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**File created:** 3/19/2019      **In control:** Office of the Mayor

**On agenda:** 4/2/2019      **Final action:**

**Title:** Repealing Toledo Municipal Code Sections 743.01, 743.02, 743.03, 743.04, 743.07, 743.08, 743.09, 743.11, 743.13, 743.18, 1103.0202, 1103.0205, 1103.0207, 1361.04; enacting New Toledo Municipal Code Sections 743.01, 743.02, 743.03, 743.04, 743.07, 743.08, 743.09, 743.11, 743.13, 743.18, 1103.0202, 1103.0205, 1103.0207, 1103.0208, 1103.0209, 1103.0210, 1103.0211, 1361.04; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Audio: Agenda Review 3/26/2019, 2. Audio: City Council 4/2/2019, 3. Audio: Agenda Review 6/4/2019, 4. Audio: 6/11/2019 City Council Meeting

Date	Ver.	Action By	Action	Result
6/11/2019	1	City Council	relieve of Committee	Pass
6/11/2019	1	City Council	refer back to the Administration	Pass
4/2/2019	1	City Council	refer	Pass

Parking Lot/Off Street Parking  
Office of the Mayor  
Gretchen DeBacker (x1600)  
(Revised)

**Repealing Toledo Municipal Code Sections 743.01, 743.02, 743.03, 743.04, 743.07, 743.08, 743.09, 743.11, 743.13, 743.18, 1103.0202, 1103.0205, 1103.0207, 1361.04; enacting New Toledo Municipal Code Sections 743.01, 743.02, 743.03, 743.04, 743.07, 743.08, 743.09, 743.11, 743.13, 743.18, 1103.0202, 1103.0205, 1103.0207, 1103.0208, 1103.0209, 1103.0210, 1103.0211, 1361.04; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The City of Toledo seeks to comprehensively address issues related to parking lots in the downtown. This Ordinance creates uniform parking lot standards in the Downtown Overlay District to improve appearance and security in the heart of the City. This Ordinance also modernizes the General Parking Lot Code as set forth in Chapter 743; adds provisions to create a Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC) with the authority to address requests for variances and advise the City on necessary and recommended improvements to the downtown public infrastructure.

This Ordinance also amends the license fee schedule for surface parking lots in Toledo. License proceeds would be placed in a revenue accruing account and dedicated to enforcement of the parking code and improvements to downtown infrastructure.

In order to reduce hardship upon parking operators, the Code would be amended to allow the City to improve

encroachments on the City rights of ways in situations approved by the City and the DPLRIAC.

Because this Ordinance seeks, in part, to amend provisions of the Planning and Zoning Code the processes of TMC 1111.0500 should be followed.

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

SECTION 1. That Toledo Municipal Code Sections 743.01, 743.02, 743.03, 743.04, 743.07, 743.08, 743.09, 743.11, 743.13, 743.18 which currently read as follows:

743.01. Definitions.

For the purposes of this chapter the following words and phrases shall have the following meanings:

- (a) "Parking place" means any garage or other building or any plot, piece or parcel of land in or upon which motor vehicles, tractors or trailers are stored or parked.
- (b) "Public parking place" means any parking place in or upon which a business is conducted of storing motor vehicles where the owner or person storing such vehicle is charged a fee.
- (c) "Commercial parking place" means any parking place where motor vehicles, tractors or trailers are stored for purposes of sale or display.
- (d) "Private parking place" means any parking place where one or more motor vehicles are stored which is not defined as a public or commercial parking place.
- (e) "Person" means any individual, partnership, firm, association or corporation.
- (f) "Paint" or "Painted" means the application of waterproof paint.

743.02. License required.

No person shall conduct a business of storing motor vehicles for hire in a public parking place within the limits of the City without first having obtained a license therefor in the manner hereinafter set forth.

743.03. Application for license.

Applications for licenses for public parking places shall be made by the person or persons intending to conduct a business therein upon blanks to be furnished by the Director of Finance in substantially the following form:

- (a) The name and address of the applicant; and if a nonresident of the City, the name and address of a local representative inside the City limits upon whom service can be made under the provisions of this chapter or of summons or other process issued by any court.
- (b) The location and size of the parking place.
- (c) Such other information as may be necessary to carry into effect the provisions of this chapter.
- (d) The application shall be verified under oath by the applicant or his duly authorized agent.

743.04. License fees.

The following shall be the license fees for operating a public parking place, as defined herein:

- (a) For any location that was not licensed as a public parking place for the immediately preceding license year, five hundred dollars (\$500.00) for the initial license year.
- (b) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, one hundred fifty dollars (\$150.00) per year.
- (c) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, two hundred seventy-five dollars (\$275.00) per year.

743.05. Issuance and transfer of licenses.

(a) Applications for public parking place licenses shall be investigated by the Commissioner of Transportation and if after investigation he is reasonably satisfied that the applicant has a good reputation; that the statements set forth in the application are correct; that the issuance of such license will be conducive to the public welfare and safety; and if the proper fee is paid, then such license shall be issued to the applicant, which license shall continue in effect until the first of April following the issuance of such license, unless revoked

prior thereto.

(b) Licenses may be transferred from location to location with the written consent of the Commissioner of Transportation.

#### 743.06. Revocation of license.

The Commissioner of Transportation may revoke any public parking place license if upon a hearing and investigation after at least ten days' written notice of the time and place of such hearing, he finds:

- (a) The licensee has knowingly made any false or materially incorrect statement in the application.
- (b) The licensee knowingly violates or knowingly permits or countenances the violation of any provision of this article.
- (c) The licensee knowingly violates or knowingly permits or countenances the violation of any provision of any penal law or ordinance regarding theft, larceny or conversion of a motor vehicle or the operation of a motor vehicle without the owner's consent as prohibited by Section [743.14](#).

#### 743.07. Signs required.

Each person operating a public parking place shall have erected at each entrance thereto a sign painted with the following information:

The rate by day or hour as specified in the permit, also if there is a different rate on certain days or nights. No lettering shall be less than five inches, nor shall it be erected less than eight feet nor more than ten feet above street level; six-inch lettering shall not be erected less than eight feet nor more than twelve feet above street level.

#### 743.08. Change of rate.

No operator of any public parking place shall make any charge for storing any motor vehicle in excess of that set forth in his application for license unless and until he has:

- (a) Notified the Director of Finance in writing of the change; and
- (b) Posted signs showing such change in the same manner as set forth in Section [743.07](#).

#### 743.09. Open parking places to be fenced in.

(a) Persons operating open parking places shall keep the same enclosed with a proper or suitable fence, wall or other barrier, so that motor vehicles stored therein cannot be removed from such place except at the regularly established entrances and exits.

(b) Persons operating open parking places, public and private, shall enclose the same on all sides thereof with proper or suitable fences, walls or other barriers so as to prevent motor vehicles stored therein from trespassing on or damaging property of other persons.

#### 743.11. Entrances and exits.

Unless otherwise permitted by the Commissioner of Transportation, each public parking place shall have one common entrance and one common exit, which may or may not be combined, and the operator of such place shall keep such entrance and exit properly attended at all times during the period such place is in operation.

#### 743.13. Claim checks to be furnished; limitation of liability.

(a) No contract, agreement, lease, receipt, rule or regulation shall exempt any person operating a public parking place from damage or loss caused by the negligence of such person or any employee of such person.

(b) At the time of accepting a motor vehicle for storage or parking in a public parking place, the person conducting the same, his agent, servant or employee shall furnish to such person parking his or her motor vehicle a distinctive check which shall be numbered to correspond to a coupon placed upon such motor vehicle, which check shall contain the name and address of the person owning or operating such public parking place and upon which shall be written, stamped or punched the date. This provision shall not apply where cars are stored on a weekly or monthly basis.

(c) No person shall affix any parking coupon to any motor vehicle so as to obliterate in whole or in part any portion of the motor vehicle license plate on such vehicle.

#### 743.18. Open parking places to be enclosed.

All open parking places shall be so enclosed as to prevent encroachment upon the public right of way and such enclosure shall conform to the established building lines. Open parking places in residential areas shall be

screened and landscaped.

are repealed.

SECTION 2. That new Toledo Municipal Code Sections 743.01, 743.02, 743.03, 743.04, 743.07, 743.08, 743.09, 743.11, 743.13, 743.18 are enacted as follows:

743.01. Definitions.

For the purposes of this chapter the following words and phrases shall have the following meanings:

(a) "Parking place" means any garage or other building or any plot, piece or parcel of land in or upon which motor vehicles, tractors or trailers are stored or parked.

(b) "Public parking place" means any parking place in or upon which a business is conducted of storing motor vehicles where the owner or person storing such vehicle is charged a fee.

(c) "Commercial parking place" means any parking place where motor vehicles, tractors or trailers are stored for purposes of sale or display.

(d) "Private parking place" means any parking place where one or more motor vehicles are stored which is not defined as a public or commercial parking place.

(e) "Person" means any individual, partnership, firm, association or corporation. (f) "Paint" or "Painted" means the application of waterproof paint.

(g) "Surface Parking Lot" shall have the same meaning as set out in Section 1103.0202 of this Code.

(h) "Special Event Parking" means any private space offered for a public event such as a ball game, concert, parade or similar event that would require short term paid parking.

743.02. License Required.

No person, firm or corporation shall conduct a business of storing motor vehicle for hire in a public parking place, including special event parking, within the limits of the City without first having obtained a license therefore in the manner hereinafter set forth.

743.03. Application for License.

Applications for licenses for public parking places shall be made by the person or persons intending to conduct a business therein upon blanks to be furnished by the Director of Finance in substantially the following form:

a) The name and address of the applicant; and if a nonresident of the City, the name and address of a local representative inside the City limits upon whom service can be made under the provisions of this chapter or of summons or other process issued by any court;

b) A site plan of the lot that indicates the size and location of the lot including aisle width, stall dimensions, what type of barrier is in place, entrance and exit location, and location of signage;

c) Verification that the parking place is compliant with all Federal ADA guidelines as defined in Section 1107.1700 of the Toledo Municipal Code;

d) Proof of public liability insurance;

e) Proof that the applicant is registered to do business in Toledo and the State of Ohio.

#### 743.04. License fees.

(A) The following shall be the license fees for operating a public parking place except for Surface Parking Lots in the Downtown Overlay District:

(a) For any location that was not licensed as a public parking place for the immediately preceding license year, five hundred dollars (\$500.00) for the initial license year.

(b) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, one hundred fifty dollars (\$150.00) per year.

(c) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, two hundred seventy-five dollars (\$275.00) per year. (B) The following shall be the license fees for operating a public parking place in a Surface Parking Lot in the Downtown Overlay District:

(a) For any location that is in compliance with applicable designed standards and was not licensed nor required to be licensed as a public parking place for the immediately preceding license year, five hundred dollars (\$500.00) for the initial license year.

(b) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, and is in compliance with any applicable design standards, one hundred fifty dollars (\$150.00) per year.

(c) ) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, and is not in compliance with any applicable design standards, two thousand five hundred dollars (\$2500.00) per year.

(d) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, and is in compliance with any applicable design standards, two hundred seventy-five dollars (\$275.00) per year.

(e) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, and is not in compliance with any applicable design standards, five thousand dollars (\$5000.00) per year.

(C) All license fees collected pursuant Section 743.04(B) shall be deposited into a segregated revenue accruing account and used for enforcement of the provisions of this Chapter and improvements to the public infrastructure in the Downtown Overlay District.

#### 743.07. Signs Required.

Each person operating a public parking place shall have erected at each entrance thereto a sign or signs so that following information is clearly visible from each customer entrance:

- a) The rate by day or hour as specified in the permit, also if there is a different rate on certain days or nights.
- b) The hours during which the parking place will remain open for business if access to the facility is restricted during certain hours of the day.
- c) The name and telephone number of the operator of the parking place.

#### 743.08. Change of Rate.

No operator of any public parking place shall make any charge for storing any motor vehicle in excess of that set forth on the sign erected on the premises as required by Section 743.07.

- a) However, nothing herein contained shall be deemed to prevent the operator of any parking lot from charging a rate in case of special events different from that ordinarily charged, if such operator has placed over that portion of the sign indicating the usual rate for a parking sign bearing the following legend: "SPECIAL EVENT PARKING" and rate indicated on such sign.

743.09. Open parking places to be fenced in.

(a) Persons operating open parking places shall keep same enclosed, so that motor vehicles stored within cannot be removed from such place except at regularly established entrances and exits.

(b) Persons operating open parking places, public or private, shall be enclosed in the same fashion on all sides pursuant to Chapter 1103.0207, except those sides adjacent to public alley ways.

(c) Surface Parking Lots in the Downtown Overlay District shall conform with the provisions set forth in Chapters 1103 and 1107 of this Code where applicable.

743.11. Entrances and Exits.

a) Unless otherwise permitted by the Commissioner of Transportation, each public parking place shall have one common entrance and one common exit, which may or may not be combined.

b) Each public parking place must also comply with TMC Chapters 1103 and 1107 of this Code where applicable

743.13. Claim Checks to be Furnished.

a) At the time of accepting a motor vehicle for storage or parking in a public parking place, the person conducting the same, his agent, servant or employee shall furnish to such person parking his or her motor vehicle a distinctive check which shall be numbered to correspond to a coupon placed upon such motor vehicle, which check shall contain the name and address of the person owning or operating such public parking place. This provision shall not apply where cars are stored on a weekly or monthly basis.

b) No person shall affix any parking coupon to any motor vehicle so as to obliterate in whole or in part any portion of the motor vehicle license plate on such vehicle.

743.18. Open parking places to be enclosed.

All open parking places shall be so enclosed as to prevent unauthorized encroachment upon the public right of way and such enclosure shall conform to the established building lines. Except in the Downtown Overlay District, open parking places in residential areas shall be screened and landscaped. Surface Parking Lots in the Downtown Overlay District shall conform with the provisions set forth in Chapter 1103 of this Code.

743.19 Employees.

While on duty at the parking facility, whether public or private, each employee shall display identification provided by the parking operator, identifying the individual as an employee.

SECTION 3. That Toledo Municipal Code Sections 1103.0202, 1103.0205 and 1103.0207 which currently read as follows:

1103.0202 Definitions.

The definitions of this section are to be used solely for the purpose of interpreting and administering the downtown overlay provisions of this Zoning Code.

A. "Demolition." For the purposes of the downtown overlay provisions, "demolition" means the removal or tearing down of all or part of a structure.

B. "Physical change." For the purpose of the downtown overlay provisions, "physical change" means any work such as alteration, remodeling, new construction or renovation of the exterior of a structure for which the

total cost would be more than two hundred fifty thousand dollars (\$250,000) or twenty-five percent (25%) of the appraised value of the building, as listed by the County Auditor, whichever is the lesser amount. In computing the total cost, the cost of any such work accumulated in any three-year period shall be considered.

C. "Reasonable economic use." For the purpose of the downtown overlay provisions, "reasonable economic use" means a use for a structure or property that will produce a reasonable return that is economically viable. In a situation involving a property or structure that is not income-producing, reasonable economic use means that the property structure can be put to a reasonable beneficial use in a reasonable period of time based upon all relevant criteria set forth in Section [1111.0904](#).

1103.0205 Design Guidelines.

These guidelines are derived largely from the Design Guidelines chapter found in 2002 Downtown Toledo Master Plan, as adopted by Ordinance 280-02.

A. Rehabilitation of Existing Structures. Wherever possible, examples of the City's traditional commercial, civic and residential architecture should be preserved, renovated and where appropriate, adaptively reused. Specifically:

1. Where removed a cornice or fascia should be restored to reemphasize the original design intent of the structure and should be designed in proportion to the overall mass of the building.
2. The building's original wall surface and detailing should be restored whenever possible and all exposed mechanical equipment, unused electrical apparatus or sign supports should be removed.
3. Special attention should be given to the removal of storefront surface materials that will extend onto the piers and walls of the upper facade.
4. If new materials are to be used for buildings that are architecturally undistinguished, they should be selected to coordinate with neighboring structures and to complement the design of the storefront.
5. The proportions of restored windows and the rhythm of the window pattern should replicate the original facade design as closely as possible.
6. Display windows of a storefront should never be filled or covered except where there are residential uses abutting the sidewalk on the ground floor.
7. On traditional buildings, recessed entrances are encouraged and where entrances are flush with display windows, awnings can be used to give greater definition to the storefront and provide overhead protection. Awnings should be attached directly to the building without requiring a support column on the sidewalk, have a minimum clearance of eight feet and a maximum clearance of 12 feet above the sidewalk.
8. Loading and service entrances should be located at the rear and side of the building.
9. Trash containers, service and storage areas should be screened and maintained. In larger developments, trash collection, service and loading areas should be separated from main circulation and parking areas.

B. New Development Infill.

1. The front setback of new development should replicate the setback of existing buildings to create a consistently developed edge, reinforce the City center's urban development pattern and enhance pedestrian orientation.
2. There should be no spacing between buildings except a mid- block pedestrian walkway would be allowed.
3. Building height and massing should be compatible with existing development. The building mass should be broken into increments that correspond to the scale and massing of existing buildings through the use of such devices as setbacks and variable roof heights.
4. The location and articulation of building entrances should complement those of existing buildings and should be oriented to street frontages.
5. Street facades of new infill development should be organized into:
  - a. Ground-level pedestrian presentation; and
  - b. The upper architecture, with strong horizontal elements separating the two.

C. Major New Development Over 25,000 Square Feet. The principal challenge in designing major new downtown development projects is the successful incorporation of large-scale and/or high-rise structures into

the existing context of smaller- scale buildings.

1. Unarticulated forms and masses should be avoided in new larger-scale development. Instead, the building should be broken into increments that relate to the human scale by using such devices as fenestration, architectural detailing, variable setbacks and rooflines to define a sequence of bays and provide transitions in height and scale. Multi-block mega-structures that erase the street grid and weakens the basic urban block structure are discouraged.

2. Blank wall areas at sidewalk edge may not extend for more than 25 horizontal feet without articulation such as a window, glass-covered display area, entryway or recessed area.

3. To counter high-rise impacts the use of reflective glass at ground level should be avoided so that the building base meets the ground in a manner that is more inviting to the public. Controls designed to preserve solar access to streets and public spaces and measures that help minimize wind tunnel and down draft effects may also be considered.

4. Maintain pedestrian connections and view corridors along traditional street rights of way when a project spans several blocks (mega-structures) providing for a sequence of public spaces and walkways that are linked to the street grid.

D. Facade Materials and Colors. See Section [1109.0500](#) for building facade material and color standards.

E. Parking. Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as, entertainment, storefronts/retail and/or landscaped treatments to soften the structure. Additional surface parking lots are prohibited within some areas of the downtown overlay, see Section [1107.0203](#), and are discouraged elsewhere in the downtown overlay.

F. 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. Moveable seating is preferred to seating that is permanently anchored to the sidewalk.

2. Trees should be spaced at distances so that each tree can attain the appropriate form and shape at maturity. This could range between 30 and 40 foot spacing for large trees and 15 to 25 feet for smaller trees. Do not plant trees directly in front of entrances or other significant architectural features.

3. 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.

4. Existing and future transit stop locations should have ample space for patron amenities and waiting.

G. Exemptions. The Plan Commission may exempt all or parts of the design standards in this section for commissioned buildings by an architect for a site when, in the opinion of the Plan Commission, the design constitutes a unique, one of a kind building that meetings the intent of these design standards. The Plan Commission may request the City Historic District Commission to review and comment.

1103.0205 Design Guidelines.

These guidelines are derived largely from the Design Guidelines chapter found in 2002 Downtown Toledo Master Plan, as adopted by Ordinance 280-02.

A. Rehabilitation of Existing Structures. Wherever possible, examples of the City's traditional commercial, civic and residential architecture should be preserved, renovated and where appropriate, adaptively reused. Specifically:

1. Where removed a cornice or fascia should be restored to reemphasize the original design intent of the structure and should be designed in proportion to the overall mass of the building.

2. The building's original wall surface and detailing should be restored whenever possible and all exposed mechanical equipment, unused electrical apparatus or sign supports should be removed.

3. Special attention should be given to the removal of storefront surface materials that will extend onto the piers and walls of the upper facade.

4. If new materials are to be used for buildings that are architecturally undistinguished, they should be



selected to coordinate with neighboring structures and to complement the design of the storefront.

5. The proportions of restored windows and the rhythm of the window pattern should replicate the original facade design as closely as possible.

6. Display windows of a storefront should never be filled or covered except where there are residential uses abutting the sidewalk on the ground floor.

7. On traditional buildings, recessed entrances are encouraged and where entrances are flush with display windows, awnings can be used to give greater definition to the storefront and provide overhead protection. Awnings should be attached directly to the building without requiring a support column on the sidewalk, have a minimum clearance of eight feet and a maximum clearance of 12 feet above the sidewalk.

8. Loading and service entrances should be located at the rear and side of the building.

9. Trash containers, service and storage areas should be screened and maintained. In larger developments, trash collection, service and loading areas should be separated from main circulation and parking areas.

#### B. New Development Infill.

1. The front setback of new development should replicate the setback of existing buildings to create a consistently developed edge, reinforce the City center's urban development pattern and enhance pedestrian orientation.

2. There should be no spacing between buildings except a mid-block pedestrian walkway would be allowed.

3. Building height and massing should be compatible with existing development. The building mass should be broken into increments that correspond to the scale and massing of existing buildings through the use of such devices as setbacks and variable roof heights.

4. The location and articulation of building entrances should complement those of existing buildings and should be oriented to street frontages.

5. Street facades of new infill development should be organized into:

a. Ground-level pedestrian presentation; and

b. The upper architecture, with strong horizontal elements separating the two.

#### C. Major New Development Over 25,000 Square Feet.

The principal challenge in designing major new downtown development projects is the successful incorporation of large-scale and/or high-rise structures into the existing context of smaller-scale buildings.

1. Unarticulated forms and masses should be avoided in new larger-scale development. Instead, the building should be broken into increments that relate to the human scale by using such devices as fenestration, architectural detailing, variable setbacks and rooflines to define a sequence of bays and provide transitions in height and scale. Multi-block mega-structures that erase the street grid and weakens the basic urban block structure are discouraged.

2. Blank wall areas at sidewalk edge may not extend for more than 25 horizontal feet without articulation such as a window, glass-covered display area, entryway or recessed area.

3. To counter high-rise impacts the use of reflective glass at ground level should be avoided so that the building base meets the ground in a manner that is more inviting to the public. Controls designed to preserve solar access to streets and public spaces and measures that help minimize wind tunnel and down draft effects may also be considered.

4. Maintain pedestrian connections and view corridors along traditional street rights of way when a project spans several blocks (mega-structures) providing for a sequence of public spaces and walkways that are linked to the street grid.

D. Facade Materials and Colors. See Section [1109.0500](#) for building facade material and color standards.

E. Parking. Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as, entertainment, storefronts/retail and/or landscaped treatments to soften the structure. Additional surface parking lots are prohibited within some areas of the downtown overlay, see Section [1107.0203](#), and are discouraged elsewhere in the downtown overlay.

F. 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. Moveable seating is preferred to seating that is permanently anchored to the sidewalk.

2. Trees should be spaced at distances so that each tree can attain the appropriate form and shape at maturity. This could range between 30 and 40 foot spacing for large trees and 15 to 25 feet for smaller trees. Do not plant trees directly in front of entrances or other significant architectural features.

3. 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.

4. Existing and future transit stop locations should have ample space for patron amenities and waiting.

G. Exemptions. The Plan Commission may exempt all or parts of the design standards in this section for commissioned buildings by an architect for a site when, in the opinion of the Plan Commission, the design constitutes a unique, one of a kind building that meets the intent of these design standards. The Plan Commission may request the City Historic District Commission to review and comment.

1103.0207 Review and Approval Procedures.

See Section 1111.0900.

are repealed.

SECTION 4. That new Toledo Municipal Code Sections: 1103.0202, 1103.0205, 1103.0207, 1103.0208, 1103.0209, 1103.0210, 1103.0211, are enacted as follows:

1103.0202 Definitions.

The definitions of this section are to be used solely for the purpose of interpreting and administering the downtown overlay provisions of this Zoning Code.

A. "Demolition." For the purposes of the downtown overlay provisions, "demolition" means the removal or tearing down of all or part of a structure.

B. "Physical change." For the purpose of the downtown overlay provisions, "physical change" means any work such as alteration, remodeling, new construction or renovation of the exterior of a structure for which the total cost would be more than two hundred fifty thousand dollars (\$250,000) or twenty-five percent (25%) of the appraised value of the building, as listed by the County Auditor, whichever is the lesser amount. In computing the total cost, the cost of any such work accumulated in any three-year period shall be considered.

C. "Reasonable economic use." For the purpose of the downtown overlay provisions, "reasonable economic use" means a use for a structure or property that will produce a reasonable return that is economically viable. In a situation involving a property or structure that is not income-producing, reasonable economic use means that the property structure can be put to a reasonable beneficial use in a reasonable period of time based upon all relevant criteria set forth in Section 1111.0904.

D. "Surface Parking Lots." For purposes of the downtown overlay provisions. "Surface Parking Lots" means any nonstructural property used for temporary storage of vehicles upon real estate which is not part of any street, highway or alley. "Surface Parking Lots" shall not include parking garages.

1103.0205 Design Guidelines.

These guidelines are derived largely from the Design Guidelines chapter found in 2002 Downtown Toledo Master Plan, as adopted by Ordinance 280-02.

A. Rehabilitation of Existing Structures. Wherever possible, examples of the City's traditional commercial, civic and residential architecture should be preserved, renovated and where appropriate, adaptively reused. Specifically:

1. Where removed a cornice or fascia should be restored to reemphasize the original design intent of the structure and should be designed in proportion to the overall mass of the building.
2. The building's original wall surface and detailing should be restored whenever possible and all exposed mechanical equipment, unused electrical apparatus or sign supports should be removed.
3. Special attention should be given to the removal of storefront surface materials that will extend onto the piers and walls of the upper facade.
4. If new materials are to be used for buildings that are architecturally undistinguished, they should be selected to coordinate with neighboring structures and to complement the design of the storefront.
5. The proportions of restored windows and the rhythm of the window pattern should replicate the original facade design as closely as possible.
6. Display windows of a storefront should never be filled or covered except where there are residential uses abutting the sidewalk on the ground floor.
7. On traditional buildings, recessed entrances are encouraged and where entrances are flush with display windows, awnings can be used to give greater definition to the storefront and provide overhead protection. Awnings should be attached directly to the building without requiring a support column on the sidewalk, have a minimum clearance of eight feet and a maximum clearance of 12 feet above the sidewalk.
8. Loading and service entrances should be located at the rear and side of the building.
9. Trash containers, service and storage areas should be screened and maintained. In larger developments, trash collection, service and loading areas should be separated from main circulation and parking areas.

B. New Development Infill.

1. The front setback of new development should replicate the setback of existing buildings to create a consistently developed edge, reinforce the City center's urban development pattern and enhance pedestrian orientation.
2. There should be no spacing between buildings except a mid- block pedestrian walkway would be allowed.
3. Building height and massing should be compatible with existing development. The building mass should be broken into increments that correspond to the scale and massing of existing buildings through the use of such devices as setbacks and variable roof heights.
4. The location and articulation of building entrances should complement those of existing buildings and should be oriented to street frontages.
5. Street facades of new infill development should be organized into:
  - a. Ground-level pedestrian presentation; and
  - b. The upper architecture, with strong horizontal elements separating the two.

C. Major New Development Over 25,000 Square Feet. The principal challenge in designing major new downtown development projects is the successful incorporation of large- scale and/or high-rise structures into the existing context of smaller- scale buildings.

1. Unarticulated forms and masses should be avoided in new larger-scale development. Instead, the building should be broken into increments that relate to the human scale by using such devices as fenestration, architectural detailing, variable setbacks and rooflines to define a sequence of bays and provide transitions in height and scale. Multi-block mega-structures that erase the street grid and weakens the basic urban block structure are discouraged.

2. Blank wall areas at sidewalk edge may not extend for more than 25 horizontal feet without articulation such as a window, glass-covered display area, entryway or recessed area.

3. To counter high-rise impacts the use of reflective glass at ground level should be avoided so that the building base meets the ground in a manner that is more inviting to the public. Controls designed to preserve solar access to streets and public spaces and measures that help minimize wind tunnel and down draft effects may also be considered.

4. Maintain pedestrian connections and view corridors along traditional street rights of way when a project spans several blocks (mega-structures) providing for a sequence of public spaces and walkways that are linked to the street grid.

D. Facade Materials and Colors. See Section [1109.0500](#) for building facade material and color standards.

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. Moveable seating is preferred to seating that is permanently anchored to the sidewalk.

2. Trees should be spaced at distances so that each tree can attain the appropriate form and shape at maturity. This could range between 30 and 40 foot spacing for large trees and 15 to 25 feet for smaller trees. Do not plant trees directly in front of entrances or other significant architectural features.

3. 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.

4. Existing and future transit stop locations should have ample space for patron amenities and waiting.

F. Exemptions. The Plan Commission may exempt all or parts of the design standards in this section for commissioned buildings by an architect for a site when, in the opinion of the Plan Commission, the design constitutes a unique, one of a kind building that meetings the intent of these design standards. The Plan Commission may request the City Historic District Commission to review and comment.

1103.0207 Special Design Standards- Surface Parking Lots

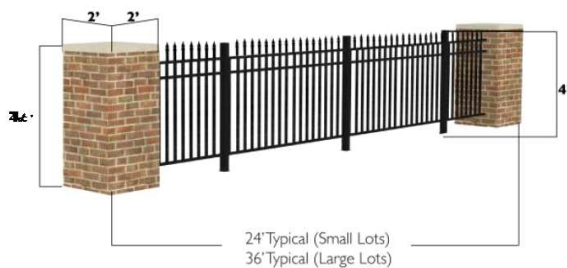
Parking should be limited to structured facilities and on street parking. Parking structures located On pedestrian routes should accommodate streetscape related improvements such as, entertainment, storefronts/retail and/or landscaped treatments to soften the structure. Additional Surface Parking Lots are prohibited within some areas of the Downtown Overlay District, see Section [1107.0203](#) [http://library.amlegal.com/nxt/gateway.dll?f=jumplink%24jumplink\\_x%3DAdvanced%24jumplink\\_vpc%](http://library.amlegal.com/nxt/gateway.dll?f=jumplink%24jumplink_x%3DAdvanced%24jumplink_vpc%24) , and are discouraged elsewhere in the downtown overlay. Existing Surface Parking Lots and any other Public Surface Parking Lot permitted by this Code shall be subject to the following standards:

- a) Surface Parking Lots that are permitted by this Code or are created after the effective date of this Section shall comply with the standards set forth herein prior to storage or parking occurring on the Surface Parking Lot.
- b) Surface Parking Lots in the Downtown Overlay district shall be bordered along public rights of way by black metal wrought iron looking fencing that is at least four feet high with brick or thin brick columns that are at least 4'6" high and at least 18" wide. Brick columns, or columns durably constructed with thin brick veneer are acceptable. Minimum acceptable product is a lightweight, high-density polyurethane material that is all weather and has the appearance of real brick. Columns shall be constructed using earth tone colors. On primary streets, spacing of columns shall be at least every 24' for small lots (120' x 120' and under) and at least every 60' for large lots (with frontage of more than 120'). On non-primary streets, spacing of columns may be spaced no more than 90' apart. The Plan Director may approve greater distance spacing of columns where recommended by Toledo Downtown Parking Lot Review and Improvement Advisory Committee. Measurement as to placement of columns new entrances and exits will take into consideration turning radius needed for motor vehicles as well as two-way traffic. Fencing may connect to adjacent buildings rather than installing a pillar in instances where such connections are practical and do not detract from the purposes of this Chapter. The fences shall be clear of signage or other obstructions. The specifications for the fencing are as follows:

TYPICAL FENCING DESIGN



TYPICAL FENCING DESIGN



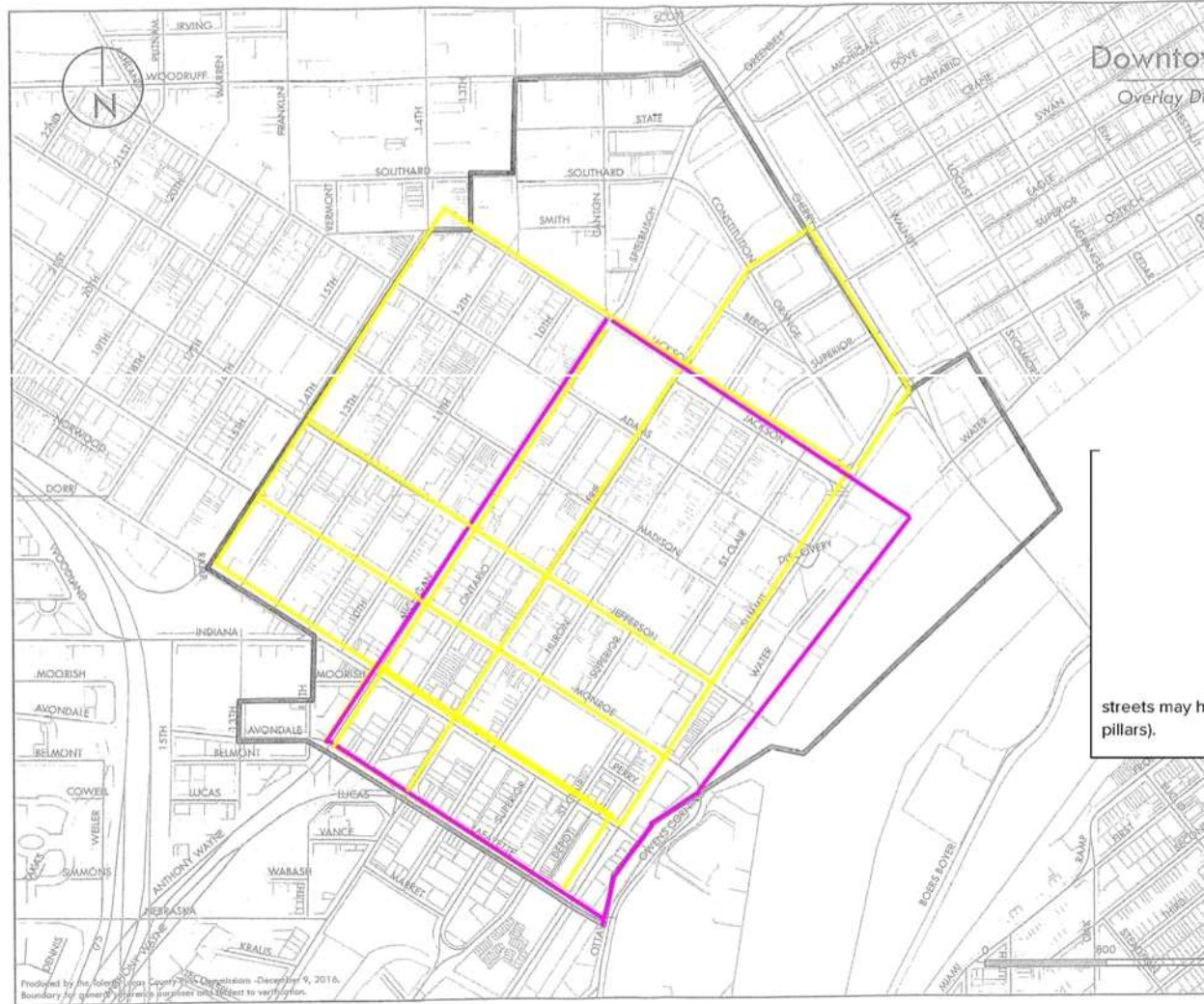
24' Typical (Small Lots)  
60' Typical (Large Lots)  
90' on Non-Primary Streets

24' Typical (Small Lots)  
60' Typical (Large Lots)  
90' on Non-Primary Streets

*Similar quality and look as Ultra Fencing & Railing's UAF-200 Flat Top or Picket Top Commercial Series or Commercial Series Premium:*

- *Sections: Standard sections are 6' wide.*
- *Pickets: Commercial 3/4" square x .055*
- *Spacing between Pickets: Commercial standard 3-5/8" and optional 1-1/2"*
- *Fasteners: Stainless steel*
- *Horizontal Rails: Commercial 1-1/4" x 1-3/8" with .088" side walls and .065" top walls*
- *Posts: Commercial 2" square x .080, or .125; 2-1/2" square x .100; and 3" square x .125*
- *Alloy: High-strength Ultrum™ 6005-T5 alloy, min. strength 35,000 PSI*
- *Finish: Powercoat™. When applied, Powercoat is twice the thickness and hardness of a typical acrylic, baked enamel or "wet paint" finish, making it more durable, fade-resistant and scratch-resistant than other coatings.*
- *Color: Black*

- d) Parking spaces in Surface Parking Lots in the Downtown Overlay District that abut fencing required by this Section shall have wheel stops of 4" high or a continuous 4 inch concrete inside the fence placed as to prevent cars from hitting or damaging the fence or columns.
- e) Guard rails, bollards, chains, wires, ropes or similar type barriers are not permitted on any Surface Parking Lot in the Downtown Overlay District - even inside the black metal fences unless they are to protect electrical boxes/ conduit, drains, honor boxes, machines, or large investments within the lot.
- f) Lighting fixtures located on the brick columns are encouraged, but not required.
- g) Landscaping is encouraged but not required. Landscaping shall not be a substitute or replacement for the Fencing & Columns required above.
- h) The Downtown Overlay Map on the following page indicates the primary and non- primary streets and the compliance timetable (See Section 743.05 and 743.06). Primary streets are highlighted in the map. All other streets are considered non-primary for purposes of this Chapter.



**Legend**

**Imle** = Boundary of Downtown Overlay District

• = Inside this area 3 years to Improve lots (outside this area 5 years to Improve lots)  
Yellow = Streets with either 24' or 60' separation between brick pillars (all other

**1103.0208 Other Provisions**

It is the intent of Section 1103.0207 of this Code to provide for uniform standards for Surface Parking Lots in the Downtown Overlay District. Nothing in Section 1103.0207 should be interpreted as excusing or superseding any and all other applicable Code Provisions governing parking except to the extent that any other provision could be interpreted as allowing a lesser standard. To the extent that any other design standard in the Code could be argued to be inconsistent with the design standards set forth in Section 1103.0207, the provisions of 1103.0207 shall control.

**1103.0209 Compliance**

Surface Parking Lots within the part of the Downtown Overlay District bounded by Michigan Street, Jackson Street, Water Street and Lafayette Street shall be in full compliance with the provisions of Section 1103.0207 within three (3) years of the effective date of the adopting legislation unless granted a variance or extension as provided herein. All other Surface Parking Lots in the Downtown Overlay District shall be in full compliance with Section 1103.0207 within five (5) years of the effective date of the adopting legislation unless granted a variance or extension as provided herein.

**1103.0210 Existing Surface Parking Lot Fencing/Extensions//Exemptions**

Fencing on surface lots that are not used for commercial parking that existed on the day this Code is enacted except for barbed wire fences, may be granted an extension of up to ten (10) years to comply with the requirements of this Chapter by a recommendation by the Toledo Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC) to the Plan Commission Director. Additionally, surface lots that are not used for public parking that are determined by the DPLRIAC to currently have a unique landscaping design or perimeter finish may be granted an 'exemption' from the metal fencing & brick pillars, as long as the unique landscaping design or perimeter finish is maintained in first class condition, as determined by the DPLRIAC.

**1103.0211 Downtown Parking Lot Review and Improvement Advisory Committee, Composition, Jurisdiction and Procedures.**

**A. Downtown Parking Lot Review and Improvement Advisory Committee Authority**

- a) There is hereby established the Toledo Downtown Parking Lot Review and Improvement Advisory Committee ("DPLRIAC") which shall have the responsibility for reviewing all Plans and requests for variances in the DOD, for compliance with the provisions of this Chapter. The DPLRIAC shall review all Surface Parking Lot Design plans in the Downtown Overlay District and may issue variances from brick columns, the height of the fencing, or the spacing of the brick columns. No color variances for fence or columns shall be permitted.
- b) The DPLRIAC shall recommend to the Plan Director to approve, approve with modifications, or disapprove submissions for parking lot improvements and/or variances. Any applicant may appeal



decisions on plans or variances by the DPLRIAC or any other interested person to the Plan Commission, in writing, within 7 days of an adverse decision of the DPLRIAC. The Plan Commission must hear such appeals within thirty (30) calendar days of the date of receipt of the appeal.

- c) If the DPLRIAC forwards the Submission to the Toledo Plan Commission, or the decision under these Declarations is appealed to the Toledo Plan Commission, the Toledo Plan Commission shall review the Submission in accordance with these Declarations, the Toledo Municipal Code, and its Rules, and render its decision in writing.
- d) The DPLRIAC may recommend public improvements to the public ways in the Downtown Overlay District to the Mayor and may recommend to the Mayor expenditures of any funds maintained in the revenue accruing account established pursuant to Section 743.04(C) of this Code.

#### B. DPLRIAC Composition and Term

The DPLRIAC shall consist of not more nor less than five (5) members who shall be appointed by the Mayor in accordance with Charter Section 61 but shall include:

- A representative of the Downtown Toledo Improvement District,
- A representative from the Toledo Lucas County Plan Commission (or their designee)
- A private parking lot owner/operator,
- A public parking lot owner/operator,
- A restaurant or retail store owner/operator,
- A downtown resident who owns their dwelling, and
- A representative of the Toledo Design Center or, if no such representative is available, an elector of the City of Toledo.

In the event that there is a vacant position on the DPLRIAC that has not been filled by the process defined in these Declarations, the DPLRIAC, by majority vote, may temporarily appoint a person to serve on the DPLRIAC until a replacement is designated.

The DPLRIAC members shall serve three year terms.

A member may serve no more than two consecutive terms. C.

#### DPLRIAC Rules

The Chair shall be responsible for providing a non-voting Secretary for the DPLRIAC who shall be responsible for maintaining the minutes and records of the DPLRIAC. A quorum of the DPLRIAC shall consist of three (3) members, one (1) of which must be the Chair. Three (3) affirmative votes are necessary for all DPLRIAC review action, unless stated otherwise in these Declarations. In the event of a tie vote, the Chair shall render a decision on behalf of the DPLRIAC.

The DPLRIAC may adopt Rules of Procedure ("Rules") to govern the operations of the DPLRIAC. Such Rules must be adopted by, and may be amended by, a vote of not less than four (4) members of the DPLRIAC. Robert's Rules of Order shall govern the actions of the DPLRIAC unless otherwise expressly provided for in the Rules.

The DPLRIAC may adopt provisions to allow the Chair to administratively approve certain Submissions conforming to the Declarations without review by the TWDARC.

#### D. DPLRIAC Procedures

An applicant shall forward Submissions to the DPLRIAC for preliminary review in accordance with the Declarations before review of the Submission by the DPLRIAC. The DPLRIAC shall review the Submission for conformance with the Declarations and the Toledo Municipal Code, and shall respond in writing within thirty (30) days of the filing of the Submission as to whether the Submission materially conforms to the Declarations and Toledo Municipal Code, or what modifications are needed to achieve conformance.

If the Submission materially conforms to the Declarations and the Toledo Municipal Code, the DPLRIAC shall forward the Submission and all comments to the Toledo Plan Commission for review as provided for in this Article.

#### E. DPLRIAC Liability

The DPLRIAC, as a City of Toledo entity, shall have the liability protections granted to such bodies under the laws of the State of Ohio.

#### F. Exceptions

The DPLRIAC is authorized to recommend exceptions from any provision of the Declarations where such variances will assist in carrying out the intent and spirit of the development and where strict application of the provision would result in a particular hardship to the applicant.

#### G. Public Meetings

Regular and Special meetings of the DPLRIAC shall be subject to the public meeting and notice requirements (commonly known as the "Sunshine Laws") of the Ohio Revised Code and the Toledo Municipal Code.

SECTION 5. That Toledo Municipal Code Section 1361.04 which currently reads as follows:

#### 1361.04. Permissible projections and encroachments.

Under the conditions prescribed in this chapter and within the limitations regulated herein, the following projections and encroachments beyond a property line may be permitted:

(a) Main cornices of roof eaves may project not more than three feet, provided such main cornices or roof eaves are not less than fourteen feet above the adjacent established grade.

(b) Cornices of show windows and porches may project not more than fifteen inches when not less than seven feet six inches above the adjacent established grade.

(c) Belt courses, lintels, sills, architraves, pediments over windows and similar architectural projections may project not more than four inches when less than fourteen feet above the adjacent established grade, and not more than ten inches when fourteen feet or more above the adjacent established grade.

(d) Pediments, nonstructural columns or pilasters and similar architectural projections, including bases and capitals, located at principal entry doors of a building or structure may project not more than eight inches.

- (e) Rustications (masonry projections) and quoins may project not more than four inches.
- (f) Base courses may project not more than one inch, provided that such base courses do not extend more than thirty inches above adjacent established grade.
- (g) Footings of walls and their supports at street lines may project not more than one foot when the tops of such footings are not less than eight feet below adjacent established grade.
- (h) Doors when open may project not more than fifteen inches.
- (i) Fire escapes and balconies to smoke-proof stair towers or horizontal exits may project not more than seven feet. All other balconies may project not more than four feet. No part of such fire escapes, including balanced stairs or balconies, shall be less than ten feet above the adjacent established street walk grade and fourteen feet above alley grade.
- (j) Areaways may project not more than thirty inches, provided that every such areaway is protected at the adjacent established grade by an approved cover or grating as regulated in [Chapter 913](#) of the Streets, Utilities and Public Services Code.
- (k) Exterior hose connections for fire protection equipment may project not more than eight inches in an approved location, and shall be at least one foot, six inches (eighteen inches) and not more than three feet above the adjacent established grade.
- (l) Street walk basements (sidewalk vaults) when constructed and located as regulated in [Chapter 913](#) of the Streets, Utilities and Public Services Code.
- (m) Movable awnings when constructed and erected as regulated in Section [1361.05](#).
- (n) Fixed awnings when constructed and erected as regulated in Section [1361.06](#).
- (o) Canopies when constructed and erected as regulated in Section [1361.07](#).
- (p) Hoods when constructed and erected as regulated in Section [1361.08](#).
- (q) Marquees when constructed and erected as regulated in Section [1361.09](#).
- (r) Temporary encroachments and use of public right of way during erection, construction, enlargement, alteration, repair, renovation, moving, removing or demolition of buildings and structures when in compliance with the regulations of Section [1361.10](#).
- (s) Signs or advertising devices when constructed and erected as regulated in Part Eleven-Planning and Zoning Code and Title Nine of this Part Thirteen - Building Code.
- (t) Roof gutters and conductors may project not more than eight inches into an alley.
- (u) Approved appliances and devices used in connection with equipment, not otherwise regulated herein, may project not more than one foot in approved locations when the lowest portion thereof is not less than ten feet above adjacent established grade.
- (v) The cutting of street curbs and the installation of driveways and any construction therewith may be permitted by the Commissioner of Engineering Services when in conformity with rules and regulations of the Department of Public Service.

is repealed.

SECTION 6. That a new Toledo Municipal Code Section 1361.04 is enacted to read as follows:

1361.04. Permissible projections and encroachments.

Under the conditions prescribed in this chapter and within the limitations regulated herein, the following projections and encroachments beyond a property line may be permitted:

- (a) Main cornices of roof eaves may project not more than three feet, provided such main cornices or roof eaves are not less than fourteen feet above the adjacent established grade.
- (b) Cornices of show windows and porches may project not more than fifteen inches when not less than seven feet six inches above the adjacent established grade.
- (c) Belt courses, lintels, sills, architraves, pediments over windows and similar architectural projections may project not more than four inches when less than fourteen feet above the adjacent established grade, and

not more than ten inches when fourteen feet or more above the adjacent established grade.

(d) Pediments, nonstructural columns or pilasters and similar architectural projections, including bases and capitals, located at principal entry doors of a building or structure may project not more than eight inches.

(e) Rustications (masonry projections) and quoins may project not more than four inches.

(f) Base courses may project not more than one inch, provided that such base courses do not extend more than thirty inches above adjacent established grade.

(g) Footings of walls and their supports at street lines may project not more than one foot when the tops of such footings are not less than eight feet below adjacent established grade.

(h) Doors when open may project not more than fifteen inches.

(i) Fire escapes and balconies to smoke-proof stair towers or horizontal exits may project not more than seven feet. All other balconies may project not more than four feet. No part of such fire escapes, including balanced stairs or balconies, shall be less than ten feet above the adjacent established street walk grade and fourteen feet above alley grade.

(j) Areaways may project not more than thirty inches, provided that every such areaway is protected at the adjacent established grade by an approved cover or grating as regulated in [Chapter 913](#) of the Streets, Utilities and Public Services Code.

(k) Exterior hose connections for fire protection equipment may project not more than eight inches in an approved location, and shall be at least one foot, six inches (eighteen inches) and not more than three feet above the adjacent established grade.

(l) Street walk basements (sidewalk vaults) when constructed and located as regulated in [Chapter 913](#) of the Streets, Utilities and Public Services Code.

(m) Movable awnings when constructed and erected as regulated in Section [1361.05](#). (n) Fixed awnings when constructed and erected as regulated in Section [1361.06](#).

(o) Canopies when constructed and erected as regulated in Section [1361.07](#). (p) Hoods when constructed and erected as regulated in Section [1361.08](#).

(q) Marquees when constructed and erected as regulated in Section [1361.09](#).

(r) Temporary encroachments and use of public right of way during erection, construction, enlargement, alteration, repair, renovation, moving, removing or demolition of buildings and structures when in compliance with the regulations of Section [1361.10](#).

(s) Signs or advertising devices when constructed and erected as regulated in Part Eleven- Planning and Zoning Code and Title Nine of this Part Thirteen - Building Code.

(t) Roof gutters and conductors may project not more than eight inches into an alley.

(u) Approved appliances and devices used in connection with equipment, not otherwise regulated herein, may project not more than one foot in approved locations when the lowest portion thereof is not less than ten feet above adjacent established grade.

(v) The cutting of street curbs and the installation of driveways and any construction therewith may be permitted by the Commissioner of Engineering Services when in conformity with rules and regulations of the Department of Public Service.

(w) on a public sidewalk in the Downtown Overlay District to accommodate compliance with TMC Section 1103.0207 where refusal to allow and encroachment would result in undue hardship to the property owner, and where the remaining width of the sidewalk is at least eight (8) feet wide where such encroachment is approved by approval of the Department of public Service, the Department of Public Utilities and the Toledo Downtown Parking Lot Review and Improvement Advisory Committee.

SECTION 7. That this Ordinance 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 this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and to enable the City effectively implement uniform and modernized parking standards.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council