



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: April 9, 2021

REF: M-2-21

TO: President Matt Cherry and Members of Council, City of Toledo

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

SUBJECT: Amending TMC 1106.0301 "Multiple Buildings on a Lot – Applicability", adding the CM and CD zoning districts

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, April 8, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Amending TMC 1106.0301 "Multiple Buildings on a Lot – Applicability", adding the CM and CD zoning districts
Applicant	-	Toledo City Plan Commission One Government Center Suite 1620 Toledo OH 43604

STAFF ANALYSIS

The request is a study of the allowed number of principal buildings on a lot in the CD-Downtown Commercial and CM-Mixed Commercial-Residential Zoning Districts. This study examines the impacts and implications of allowing multiple buildings on a lot in these urban Commercial Districts, as well whether or not fellow Ohio jurisdictions permit multiple buildings on a lot in urban Commercial Districts.

There are multiple reasons why this study was requested by Plan Commission staff. The residential density standards for CD-Downtown Commercial and CM-Mixed Commercial-Residential were studied in 2020, and results indicated that residential density for these Districts as defined in the Toledo Municipal Code (TMC) were substantially different from the common urban residential density standards found in other major cities in Ohio. The density requirements in TMC§1106.0102 – Commercial Districts were consequentially amended to allow more dwelling units on a lot in both the CD-Downtown Commercial and CM-Mixed Commercial-Residential by Ord. 287-20 on 08/11/2020. During this review, staff noticed other disparities between development standards in these districts, including that several other jurisdictions allow multiple buildings on a lot in urban Zoning Districts, and noted this for future review.

STAFF ANALYSIS (cont'd)

Another purpose for this study is to determine whether or not the Planned Unit Development (PUD) standards as outlined in TMC§1103.1000 are in character with the PUD standards of other Midwestern cities, especially in an urban setting. TMC§1103.1007(C) states that no more than forty percent (40%) of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway, and parking area pavement, and TMC§1103.1007(D) state that no less than fifteen percent (15%) of the gross site acreage shall be allocated to usable, accessible and consolidated common open space. Feedback from developers indicates that these restrictions are not feasible in an urban environment.

Lastly, the TMC prior to 2004 allowed multiple buildings on a lot in the C-MX Zoning District if a concept plan was submitted and approved by the Plan Director. This Zoning District was eliminated with the 2004 Zoning Code rewrite, and replaced with CM-Mixed Commercial-Residential District. After the 2004 Zoning Code was established, a few downtown developments became legal non-conforming as TMC§1106.0300 does not include the CM-Mixed Commercial-Residential District as a Zoning District permitted to have multiple buildings on a lot.

The above issues have resulted in staff considering to allow multiple buildings on a lot in the CD-Downtown Commercial and CM-Mixed Commercial-Residential Districts. Despite the previously mentioned concerns, staff also has concerns with allowing commercial sites to have multiple principal structures on a lot, as this can often result in legal and safety issues for owners and tenants. However, the CD-Downtown Commercial and CM-Mixed Commercial-Residential Districts permit residential uses by right, and multi-dwelling developments are often configured to have multiple buildings on a lot.

Zoning Code Research

Number of Buildings Permitted on a Lot

An analysis of other jurisdiction's Zoning Codes was completed to determine how common it is to allow multiple buildings on a lot in urban Commercial Zoning Districts. Beginning with Cleveland, here all Zoning Districts, except for single-family residential, are restricted by floor area ratio, building height, and building setbacks only, and multiple buildings on a lot are permitted. Conversely, Cincinnati only permits multiple buildings on a lot for cluster housing, community learning centers, or Planned Development Districts. Youngstown permits multiple buildings on a lot with a multi-building layout permit approval. Detroit permits multi-building, multi-family developments if the site has an approved traffic configuration and pedestrian access. Despite how greatly cities vary on this topic, the one consistency is that multi-dwelling districts are eligible for multiple buildings on a lot, as long as the project meets the applicable requirements.

STAFF ANALYSIS (cont'd)

Planned Unit Developments and Comparable Overlays

Most jurisdictions have PUD Overlay Districts which allow developers to bypass regulations of an underlying Zoning District and propose their own standards for their development. The proposed site design and layout is typically reviewed by the jurisdiction's Plan Commission and City Council. All jurisdictions reviewed have an open space requirement in the Planned Unit Development design criteria, however none established specific requirements for the percentage of open space or impermeable surface coverage. The current open space and impermeable surface requirements as outlined in TMC§1103.1000 have served Toledo well by pushing residential PUDs to include greenspace for residents to enjoy, however the combination of this requirement and not permitting multiple buildings on a lot in CD-Downtown Commercial and CM-Mixed Commercial-Residential Districts are too restrictive for urban residential development.

Conclusion and Recommendation

After reviewing the zoning regulations of other jurisdictions, developments that are primarily multi-family in use are commonly permitted to have multiple buildings on the same lot. Currently, TMC§1106.0301 allows all RM-Multi-Dwelling Residential Zoning Districts to have multiple buildings on one lot. However, many urban, downtown, multi-dwelling developments have commercial uses on the first few floors with dwellings on upper floors, which is not permitted in RM-Multi-Dwellings Districts. Additionally, from the PUD perspective, most jurisdictions have open space requirements in their Planned Unit Development Overlay Districts, but do not require a set percentage of the site to be dedicated to open space and therefore can be applied to an urban setting. In order to encourage development in this environment and revitalize the pedestrian-oriented, legacy neighborhoods in Toledo, staff recommends TMC§1106.0301 be amended to include CD-Downtown Commercial and CM-Mixed Commercial Residential in the list of Zoning Districts that allow multiple buildings on a lot, with the condition that a percentage of the development be for residential use.

Staff recommends that multiple buildings on a lot be permitted in CD-Downtown Commercial and CM-Mixed Commercial-Residential Zoning Districts under the condition that more than fifty percent (50%) of the site's floor area is defined as a multi-family dwelling use. The PUD Overlay District shall remain unchanged.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of the text amendment regarding multiple buildings on a lot in CD – Downtown Commercial and CM – Mixed Commercial-Residential as shown in Exhibit “B” to the Toledo City Council for the following reasons:

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PLAN COMMISSION RECOMMENDATION (cont'd)

1. The proposed text amendments meet the challenge of a changing condition, where high-density residential dwellings are in demand in Toledo's Downtown and surrounding urban neighborhoods (TMC§1111.0506(A) Review and Decision-Making Criteria).
2. The proposed text amendments is consistent with the Comprehensive Plan, which recommends that adequate housing be provided for 10,000 residents to live in the Downtown (TMC§1111.0506(B) Review and Decision-Making Criteria).

Respectfully Submitted,



Thomas C. Gibbons
Secretary

DR

Exhibit "A" follows – 1106.0300 – Multiple Buildings on a Lot – Existing Text
Exhibit "B" follows – 1106.0300 – Multiple Buildings on a Lot – Proposed Text
Exhibit "C" follows – Multiple Buildings on a Lot Research Table
Exhibit "D" follows – Planned Unit Development Research Table

Cc: Lisa Cottrell, Administrator
Dana Reising, Planner

Exhibit "A" – Existing Text

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.)

Exhibit “B” – Proposed Text

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 CD, CM, RM12, RM24, RM36, IL, IG, IP and IC zoning districts. Additionally, in CD and CM zoning districts, fifty percent (50%) or more of each buildings’ floor area must be for residential use. 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.)

Exhibit "C"
Multiple Buildings on a Lot Research Table

Jurisdiction	Code Number	Code Text	Notes
Cleveland	§325.41 Lot	"Lot" (plot) means a portion or parcel of land considered as a unit, devoted or to be devoted to a certain use or occupied by a building or group of buildings and accessory uses that are united by a common interest or use, and the open spaces belonging to the same. A lot may or may not be a platted lot.	"Group of buildings" permitted in lot definition. Confirmed interpretation via email to Cleveland Planning staff 03/16.
Cincinnati	§1400-23 Principal Structures	No more than one principal structure may be constructed on a lot unless the development of more than one structure has been approved pursuant to §1403-13, Cluster Housing General Regulations, §1419-12, Community Learning Centers, or Chapter 1429, Planned Development Districts.	Confirmed interpretation via email to Cincinnati Planning staff 03/16.
Youngstown	§1105.04(e) Multi-building Layout Permit	(1) If an application proposed the development or redevelopment of more than one principal building on a lot or parcel, for the construction of buildings that extend across existing lot lines in common ownership, no zoning permit shall be issued until the Director has issued a multi-building layout permit. A multi-building layout permit and a zoning permit may be applied for and reviewed at the same time. (2) A multi-building layout permit shall be reviewed and decided pursuant to the Common Procedures in Section 1105.03 applicable to decisions by the Director	Permit application required for approval
Detroit	§50-14-397 Multi-building, multi-family developments	Development parcels that contain two or more primary structures, which contain multiple-family dwellings shall meet the following five standards: (1) Primary access to and from multi-family areas shall be oriented towards non-single-family residential streets. (2) Development sites of ten acres or more shall include a minimum of one public street or private drive that is built to City standards (3) Sidewalks or walkways shall be designed and installed (4) All multiple-family residential developments with parking lots, or with internal streets or walkways, shall provide lighting (5) In all multiple-family residential developments, all lighting fixtures shall use cutoff-downcast fixtures with a minimum angle of 90 degrees from the horizontal	Code text as shown here is summarized

Exhibit “D”
 Planned Unit Development Research Table

Jurisdiction	Code Number	Code Text	Notes
Cleveland	§ 334.17(f) Site Plan Approval Criteria-Open Spaces and Buffering	Open space between all buildings shall be adequate to allow for light and air, access by fire-fighting equipment, and privacy where walls have windows, terraces, or adjoining patios. Open space or buffering through landscaping or screening along the perimeter of the Site Plan shall be sufficient to reasonably protect existing and permitted future uses of adjacent property from adverse effects. The size, shape, and location of a substantial portion of any public or common open space provided in residential areas shall be useable for recreation purposes.	
Cincinnati	§1429-11 City Planning Commission and Council	The PD concept plan and development program statement includes adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location.	
Youngstown	§1102.03(a)(4) Desired Benefits	The city intends to approve PD overlay zoning in cases where the approval will enable the applicant to provide greater benefits to the city in one of six specific areas: (A) Job Creation (B) Tax Base Increase (C) Green Industrial Uses (D) Green Corridors (E) Urban Agriculture (F) Sustainability	Code text as shown here is summarized
Detroit	§50-11-15(g) – Open Space	Adequate public and private open space should be provided for light and air, landscaping and, where appropriate, for passive and active recreation. Lot size, setbacks and yard requirements are flexible, but the City Planning Commission will be guided by standards that appear in comparable zoning ordinance district classifications.	