

GENERAL INFORMATION

Subject

Request	-	Group Living Text Amendment adding a Special Use Permit section for Spacing Violations
Applicant	-	Toledo-Lucas County Plan Commissions

Applicable Plans and Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Forward Toledo Comprehensive Land Use Plan

STAFF ANALYSIS

The proposed text amendment is designed to create a pathway for Group Living requests that do not meet the spacing requirements. This proposal is a response to a recent lawsuit that arose after the Plan Commission disapproved a Special Use Permit for a group home due to its failure to meet the spacing guidelines. The Plan Commission previously collaborated with the Fair Housing Center and the Mental Health and Recovery Services on a proposed amendment to the group living regulations (M-5-21). This amendment aimed to reclassify the different types of group homes, reducing them from eleven (11) subcategories to six (6). Furthermore, it relaxed some restrictions by permitting Group Living facilities to be situated in areas where similarly sized residential uses are allowed. This proposed text amendment is still under City Council review.

Spacing regulations determine how land and buildings are used and located in a community to encourage organized development and enhance residents' well-being. While staff acknowledge concerns about the placement of group living facilities in neighborhoods, they also recognize the necessity of these facilities within the City. To address this, measures have been implemented to control the density and specific locations of Group Living facilities.

The current zoning code outlined in TMC§1104.1000 mandates that Group Living Facilities and Nonresidential Drug and Alcohol Treatment Centers must be situated at least 500 feet away from any other Group Living Facility, Type A Day Care, or Nonresidential Drug and Alcohol Treatment Center. In addition, there can be no more than one (1) facility of each type on the same block. For halfway houses, they must be located at least 2,000 feet apart from one another. Furthermore, Drug and Alcohol Treatment Facilities and treatment centers must maintain a minimum distance of 1,000 feet from one another.

STAFF ANALYSIS (Cont'd)

Proposed Text Amendment

The proposed text amendment creates an alternative avenue for proposed group home applications that do not meet the spacing requirement to pursue. Currently, if a group home request fails to meet the spacing requirement, the application is automatically denied, preventing the applicant from moving forward. This amendment establishes a Special Use Permit procedure specifically for group home requests that do not comply with the 500-foot spacing requirement, where permitted. Requests for Special Use Permits will be reviewed by the Plan Commission to ensure that they align with the review and decision-making criteria outlined in TMC§1111.0706. City Council retains the final authority to approve any proposed Special Use Permit.

- A. Whether the proposed use meets the stated purpose of this Zoning Code (See Section 1101.0400);
- B. Whether the proposed use complies with all applicable provisions of this Zoning Code;
- C. Whether the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation);
- D. How the proposed use will affect the value of other property in the neighborhood in which it is to be located;
- E. Whether the City and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to the subject property while maintaining sufficient levels of service for existing development; and
- F. Whether the proposed use will have any adverse land or environmental impacts and, if so, whether those impacts can and will be mitigated.

Forward Toledo Comprehensive Land Use Plan

The proposed text amendment aligns with the Forward Toledo plan and the following Goals, including: Improve Decision Making, Business Creation, Inclusive Communities, and Promote Housing Variety. Additionally, the proposed text amendment will provide a pathway for increasing housing developments through the public review process.

Conclusion and Recommendation

The zoning code is not static; hence, it is desired that it is abreast with development trends and anticipates development issues that may arise. The proposed code eases the extensive restrictions on where group homes can be located, providing more housing opportunities. Staff recommends approval.

STAFF RECOMMENDATION

Staff recommends that the Toledo City Plan Commission recommend approval of M-16-25, a Group Living Text Amendment adding a Special Use Permit section for Spacing Violation, Toledo City Council for the following **two (2)** reasons:

STAFF RECOMMENDATION (Cont'd)

1. The proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (TMC§1111.0506(B));
2. The proposed text amendment corrects an error/inconsistency in the Zoning code (TMC§1111.0506(A)).

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-16-25
DATE: October 9, 2025
TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE OF
CITY COUNCIL
DATE: November 13, 2025
TIME: 4:00 P.M.

ET
Two Exhibits follow

Exhibit "A"
Existing Text

1104.1000 Group living and day care - spacing.

1104.1001 Group Living facilities, Type A Family Day Care Home and Nonresidential Drug and Alcohol Centers that are subject to this spacing requirement Section in the Use Table of Sec. 1104.0100, must be at least 500 feet from a site with any other Group Living facility, Type A Family Day Care Home, and Nonresidential Drug and Alcohol Center that is also subject to this spacing requirement.

(Ord. 170-04. Passed 3-23-04; Ord. 14-20/38-21. Passed 1-19-21)

1104.1002 In no case may more than one facility subject to this Section be located on the same block.

(Ord. 170-04. Passed 3-23-04; Ord. 14-20/38-21. Passed 1-19-21)

1104.1003 Halfway houses must be at least 2,000 feet away from other halfway houses.

(Ord. 552-11. Passed 11-29-11; Ord. 14-20/38-21. Passed 1-19-21.)

1104.1004 Drug and Alcohol Residential Facilities and Drug and Alcohol Treatment Centers, Nonresidential must be at least 1,000 feet away from other Drug and Alcohol Treatment Centers.

- A. Facilities permitted by right shall request a letter from the Plan Commission indicating the location is properly zoned and not in violation of spacing requirements. If a spacing violation exists, a facility may request approval through the Special Use Permit process.
- B. Facilities requiring a Special Use Permit shall be forwarded to the Mental Health and Recovery Service Board of Lucas County for an opportunity to provide input as part of the review process.

(Ord. 14-20/38-21. Passed 1-19-21)

**Exhibit “B”
Modifications**

(Additions in italic highlight. Deletions in bold strikethrough)

1104.1000 Group living and day care - spacing.

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B. Facilities permitted by right shall request a letter from the Plan Commission indicating the location is properly zoned and not in violation of spacing requirements. If a spacing violation exists, a facility may request approval through the Special Use Permit process.

C. Facilities requiring a Special Use Permit shall be forwarded to the Mental Health and Recovery Service Board of Lucas County for an opportunity to provide input as part of the review process.

(Ord. 14-20/38-21. Passed 1-19-21)