

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

REF: M-8-23

DATE: March 14, 2024

TO: President Carrie Hartman and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Text amendment to TMC§1103.1300 Main Street/Starr Urban Overlay to expand the boundaries and add demolition criteria

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 14, 2024 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Text amendment to TMC§1103.1300 Main Street/Starr Urban Overlay to expand the boundaries and add demolition Criteria
Applicant	-	Toledo Plan Commission One Government Center, Suite 1620 Toledo, OH 43604

STAFF ANALYSIS

The Toledo Plan Commission is requesting a review of an amendment to Chapter 1103 of the City of Toledo Planning and Zoning Code to expand the boundaries of the Main/Starr Urban Overlay District and to also include demolition criteria to the review regulations. The Main Starr Urban Overlay District was established per the recommendation in the Connecting the Pieces Plan and adopted by the Toledo City Council in 2009. The Urban Overlay District (UNO) is intended to foster development and redevelopment that is compatible with the scale and physical character of original buildings in an area through the use of development and design standards specific to the area.

The Plan Commission is requesting a text amendment to eliminate the Marina District Overlay District through a separate case M-7-23. The Plan Commission is proposing expanding the Main/Starr Urban Overlay District to include some parcels along Front Street which were originally located in the Marina District Overlay District. This will help regulate development and continue the purpose of the Urban Neighborhood Overlay District to revitalize the neighborhood. Staff also is proposing to rename the Urban Neighborhood Overlay to *Main Starr Front Urban Overlay District*.

TO: President Hartman and Members of Council
March 14, 2024
Page 2

REF: M-8-23

STAFF ANALYSIS (cont'd)

Furthermore, a demolition requirement will be added to the regulations. All demolitions shall require a major site plan review. The demolition review process will establish a review by the Toledo City Plan Commission to determine whether there is merit for demolishing a structure. This is in order to preserve existing buildings that contribute to the cultural identity of the area and also encourage rehabilitation.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of M-8-23, a text amendment to TMC§1103.1300 Main Street/Starr Urban Overlay to expand the boundaries and add demolition criteria for the following reason:

1. The text amendment is in alignment with the stated purpose of the Zoning Code and ensures safety of Toledo residents,

Respectfully Submitted,



Thomas C. Gibbons

Secretary.

ET

Two Sketches and Four (4) Exhibits follow

Exhibit "A"
Existing

1103.1300 Main Street/Starr Avenue Urban Overlay District.

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)

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.

1. Fixtures mounted on buildings are encouraged.

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.

TO: President Hartman and Members of Council
March 14, 2024
Page 10

REF: M-8-23

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.)

**Exhibit “B”
Modifications**

(Additions in italic highlight. Deletions in bold strikethrough.)

1103.1300 ~~Main Street/Starr Avenue~~ *Main Starr Front* Urban Overlay District.

1103.1301 Purpose.

The ~~Main Street/Starr Avenue~~ *Main Starr Front* 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;
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1103.1303 ~~Main Street/Starr Avenue~~ *Main Starr Front* UNO District Classification.

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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.

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1103.1309 Landscape Review Requirements.

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1103.1310 Off-Street Parking.

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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:

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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.

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)

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.

1. Fixtures mounted on buildings are encouraged.

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.~~ *The sign shall be designed to harmonize with the principal building and surrounding architecture by incorporating the same architectural base and top treatments as the principal building. This includes wainscot and wall materials, cornice details, roof shape, roof material and decorative embellishments.*

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.~~ *All ground signs shall be monument and limited to 6 feet in height*

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.

1103.1314 Demolition Hearing Procedures (Main Starr Front Urban Overlay District).

A. The Plan Commission has review and approval authority for demolition review under this section. A Major Site Plan application shall be required for all demolition requests.

B. When application is made for demolishing a structure within the Main Starr Front Urban Overlay District, the Plan Commission 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 Main Starr Front Urban Overlay 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 Plan 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 Plan Commission 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 Plan 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 Plan Commission 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 Plan 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.*

E. Additional Application Requirements

An applicant must meet with the Plan 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 Commission, the application must contain sufficient information so that the Plan 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.*

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 Plan Commission 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 Plan Commission on or before the Plan Commission's hearing.

G. The respective Toledo City Plan Commission must hold a hearing on the application. The Plan Commission, at the 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 Main Starr Front Urban Overlay District and that alternatives to demolition may be feasible and should be actively pursued by both the Plan Commission and the applicant. This finding may include written recommendations to the applicant.

H. 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.

1. The Plan Commission and applicant must investigate the feasibility of all means of preserving the structure. During this period the Plan Commission and the applicant must make every reasonable effort to find a demolition alternative for that structure.

2. 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. 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.

I. The Plan Commission 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 Plan 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 Plan Commission and the applicant.

K. When the demolition application is first received, the Plan Commission must seek the help of neighborhood leaders and suggest that they and the Plan Commission work together on developing an alternative to demolition. The Plan Commission shall arrange one or more meetings between the applicant and any organizations and individuals working on an alternative to demolition.

L. The Plan 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 Plan 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 the Economic Hardship Standards and Criteria. It must forward a written report on this evaluation to the Plan Commission.

M. If, after reviewing all of the evidence, the Plan Commission finds as follows below, then the Plan Commission must approve the request, conditionally or otherwise. If the Plan Commission finds that the standards, criteria, and requirements are not satisfied, the request will be denied. The Plan Commission 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 Plan Commission at the times specified, or to participate in a meeting arranged by the Plan Commission, then the Plan Commission 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 Plan Commission, 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 Plan Commission must prepare a brief report on that structure giving the reasons why the demolition took place. The report must be given to interested neighborhood organizations. 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 neighborhood organizations.

1103.1518 Demolition Appeals.

A. Decisions concerning demolitions by the Plan Commission may be appealed by the applicant or any other interested person to the City Council Planning and Zoning Committee, in writing, within 7 days of the Plan Commission hearing. Applications must be accompanied by the fee amount that has been established by the City Council.

B. The City Council Planning and Zoning Committee 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 Plan 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 City Council Planning and Zoning Committee is required to overturn a decision of the Plan Commission.

C. In cases involving denial of an application for demolition pursuant to Demolition Hearing Procedures, the Plan Commission 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 City Council Planning and Zoning Committee 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 Plan Commission hearing.

2. The City Council Planning and Zoning Committee may direct the applicant and the Plan Commission to continue discussions as provided for in Demolition Hearing Procedures (G) for the balance of the waiting period.

D. Decisions by the City Council Planning and Zoning Committee 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 City Council Planning and

TO: President Hartman and Members of Council
March 14, 2024
Page 24

REF: M-8-23

Zoning Committee, or during the time prescribed in Revised Code Chapter 2506 for an appeal of a decision of the Plan Commission.

Exhibit "C"
Existing Appendix F of TMC Part Eleven

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.

Exhibit D

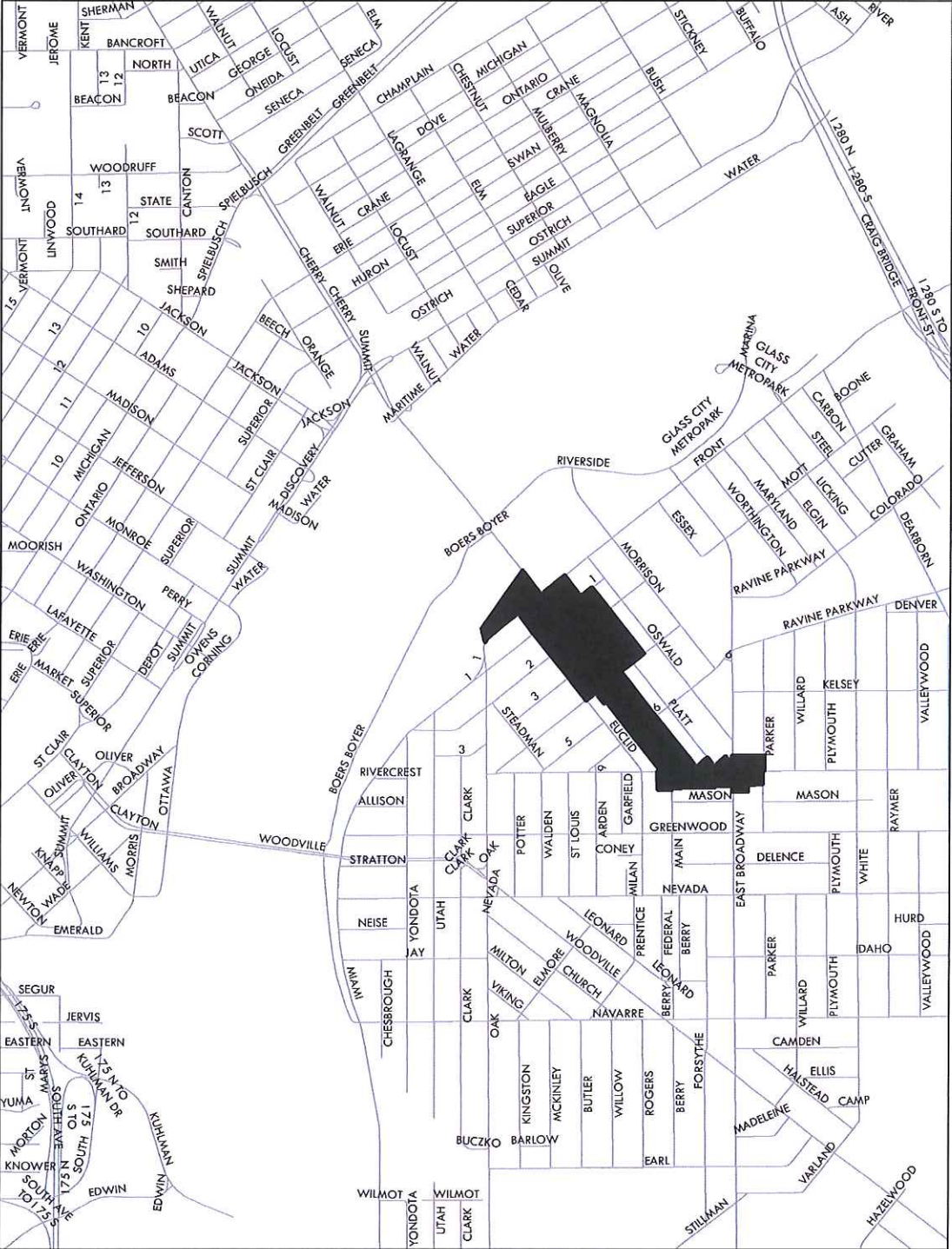
(To replace Appendix F of TMC Part Eleven)

The Main Starr Front Urban Overlay District boundary is as follows: Commencing at the intersection of the centerlines of Front Street and Main Street, thence northwesterly on said centerline of Main Street to the intersection of the northeasterly prolongation of the southeasterly plat line of a plat now or formerly in the name of "Glass City International Park", said intersection being the Point of Beginning for this Description, thence southeasterly on said southeasterly plat line to the intersection of the northerly prolongation of the centerline of Oak Street; thence south along the centerline of Oak Street to the centerline of Front Street; thence northeast along the centerline of Front Street to the centerline of Euclid Avenue; thence southeast along the centerline of Euclid Avenue to a point five hundred seventy (570'+) feet ; 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 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 ; 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; 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 Southeast of Front Street to the Southeast, the centerline of Dearborn Ave to the Northeast, thence from the intersection of Dearborn Ave and Front St. 2,430 ft southwest along the centerline of Front Street to a point. From that point, 193 ft Northwest, thence parallel with Front St, continuing 426 ft Southwest to the centerline of Morrison Dr. Thence Along the Northwest boundary of Marina District Deux Lot B and ending at the centerline of Main St.

GENERAL LOCATION

MAIN ST/STARR AVE URBAN OVERLAY DISTRICT



GENERAL LOCATION

MAIN STARR FRONT URBAN OVERLAY DISTRICT

