



Legislation Text

File #: O-021-24, Version: 1

Amend TMC 1104.0303
Community Recreation

Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1104.0303; Use Categories; to remove “Community Recreation- from Limited Industrial and General Industrial Zoning Districts. and declaring an emergency.

SUMMARY & BACKGROUND:

Provisions must be made for changing the regulations as conditions change or new conditions arise. Otherwise zoning would be a straight jacket and a detriment to a community instead of an asset. Regular revisions to Zoning ordinance are vital in maintaining and addressing the current needs of a city and issues of land use. The Zoning Code requires a Special Use Permit (SUP) for “Community Recreation - Active Use” in all Zoning Districts. It has become a challenge for Special Use Permit requests for “Community Recreation - Active” uses in industrial Zoning Districts to meet the current Zoning regulations and issues regarding suitability and safety have arisen, hence, the reason for this text amendment.

The impact of recreation has been profound and promises to increase as income, mobility and leisure time increase. Community recreation centers are places where people can learn destress and organically connect. They are essential in promoting community fitness, supporting youth development, hosting cultural events and offering support to families. A vibrant community recreation center can have a stabilizing effect on the lives of young people by providing safe and adequately equipped spaces for physical activities like dance, yoga, basketball, and other sports. They also instill discipline, healthy exercise habits, and teamwork. Community centers create the perfect setting for local mentorship programs, providing guidance and leadership development for the youth of the community. The role of community recreation centers is especially crucial for communities that lack the necessary facilities to keep their children in safe environments.

Locating community recreation facilities in industrial Zoning Districts contradicts the intent of planning for the safety and wellbeing of people. Community recreation facilities particularly those intended for the use of children must be located in safe areas of the city. Industrial Zoning Districts are intended to accommodate moderate and high-impact industrial uses, including large scale or specialized industrial operations, wholesale activities, warehouse and industrial/manufacturing operations requiring good transportation access and public facilities and services. Recent SUP requests to place active recreation facilities in industrial sites have raised concerns on the safety and wellbeing of individuals particularly children hence, not a good fit for recreational uses.

Furthermore, it is challenging for proposed active recreational uses in industrial Zoning Districts to meet the required Zoning regulations for an SUP. Most industrial sites have legal non-conforming status or do not meet the current Zoning regulations for the intended use. TMC§1114.0502(A) requires

existing sites to be brought closer into compliance with the current Zoning regulations. These requirements include landscaping and screening standards, onsite pedestrian circulation, parking and paving standards. In both instances, it has become problematic for applicants and property owners to comply to these standards due to the cost of making these changes.

Zoning Codes from other cities in Ohio have differing regulations for community recreational uses. In some areas active community recreational uses are limited to sites with less intensive manufacturing Zoning Districts whereas it is not permitted at all in any industrial Zoning

District in some jurisdictions. However, in all the jurisdictions reviewed, conditional or special use permits and sometimes approval hearings are required for the use. Cities reviewed include Columbus, Cleveland, Cincinnati and Perrysburg.

Staff recommends the removal of community recreation - active from Limited Industrial (IL) and General Industrial (IG) Zoning Districts due to suitability and zoning concerns. Additionally, this text amendment will improve the health, safety, and welfare of City of Toledo citizens.

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

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1104.0303 which read as follows:
Existing

Use Category	RS 12	RS 9	RS 6 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Community Recreation																	
Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Active	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Marinas	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S[11]	S [11]	S [11]	S [11]	S[11]	S [11]	S [11]	S [11]	S [11]	S [11]	S[11]

Is hereby repealed.

SECTION 2. That a new Toledo Municipal Code, Part Eleven, Subsection 1104.0303. is created to read as follows;

Modifications

Use Category	RS 12	RS 9	RS 6 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Community Recreation																	
Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Active	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Marinas	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S[11]	S [11]	S [11]	S [11]	S[11]	S [11]	S [11]	S [11]	S [11]	S [11]	S[11]

SECTION 3. 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 10, nays 0.

Passed: January 17, 2024, as an emergency measure: yeas 10, nays 0.

Attest:

Julie Gibbons
Clerk of Council

Carrie Hartman
President of Council

Approved:

January 22, 2024
Wade Kapszukiewicz
Mayor