avenue to a point of intersection of the centerline of Lafayette Street; thence southeasterly along the centerline of Lafayette Street and its southeasterly extension to the centerline of Relocated Swan Creek; thence northeasterly along the centerline of Relocated Swan Creek to a point of intersection of the southeasterly extension of the southwesterly right-of-way line of Jefferson Avenue; thence southeasterly along the southeasterly extension of the southwesterly right-of-way line of Jefferson Avenue to the center of the Maumee River; thence northeasterly along the center of the Maumee River to its intersection with the southeasterly extension of the centerline of Walnut Street; thence northwesterly along the southeasterly extension of the centerline of Walnut Street and continuing northwesterly along the

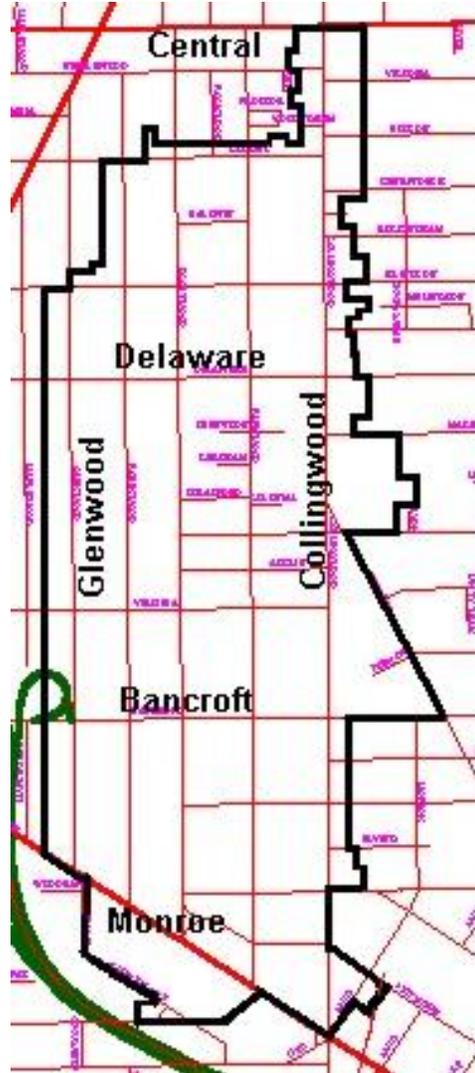
centerline of Walnut Street to the centerline of Summit Street; thence southwesterly along the centerline of Summit Street to the point of beginning.

Appendix B - Old West End Historic District Map

Old West End Historic District boundary

The boundary description of the Old West End Historic District is as follows: A parcel of land being part of Section 35 and Section 26 Town Nine (9) south, range seven (7) east, in the City of Toledo, Lucas County, Ohio, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline of Collingwood Boulevard and the centerline of Monroe Street, thence in a northwesterly direction along the centerline of Monroe Street to the intersection with the northerly extension of the easterly line of Lot 151 in Scottwood Addition; thence southwestwardly along such extension of the easterly line of Lot 151 extended to the centerline of Lincoln Avenue; thence westerly along the centerline of Lincoln Avenue to its intersection with the southerly extension of a line that is twenty feet west of the easterly line of Lot 190 in Baumgardner's Shaw Avenue Addition; thence northerly along such extension a distance of 137 feet; thence easterly a distance of thirty-four feet; thence northerly a distance of two feet; thence easterly a distance of twenty six feet to the easterly line of Lot 189; thence northerly along the easterly line of Lot 189 and such easterly line of Lot 189 extended to the intersection of the centerline of Grove Place; thence northwesterly along the centerline of Grove Place to its intersection with the centerline of Glenwood Avenue; thence northerly along the centerline of Glenwood Avenue to its intersection with the centerline of Monroe Street; thence northwesterly along the centerline of Monroe Street to its intersection with the southerly extension of the westerly line of Lot 39 of Woodruff and Andersons Addition; thence northerly along such extension of the westerly line of Lot 39 and the westerly line of Lot 39 and Lots 42 thru 49 and the westerly line of Lots 32 thru 39 of Rosedale Addition; to the northwest corner of Lot 39 in such Rosedale Addition; being on the southerly right-of-way line of Bancroft Street; thence northerly along the westerly line of Lots 44 thru 51 of Glenwood Addition and its southerly extension to the northwest corner of Lot 44, Glenwood Addition; thence northerly along the westerly line of Lots 30 thru 43 of Glenwood Addition and its southerly extension and the westerly line of Lots 116 thru 132 of extension of Robinwood Addition; to the northwest corner of Lot 116 extended, of Robinwood Addition; thence northerly along the westerly line of Lots 141 thru 153 of Baldwin Heights and its southerly and northerly extensions to the centerline of Islington Street; thence easterly along the centerline of Islington



Street to its intersection with the centerline of Glenwood Avenue; thence in a northerly direction along the centerline of Glenwood Avenue a distance of seventy-five feet to the westerly extension of a line that is parallel to and five feet southerly of the northerly line of Lot 127 of Baldwin Heights; thence easterly along such extension of the before mentioned line a distance 165 feet; thence in a northerly direction, parallel with the centerline of Glenwood Avenue, a distance of fifty-five feet to the northerly line of Lot 126 of Baldwin Heights; thence easterly along the northerly line of Lot 126 a distance of forty feet to the westerly line of Lot 118 of Baldwin Heights; thence northerly along the westerly line of Lots 118 thru 121 of Baldwin Heights, Lots 17 thru 24 of Upton and Miller's Robinwood Addition, Lots 52 thru 55 and Lot 59 of Collingwood Addition and extended to the centerline of Collins Street; thence easterly along the centerline of Collins Street; thence easterly along the centerline of Collins Street to the southerly extension of a line that is nine feet easterly of and parallel to the westerly line of Lots 35 thru 37 of J. P. Coate's Glenwood Addition; thence northerly along that line, parallel to the westerly line of Lots 35 thru 37, to the northerly line of Lot 37; thence westerly along the northerly line of Lot 37 to the westerly line of Lot 38; thence northerly along the westerly line of Lot 38 and the south twelve feet of Lot 39; thence easterly along a line parallel to the northerly line of Lot 39 a distance of fifty-four and twenty-five hundredths feet to a line that is 107 feet west of and parallel to the westerly right-of-way line of Scottwood Avenue; thence southerly along the last described line to a line that is twelve and sixty-nine hundredths feet northerly of and parallel to the northerly line of Lot 35; thence easterly along the last described line a distance of 107 feet to the westerly right-of-way line of Scottwood Avenue; thence easterly across Scottwood Avenue to the northwest corner of Lot 1 of J.P. Coate's Parkwood Heights; thence easterly along the northerly line of Lot 1 and Lot 16 to the westerly right-of-way line of Rockwood Place; thence easterly to the intersection of the easterly right-of-way line of Rockwood Place and a line that is five feet north of and parallel to the southerly line of Lot 18; thence easterly along said line to the easterly line of Lot 18; thence northerly along the easterly line of Lot 18 to a line that is ten feet north of and parallel to the southerly line of Lot 31; thence easterly along such line to the westerly right-of-way line of Parkwood Avenue; thence easterly across Parkwood Avenue to the intersection of the easterly line of right-of-way of Parkwood Avenue and a line that is forty feet north of and parallel to the southerly line of Lot 12 of May Place; thence easterly along the last described line to a line that is five feet west of and parallel to the westerly line of lot line of Lot 46 of J. P. Coate's Parkwood Heights; thence northerly along the last described line to the southerly line of Lots 3 thru 6 of Parkwood Court Place; thence easterly along the southerly line of Lots 3 thru 6 of Parkwood Court Place to a line that is the westerly line of Lot 7 of Winter's and Vandersall's First Addition; thence southerly along the westerly line of Lot 7 of Winter's and Vandersall's First Addition to the southerly line of Lots 7 thru 10; thence easterly along the southerly line of Lots 7 thru 10 to a line that is five feet west of and parallel to the westerly lines of Lots 1, 2, 11 and 12 of Winter's and Vandersall's First Addition; thence northerly along the last described line parallel to such westerly lines of Lots 12 and 11, across the Nottingham Terrace right-of-way, and parallel to such westerly lines of Lots 2 and 1 to the northerly line of Lots 3, 4, 5 of Winter's and Vandersall's First Addition; thence westerly along the northerly line of Lots 3, 4, 5 of Winter's and Vandersall's First Addition to the easterly line of Lot 14 and Lot 15 of Parkwood Court Replat; thence northerly along the easterly lines of Lot 14 and Lot 15 of Parkwood Court Replat to the southerly line of Lot 10 of Nesselwood Addition; thence easterly along the southerly line of Lot 10 of Nesselwood Addition to the westerly line of such Lots 1 thru 5 of Nesselwood Addition; thence northerly along the westerly lines of such Lots 1 thru 5 and such westerly lot line extended to the centerline of Nesselwood Avenue; thence westerly along the centerline of Nesselwood Avenue to its intersection with the southerly extension of the westerly line of Lot 1 of Collingwood Villa Replat; thence northerly along such extension and the westerly line of Lot 1 of Collingwood Villa Replat to the northwest corner of Lot 1; thence easterly along the northerly line of Lot 1 to a line that is fifteen feet east of and parallel to the westerly line of Lot 2; thence

northerly along that line and its extension to the centerline of Central Avenue; thence easterly along the centerline of Central Avenue to its intersection with the centerline of the alley east of and adjoining lots 1 thru 4 Machen Place (BL.G) extended northerly; thence southerly along the various courses of the centerline of the alley to its intersection with the northerly right-of-way of Kenilworth Avenue; thence southwesterly to the northeast corner of Lot 20 Kensington Addition; thence southerly along the easterly line of Lot 20 to the northerly line of Lot 6 and 7 of Falardeaus Subdivision; thence westerly along the northerly line of Lot 6 and Lot 7 to the westerly line of Lot 7; thence southerly along the west line of Lot 7 to the northerly right-of-way line of Evergreen Court, thence southerly to the northwest corner of Lot 3 of Falardeaus Subdivision, thence southerly along the westerly line of Lot 3 to the southwest corner of Lot 3; thence easterly along the southerly (typ.) line of Lot 3 and Lot 4 to a line that is forty feet west of and parallel to the east line of Lot 25 of Kensington Addition; thence southerly along that line to the northerly right-of-way line of Rockingham Street; thence southwesterly to the intersection of the southerly right-of-way line of Rockingham Street with a line fifty feet west of and parallel to the westerly line of Lot 63; thence southerly along the last described line to the northerly line of Lot 66; thence easterly along the northerly line of Lot 66 to the easterly line of Lot 66 thru Lot 69; thence southerly along the easterly line of Lot 66 thru Lot 69 to the north right-of-way line of Islington Street; thence southwesterly to the intersection of the south right-of-way line of Islington Street with a line 101 feet east of and parallel to the easterly right-of-way line of Collingwood Boulevard; thence southerly along the last described line to the northerly line of Lot 110; thence easterly along the northerly line of Lot 110 to the northeast corner of Lot 110, thence southerly along the easterly line of Lot 110 to the southeast corner of Lot 110, thence westerly along the southerly lot line of Lot 110 to a line that is 134 feet east of and parallel to the easterly right-of-way line of Collingwood Boulevard; thence southerly along the last described line a distance of thirty-six feet to a line that is twelve feet north of and parallel to the northerly line of Lot 112; thence westerly along the last described line a distance of thirty-three feet; thence southerly along a line that is 101 feet east of and parallel to the easterly right-of-way line of Collingwood Boulevard to the north right-of-way line of Melrose Avenue; thence southeasterly to the intersection of the south right-of-way line of Melrose Avenue with a line that is 125 feet east of and parallel to the easterly right-of-way line of Collingwood Boulevard; thence southerly along the last described line to the southerly line of Lot 155; thence easterly along the southerly (typ.) line of Lot 155 to a line that is 140 feet east of and parallel to the easterly right-of-way of Collingwood Boulevard; thence southerly along the last described line to the north right-of-way line of Delaware Avenue; thence southeasterly to the intersection of the south right-of-way line of Delaware Avenue with the centerline of the alley easterly of and adjoining Lots 1, 2, and 3 of Replat of Machen's Second Addition; thence southerly along the centerline of such alley to a line that is seventy-one feet north of and parallel to the north right-of-way line of Machen Street; thence westerly along the last described line a distance of sixty-six feet; thence southerly parallel to the easterly lot line of Lot 60 to the north right-of-way line of Machen Street; thence to the intersection of the south right-of-way line of Machen Street with the centerline of the vacated alley westerly of and adjoining Lot 8 thence south along the centerline of such alley and its southerly extension a distance of 300 feet to a line that is 330 feet south of and parallel to the centerline of Machen Street; thence easterly along the last described line to its intersection with a line that is the northward extension of the westerly right-of-way line of Avon Street; thence southerly along such line and the westerly right-of-way line of Avon Street to the northeast corner of Lot 30 of Bolle's Place; thence westerly along the northerly lines of Lot 30 and Lot 31 to the northwest corner of Lot 31; thence southerly along the westerly line of Lot 31 and its extension to the centerline of Winthrop Street; thence westerly along the centerline of Winthrop Street to the intersection of the centerline of Ashland Avenue; thence southeasterly along the centerline of Ashland Avenue to its intersection with the centerline of Bancroft Street; thence westerly along the centerline of Bancroft Street to the northward extension of the centerline of the alley

adjoining and easterly of Lots 6 thru 11 of Block 2, Lots 14 thru 19 of Block 4, and 14 thru 19 of Block 6, all of Orchard Addition; thence southerly along the last described line to the north right-of-way line of Irving Street; thence southeasterly to the intersection of the south right-of-way line of Irving Street with the centerline of the alley easterly of and adjoining Lots 1 and 2 of Scott's Subdivision; thence southerly along the last described line to the centerline of the alley adjoining and southerly of Lots 3 through 16; thence easterly along the last described line to its intersection with the westerly line of Lot 182 of Swayne Place extended; thence southerly along the westerly line of Lot 182 and its extensions to its intersection with the centerline of Woodruff Avenue; thence westerly along the centerline of Woodruff Avenue to its intersection with the centerline of Collingwood Boulevard; thence southerly along the centerline of Collingwood Boulevard to its intersection with the centerline of Jefferson Avenue; thence southeasterly along the centerline of Jefferson Avenue to its intersection with the southeasterly line of Lot 39 of Swayne Place (extended northeasterly); thence southwesterly along the last described line to its intersection with the centerline of the alley that is southwest of and adjoining Lots 38 and 39; thence northwesterly along the centerline of such alley to the centerline of 23rd Street; thence southwesterly along the centerline of 23rd Street to its intersection with the centerline of Collingwood Boulevard; thence southerly along the last described line to the true point of beginning.

The above legal description will be automatically amended at such time as a historic district status is established for the Toledo Old Town Community Organization (TOTCO) area, the boundary between the TOTCO and Old West End Historic Districts shall then be defined as the centerline of Collingwood Boulevard.

Appendix C - Vistula Historic District Map

Vistula Historic District boundary

The Vistula Historic District's boundary description is as follows: Beginning at the point which is the intersection of the centerlines of Walnut Street and Champlain Street; thence northeasterly along the centerline of Champlain Street to its intersection with the centerline of Chestnut Street; thence southeasterly along the centerline of Chestnut Street to its intersection with the centerline of Dove Lane; thence proceeding northeasterly along the centerline of Dove Lane to its intersection with the centerline of Magnolia Street; thence southeasterly along the centerline of Magnolia Street to its intersection with the centerline of Crane Lane; thence proceeding southwesterly along the centerline of Crane Lane to its intersection with the extended line which separates Lots 702 and 703; thence southeasterly along a line which crosses North Erie Street and separates Lots 674 and 675, crosses Swan Lane and separates Lots 574 and 575, crosses Huron Street and separates Lots 546 and 547, crosses Eagle Lane and separates Lots 446 and 447; at the point of intersection of the extended southeast line of Lot 447 with the centerline of Superior Street, proceed southwesterly along the centerline of Superior Street to its intersection with the centerline of Chestnut Street; thence southeasterly along the centerline of Chestnut Street to its intersection with the centerline of Summit Street; thence proceeding southwesterly along the centerline of Summit Street to its intersection with the centerline of Elm Street; thence southeasterly along the centerline of Elm Street to its intersection with the centerline of Water Street; thence proceeding southwesterly along the centerline of Water Street to its intersection with the centerline of Cedar Lane; thence northwesterly along the centerline of Cedar Lane to its intersection with the centerline of Summit Street; thence proceeding southwesterly along the centerline of Summit Street to its intersection with the centerline of Walnut Street; thence proceeding northwesterly along the centerline of Walnut Street to its intersection with the centerline of Champlain Street, such point being the place of beginning.

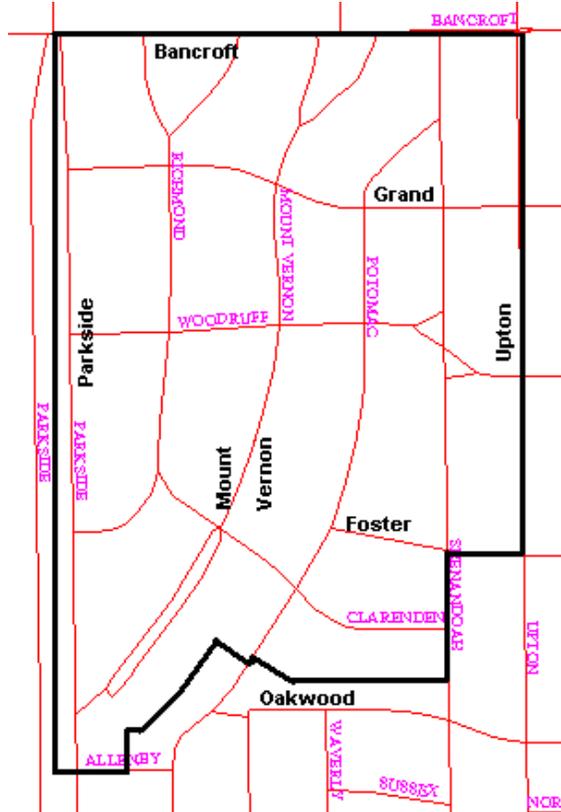


Appendix D - Westmoreland Historic District Map

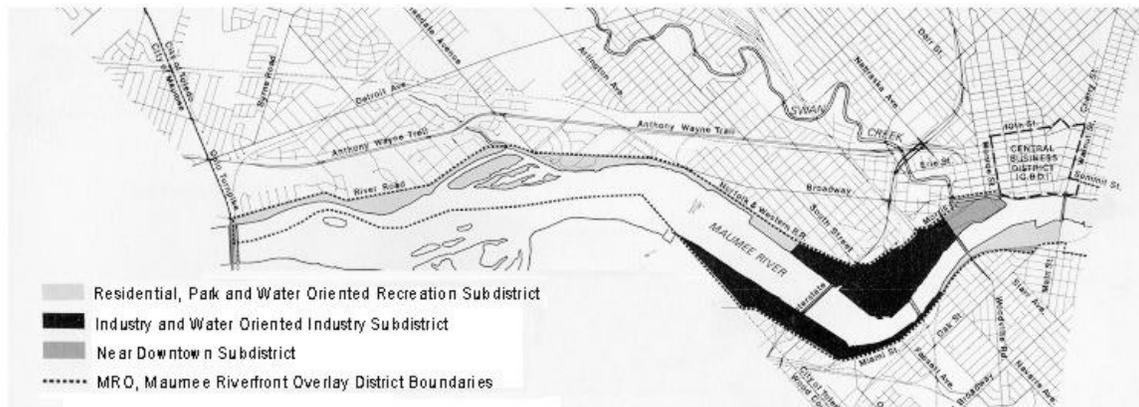
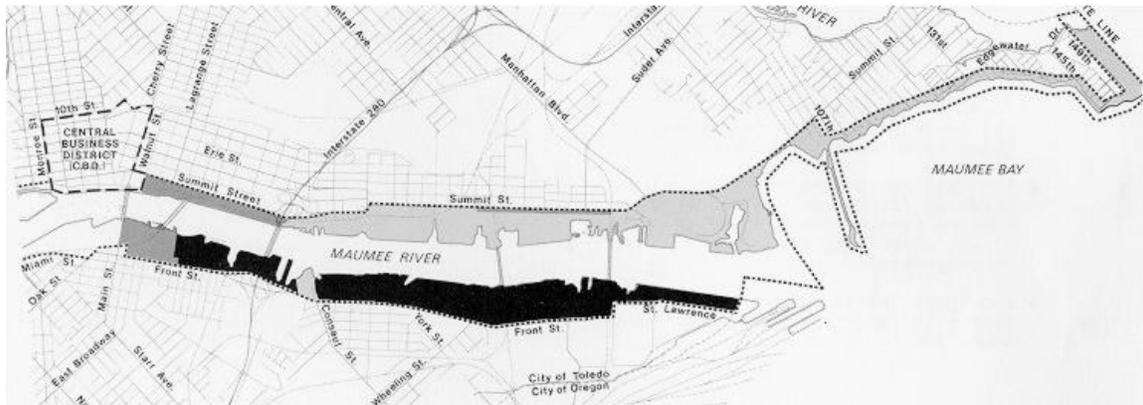
Westmoreland Historic District boundary

The boundary description of the Westmoreland Historic District is as follows:

Beginning at the intersection of the centerline of Parkside Blvd. and centerline of Allenby Rd., thence in a northerly direction along the centerline of Parkside Blvd. to its intersection with the centerline of Bancroft St., thence easterly along the centerline of Bancroft St. to its intersection with the centerline of Upton Ave., thence southerly along the centerline of Upton Ave. to its intersection with the centerline of Foster Ave., thence westerly along the centerline of Foster Ave. to its intersection with the centerline of Shenandoah Rd., thence southerly along the centerline of Shenandoah Rd. to the southerly line of Lot 75 in Westmoreland Subdivision extended, thence westerly along the southerly lines of Lots 68 through 75 in Westmoreland Subdivision, thence northeasterly 16.99 feet along the rear line of Lot 291 in Fairmont Park Subdivision, thence northwesterly along the southwesterly line of Lot 65 in Westmoreland Subdivision extended to the centerline of Potomac Dr., thence southerly along the centerline of Potomac Dr. to its intersection with the southwesterly line of Lot 171 in Westmoreland Subdivision extended, thence northwesterly along the southwesterly line of Lot 171 in Westmoreland Subdivision, thence southwesterly along the southeasterly lines of Lots 165, 164, and 163 in Westmoreland Subdivision and Lot 293 in Fairmont Park Subdivision, thence northwesterly 12 feet along the southwesterly line of Lot 293, thence southwesterly 45 feet along a line parallel with the northwesterly line of Lot 238 Fairmont Park Subdivision to the southwesterly line of Lot 238 extended, thence southeasterly along the southwesterly line of Lot 238 extended to the northwesterly line of Lot 238, thence southwesterly along the southeasterly property line of Lot 294 in Fairmont Park Subdivision and Lot 161 in Westmoreland Subdivision, thence southwesterly to the most easterly point of Lot 159 in Westmoreland Subdivision, thence westerly 58.4 feet along the south property line of Lot 159 in Westmoreland Subdivision, thence south along a line extended to the centerline of Allenby Rd. and perpendicular to the south property line of Lot 159 in Westmoreland Subdivision, thence in a westerly direction along the centerline of Allenby Rd. to its intersection with the centerline of Parkside Blvd., said point being the point of beginning.



Appendix E - Maumee Overlay District Map



Maumee Riverfront Overlay district boundaries

Commencing at a point which is the intersection of the centerline of Walnut Street extended, with the Maumee River, thence northwesterly along such centerline of Walnut Street to the centerline of Summit Street; thence northeasterly along the centerline of Summit Street to its intersection with the northerly line of Cullen Park projected; thence on an irregular northeasterly course along the boundary of Cullen Park to a point 300 feet westerly of the shoreline boundary of the City on Maumee Bay; thence in a northeasterly direction along a line 300 feet westerly of such shoreline boundary to the centerline of 149th Street extended, thence westerly along the centerline of 149th Street extended and 149th Street to its intersection with the corporation line of the City at the center thread of the Ottawa River; thence northerly along the City boundary line to the Michigan State Line; thence easterly along the Michigan State Line to its intersection with the shoreline boundary of the City on Maumee Bay; thence in a southerly direction along such boundary to the point where it veers easterly to the center of the mouth of the Maumee River; thence continuing along the boundary line to its intersection with the easterly shoreline of the River; thence along a straight line projected to the easterly end of the centerline of St. Lawrence Drive; thence southwestwesterly along the centerline of St. Lawrence Drive to its intersection with the centerline of Sinclair Street; thence easterly along the centerline of Sinclair Street to the intersection with the centerline of Front Street; thence southwestwesterly along the centerline of Front Street to a point which is 186.5 feet more or less northeast of the centerline of Main Street (northwest); thence northwest along a line which is 186.5 feet more or less northeast of and

parallel to the centerline of Main Street (northwest) to a point on the southeast trail line of the southeasterly most set of tracks on the Penn Central Railroad; thence southwesterly along the southeasterly rail line of the southeasterly-most set of tracks of the Penn Central Railroad to its intersection with the centerline of Oak Street extended north; thence south along the centerline of Oak Street, extended, to the centerline of First Street; thence southwesterly along the centerline of First Street to its intersection with the centerline of Miami Street; thence southerly along the centerline of Miami Street to its intersection with south boundary of the City; thence westerly along the south boundary to the center of the Maumee River and continuing along such boundary in a southwesterly direction to the Ohio Turnpike; thence northwesterly along the northerly boundary of the Ohio Turnpike to the centerline of River Road; thence northeasterly along the centerline of River Road to its intersection with the centerline of Broadway; thence northeasterly along the centerline of Broadway to the centerline of the Wabash Railroad right-of-way at the Broadway viaduct; thence northeasterly along the centerline of the Wabash Railroad to its intersection with the east line of the intersection with the east line of the Interstate Route 75; thence northerly along the east line to its intersection with centerline of relocated South Avenue; thence easterly and northerly along the centerline of South Avenue relocated and along such line projected to the south line of the extension of Segurs Subdivision of Lot 9; thence easterly along such south line to the easterly line of such subdivision; thence northerly along the east line of the extension of Segurs Subdivision of Lot 9 to the northeast corner of Lot 138 therein; thence northerly along a straight line to a point which is the intersection of the centerline of Emerald Avenue with the centerline of Morris Street; thence northeasterly along the centerline of Morris Street to its intersection with the centerline of Broadway; thence southwesterly along the centerline of Broadway to its intersection with the centerline of Cushing Street; thence northwesterly along the centerline of Cushing Street to its intersection with the centerline of Summit Street; thence northeasterly along the centerline of Summit Street to its intersection with the centerline of Monroe Street; thence in an easterly direction along the centerline of Monroe Street to Swan Creek; thence downstream along Swan Creek to the Maumee River; thence downstream in a northeasterly direction along the Maumee River to the centerline of Walnut Street extended, the point of beginning.

Subdistrict 1 – Residential, park and water-oriented recreation

Such designated areas located within the -MRO district are:

(1) The area on the west side of the river from the Craig (I-280) Bridge downriver in a northeasterly direction to the Ohio boundary with the State of Michigan; excluding the area from the centerline of Troy Street, extended to the harbor line, downriver in a northeasterly direction to the Norfolk and Western Railroad Bridge near the foot of Albany Street; and excepting the area fronting on the easterly side of Summit Street between the Norfolk and Western Railway Bridge and the Toledo Terminal Railroad tracks 850 feet more or less northeasterly of Suder Avenue, to a depth of 200 feet, more or less, easterly from Summit to but excluding the Con Rail railroad siding running generally parallel to Summit Street.

(2) The area on the west side of the river, from the easterly line of Maumee Avenue which is the westerly line of Lot 380 in Knowers 2nd Addition as projected in a straight line to the Maumee River harbor line, upriver in a southeasterly direction to the City boundary with the City of Maumee.

(3) The area on the east side of the river from the centerline of Main Street upriver in a southeasterly direction to a straight line drawn easterly from a point on the east harbor line 208.86 feet southerly of harbor line point Navarre, which point is also the southwesterly corner of

International Park and extending such straight line parallel to the centerline extended and the centerline of Navarre Avenue to its intersection with the centerline of Miami Street; excepting therefrom the area beginning at the centerline of Miami Street, excepting therefrom the area beginning at a point on the southerly right-of-way of the Con Rail Railroad (formerly Pennsylvania Railroad) where it is intersected by the centerline of Oak Street extended northerly in a straight line from its intersection with Front Street, thence southerly along the centerline extended and the centerline of Oak Street to its intersection with the centerline of First Street, thence southwesterly along the centerline of First Street a distance of 1080 feet more or less as extended to the centerline of Yondota Street extended, thence northerly along the centerline of Yondota Street extended to the south line of the Con Rail Railroad (formerly Pennsylvania Railroad) right-of-way, thence northeasterly along the southerly line of the railroad right-of-way to the point of beginning.

(4) The area bounded by a line beginning at the intersection of the centerline of Consaul Street with the centerline of Front Street, thence in a northeasterly direction along the centerline of Front Street to a point which is 100 feet from the centerline of Consaul Street as measured along a line perpendicular to such centerline, thence in a northwesterly direction 100 feet northeast of and parallel to the centerline of Consaul Street along a line extended to the harbor line, thence in a southwesterly direction along the harbor line to a point 500 feet southwesterly of the centerline of Consaul Street extended to the harbor line, thence in a southeasterly direction perpendicular to the harbor line a distance of 650 feet more or less, to a point which is also 430 feet more or less northwest of Front Street, thence in a northeasterly direction parallel to and 430 feet more or less northwest of Front Street to a point 100 feet southwest of the centerline of Consaul Street, thence southeasterly in a line parallel to and 100 feet southwest of Consaul Street to the centerline of Front Street, thence in a northeasterly direction along the centerline of Front Street to the point of beginning.

Subdistrict 2 – Industry and water-oriented industry

Such designated areas, within the -MRO district, are:

(1) The area on the east side of the river and downriver to the City boundary with the City of Oregon northeasterly from a line beginning at the intersection of the line between Lots 2 and 3 of the Partition Plat of part of Section 31, Town 9 South, Range 8 East, (C.P.C.T. #38019) with the harbor line, thence southeasterly along such line between Lots 2 and 3 for 1,000 feet more or less to the north line of the Con Rail railroad siding 224 feet more or less northwesterly of Front Street, thence along the northerly line of such railroad siding in a northwesterly direction to the northeasterly line of Lot 3 in such partition of Section 31, thence in a southerly direction along the northeasterly line of Lot 3 extended to the centerline of Front Street, excepting therefrom; an area bounded by a line beginning at the intersection of the centerline of Consaul Street with the centerline of Front Street, thence in a northeasterly direction along the centerline of Front Street to a point which is 100 feet from the centerline of Consaul Street as measured along a line perpendicular to such centerline, thence in a northwesterly direction 100 feet northeast of and parallel to the centerline of Consaul Street along a line extended to the harbor line, thence in a southwesterly direction along the harbor line to a point 500 feet southwesterly of the centerline of Consaul Street extended to the harbor line, thence in a southeasterly direction perpendicular to the harbor line a distance of 650 feet more or less, to a point in a northeasterly direction parallel to and 430 feet more or less northwest of Front Street to a point 100 feet southwest of the centerline of Consaul Street, thence southeasterly in a line parallel to and 100 feet southwest of Consaul Street to the centerline of Front Street, thence in a northeasterly direction to the point of beginning.

(2) The area on the west side of the river from a line coincident with the southerly line of the Anthony Wayne Hi Level Bridge right-of-way projected perpendicular to the ground and extended westerly to the centerline of Morris Street, upriver in southeasterly direction to the easterly line of Maumee Avenue which is the westerly line of Lot 380 in Knowers 2nd Addition as projected in a straight line to the Maumee River harbor line.

(3) The area on the east side of the river extending upriver to the city boundary with the City of Rossford, from a line drawn easterly from a point on the east harbor line 208.86 feet southerly of harbor line point Navarre which point is also the southwesterly corner of International Park, and continuing such straight line parallel to the centerline extended and the centerline of Navarre Avenue to its intersection with the centerline of Miami Street.

(4) The area on the west side of the river, from a line which is the centerline of Troy Street extended in a straight line to the harbor line, downriver in a northeasterly direction to the Norfolk and Western Railroad Bridge and right-of-way near the foot of Albany Street.

Subdistrict 3 – Near downtown

Such designated areas within the -MRO district are:

(1) The area on the west side of the river downriver from the southerly line of the Anthony Wayne Hi Level Bridge right-of-way, projected perpendicularly to the ground and extended westerly to the centerline of Morris Street, in a northerly direction to the centerline of Monroe Street extended to the centerline of Swan Creek, thence along the centerline of Swan Creek to the Maumee River.

(2) The area on the east side of the river from the centerline of Main Street downriver in a northeasterly direction to a line which is the intersection of the line between Lots 2 and 3 of the Partition Plat of part of Section 31, Town 9 South, Range 8 East, (C.P.CT. #38019) with the harbor line, thence southeasterly along such line between Lots 2 and 3 for 1,000 feet more or less to the north line of the Con Rail railroad siding 224 feet more or less northwesterly of Front Street, thence along the northerly line of such railroad siding in a northwesterly direction to the northeasterly line of Lot 3 in such partition of Section 31, thence in a southerly direction along the northeasterly line of Lot 3 extended to the centerline of Front Street.

(3) The area on the west side of the river from the centerline of Walnut Street downriver in a northeasterly direction to the Craig Bridge and I-280 right-of-way.

(4) The area on the east side of the river bounded by a line beginning at a point on the southerly right-of-way of the Con Rail railroad (formerly Pennsylvania Railroad) where it is intersected by the centerline of Oak Street extended northerly in a straight line from its intersection with Front Street, thence southerly along the centerline extended and the centerline of Oak Street to its intersection with the centerline of First Street thence southwesterly along the centerline of First Street a distance of 1080 feet more or less as extended to the centerline of Yondota Street extended to the south line of the Con Rail Railroad (formerly Pennsylvania Railroad) right-of-way, thence northeasterly along the southerly line of the railroad right-of-way to the point of beginning.

(5) The area on the west side of the river fronting on the easterly side of Summit Street between the Norfolk and Western Railroad Bridge near the foot of Albany Street and the Toledo

Terminal Railroad tracks 850 feet more or less northeasterly of Suder Avenue, to a depth of 200 feet, more or less easterly from Summit Street to but excluding the Con Rail railroad siding running generally parallel to Summit Street.

Appendix F - Main Street / Starr Avenue Urban Overlay District Map

Appendix G

Main Street / Starr Avenue Urban Overlay Boundary

The Main Street/Starr Avenue Urban Overlay District boundary is as follows: Beginning at a point which is the intersection of Front Street and Main Street; thence northwesterly along the centerline of Main Street to a point which is two hundred twenty nine and eight tenths (229' +/-) feet more or less northwest of the centerline of Front Street; thence southwest forty six and five tenths (46.5' +/-) feet more or less to a point on the southeast line of the Consolidated Rail Corporation right-of-way; thence southwesterly along the southwesterly line of the Consolidated



Rail Corporation right-of-way to its intersection with the centerline of Oak Street, extended north; thence south along the centerline of Oak Street to the centerline of First Street; thence northeast along the centerline of First Street to the centerline of Euclid Avenue; thence southeast along the centerline of Euclid Avenue to a point five hundred seventy (570' +/-) feet ; thence northeasterly thirty (30') feet to the northwesterly line of Lot No. fifty three (53) of New Plat of Yondota Division; thence one hundred twenty (120') feet along the northwesterly line of said Lot No. fifty three (53) to a point; thence southeasterly fifty (50') feet along the northwest line of said Lot No. fifty three (53) to a point; thence southwesterly twenty (20') feet along the southeast lot line of said Lot No. fifty three (53) to a point; thence southeasterly two hundred seventy (270') feet along Lots No. fifty four (54), fifty five (55), and fifty seven (57) of New Plat of Yondota Division to the centerline of Fourth Street; thence southeast along a line which is one hundred thirty (130' +/-) feet more or less northeast of and parallel to the centerline of a northeast-southwest alley; thence northeast along the centerline of said northeast-southwest alley a distance of twenty eight (28' +/-) more or less to its intersection with the centerline of a southeast-northwest alley; thence southeast along the centerline of said southeast-northwest alley, extended, to the centerline of Starr Avenue; thence east along the centerline of Starr Avenue to the intersection with the centerline of Main Street (northwest); thence west along the centerline of Starr Avenue to a point which is one hundred forty five and four tenths (145.4' +/-) feet more or less west of the centerline of Main Street (south); thence south along a line which is one hundred forty five and four tenths (145.4' +/-) more or less west of the centerline of and parallel to the centerline of Main Street (south) to a point which is one hundred ninety (190 +/-) feet more or less south of the centerline of Starr Avenue; thence east along a line which is one hundred ninety (190 +/-) feet more or less south of and parallel to Starr Avenue to the centerline of Main Street (south); thence north along the centerline of Main Street (south) to the centerline of an east-west alley; said east-west alley is bounded by Main Street, Starr Avenue, East Broadway, and Mason Street; thence along the centerline of said east-west alley to a point on the centerline of East Broadway; thence

south along the centerline of East Broadway to a point which is the south lot line, extended west of Lot No. four (4) of Parker & Rundell's Addition to the City of Toledo; thence along the south lot line of said Lot No. four (4) extended to the centerline of an adjacent north-south alley; thence north along the centerline of said alley to a point which is the centerline of Starr Avenue; thence east along the centerline of Starr Avenue to its intersection with the centerline of Parker Avenue (north) ; thence north along the centerline of Parker Avenue (north) a distance of one hundred fifty seven and five tenths (157,5'+-) feet more or less to the centerline an east-west alley; thence west along the centerline of said east-west alley to the centerline of East Broadway; thence south along the centerline of East Broadway to its intersection with the centerline extended of a northwest-southeast alley bounded by East Broadway, Starr Avenue, Platt Street, Sixth Street, and Oswald Street; thence northwest along the centerline of said northwest-southeast alley to a point on a line which is nine and seventy one hundredths (9.71'+-) more or less southeast of and parallel to the southeast lot line of Lot No. fifty four (54) of Gleason's Addition to the City of Toledo; thence southwest along said line which is nine and seventy one hundredths (9.71'+-) more or less southeast of and parallel to the southeast lot line of said Lot No. fifty four (54) to the centerline of Platt Street; thence northwest along the centerline of Platt Street to a point on the southeast lot line of Lot No. nineteen (19) in Gleason's Addition to the City of Toledo; thence southwest along the southeast lot line extended of said Lot No. nineteen (19) to the centerline of a northwest-southeast alley bounded by Main Street, fourth Street, Starr Avenue, and Platt Street; thence northwest along the centerline of said northwest-southeast alley to its intersection with the centerline of Fourth Street; thence northeast along the centerline of Fourth Street to its intersection with the centerline of the northwest-southeast alley between Platt and Oswald Streets; thence northwest of along the centerline of said northwest-southeast alley to the centerline of Second Street; thence continuing northwest across the northeast lot lines of Lot Nos. one hundred sixty-nine (169), and one hundred seventy (170) extended in the New Plat of Yondota Division to the City of Toledo to the centerline of a northeast-southwest alley to a point which is one hundred fifty three (153'+-)more or less southwest of the centerline of Oswald Street; thence northwest along a line which is one hundred fifty three (153'+-) feet more or less southwest of, and parallel to the centerline of Oswald Street to a point on the centerline of First Street; thence southwest along the centerline of First Street to its centerline of Platt Street; thence northeast along the centerline of Platt Street to its intersection with the centerline of Front Street; thence southwest along the centerline of Front Street to its intersection to the point of beginning.
(Ord. 95-10. Passed 3-2-10.)

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