

ORDINANCE XXX-23

Title

Amending Toledo Municipal Code (“TMC”), Part 11, Subsections 1104, Use Regulations, by creating a new TMC, Chapter 11, Subsection 1104.2600; Amending TMC, Part Eleven, Planning and Zoning Code, Chapter 1111 Development Approval Procedures, subsection 1111.0706 Review and Decision-Making Criteria; Amending TMC, Part Eleven, Terminology, Sec. 1116.0244 Schools; and declaring an emergency.

Body

SUMMARY & BACKGROUND

Toledo Municipal Code Chapter 1104, 1111, and 1116 govern terminology for schools, zoning and use regulations for schools, including private and public preschools and private/community or public elementary, middle, or high schools. The purpose of such Text Amendments is to align Use Regulations for Schools with other sections of existing Code which promote and protect the health, safety, and general welfare of Toledo’s children.

Summary

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Section 1104.2600 of the Toledo Municipal Code is hereby enacted to read as follows:

1104.2600 Schools.

1104.2601 Definition

A “school” has the same meaning as used in TMC 1116.0244 and means either a private or public preschool; or private or public primary, elementary, middle, junior high, or high school; established and licensed under State law and maintained for the education of children.

1104.2602 Site Plan Review

Schools are subject to the Site Plan Review provisions of Section 1111.0800, Special Use procedures, review, and decision-making criteria of Section 1111.0700, and are subject to all the requirements of this Section 1104.2600. The Site Plan Review for schools shall include determination of whether the current use and zoning of the subject building promotes and protects the health, safety, and general welfare of the proposed students.

1104.2603 Location

In residential zoning districts, a school must have building frontage on a major street. Schools shall not be located within 500 feet of highways or truck routes, or if located within 500 feet, sound walls or appropriate vegetation barrier shall be installed to mitigate the near road pollution exposure.

1104.2604 Setbacks

All outdoor space that contains playground equipment or athletic fields, such areas shall be set back no less than 200 feet from any abutting residential lot line, residential district, or recorded subdivision.

Schools shall have a minimum setback from the front lot line of 20 feet, rear line of 30 feet and side lot line shall a minimum of the length (feet) + 2 (height)/6.

1104.2605 Landscaping

Landscaping and Screening shall be in accordance with Chapter 1108. In addition, a Type B landscape buffer shall be provided around the outdoor space. (See Sec. 1108.0203(F)).

1104.2606 Useable Space

A. Lot Size

The minimum lot size shall be equal to or greater than the combination of the following indoor and outdoor space:

- (1) Indoor Space: 35 square feet of useable indoor space per student must be regularly available for school operations.
- (2) Outdoor Space: A minimum 60 square feet of useable outdoor space must be provided for each student using the outdoor area at any one time. This space allows for a hard surface play area and a soft surface play equipment area for each playground. Such outdoor space provision must be in addition to, and not inclusive of, the paved drop-off/pick-up area required under Section 1104.2607 herein, and the required dedicated off-street parking required under Section 1104.2608 herein.

1104.2607 Drop-off/Pick-up Area and Pedestrian Circulation

A paved area for dropping off and picking up students must be provided with the approval of the Division of Transportation. Vehicle drop-off/pick up area must maintain separation from bus circulation patterns and maintain one-way traffic.

A connecting sidewalk shall be provided from all site access points to the school building. A minor connecting sidewalk, a minimum of 6-foot wide, shall be from the building to public sidewalks if such sidewalks serve the school site.

A major connecting sidewalk, a minimum of 8-foot wide, shall be provided at building entrances and along bus loading and unloading areas.

1104.2608 Parking

Off-street parking shall be provided subject to the standards of TMC Sec. 1107.0304, Schedule A.

Preschools shall be treated as elementary schools for the purposes of this Subsection 1104.2608.

1104.2609 Spacing

Schools shall be subject to the spacing standards of Secs. 1104.1501, 1104.1701, 1104.2301, 1104.2501. No school shall be located within 500 feet of any sexually-oriented business establishment; 500 feet of any tobacco shop; 500 feet of any Medical Marijuana Facility; 500 feet of any eating and drinking facility that serves alcohol; 500 feet of any residential drug and alcohol facility or halfway house; 500 feet of any convenience store; 500 feet from an automotive maintenance and repair facility; 500 feet from an automotive painting/body shop; and/or 1,000 foot radius of any Sweepstake Terminal Café.

The distances specified in this section shall be measured per TMC 1106.0208 *Distances for Spacing Requirements*.

1104.2610 Fencing

(A) General: Top and bottom of fencing selvage shall be knuckled.

(B) Site Perimeter Fence: Fencing shall be provided at the portion of the site where adjacent to open water, busy street, railroad tracks, and where other safety hazards occur.

(C) Fence Interior to the Site: Provide fence to enclose mechanical yards, equipment, trash/service areas, and where other safety hazards occur.

(D) Playground Fencing: Provide fencing around playground perimeter where there is a potential for children to run out into parking areas, adjacent streets, and/or other hazardous conditions.

SECTION 2. That Section 1111.0706 of the Toledo Municipal Code, which currently reads as follows:

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 Section 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.

is hereby repealed.

SECTION 3. That a new Section 1111.0706 of the Toledo Municipal Code is hereby enacted to read as follows:

1111.0706 Review and Decision-Making Criteria.

The purpose of requiring Special Use 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. 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 Section 1101.0400);

B. Whether the proposed use complies with all applicable provisions of this Zoning Code,

C. Whether the proposed use is compatible with the current use and zoning of the building and 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.

G. If the proposed use is a school as defined in TMC 1116.0244, whether it provides safe loading and unloading areas for students, families, and staff.

SECTION 4. That Section 1116.0244 of the Toledo Municipal Code, which currently reads as follows:

Public and private schools at the primary, elementary, middle, junior high, or high school level

