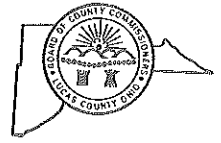




TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604 PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: July 12, 2019

REF: M-1-18

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

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

SUBJECT: Amendment to the Land Development Standards and Guidelines for Viva South Toledo Neighborhood Business District (C-6 Zoning District for Commercial Storefront)

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, July 11, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Amendment to the Land Development Standards and Guidelines for Viva South Toledo Neighborhood Business District (C-6 Zoning District for Commercial Storefront)
Applicant	-	Broadway Commercial Corridor Committee (BCC) Historic South PO Box 1008 Toledo, OH 43697

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- C-6 VIVA South Toledo Neighborhood Business District
- Old South End Master Plan (2017)

STAFF ANALYSIS

The request is a Text Amendment to the Land Development Standards and Guidelines for Viva South Toledo Neighborhood Business District for the designated C-6 Zoning District. The Broadway Commercial Corridor Committee (BCC) reviewed the existing guidelines that were last updated in 2004 and worked diligently to update the standards to reflect other adopted overlay guidelines within the City of Toledo. The Text Amendment was prepared by the BCC, Toledo Design Center (TDC), and the Toledo City Plan Commission staff.

The Old South End community has changed its name from VIVA South Toledo Neighborhood to Historic South along with the creation of the Broadway Commercial Corridor committee. The committee is a non-profit organization made up of community volunteers and with a appointed Executive Board. This committee took the initiative to work with the Toledo Design Center (TDC), and the Toledo City Plan Commission staff to develop and adopt a Master Plan in 2017 to guide development in the neighborhood and the commercial corridor that is now called Broadway Commercial Corridor District.

The Broadway Commercial Corridor District is located on Broadway Street commencing at Garland Street, running southerly to Prouty Street, capturing all of the residential, commercial, and industrial properties fronting along Broadway Street. Broadway Street is commonly referred to as the "Broadway Mile" since it is 1.3 miles in length.

Surrounding land uses include the I-75 North/South Expressway and the Middle Grounds District located to the north, Danny Thomas Park to the south, with most of the commercial uses centrally located at the intersection of Broadway Street and South Avenue. Directly to the west and east side of Broadway Street is single-family and multi-family homes with a portion of the east side fronting on the Maumee River that has an established overlay known as the Maumee River Overlay (MRO).

The BCC placed this project on their monthly meeting agenda and worked with the community to upgrade the standards without any impact or expense to the existing property owners. These new guidelines will not change the zoning of any property located within Broadway Commercial Corridor District.

Old South End Master Plan

The Old South End Master Plan envisions Broadway being broken down into four nodes with the northern and southern ends maintaining the historic character, additional green space and preserving the residential neighborhoods. The two middle sections starting at Western Avenue to South Avenue is a large concentration of commercial uses and public spaces. The key improvements suggested for C-6 area include: Reducing traffic lanes on Broadway; major reconfiguration of the Broadway and South Avenue intersection to enhance pedestrian accessibility and safety; and enhanced landscape improvements along Broadway Street.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the majority of the Broadway Commercial Corridor District for Urban Village land uses. The intent of the Urban Village designation is to accommodate the development of a neighborhood in a village-like setting. The text amendment conforms to the goals of the Toledo 20/20 Comprehensive Plan.

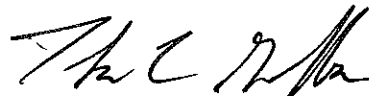
Staff recommends the approval of the Text Amendment for three reasons. First, the stakeholders in the BCC District were involved from the beginning, and their interests and concerns were incorporated into the guidelines. Second, the goal of the Text Amendment is to create uniformity when improvements are implemented throughout the Broadway Commercial Corridor District. Finally, the Text Amendment is consistent with the Old South End Master Plan as it pertains to future development.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approved of M-1-18, a request to Amend the Land Development Standards and Guidelines for Viva South Toledo Neighborhood Business District (C-6 Zoning District for Commercial Storefront) to Toledo City Council for the following two (2) reasons:

1. The Text Amendment provides the opportunity for the community to refine its vision for the Broadway Commercial Corridor District and to create an action plan that addresses these changes.
2. The proposed Text Amendment conforms to the recommended goals and land uses of the Old South End Master Plan as it pertains to future development.

Respectfully submitted,



Thomas C. Gibbons
Secretary

MLM
Exhibit "A" follows
Two (2) sketches follow

TO: President Matt Cherry and Members of City Council
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Cc: Broadway Commercial Corridor Committee (BCC), Historic South, PO Box 1008, Toledo,
OH 43697
Toledo Design Center, Paul Hollenbeck, Chairman, 1 Seagate, Toledo, Ohio 43604
Lisa Cottrell, Administrator
Molly Maguire, Principal Planner

Exhibit "A"

(Proposed additions are shown in bold italics,
proposed deletions are shown in strikethrough text)

LAND DEVELOPMENT STANDARDS AND GUIDELINES

FOR

~~**VIVA SOUTH TOLEDO NEIGHBORHOOD**~~

~~**BUSINESS DISTRICT**~~

BROADWAY COMMERCIAL CORRIDOR DISTRICT

Adopted by Toledo City Council as part
of the Designated C-6 Zoning District

Ordinance 64-84, January 31, 1984;
Ord. 852-87 (10/13/87); Ord. 1092-87 (12/22/87); Ord. 623-89 (6/20/89);
Ord. 905-90 (9/4/90); Ord. 841-93 (12/27/93); Ord. 827-04 (12/12/04)

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Exhibit "A"

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PURPOSE

The successful effort to rezone portions of Broadway to the C-6 zoning classification is representative of the continuing effort on the part of the ~~Viva South Toledo Community~~ ***Broadway Corridor Coalition*** to enhance the standard of living in the ~~Historic Southend~~ ***Old South End*** of Toledo.

The purpose of the C-6 zoning is to ~~insure~~ ***support*** a harmonious relationship between buildings and neighboring areas within the ~~Viva South Toledo Community~~ ***Old South End***. It is intended to provide flexibility and encourage imaginative design in the rehabilitation of buildings and new construction while maintaining the architectural integrity of the many fine older buildings that presently exist along Broadway ***Street***.

The C-6 standards and guidelines were specifically prepared for the areas zoned C-6 along Broadway by those primarily affected by the regulations: businesspeople and owners of property located within the business district. Assistance in their preparation was provided by the ~~Neighborhood Planning Program~~, Toledo – Lucas County Plan Commissions. The standards and guidelines are not meant to prohibit development or redevelopment; rather they are designed to encourage the revitalization of Broadway ***Street*** as a viable commercial district ~~servicing the surrounding residential community~~.

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(Proposed additions are shown in bold italics,
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**LAND DEVELOPMENT STANDARDS AND GUIDELINES
FOR VIVA SOUTH TOLEDO NEIGHBORHOOD BUSINESS
DISTRICT
*BROADWAY COMMERCIAL CORRIDOR DISTRICT,***

Section I. Permitted Uses for Land

A. Two Types of Zones

~~There are two types of C-6 zones established within the Viva South Toledo Neighborhood Business District. There are two areas designated as "Primary Retail Areas" and three areas designated as "Service Commercial Areas." These zones are part of the entire VIVA South Toledo Project Area being rezoned to C-6 Commercial Development and Redevelopment District.~~

The Broadway Commercial Corridor District is triangular in shape and bounded by the Anthony Wayne Trail, the Maumee River, and Interstate 75. Broadway Street is a major urban thoroughfare that bisects the neighborhood and is lined with commercial, institutional and residential land uses.

B. Permitted Uses in the Area Designed as the "Primary Retail Areas" *Broadway Commercial Corridor District*

The following uses shall be permitted ~~in this zone~~:

1. Retail stores selling convenience goods including groceries, baked goods, hardware supplies, drugs, liquor stores, meat markets, fish markets, candy and confectionery stores, florists, dairy stores and other retail stores primarily engaged in selling goods for home preparation and consumption.
2. Retail stores selling shopper or comparison goods including dry goods, apparel and accessories, jewelry, department or variety stores, furniture and home furnishings, paint, cameras, sporting goods, musical instruments, appliances, auto parts, and retail stores primarily selling articles for personal wear or furnishings for the home, except the sale of new or used automobiles.

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3. Retail stores selling specialty items including boutiques, craft items, hobby shops, bicycles, toys, pet shops, imports, clothing, gift shops, card and stationery shops, and other tangible specialty shops.
4. Service businesses primarily engaged in providing for the personal care of persons, clothing, furniture, and small appliances including funeral homes, dry cleaners, laundromats, shoe repair shops, tailors, hair cutting and styling, upholsters and repair businesses done on the premises except automobile repair business.
5. Convenience services including banks, savings and loans, finance companies, post offices and public libraries.
6. Fraternal organizations and civic clubs.
7. Indoor movie theaters and bookstores except pornographic as defined in Section I, D-8.
8. Professional offices where the service rendered is done so principally within the confines of the building that houses the office including **but not limited to** accountants, attorneys, dentist, doctors, **and** insurance offices. ~~and other uses provided that it is located above the ground floor of the buildings.~~
9. Residential units ~~located above the ground floor of the buildings.~~
10. Storage uses located above the ground floor or in the rear of any of the other uses provided that it is related to the business on the ground floor.
11. Restaurants and taverns for indoor sit-down **and patio seating** ~~and consumption.~~
12. Antique stores which sell goods, including collectibles, which by virtue of their age or unusual quality, are generally considered to be of historical and/or artistic interest. Ordinarily such items are in a good state of preservation or are restorable to their original condition.
13. Drive-up establishments are subject to site plan review in accordance with Chapter 1104.0800 of the Toledo Municipal Code, Part Eleven-Planning and Zoning Code.

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14. ***Remodeling, home improvement or business service establishments such as heating and plumbing services, roofing, and construction contractors.***
15. ***Personal Improvement Services.***
16. ***Cultural Exhibits and Libraries.***
17. ***Indoor Sports and Recreation.***

C. Permitted Uses in the Areas Designated as the "Service Commercial" Areas

The following uses shall be permitted in this zone:

- ~~1. All uses permitted in the Primary Retail Area.~~
- ~~2. Professional and medical offices and business service establishments such as heating and plumbing services, and roofing and construction contractors, but not including auto repair businesses.~~
- ~~3. Drive-up business establishments or fast food restaurants.~~

D. Prohibited Uses

The following uses shall be prohibited within the entire ***Broadway Commercial Corridor District*** project area:

1. Health Spas.
2. Pinball and Video Arcades.
3. Pool Halls.
4. Salvage type operations and junkyards.
5. New and used car sales lots.
6. Automobile service stations and repair places.

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7. Wholesale business establishments which generate more than fifty (50%) percent of their gross sales from retailers who resell those goods to others or who incorporate the product for eventual consumption by, or repair or service for a third party.

8. ~~Pornographic or adult movie theaters, pornographic or adult mini-theaters, adult book stores, massage and other such establishments exploiting human anatomy, including nude or topless dancing, as defined herein after, if such use would be located within 750 feet of any of the following existing land uses:~~
 - a. ~~Any residentially zoned district.~~
 - b. ~~Any kindergarten, grammar school, junior high school or high school.~~
 - e. ~~Any public or school playground.~~
 - d. ~~Any church, temple, or other house of worship; or if said proposed establishment will be within 1,000 feet of any similar existing use.~~

For this paragraph, the definitions are as follows:

- a. ~~Adult or pornographic motion picture theater or adult mini-theater means an establishment located within an enclosed building displaying movies that are rated X, XX, or XXX, or is determined to be obscene by the Motion Picture Association of America code and rating board, its successors and assigns, or such other and subsequent national rating board used in the movie industry of the United States of America; or presents material distinguished or characterized by emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein; or presents material which excludes minors by virtue of age.~~

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- b. ~~Adult or pornographic book store means any magazine, newspaper, printing, photograph or publication which depicts the human body in a state of nudity or partial nudity whereby the genitals are exposed, said establishments having said items for sale or display, which are distinguished or characterized by their emphasis on matters depicting, describing or related to "specified sexual activities" or "specified anatomical areas" (as defined in these standards) or which excludes minors by virtue of age, and which when distributed by a retail or other entity, generate or is likely to generate more than ten (10) per cent of the gross sales or income from the distribution or sale of said magazines, newspapers, printing, publications or photographs.~~
- e. ~~Specified sexual activities are defined as:~~
- 1) ~~Human genitals in a state of sexual stimulation or arousal; or~~
 - 2) ~~acts of human masturbation, sexual intercourse, sodomy; or~~
 - 3) ~~fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.~~
- d. ~~Specified anatomical areas are defined as:~~
- 1) ~~less than completely and opaquely covered:~~
 - a. ~~human genitals, pubic region,~~
 - b. ~~buttocks, and~~
 - c. ~~female breasts below a point immediately above the top of the areola.~~

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~~e. — Massage Establishment is defined as any establishment having a fixed place of business where massages are administered for pay, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of physicians, surgeon, chiropractor, osteopath, or physical therapists duly licensed by the State of Ohio, nor barbershops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. — This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a non-profit organization operating a community center, swimming pool, tennis court or other educational, cultural recreational, and athletic facilities, and facilities for the welfare of the residents of the area.~~

Sexually oriented businesses as described in TMC§1116.0183.

9. All uses not permitted under "Permitted Uses" shall be excluded from the C-6 District for the ***Broadway Commercial Corridor*** ~~VIVA South Toledo~~ for the Project Area.
10. Pawnshops (any business that loans money on deposit of personal property or deals in the purchase of personal property or deals in the purchase or possession of personal property on the condition of selling the same back again to the pledger or depositor, or loans or advances money on the personal property by taking chattel mortgage security thereon, and takes or receives such personal property), Second Hand or Used good and appliance stores, and check cashing businesses.
11. ***Sweepstakes Terminal or Internet Café.***
12. ***Wireless Telecommunications Facilities – freestanding and towers.***

E. Non-Conforming Uses

1. Any existing use may continue, even those, which might not be permitted under prohibited uses, as long as the use does not change. The non-conforming use will not be permitted if the business ceases to operate for one (1) year or more. The uses of the building shall hereafter conform to the uses permitted n the ***Broadway Commercial Corridor C-6*** District. An existing non-conforming use may continue despite a change in ownership.

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2. When a building structure, the use of which does not conform to the provisions of this Zoning Ordinance, has been damaged by explosion, fire, act of God or the public enemy, to the extent of more than seventy-five (75%) percent of its fair market value, it shall not be restored or reconstructed except in conformity with the ***zoning*** district regulations of the district in which the building is situated.
3. A non-conforming use may be extended throughout that portion of a structure that was obviously designed and intended for such use, and a non-conforming structure may be extended or enlarged by not more than ten (10%) percent of the total floor area existing at the time of adoption these Land Development Standards and Guidelines provided, however, that no such extension shall encroach upon any minimum yard requirements nor shall it exceed the maximum height requirements.

Section II. Setback and Height Requirements

A. Front Yard

No front yard setback shall be required in any part of the ~~VIVA South Toledo~~ ***Broadway Commercial Corridor C-6 Zoning District. The maximum allowed front setback shall be ten (10') feet unless a public-private (outdoor seating) setback zone is provided. If a public-private setback zone is provided a maximum front setback of twenty (20') feet is allowed for up to fifty (50%) percent of the building frontage. Contextual front setbacks shall be considered when reviewing new development or a public-private zone. Public-private zones are outdoor business areas such as patio dining that is returned inside the store at the end of business hours.***

B. Side Yard

No side yard shall be required except that a seven (7') foot side yard be required on the side of a lot or tract adjoining a residentially zoned district. No side yard shall be required if the districts are separated by an alley or street.

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C. Rear Yard

No rear yard shall be required except that a twenty (20') foot rear yard shall be required only upon that portion of a lot or tract abutting upon a residentially zoned district. Whenever a lot abuts or adjoins an alley that separates the ***Broadway Commercial Corridor*** ~~€-6~~ District from a residentially zoned district, the alley width may be considered as a portion of the required rear yard.

D. Height Limitations

The maximum height of buildings shall be forty-five (45') feet. Height of buildings means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip and gambrel roofs.

Section III. Storage and Outdoor Displays

A. Screening of Waste Containers

No waste materials, refuse or garbage shall be permitted to remain outside buildings, except as permitted by the city regulations regarding containers for garbage. The areas in which such containers or commercial dumpsters are stored shall be visually screened.

B. Outside Storage

1. No outside storage or related operations of any kind shall be permitted on any lot unless such activity is visually screened. Under no circumstances shall outside storage extend above the top of such screening.
2. The temporary or permanent storage of appliance units and furniture outside an enclosed area shall be prohibited in the ~~VIVA-South Toledo~~ ***Broadway Commercial Corridor*** ~~€-6~~ Districts. Compliance to this regulation shall take effect immediately upon the adoption of the standards and guidelines by Toledo City Council.

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C. Compliance

Compliance with the outside storage and screening requirements shall be required within one (1) year after the adoptions of the ~~VIVA South Toledo~~ ***Broadway Commercial Corridor C-6 District*** Standards and Guidelines by Toledo City Council. The Board of Trustees of the ~~VIVA South Toledo Commercial Revitalization Association~~ ***Broadway Corridor Coalition*** shall review and approve/disapprove all plans to visually screen outside storage and waste containers to assure compliance with these requirements.

D. Outdoor Displays

There shall be no outdoor displays permitted except for special events as approved by the Board of Trustees of the ~~VIVA South Toledo Commercial Revitalization Association~~ ***Broadway Corridor Coalition***.

Section IV. Off-Street Parking Requirements

~~The parking requirements for all the districts in the VIVA South Toledo C-6 Project Area shall conform to~~ ***Off-street parking requirements within the Broadway Commercial Corridor District*** shall conform ***comply with the requirements set forth in*** Chapter 1107, Parking, Load, and Access of Part 11 – Planning and Zoning Code of the Toledo Municipal Zoning Code and the following exceptions ***provisions***:

A. Parking Space Requirements

1. Retail stores and service establishments; one (1) space for each four hundred (400) square feet of floor area;
2. Business and Professional offices; one (1) space for each six hundred (600) square feet of floor area;
3. Restaurants and Taverns; one (1) space for each two hundred (200) square feet of floor area;
4. Movie Theaters; one (1) space for each ten (10) seats or ten (10) bench seating spaces.

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5. ***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 along Broadway Street is prohibited.***
6. ***Location of off-street parking facilities shall be on the same lot as the principal uses or within three hundred (300') feet of the building (measured from the nearest point of the building or use to the nearest point of the parking) or an alternative access and parking plan may be submitted as provided for in Sec. 1107.1400.***
7. ***If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances approved by the Plan Commission, then parking may be allowed on the side of the building if a screening wall and landscape treatment are installed along the street frontage in conformance with the minimum parking lot standards for perimeter screening barriers.***
8. ***Access to parking lots shall be provided off alleys or secondary streets, not Broadway Street, whenever possible in order to minimize curb cuts across pedestrian sidewalks.***
9. ***No corner parking lots are permitted unless approved through the Minor Site Plan review process.***
10. ***Existing developed properties shall be exempt from the requirements of Chapter 1107.***

B. Parking Setbacks

In the ~~C-6 primary retail areas~~ ***Broadway Commercial Corridor District***, no off-street parking shall be permitted for a distance of five (5') feet from the front lot line ~~or intrude into the front yard setback of the building, whichever is greater.~~ Lots having a frontage on more than one street shall adhere to these requirements on all streets. The planting strip shall be properly landscaped and maintained.

1. ***Parking areas located on pedestrian routes should accommodate streetscape related improvements to soften the parking area.***

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C. **Parking Area Size Requirements**

1. Each parking space shall not be less than one hundred eighty (180') feet in area. All parking spaces shall be properly designated by painted lines or other methods approved by the Commissioner of ~~Traffic Engineering~~ ***the Division of Transportation*** of the City of Toledo. All parking spaces shall have a minimum width of nine (9') feet.
2. The parking lot shall have a minimum of five (5) percent, but at least one, of the parking spaces located near or adjacent to a walkway or drive and identified as reserved for physically handicapped persons. Each reserved parking space shall be surfaced suitably for wheelchair travel and shall be at least twelve (12) feet wide, unless paralleling a walkway or drive. Where a curb exists between a parking lot surface and sidewalk surface, an inclined walk or a curb cut with a maximum gradient of one (1) foot in eight (8) feet shall be provided for wheelchair access.

D. **Landscaping of Parking Area**

There shall be two hundred (200) square feet of landscaped area for every ten (10) parking spaces within the parking lot, excluding required setbacks or three hundred (300) square feet of landscape area for every ten (10) parking spaces inclusive of the required setback. Planted medians should be a minimum of ten (10') feet wide. A curb or other approved means shall be provided at the perimeter of planted areas within parking lots to prevent vehicular intrusion. Parking lots with less than ten (10) spaces shall be exempt from the provision pertaining to landscaping.

1. ***Perimeter landscaping must be installed along any parking lot area adjacent to street, place, or driveway. Perimeter landscaping will consist of one of the following, located between the parking lot and the property line:***
 - a. ***Landscaped area at least five (5') feet wide, exclusive of easements, sidewalks, or rights-of-way, planted with at least one (1) shrub for every 3 to 5 feet of property line, as determined by growth characteristics;***

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- b. *3 ½ feet high metal tube or solid bar fence, with at least one (1) shrub for every 3 feet of property line planted on the outside of the fence; or*
 - c. *Solid 3 ½ foot high brick or stone wall.*
 - d. *A landscape island or greenbelt, five (5') in width shall be installed in front of the screening wall. This landscape island/greenbelt shall accommodate the installation of canopy trees, at least three (3") inches in caliper.*
 - e. *A minimum six (6') foot wide sidewalk shall be installed between the building and the parking area.*
2. *Wheel stops (i.e., parking blocks) must be provided to ensure that vehicles cannot overhang directly on plant material, if a landscaped area is used.*

E. *Streetscape*

- 1. *Street trees to the satisfaction of the Department of Parks, Recreation and Forestry, light standards, street signs, etc., should be placed so that the trees are between the street lanes and any pedestrian walkway. Tree grates that employ stormwater control measures are highly encouraged.*
- 2. *Any walkway or public spaces specifically designed to enhance pedestrian movement should not use plain asphaltic pavements for the walking surface or use tiles or similar surfaces that can become slippery when wet.*
- 3. *Existing and future transit stop locations should have ample space for patron amenities and waiting.*

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F. Screening

1. All off-street parking lots shall be effectively screened from adjoining residential districts and streets. Screening shall consist of a masonry wall, decorative fencing, or combination thereof, not less than three (3') feet nor more than four (4') in height, together with a planting strip on the outside of such wall or fence. Said planting strip shall be a least four (4') feet wide with suitable planting materials. Screening and landscaping shall be maintained good condition and shall be so designed and placed so as not to obstruct vehicle sight distances at entrances and exists. If both the Director of the Plan Commission and the Board of Trustees of ~~VIVA South Toledo Commercial Revitalization Association~~ ***the Broadway Corridor Coalition*** determine that the planting strip provides sufficient screening, the requirement for a masonry wall or fence for the off-street parking lot may be eliminated.
2. ***Trash and service and storage areas should be of solid screening at least six (6') feet in height and maintained. In larger developments, trash collection, service and loading areas should be separated from main circulation and parking areas. Chain link fencing as a screening material is not permitted. Consolidated trash collection areas are permitted.***

G. Illumination

Illumination of parking facilities shall be arranged so as not to reflect direct rays of light into any adjacent residential area. In no case shall direct and indirect illumination from the source of light exceed an illumination level maximum of one/half foot-candle when measured at the nearest point of the lot line in a residential area. Illumination of all parking shall be required.

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

- a. ***Site lighting for small parking lots is permitted to utilize a pedestrian style LED light fixture and pole to match the lights being used by the City of Toledo for public enhancement within the Broadway Commercial Corridor C-6 District.***
- b. ***The light source shall be metal halide or LED.***

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- c. *Off-building lighting for parking lots is permitted.*
- 2. *Site Lighting for Large Parking Lots (Twenty-Six or More Parking Spaces)*
 - a. *Site lighting for large parking lots shall utilize a Shoe Box Fixture and pole (maximum 16' feet height) for efficiency of lighting and neutrality of design to match the lights being used by the City of Toledo for public enhancement within the Broadway Commercial Corridor C-6 District.*
 - b. *The light source shall be metal halide or LED.*

H. Existing Structures

Existing structures are exempted from the above parking requirements unless they are structurally modified, rebuilt or altered to the extent of more than a fifty (50%) addition in floor area.

Section V. Loading and Service Area Requirements

Loading and Service Area requirements pertain to a space within the principal building or on the same lot, providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

- A. *Off-street parking and loading areas are to be used solely for loading, unloading, and the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the outdoor display of goods for sale or lease, long term storage of motor vehicles or building materials.*
- B. Loading areas, loading docks, service areas and parking areas shall be planned so that one use does not interfere with another use, nor with any means of ingress or egress to and from said areas.
- C. All loading and maneuvering of service vehicles and all other related service activities necessary to the operation of the development shall be accommodated within the lot lines wherever possible.

Exhibit "A"

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- D. The number of loading docks and berths required shall be based on the square footage of the building being served. These standards are outlined in ~~Section 1165.02 TMC 11107.1000~~ of the Toledo Planning and Zoning Code.
- E. All loading docks in service areas, wherever situated, shall be visually screened from Broadway *Street*, and from neighboring non-commercial uses at street level.
- F. Loading areas, loading docks, service areas and parking areas shall be planned so that one use does not interfere with another use, nor with any means of ingress of egress to or from said areas.
- G. ***Loading and service entrances should be located at the rear or side of the building.***

Section VI. Vehicular Access

A. Intent

Access drives to the public right-of-way and parking shall be shared as much as possible.

B. Access to Broadway Street

Curb cuts or direct access into sites off Broadway Street within the Broadway Commercial Corridor shall be discouraged. Curb cuts may be granted only after site plan review by the Plan Commission Director and with written approval from the Commissioner ~~Traffic Engineering~~ ***of the Division of Transportation.***

C. Parking Lot Access

All parking lots shall be provided with proper ingress and egress to a public street or alley by means of access drives and aisles in accordance with City of Toledo standards.

Exhibit "A"

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Section VII. Architectural Considerations

The following architectural standards are designed to ~~make sure~~ **encourage** that any proposed Building improvements enhance the original features of the structure. The standards are designed to act as guidelines in the rehabilitation of buildings located within ~~VIVA-South Toledo~~ **the Broadway Commercial Corridor** C-6 Zoning District. It is the goal of the ~~VIVA-South Toledo Commercial Revitalization Association~~ **Broadway Corridor Coalition** to:

1. Encourage the rehabilitation of commercial buildings within the ~~VIVA-South Toledo Commercial Neighborhood Business~~ **Broadway Commercial Corridor** District.
2. Create a visually distinct ~~and identifiable~~ commercial district ~~and relate diverse building sites and improvements~~ through the use of the following unifying elements:
 - a. A coordinated range of building and trim color;
 - b. Decorative awnings;
 - c. The use of compatible signs oriented toward pedestrian rather than automobiles; and
 - d. The elimination of extraneous façade and roof trim.

A. General Standards

1. The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided whenever possible.
2. Distinctive stylistic features, or examples of skilled craftsmanship, which characterize a building, structure or site, should be treated with sensitivity.

Exhibit "A"

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3. Deteriorated architectural features should be repaired rather than replaced whenever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
4. Contemporary designs for alterations or additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

B. Exterior Features

1. Masonry, Wood, and Metals

- a. Original masonry and mortar should be retained whenever possible, without the application of any surface treatment.
- b. ~~Re-pointing~~ ***Tuckpointing*** of mortar joints should be undertaken only for those joints that display evidence.
- c. To the extent possible, old mortar should be duplicated in composition, color, texture, joint size, method of application and joint profile.
- d. Waterproofing, water repellent coatings or surface consolidation treatments should be avoided unless required to solve a specific technical problem that cannot be adequately treated by other acceptable methods.
- e. Stucco surfaces should be repaired with a stucco mixture that duplicates the original as closely as possible to original texture and appearance.

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- f. Masonry should be cleaned only when necessary to halt deterioration or to remove graffiti or stains. The gentlest cleaning methods shall be employed including low-pressure water and soft, natural bristle brushes. Sandblasting, including wet and dry *frit, other abrasives, or chemicals that would have an adverse reaction when applied to masonry materials should be discouraged. Metal surfaces should be cleaned only with material that do not abrade the surface, or alter the color, texture or tone of the metal.
- g. Significant architectural features and details such as siding, cornices, brackets, railings, shutters, window architraves and doorway pediments should be retained. When it is *impossible* to retain the original materials, they should be replaced with new materials that duplicate the old features or details as closely as possible.
- h. Buildings should not be resurfaced with new material that are inappropriate or were unavailable when the building was originally constructed. Such materials include artificial brick siding, artificial cast stone, brick veneer, asbestos or asphalt shingles, or plastic and aluminum siding.

2. Visible Roofs and Roofing

- a. The original roof shape should be retained. Changing the essential character of the roof through the addition of inappropriate features such as dormer windows, vents, or skylights should be discouraged.
- b. Original roofing materials should be retained whenever possible. Deteriorated roof coverings should be replaced with new materials that match the old materials in color, composition, shape and texture.
- c. ~~Adequate roof drainage should be provided insuring that roofing materials provide a weather tight covering for the structure.~~
- d. Architectural features that give the roof its essential character such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather-vanes be preserved or replaced when necessary.
- e. Chimneys, elevator penthouses or any other auxiliary roof structures should be repaired and cleaned where necessary.

Exhibit "A"

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- f. Any roof structure visible from the street, or from other buildings should be finished so as to be harmonious with other visible building walls.
- g. Roof mounted structures for the support of signs and billboards ~~should be~~ **are** prohibited.

3. Windows and Doors

- a. Original window and door openings, frames, sashes, glass, doors, lintels, sills, pediments, architraves, hardware, awnings and shutters must be retained and repaired where they contribute to the architectural and historic character of the building.
- b. Missing or irreparable windows that match the original in material, size, general muntin and mullion proportion and configuration, and reflective qualities of the glass should be **repaired or** replaced with the same. Incompatible materials such as anodized aluminum, or mirrored or tinted glass should be avoided.
- c. ~~To improve the thermal performance of existing doors and windows, weather stripping should be added or replaced. Storm windows and doors also be added which are compatible with the character of the building and which do not damage window or door frames, or require the removal of the original windows and doors.~~
- d. ~~Interior storm windows that allow moisture to accumulate and damage the window should not be installed.~~
- e. Heating/air conditioning units should not be installed in window frames when such installation may damage window frames or sashes. Window installations should be considered only when other heating-cooling systems would result in significant damage to historic materials. Whenever possible, air conditioning units should be installed on the side or to the rear of the buildings.

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- f. If windows are to be permanently closed, the sills, lintels and frames shall be removed and the opening shall be properly closed to match the material, design and finish of the adjacent exterior wall. To avoid removing windows in the upper stories to preserve the existing façade of the building, alternatives such as maintaining the appearance of a window from the exterior but closing it off from the interior with black plywood facing should be considered.
4. Exterior Finishes
 - a. ~~Original paint colors and finishes should be determined to the extent possible and utilized in subsequent rehabilitation.~~
 - b. ~~Removing paint and finishes to the bare surface should be avoided.~~
 - c. All exposed wooden surfaces should be painted, stained or otherwise treated for protection.
 5. Ancillary Standards
 - a. Surplus and unused devices attached to building front, such as empty electrical or other conduits, and unused sign brackets, should be eliminated unless ornamental in character.
 - b. Rear walls should be finished, painted or stuccoed to cover evenly all patched and filled areas, to present an even and uniform surface.
 - c. Side walls, wherever visible from any street should be finished or painted so as to harmonize with the front of the building.
 - d. ~~All projections, such as flues, vents, gutters and downspouts should be painted to match the color of the surface from which they project.~~
 - e. All sides of a building exposed to either pedestrian or vehicular traffic should receive design consideration. Basic materials, textures, and color ranges should be compatible with other buildings in the area.

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- f. Any new mechanical equipment placed on the roof should be so located as to be hidden from view from the ~~shopping streets~~ **street level** and to be as inconspicuous as possible from other viewpoints.
- g. New equipment should be screened with suitable material of a permanent nature and finished to harmonize with the rest of the building.

Structural Systems

- 6. ~~All defective structural elements of a building façade and those sides of a building abutting a street shall be repaired or replaced especially where there are signs of cracking, deflecting or failure.~~
- 7. ~~Historically important structural members should be replaced only when necessary.~~
- 8. ~~Existing building foundations should not be disturbed with new excavations that will undermine the structural stability of the building.~~

Section VIII. Sign Requirements

A. Purpose

These regulations establish standards for the design, fabrication, erection, use and maintenance of all signs, symbols, markings, and other advertising devices within the entire ~~VIVA South Toledo~~ **Broadway Commercial Corridor C-6 Zoning District**. These standards are designed to aid in the development and promotion of business by providing regulations, which encourage compatible design.

B. City of Toledo Sign Code

~~All sections of the Toledo Sign Code shall apply to the VIVA South Toledo C-6 District except where they are expressly prohibited or where the City of Toledo Sign Code exceeds the requirements contained herein.~~

Exhibit "A"

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Definitions

The definitions contained in the Toledo Sign Code shall be in full effect, as well as the following:

- a. "Primary Sign" is one, which identifies the name of a business that occupies at least seventy-five (75%) percent of a building or storefront.
- b. "Secondary Sign" is one, which identifies the name of a business that occupies less than twenty-five (25%) percent of a building or is located above the ground floor.
- c. "Supplementary Sign" is one, which identifies the principal product or material sold, or service rendered within a business establishment.
- d. "Special Signs" are those that are fixed to windows or door glass, stating property protection information, credit cards honored, participation in property owner or merchant associations and similar information.
- e. "Notice Bulletin Boards" are those not over twenty-four (24) square feet in area for medical, public, charitable or religious institutions where there same are located on the premises of such institution and not oriented to motor vehicles in the public right-of-way.
- f. "Display window signs" are in the display window of a business use, which are incorporated, with a display of merchandise or a display relating to services offered.
- g. "Billboard" or "Off Premise Signs" are third party signs, which do not constitute advertisement for the primary function of the premises on which the sign is located. It is a sign that advertises goods, products, services or facilities not necessarily sold on the premises where the sign is installed or directs persons to a different location from where the sign is installed. Listed below are three (3) main types:
 1. Poster panels or bulletins normally mounted on a building wall, roof or free-standing structure with advertising copy in the form of pasted paper.
 2. Multi-prism signs – same as above, and alternating advertising messages on the one displayed area.

Exhibit "A"

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3. Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted, roof or free-standing display area.

h. "Mural" is any piece of artwork painted or applied directly on a wall, ceiling or other permanent surface. Some wall paintings are painted on large canvases, which are then attached to the wall.

C. *Broadway Commercial Corridor District Sign Code*

All sections of the Toledo Sign Code shall apply to the Old South Toledo Broadway Commercial Corridor C-6 District except where they are expressly prohibited or where the City of Toledo Sign Code exceeds the requirements contained herein. Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in the applicable Zoning district, and the following regulations:

1. *Building signs shall be located above the main entrance in the sign band area, on the upper façade wall. The sign shall be sized to allow the masonry to be fully exposed around the sign.*
2. *No sign or part of a sign shall be located above the parapet of any façade. Roof mounted signs are prohibited.*
3. *Building signs shall not exceed seventy-five (75%) of the width of the storefront opening.*
4. *Projecting signs are allowed.*
 - a. *Any one tenant with frontage on a public right of way is permitted to have one (1) projecting sign along that public street. The projecting sign may exist instead of, but not in addition to, a free-standing sign or roof sign. Where a premises is allowed two (2) free-standing signs, the occupant may elect to substitute a projecting sign for one (1) of the free-standing signs. If a premises has at least 300 feet of frontage along any one right-of-way, the occupant may have two (2) projecting signs.?*

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- b. Subject to absolute limits of six feet six inches (6'-6") from face of buildings and two (2') feet back from the curb line, projection over public domain is limited to three (3") inches for each linear foot of building front measured from sign location to the nearest side line of premises. Subject to the same maximum limits, signs on corner properties installed at forty-five (45) degree angles to the corner are permitted a twenty (20%) percent increase on the formula.*
- 5. Window signs are allowed. However, no signage or advertisement shall block the view to the interior.*
- 6. Raceways, cabinets, box signs, moving, animated or intensely lighted signs, electronic message centers (EMC), roof signs or signs that extend above a building roofline or parapet, and pole mounted are prohibited.*
- 7. Monument or low profile signs are allowed. Free-standing signs no greater than forty-two inches (42") from grade are permitted – any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine – Sign Code.*
- 8. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. First floor awning sides are recommended to be open to increase sight lines towards storefronts along the street. Curved awnings matching the curve of the openings being covered are permitted. Other round-top, half-round, box, or other unusual awning shapes are prohibited unless approved in writing by the Plan Director. Internally illuminated awnings are also prohibited. Signage on awnings shall be allowed as long as it meet appropriate portions of the requirements of TMC§1103.1613.*
- 9. 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.*
- 10. Additional Off-Premise Signs (Billboards) are prohibited. Exiting off-premise signs may remain subject to the regulations for legal non-conforming signs in Chapter 1395.*

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11. *Each building shall display a street address as per City of Toledo Municipal Code. The street address shall also appear on any alley building elevation.*
12. *The Toledo Arts Commission accepts mural applications city wide as stated in the Toledo Municipal Code Section 167. All mural applications for the C-6 District shall be submitted directly to the Toledo Arts Commission and a copy of the submission shall be submitted to the Toledo City Plan Commission staff in order to inform the Broadway Corridor Coalition of any new or potential murals.*

D. Exclusions

1. The only signs excluded from the operations of these regulations are:
 - a. "For Rent", "For Sale, and "For Lease" signs.
 - b. Devices, with or without advertising, used for protecting merchandise from sun fading.
 - c. Notice bulletin boards.
 - d. No trespassing or no dumping signs not to exceed one and one-half square feet in area per sign and not to exceed four (4) in number per lot.
 - e. Display window signs.

E. Conformance with regulations

1. All new signs erected, and existing signs relocated, modified or repainted subsequent to the adoption of these C-6 Development Standards shall conform to these regulations to the full extent.
2. Signs which identify businesses, which no longer exist at that location, shall be removed by the building owner within three (3) months of the adoption of ~~these Land Development Standards~~ *Broadway Commercial Corridor District*.

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F. Existing Signs

All signs within the C-6 District shall be in full conformity with these regulations within ten (10) years of the adoption of these Land Development Standards by Toledo City Council. Existing billboards or off-premise signs are excluded from this requirement.

G. Sign Requirements

1. Signs shall be ~~designated~~ *designed* to inform in simple, logical, and attractive ways. Designs shall provide quick, easy identification, using either separately or in combination, graphic representation, symbols and lettering.
2. Primary signs that identify the property name where they are installed and the use conducted therein shall be limited to one (1) per building façade or storefront.
3. Supplementary signs shall be limited to one (1) per business, shall not exceed three (3) square feet in area, and shall not project more than one (1") beyond the face of the building.
4. Painted or inlaid signs on the apron of cloth awnings shall be permitted.
5. The use of cutouts, letters or prefabricated letters shall be permitted on painted backgrounds.
6. Maximum efforts shall be made to conceal or hide lighting and electrical items such as conduit, junction boxes, transformers, ballasts, etc., by painting, recessing, or other practical methods.
7.
 - a. Flat signs shall be placed parallel to the building façade and shall not project more than twelve (12") inches. The maximum square footage size of the flat sign shall not be greater than the width of that building multiplied by the factor of three (3).
 - b. In the case of corner properties or buildings having both front façade and rear entrance, which are primarily for customer use, two (2) primary signs shall be permitted provided one of the two signs is a flat sign. Flat signs shall be placed beneath the second story window-sill line or in the case of single story buildings, beneath the roof line.

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8. Secondary signs may be permitted for the purpose of identification of secondary, non-residential tenants occupying portions of a building or storefront signs shall not exceed three (3) square feet in area and shall not project more than one (1) inch beyond the face of the building. Secondary signs may be located below the second story sill line or adjacent to the fires floor entry or at both locations.
9. A sign painted on any display window, which identifies the business therein shall be considered the primary sign of such business or may be used as a secondary or supplementary sign.
10. Interior or exterior temporary paper signs shall be permitted only to direct attention to persons outside the building to a sale of merchandise or a change in the status of the business, as long as they do not cover more than twenty-five (25%) percent of the total window area. No one (1) paper sign shall be permitted to remain for more than a total of thirty (30) days within any six (6) month periods.
11. Interior neon window signs, which identify the name of the business establishment shall be permitted.
12. Lettering for signs should be designed in a manner that is tasteful, appropriate and reflect the architecture of the building to which it is attached.

H. Prohibited and Restricted Signs

1. Electronic Messaging Center (EMC) sign, flashing or moving signs, other than barber poles and elements of sculpture, shall not be permitted.
2. Free-standing signs shall not be permitted. ~~unless they are an element of architecture, and in those cases, shall have a maximum height of thirty (30') feet. Existing businesses which have a *freestanding sign after five (5) years may continue to do so if they modify such signs to meet the following conditions:~~
 - a. ~~only one (1) per business.~~
 - b. ~~maximum sign area fifty (50) square feet.~~
 - c. ~~maximum height from the ground to the top of the sign shall be twenty five (25).~~

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- d. ~~the area around the base of the sign and the sign pole is landscaped. Such landscaping plan shall be approved by the Plan Director of the City Plan Commission.~~
3. Billboards or off-premise signs shall not be permitted.
4. ~~Signs attached at right angles to a building either in a fixed or swinging position are prohibited.~~

I. Sign Illumination

1. Signs may be illuminated by back lighting, provided the lettering is lit and not the background. The letters to be back lighted shall not exceed forty-eight (48") inches in height, providing they are in proportion with the surface and building to which they are applied.
2. Indirect lighting of signs is acceptable providing the source of light does not illuminate more than the sign itself, within reason.
3. Internal lighting (lighting source totally enclosed within sign) methods area acceptable providing the source of light does not illuminate more that the sign itself.
4. Special consideration shall be given to lighted signed to assure tastefulness, appropriateness and individuality. A light sign shall not illuminate the building, entrance or other building feature.

J. Approval of Signs

Prior to any sign being erected, modified or repainted, the sign owner shall submit a drawing or sketch of the proposed signage to ~~VIVA South Toledo Commercial Revitalization Association~~ ***Broadway Commercial Corridor District*** and the Plan Director of the City Plan Commission. The Board of Trustees of the ~~Association~~ ***Broadway Corridor Coalition*** shall review and make recommendations to the Plan Director of the Plan Commission within thirty (30) calendar days of receipt of the proposal. The Plan Director shall provide written approval of the proposal prior to the Building Inspection Division issuing any sign permit. The review shall be based upon the standards set forth herein.

Exhibit "A"

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K. **Fencing**

Fencing when visible from a public right-of-way shall be of an ornamental design, such as wrought iron or aluminum tube fencing. Alternative ornamental designs shall be subject to the review of the Broadway Corridor Coalition. Industrial zoned properties shall be exempt from the Broadway Commercial Corridor District fencing requirements. However, industrial zoned properties shall be required to meet industrial fencing design standards as outlined in TMC§1105.0300.

Section IX. Submission and Review of Plans

The administration and enforcement of the ~~VIVA South Toledo~~ **Broadway Commercial Corridor** C-6 Land Development Standards and Guidelines shall be accomplished in conformance with Chapter TMC§1102.0900 CS Storefront Commercial and Chapter 1104 Use Regulations of the City of Toledo Planning and Zoning Code.

- A. A copy of new development, redevelopment, proposed demolitions, and existing building rehabilitation plans, including landscaping, shall be submitted by the developer or building owner to ~~VIVA South Toledo Commercial Revitalization Association~~ **the Broadway Corridor**.
- B. ~~The Board of Trustees of the VIVA South Toledo Commercial Revitalization Association shall be responsible for the review of plans as required by the standards and guidelines. The Board of Trustees~~ **Broadway Corridor Coalition (BCC)** shall review and make recommendations to the Plan Director of the Plan Commission within thirty (30) calendar days of receipt of the plans by the ~~VIVA South Toledo Commercial Revitalization Association~~ **approve, approve with modifications, or disapprove submissions for projects in the Broadway Commercial Corridor District. The BCC shall have a full authority to approve, approve with modifications, or disapprove demolitions in the Broadway Commercial Corridor District.**

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- C. ~~The Plan Director of the City Plan Commission is granted the right to review, approve, modify or reject the plans and specifications for redevelopment or rehabilitation with respect to their conformance with the provisions of the Land Development Standards listed in this document and in order to achieve harmonious development of the VIVA South Toledo C-6 District. Such review and approval shall be concerned with, but not necessarily limited to, urban design standards, site planning architectural treatment, materials and color, signs, parking, lighting, loading and related service areas, landscaping and building plans, elevations, and construction details.~~

The applicant may appeal decisions on demolitions by the Broadway Corridor Coalition (BCC) or any other interested person to the Plan Commission, in writing, within five business (5) days of the BCC's recommendation(s). The Plan Commission must hear such appeals within thirty (30) days of the date of receipt of the appeal.

- D. ~~The City Plan Commission shall hold a public hearing on:~~
1. ~~Any items reviewed by the Plan Commission Direction which cost less than twenty five thousand dollars (\$25,000) which are properly appealed to the Commission, and~~
 2. ~~Building site, and development plans involving a total expenditure of more than twenty five thousand dollars (\$25,000) within ninety (90) days after submission.~~

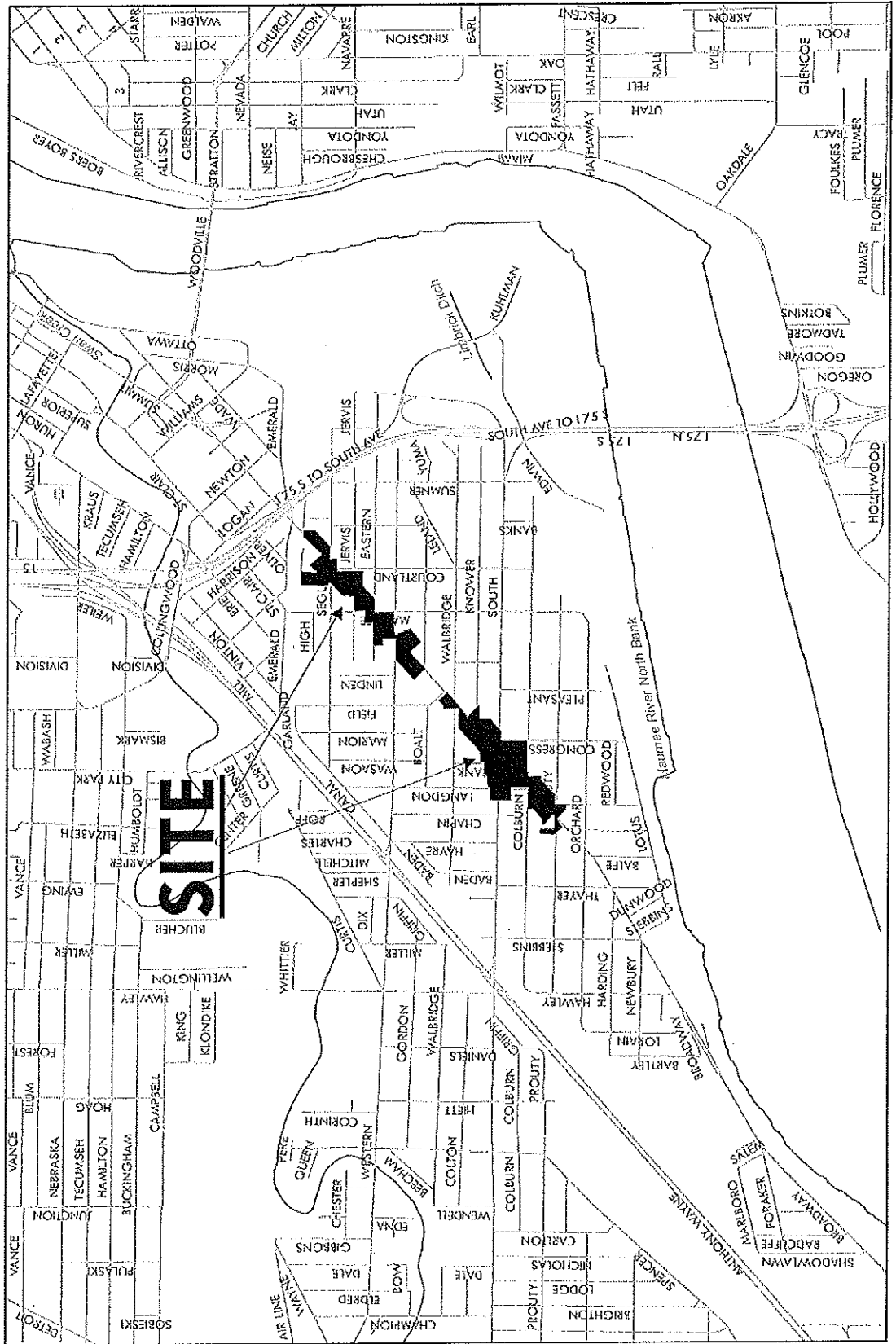
If the Broadway Commercial Corridor forwards the submission to the Toledo City Plan Commission, or the decision under these declarations is appealed to the Plan Commission, Toledo City Plan Commission shall review the submission in accordance with the declarations, the Toledo Municipal Code Chapter Eleven and its Rules, and render its decision in writing. The Toledo City Plan Commission shall not arbitrarily or unreasonably withhold its approval of submissions.

- E. *In the event that the Broadway Commercial Corridor District is no longer official organization for the Old South End then the development plans shall be subject to the Site Plan Review procedures of TMC 1111.0800.*



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ID 11, 12

GENERAL LOCATION





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ZONING & LAND USE

