

DATE: March 13, 2020
REF: M-16-19

TO: President Matt Cherry and Members of Council, City of Toledo
FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary
SUBJECT: Text Amendment Regarding Design Elements, TMC§1109.0205

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 12 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Text Amendment Regarding Design Elements, TMC§1109.0205
Applicant	-	Toledo-Lucas County Plan Commissions

Applicable Plans and Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code

STAFF ANALYSIS

The proposed text amendment to TMC§1109.0205 *Building Design Standards* is designed to strengthen the design requirements for commercial buildings by requiring windows and a door facing the right-of-way.

The purpose of the proposed text amendment is to make newly constructed commercial buildings more attractive and more walkable by meeting a threshold of transparency along the right-of-way-facing elevation(s). Historically, commercial storefronts were designed to have as many large windows as possible with clear, accessible entranceways, allowing merchants to showcase their products and services. This made the buildings more attractive and accessible, improving the experience for customers. Requirements like those being presented today were not historically necessary. However, newer construction practices make these requirements necessary.

Currently, the Zoning Code requires that the primary façade be subdivided and proportioned using features such as windows, entrances, arcades, and awnings. However, the code does not state how many entrances and windows need to be provided, or where. As a result, developers have constructed stores that have either no windows or fake windows, and doors that face the rear or the side of the building.

STAFF ANALYSIS (Cont'd)

The building in the image below is an example of recent construction that was permitted under the current code. As you can see, the store was allowed to be constructed at a prominent intersection with no windows along one right-of-way and fake, non-transparent windows along the other. Even though the store met a need in the community and the building was set close to the sidewalk, the store closed soon after opening and the building has not been occupied since.



The proposed text amendment would require that transparent windows occupy at least forty (40) percent of the area between two and ten feet at grade from the base of the right-of-way facing elevation. This requirement is illustrated below.



If the building is situated on a corner, the elevation facing the side street must offer at least twenty (20) transparency between two and ten feet at grade. Additionally, the proposed amendment requires that at least one building entrance be located on the right-of-way facing elevation. This will aid in making Toledo more walkable.

STAFF ANALYSIS (Cont'd)

Justification

The proposed text amendment is designed to make commercial buildings more accessible, more attractive, and more valuable. Requiring a front door that faces the right-of-way makes the business more accessible and safer for people who walk, bike, or use transit. Code already requires a path leading from the sidewalk to the building, but does not yet require a door facing the right-of-way. Having a visible door improves not only accessibility, but also the appearance of the building. Doors and windows make a building seem more inviting because you know how to get in the building, and you can see what the commercial space has to offer, giving businesses greater opportunity to advertise their products.

Lastly and perhaps most importantly, the amendment is designed as a part of a larger goal of improving walkability in Toledo and improving property values across the city. The Real Capital Analytics and Walk Score Commercial Property Price Indices found that the property values of highly walkable central business districts and highly walkable suburban commercial properties have increased 125% and 43% respectfully in the past 10 years, while the property values of car-dependent areas have only increased 20% over the same time period. Walkable commercial areas, such as downtown and neighborhood centers, have always had higher property values, in part because the buildings are easier to access and more attractive. Additionally, studies have shown that understandably, increased foot traffic also leads to increased retail sales. This proposed text amendment would make it easier, safer, and more attractive for potential consumers to walk in Toledo's commercial districts.

Feedback from relevant stakeholders

Plan Commission staff has held multiple meetings with Toledo design professionals, helping to identify the existing need to require transparency and visible entrances. These meetings involved studying best practices from other cities across Ohio and across the country, and determining appropriate transparency thresholds. The forty percent requirement was determined to be a compromise that architects of commercial developments could reasonably meet, and this threshold was common in other cities. Still, Plan Commission staff understands that if a unique and undue hardship makes it impossible for a specific applicant to meet these requirements, variances will continue to be considered on a case-by-case basis.

Research of other Cities

As other cities across the state and across the country are moving to more form-based regulations, Toledo is doing the same. Staff has extensively studied the new form-based codes of Olean, NY; Traverse City, MI; and Denver, CO. In addition, inspiration has been taken from the City of Columbus, OH and the city of Oregon City, OR zoning codes. All of these codes had similar thresholds which required ground floor transparency, usually requiring 40% or more. Some codes required up to 90% ground floor transparency in specific districts. Many form-based codes also require that an entrance be situated facing the sidewalk, making it easier for customers to access the building from the right-of-way.

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STAFF ANALYSIS (Cont'd)

Conclusion and Recommendation

The proposed text amendment would require commercial construction to meet a threshold of ground floor transparency of forty percent between two and ten feet at grade from the base of the right-of-way facing elevation. The proposal also requires that a primary building entrance be oriented to the street. This is designed to make commercial buildings more accessible, more attractive, and more valuable. Staff recommends approval.

STAFF RECOMMENDATION

Staff recommends that the Toledo City Plan Commission recommend approval of the text amendment to TMC§1109.0205 regarding Design Elements to the Toledo City Council for the following reason.

1. The proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Zoning Code (TMC§1111.0506)

Respectfully Submitted,

Thomas C. Gibbons
Secretary

ML
Exhibit "A" follows

CC: Lisa Cottrell, Administrator
Matt Lascheid, Associate Planner

Exhibit "A"

Proposed Text Amendment

New additions are highlighted in yellow

1109.0200 | Commercial, Mixed Use and Institutional Design Standards

1109.201 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.

1109.202 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.

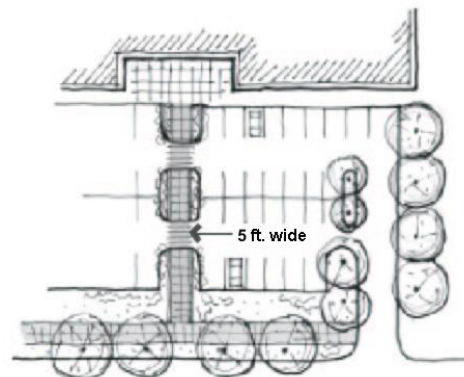
1109.203 Review Procedures

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 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 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.

Exhibit “A” (Cont’d)

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.

1. 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)		

2. 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.

3. 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.

Exhibit “A” (Cont’d)

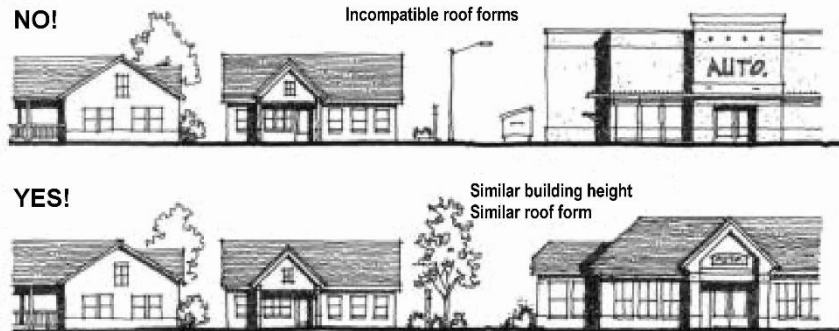
A. Variation in Massing

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.

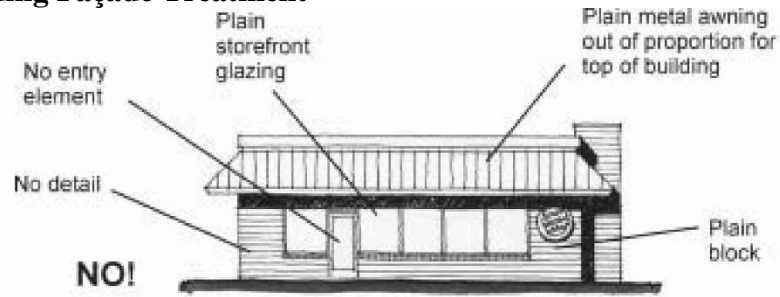


2. In multiple building development, each individual building shall include predominant characteristics shared by all buildings in the development so that the development forms a cohesive sense of place.

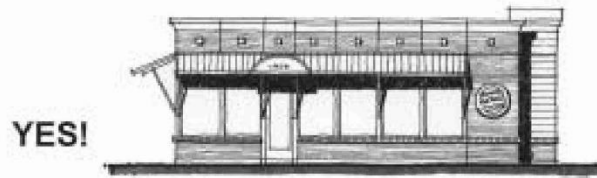
Exhibit "A" (Cont'd)

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.

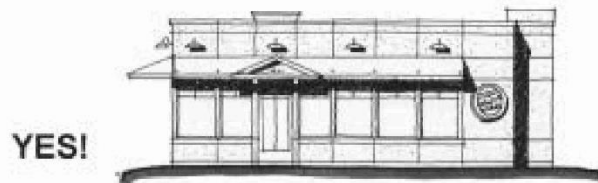
C. Building Façade Treatment



NO CLEAR STYLE



BRICK



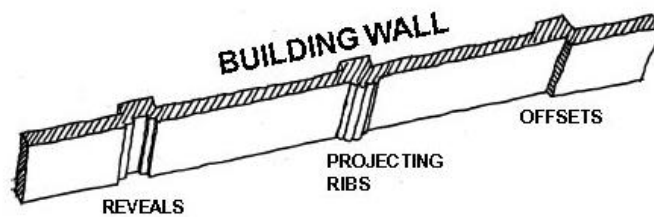
STUCCO CRAFTSMAN

Exhibit “A” (Cont’d)

1. 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:
 - iv. 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.

2. Primary Façade

The primary façade shall be subdivided and proportioned using features such as windows, entrances, arcades, and awnings.



3. Windows

For Commercial Use Types as listed in Sec. 1104.0100, transparent windows shall occupy at least 40 percent of the area between two and ten feet at grade from the base of the primary elevation facing the right-of-way. For corner properties, transparent windows shall also occupy at least 20 percent of the area between two and ten feet at grade from the base of the elevation facing the side street. This window glass shall be transparent to permit views of activity and/or display areas within the building, and shall not be obstructed during business hours. Framing elements up to 4 inches in width may be included to meet this requirement.



4. Entrances

At least one primary entrance shall be oriented to the street. This entrance shall open to a connecting walkway leading to the sidewalk, per Sec. 1109.0204. Primary entrance(s) must be unlocked and accessible during business hours. Primary building entrance(s) shall be clearly defined and contrast with the surrounding wall plane using techniques such as the following:

- a. recessed or framed by a sheltering element such as an awning, arcade, portico or overhang;
- b. raised corniced parapets over the door or peaked roof forms;
- c. architectural detail such as tile work and moldings integrated into the building structure and design; and
- d. integral planters or wing walls that incorporate landscaped areas.

Exhibit “A” (Cont’d)

5. 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:

- a. 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.
- b. 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.
- c. 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.

6. 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.