



## Legislation Details (With Text)

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**On agenda:** 8/11/2020      **Final action:** 8/11/2020  
**Title:** Amending Toledo Municipal Code, Part Eleven, Subsection 1106.0102, 1106.0400 and 1103.1007 Density Requirements, and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
8/11/2020	1	City Council		
8/11/2020	1	City Council		
7/28/2020	1	City Council	First Reading	

Zoning & Planning Committee

### **Amending Toledo Municipal Code, Part Eleven, Subsection 1106.0102, 1106.0400 and 1103.1007 Density Requirements, and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

The request is a study to review the intensity and dimensional standards for the CD-Downtown Commercial and CM-Mixed Commercial-Residential Zoning Districts. This study examines the different ways in which cities regulate multi-family dwelling density in downtown and urban districts, and reviews which method of density calculation is most appropriate for Toledo's vision.

The primary purpose of this study is compare and contrast the development standards of other cities with the development standards outlined in the Toledo Municipal Code (TMC). The existing code uses a uniform method to calculate dwelling density for all Zoning Districts across Toledo, which is not conducive to vertical development often seen and encouraged in downtowns and urban corridors. Additionally, since 2004, several applicants have required waivers from Toledo City Council in order to achieve the desired density for their projects. Research into how other cities across the country approach urban residential density will help direct Toledo to provide more suitable guidelines for high and medium-density residential and mixed use development.

On June 11, 2020 the Toledo City Plan Commission considered and recommended approval of the requested text amendment.

On July 15, 2020, Toledo City Council, Zoning & Planning Committee reviewed, and sent without recommendation the requested text amendment.

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

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1112.0202(C), which reads as follows:

**1106.0102 Commercial Districts**

Unless otherwise expressly stated, all buildings in Commercial (C) zoning districts must comply with the standards of the following table.

Standard	CN	CO	CM	CS	CR	CD
<b>Minimum Lot Area (square feet)</b>						
Detached House	6,000	NA	NA	NA	NA	NA
Duplex/Attached House (per unit)	3,000	NA	1,400	NA	NA	1,400
Multi-Dwelling (per unit)	4,200	1,800	1,400 [1]	1,800	1,800	500 [1]
All Other Development	None	None	None	None	None	None
<b>Maximum Floor Area Ratio (FAR)</b>	0.75	2.5	1	3	2.5	12
<b>Minimum Setbacks (feet)</b>						
Front	20	20	0	0	20[2]	0
Side/Rear abutting other C or I districts	0	0	0	0	0	0
Side/Rear abutting R districts	[3]	[3]	[3]	[3]	[3]	[3]
<b>Maximum Front Setback (feet)</b>	35	35	10 [4]	10 [4]	None	10 [4]
<b>Maximum Height (feet)</b>	35	65	120	45	65	None
<b>Maximum Building Coverage (% of site)</b>	85	85	100	100	85	100

NA = Not Applicable

Table Notes

- [1] See Sec. 1106.0400 on minimum lot area reductions in CM and CD districts.
- [2] Minimum Front Setback is increased to 30 feet for properties over 5 acres and/or with over 500 feet of frontage.
- [3] Minimum side and rear setbacks from residential zoning districts:

Height of Accessory or Principal Building (feet)	Setback Abutting Side Lot Line of R-Zoned Lot (feet)	Setback Abutting Rear Lot Line of R-Zoned Lot (feet)
0-20	10	15
21+	10 + 1 per 2 feet of building height above 20 feet. Setback is not required to exceed 50 feet	15 + 1 per 4 feet of building height above 20 feet. Setback is not required to exceed 50 feet

[4] At least 50 percent of the length of the ground level building must be located within 10 feet of the front lot line. For sites with three or more lot frontages, this standard applies to only two of the street facing walls. The Plan Commission is authorized to waive maximum front setback standards in the -DO district to accommodate plazas or other pedestrian amenities.

**1106.0400 | Multi-Dwelling Lot Area Bonuses in CM and CD Districts**

In the CM and CD districts, the minimum lot area required for multi-dwellings under Sec 1106.0102 above may be reduced as provided below, provided that the allowed density does not exceed 100 percent more than otherwise allowed by the zoning district.

**1106.0401 Review**

Any reduction under this Section must be applied for and reviewed under the Major Site Plan review provisions of Sec. 1111.0800, unless the development is subject to Special Use review or an Institutional Master Plan, in which case review of a proposed reduction under this Section shall be conducted under that procedure.

**1106.0402 Reduction**

The minimum lot area required for multi-dwellings in the CM and CD districts shall be reduced by 100 square feet in the CM district and 50 square feet in the CD district for the guaranteed provision of each of the following amenities:

- A. Provision of all required off-street parking spaces in an on-site multi-story garage.
- B. Devoting the ground floor to commercial uses and establishing residential dwelling units on all other floors.
- C. Second bathroom (full or half) in unit.
- D. A washing machine and dryer in each dwelling unit.
- E. Use of brick and stone on the building facades that face streets.
- F. Child day care facility.

**Bonus Examples**

A. A 39,000 square foot CM district platted parcel is allowed a base density of 28 dwelling units (39,000 / 1,400 = 27.85 or 28 units). The developer will provide four amenities and receives a 400 square foot reduction in minimum lot area per unit to 1,000 square feet per unit (1,400 - (100 x 4)). The allowed density is now 39, a bonus of 11 units. The following table shows allowed density for each number of amenities:

No. of Amenities	Minimum Lot Area (sq. ft.) Per Unit	Allowed Units on a 39,000 sq. ft. parcel
0	1,400	28
1	1,300	30
2	1,200	33
3	1,100	35
4	1,000	39
5	900	43
6	800	49

B. A 71,250 CD district platted parcel is allowed a base density of 143 units (71,250 / 500 = 142.5 or 143 units). The developer will provide three amenities and receives a 150 square foot reduction in minimum lot area per unit to 350 square feet per unit (500 - (50 x 3)). The allowed density is now 204, a bonus of 61 units. The following table shows allowed density for each number of amenities:

No. of Amenities	Minimum Lot Area (sq. ft.) Per Unit	Allowed Units on a 71,250 sq. ft. parcel
0	500	143
1	450	158
2	400	178
3	350	204
4	300	238
5	250	285
6	200	286[1]

Table Notes

[1] Allowed density bonus cannot exceed 100 percent than otherwise allowed by the zoning district.

**1103.1007 Residential Standards**

- A.** The maximum number of dwelling units permitted shall not exceed the number of units permitted without the Planned Unit Development as determined by the underlying zoning district using net residential acreage (excepted as indicated in Table Note 2 below). The maximum number of dwelling units permitted in the Planned Unit Development shall be calculated by dividing the net residential acreage by the minimum lot area per dwelling unit as shown under Sec. 1106.0100. There shall be no right of approval to maximum density. For purposes of the calculation, net residential acreage equals 80 percent of the gross parcel acreage, and gross parcel acreage is the total parcel area excluding existing public rights-of-way. The maximum number of dwelling units permitted per gross acre according to this calculation is listed below for each zoning district.

Zoning District Maximum Dwelling Units Per Gross Acre:

Zoning District	Units Per Gross Acre
RS12	2.9
RS9	3.8
RS6	5.8
RD6	5.8
RM12 <sup>1</sup>	10
RM24 <sup>1</sup>	19
RM36 <sup>1</sup>	29
CN <sup>1</sup>	8
CO <sup>1</sup>	19
CS <sup>1</sup>	19
CM <sup>1 2</sup>	25
CR <sup>1</sup>	19
CD <sup>1 2</sup>	70

*Table Notes:*

1. Calculations based on multi-dwelling density
2. A PUD in a CM & CD district is eligible for Density Bonuses as described in Sec. 1106.0400.

Be amended to read as follows:

**1106.0102 Commercial Districts**

Unless otherwise expressly stated, all buildings in Commercial (C) zoning districts must comply with the standards of the following table.

Standard	CN	CO	CM	CS	CR	CD
<b>Minimum Lot Area (square feet)</b>						
Detached House	6,000	NA	NA	NA	NA	NA
Duplex/Attached House (per unit)	3,000	NA	1,400	NA	NA	1,400

Multi-Dwelling (per unit)	4,200	1,800	700 [1]	1,800	1,800	None [2]
All Other Development	None	None	None	None	None	None
<b>Maximum Floor Area Ratio (FAR)</b>	0.75	2.5	1	3	2.5	12
<b>Minimum Setbacks (feet)</b>						
Front	20	20	0	0	20 [3]	0
Side/Rear abutting other C or I districts	0	0	0	0	0	0
Side/Rear abutting R districts	[4]	[4]	[4]	[4]	[4]	[4]
<b>Maximum Front Setback (feet)</b>	35	35	10 [5]	10 [5]	None	10 [5]
<b>Maximum Height (feet)</b>	35	65	120	45	65	None
<b>Maximum Building Coverage (% of site)</b>	85	85	100	100	85	100

NA = Not Applicable

Table Notes

- [1] See Sec. 1106.0400 on minimum lot area reductions in CM districts.
- [2] All developments/redevelopments are subject to Site Plan Review required provisions of Sec. 1111.0800.
- [3] Minimum Front Setback is increased to 30 feet for properties over 5 acres and/or with over 500 feet of frontage.
- [4] Minimum side and rear setbacks from residential zoning districts:

Height of Accessory or Principal Building (feet)	Setback Abutting Side Lot Line of R-Zoned Lot (feet)	Setback Abutting Rear Lot Line of R-Zoned Lot (feet)
0-20	10	15
21+	10 + 1 per 2 feet of building height above 20 feet. Setback is not required to exceed 50 feet	15 + 1 per 4 feet of building height above 20 feet. Setback is not required to exceed 50 feet

- [5] At least 50 percent of the length of the ground level building must be located within 10 feet of the front lot line. For sites with three or more lot frontages, this standard applies to only two of the street facing walls. The Plan Commission is authorized to waive maximum front setback standards in the -DO district to accommodate plazas or other pedestrian amenities.

**1106.0400 | Multi-Dwelling Lot Area Bonuses and Amenities in CM and CD Districts**

In the CM district, the minimum lot area required for multi-dwellings under Sec 1106.0102 above may be reduced as provided below, provided that the allowed density does not exceed 100 percent more than otherwise allowed by the zoning district. In the CD district, a minimum of two (2) amenities are required for all new developments or redevelopments.

**1106.0401 Review**

Any reduction under this Section must be applied for and reviewed under the Major Site Plan review provisions of Sec. 1111.0800, unless the development is subject to Special Use review or an Institutional Master Plan, in which case review of a proposed reduction under this Section shall be conducted under that procedure.

**1106.0402 Reduction and Amenities**

The minimum lot area required for multi-dwellings in the CM districts shall be reduced by 100 square feet in the CM district for the guaranteed provision of each of the following amenities:

- A.** Provision of all required off-street parking spaces in an on-site multi-story garage.
- B.** Devoting the ground floor to commercial uses and establishing residential dwelling units on all other floors.
- C.** Second bathroom (full or half) in unit.
- D.** A washing machine and dryer in each dwelling unit.

- E. Use of brick and stone on the building facades that face streets.
- F. Child day care facility.
- G. Outdoor greenspace or recreational space.
- H. Public art or cultural amenity.

**1106.0403 Bonus Examples**

A. 15,000 square foot CM district platted parcel is allowed a base density of 21 dwelling units (15,000 / 700 = 21.43 or 21 units). The developer will provide two amenities and receives a 200 square foot reduction in minimum lot area per unit to 500 square feet per unit (700 - (100 x 2)). The allowed density is now 30, a bonus of 9 units. The following table shows allowed density for each number of amenities:

No. of Amenities	Minimum Lot Area (sq. ft.) Per Unit	Allowed Units on a 15,000 sq. ft. parcel
0	700	21
1	600	25
2	500	30
3	400	37
4	300	50
5	200	75
6	100	150

**1106.0404 Multi-Dwelling Amenities in CD District**

At least two (2) amenities listed in Sec. 1106.0402 are required for multi-family developments or redevelopments in the CD District. Amenities will be reviewed as part of the required Site Plan Review process. Proposed amenities not included in Sec. 1106.0402 may be reviewed and accepted as a required amenity by the Plan Director. Proposed amenities must improve quality of life for residents and visitors of the multi-family dwelling.

**1103.1007 Residential Standards**

The maximum number of dwelling units permitted shall not exceed the number of units permitted without the Planned Unit Development as determined by the underlying zoning district using net residential acreage (excepted as indicated in Table Note 2 below). The maximum number of dwelling units permitted in the Planned Unit Development shall be calculated by dividing the net residential acreage by the minimum lot area per dwelling unit as shown under Sec. 1106.0100. There shall be no right of approval to maximum density. For purposes of the calculation, net residential acreage equals 80 percent of the gross parcel acreage, and gross parcel acreage is the total parcel area excluding existing public rights-of-way. The maximum number of dwelling units permitted per gross acre according to this calculation is listed below for each zoning district.

Zoning District Maximum Dwelling Units Per Gross Acre:

Zoning District	Units Per Gross Acre

RS12	2.9
RS9	3.8
RS6	5.8
RD6	5.8
RM12 <sup>1</sup>	10
RM24 <sup>1</sup>	19
RM36 <sup>1</sup>	29
CN <sup>1</sup>	8
CO <sup>1</sup>	19
CS <sup>1</sup>	19
CM <sup>1 2</sup>	49
CR <sup>1</sup>	19
CD <sup>3</sup>	NA

*Table Notes:*

- 1. Calculations based on multi-dwelling density*
- 2. A PUD in a CM is eligible for Density Bonuses as described in Sec. 1106.0400.*
- 3. A PUD in a CD district must have at least two (2) amenities listed in Sec. 1106.0400.*

SECTION 2. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide for the orderly development of the area and to protect the land values in the area.

Vote on emergency clause: yeas 8, nays 0.

Passed: August 11, 2020, as an emergency measure: yeas 8, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

August 13, 2020  
Wade Kapszukiewicz  
Mayor