



## Legislation Details (With Text)

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**Title:** Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1109.0500, Building Facade Materials and Color; and declaring an emergency.

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Date	Ver.	Action By	Action	Result
11/4/2020	1	City Council		
11/4/2020	1	City Council		
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Zoning & Planning Committee

### **Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1109.0500, Building Facade Materials and Color; and declaring an emergency.**

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

The request is a Text Amendment to the Toledo Municipal Code Chapter 1109 *Design Standards*, pertaining to Section 1109.0500 *Building Facade Materials and Color*. Additionally, a minor text amendment is required to Section 1109.0100 *Multi-Dwellings and Duplexes*.

The purpose of this proposed text amendment is to update and simplify the building materials and colors which are permitted for multi-family, commercial, mixed use, institutional, and large-scale retail developments. The existing code does not provide regulations for some modern building materials, including metal panels and architectural concrete masonry units. The existing code is more subjective than would be desired, leaving the approval of multiple materials solely to the Planning Director. Additionally, the existing code does not clarify what is meant by “subtle, neutral, or earth tone” colors and does not identify a percent threshold that these colors must meet.

The proposed text amendment will create a simplified matrix of Major (80%), Minor (20%) and Prohibited building materials and building colors. Major building materials include those which have historically been approved as predominant materials, such as brick, stone, and glass, as well as up-and-coming materials such as architectural metal panels. Minor building materials include a variety of options such as wood and siding, architectural concrete masonry units (CMU), and exterior insulation and finish system (EIFS), subject to more specific standards. Stucco is also being demoted to a minor building material. The major building color section better defines subtle, neutral, and earth tone. Nearly any color is permitted as a minor building color, allowing for creativity and branding in architecture. Materials and colors which are unsafe or would create unsightly nuisance conditions are prohibited. A note has been added to acknowledge the continued

development of new products in the future, and allow them with proper vetting and analysis.

### Research with Design Professionals in Toledo

Since 2016, Plan Commission staff has hosted a series of meetings with architects, planners, and developers to gather input on new and up-and-coming building materials and best practices for using and regulating building facade colors. Based on input from these meetings, architectural metal panels are a popular feature in modern architecture and should be permitted. Clarification of the definition of “glass” was desired, and if the material is required to be transparent. Concerns regarding the durability of stucco were also raised. Stucco is best suited for dry, arid climates and does not hold up well when exposed to excessive moisture. Toledo’s humid continental climate provides a significant amount of moisture which can damage the material. Stucco also has a similar appearance to EIFS, leading to confusion and potential deception in the site plan approval and inspection process. Lastly, the existing code section has been deemed subjective in interpretation because it leaves the approval of multiple building materials solely to the Planning Director, and because it does not clarify a threshold of what “building trim and accent areas” may permit brighter colors.

### Research of other cities in Ohio

Cities across Ohio are beginning to move towards stronger form-based requirements. Columbus and Cleveland both have building form standards for specific districts. Youngstown also has standards for façade treatment and encourages the use of masonry, wood, plaster, stucco, stone, brick, marble, and terra cotta. Additionally, metal facades are discouraged and new infill is required to complement existing adjacent structures. In regards to building color, Youngstown’s Standards for Development state that “neutrals, earthtones and natural materials in subdued shades are encouraged. Bold, vibrant colors or color schemes, including fluorescents and neons, may not add to the quality of a project and shall be subject to stringent review.”

When researching best practices for regulating building materials and color, staff found form-based codes across the country that offered a threshold of “major” materials and “minor” materials, or similar language. Burlington, VT; South Salt Lake City, UT; St. Louis Park, MS; and Boulder Pass, CO all use the threshold of at least 80% major materials and less than 20% minor materials. These form-based codes allow for the same major materials which staff is proposing in this text amendment including brick, stone, glass, and in multiple cases, architectural metal panels. Minor materials allowed by other cities include architectural CMU, fiber cement, architectural metal, and EIFS. Many cities also use language such as “subtle, neutral, and earth tone” to describe permitted major colors, with other colors permitted as accents.

The existing code already permits the majority of the proposed materials. Additionally, the current language states that “facades should be low-reflectance, subtle, neutral, or earth tone colors,” and that “building trim and accent areas may feature brighter colors.” This proposed text amendment will expand the list of permitted materials to include metal composite materials, insulated metal panels, architectural CMU, and more. The amendment will also create a clear and uniform threshold for façade breakdowns of both materials and color.

The existing Building Materials and Color regulations pertain to TMC§1109.0100 *Multi-Dwellings and Duplexes*; TMC§1109.0200 *Commercial, Mixed Use and Institutional Design Standards*; and TMC§1109.033 *Large Scale Retail Projects*. An amendment to TMC§1109.0100 is being proposed to change the wording of the section heading from “Multi-Dwellings and Duplexes” to “Multi-Dwellings.” Duplexes are a low-medium intensity residential use that can be found within many residential neighborhoods of Toledo; they do not need to be regulated like apartment complexes and commercial buildings. The Plan Commission has not historically

reviewed the design of duplexes and does not intend to review them after the adoption of this proposed text amendment.

On January 9, 2020 the Toledo City Plan Commission considered and recommended approval of the requested text amendment.

On February 12, 2020, Toledo City Council, Zoning & Planning Committee reviewed, and recommended approval of 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 1109.0500, which reads as follows:

### **1109.0500 | Building Facade Materials and Color**

This section establishes facade materials and colors to be used with building design standards. The following standards apply to:

- A. Multi-dwellings (as outlined in Sec. 1109.0100)
- B. Commercial, Mixed Use, and Institutional buildings (as outlined in Sec. 1109.0200)
- C. Large-Scale Retail Projects (as outlined in Sec. 1109.0300)

Building material standards apply to all facades that are visible from the right-of-way. Building color standards apply to all exterior elevations regardless of right-of-way visibility. Percentages apply to each facade individually.

	Building Material	Building Color
Major (At least 80%)	Brick [1] Stone [2] Glass [3] Metal Composite Materials [4] Insulated Metal Panels [4] Concrete Cladding [5]	Subtle, neutral, and earth-tone (browns; tans; grays; and colors which are desaturated or gray-toned) [10] [11]
Minor (Less than 20%)	Wood [6] Ornamental Metal Cement-Based Stucco Architectural Concrete Masonry Units [7] Fiber Cement Board [8] EIFS [9] Vinyl or Composite Siding Glass Block	Any color, except for colors which are prohibited (see below) [12] [13]
Prohibited	Unfinished Concrete Masonry Units Wood Sheet Goods	Neon / Fluorescent Colors [14] Lead-Based Paints

1. Brick shall be fired and subject to standards outlined by the American Society for Testing and Materials. Thin brick is permitted. Other brick-like masonry, such as Founder's Brick, is permitted, limited to a height of 4 inches and subject to the approval of the Director. Masonry shall be tinted by integral colors; the painting of brick and masonry requires indefinite upkeep and is discouraged.
2. Natural stone, cut stone, field stone, and cast stone are permitted.
3. Glass, when located between 2 feet and 10 feet at grade from the base of the subject elevation, shall permit views of the building's interior to a depth of at least 4 feet. Window signage is limited to the ground floor and may cover up to 25% of ground floor glass.
4. Metal composite materials and Insulated metal panels shall meet the following standards:
  - a. Exterior surface shall be smooth flat or flat embossed. Striations, planking, ribbing, or variations in height or depth are discouraged and subject to the approval of the Director.
  - b. Insulated panels shall have a minimum 22 gage face sheet.
  - c. Exposed structural fasteners or seals shall be kept to a minimum.
  - d. Corner trim shall be extruded metal or mitered panels.

- e. Metal composite materials shall provide a solid, polyethylene, fire-retardant core.
- f. Materials shall provide at least 70% resin paint finish with a 20 year warranty.
- 5. Concrete may be cast-in-place or pre-cast cladding. Tilt-up panels are not permitted.
- 6. Wood shall be primed and painted, or stained, and maintained as such indefinitely for weatherproofing. Wood may be permitted as a Major Material, subject to the approval of the Director.
- 7. Architectural Concrete Masonry Units include split-faced block and other concrete masonry units which are textured and tinted by integral colors.
- 8. Fiber Cement Board shall only be located at least eight feet above ground level, measured from the base of the subject elevation.
- 9. Exterior Insulation and Finish System (EIFS) shall only be located at least eight feet above ground level, measured from the base of the subject elevation.
- 10. Exceptions
  - 1. If the property lies in one of the Overlay Districts (See TMC§1103), then the more restrictive regulations shall apply.
  - 2. Facade colors within Commercial Storefront (CS) districts shall be harmonious with the overall appearance, history and cultural heritage of the area.
- 11. Property owners are encouraged to choose colors that compliment and are in character with the existing neighborhood.
- 12. Each building is limited to three (3) different minor colors.
- 13. Property owners are encouraged to select a lighter minor color when accompanying a shaded major color.
- 14. Fluorescent colors reflect ultraviolet light as visible light. These create nuisance conditions for neighboring properties and may distract passers-by.

Be amended to read as follows:

#### **1109.0500 | Building Facade Materials and Color**

This section establishes façade materials and colors to be used with building design standards.

##### **1109.0501 Applicability**

The following standards apply to:

- A.** Multi-dwellings (as outlined in Sec. 1109.0100)
- B.** Commercial, Mixed Use, and Institutional buildings (as outlined in Sec. 1109.0200)
- C.** Large-Scale Retail Projects (as outlined in Sec. 1109.0300)

##### **1109.0502 Requirements**

Building material standards apply to all facades that are visible from the right-of-way. Building color standards apply to all exterior elevations regardless of right-of-way visibility. Percentages apply to each façade individually.

	<b>Building Material</b>	<b>Building Color</b>
<b>Predominant</b> At least 80% of each elevation shall be comprised of these materials and colors.	Brick [A] Stone [B] Glass [C] Architectural Metal [D] Concrete Cladding [E] Terra Cotta [A]	Subtle, neutral, and earth-tone (browns; tans; grays; and colors which are desaturated or gray-toned) [J] [K]
<b>Accent</b> Up to 20% of each elevation may be comprised of these materials and colors.	Stucco Wood [F] Architectural Concrete Masonry Units [G] Fiber Cement Board EIFS [H] Ceramic Vinyl or Composite Siding Glass Block	Any color, except for colors which are prohibited (see below) [L] [M]

Prohibited	Unfinished Concrete Masonry Units Pre-engineered Metal Siding [I] Wood Sheet Goods Tent-like Materials Shipping Containers Highly Reflective Materials [N]	Neon / Fluorescent Colors [N]
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- A. Brick shall be fired and subject to standards outlined by the American Society for Testing and Materials. Thin brick is permitted. Other brick-like masonry, such as Founder's Brick, is permitted, limited to a maximum height of 4 inches and subject to the approval of the Director. Masonry shall be tinted by integral colors; the painting of brick and masonry requires indefinite upkeep and is discouraged.
- B. Natural stone, cut stone, field stone, and cast stone are permitted.
- C. Glass, when located between 2 feet and 10 feet at grade from the base of the subject elevation, shall permit views of the building's interior to a depth of at least 4 feet. Non-transparent glass may only be used to conceal interior structural infrastructure or private spaces within the building, subject to the approval of the Director. Non-transparent or perforated window signage is limited to the ground floor and may cover up to 25% of ground floor glass, per elevation.
- D. Architectural Metal includes metal composite materials, insulated metal panels, porcelain coated metal, rain screens, perforated metal, and Corten steel. Architectural metal shall meet the following standards:
  - 1. Exterior surface shall be smooth flat or flat embossed. Striations, planking, ribbing, or variations in height or depth are discouraged and subject to the approval of the Director.
  - 2. Exposed structural fasteners or seals shall be kept to a minimum.
  - 3. Dimensional panels shall have extruded metal or mitered corner trim.
  - 4. Insulated panels shall have a minimum 22 gage face sheet.
  - 5. Metal composite materials shall provide a solid, polyethylene, fire-retardant core.
- E. Concrete may be cast-in-place or pre-cast cladding. Unadorned tilt-up panels are not permitted.
- F. Wood shall be primed and painted, or stained, and maintained as such indefinitely for weatherproofing. Wood may be permitted as a Predominant Material, subject to the approval of the Director.
- G. Architectural Concrete Masonry Units include split-faced block and other concrete masonry units which are textured and tinted by integral colors.
- H. Exterior Insulation and Finish System (EIFS) shall only be located at least eight feet above ground level, measured from the base of the subject elevation.
- I. Pre-engineered Metal Siding includes rib panels, corrugated metal, sheet metal siding, and similar materials commonly found on pre-engineered metal buildings.
- J. Exceptions
  - 1. If the property lies in one of the Overlay Districts (See TMC§1103), then the more restrictive regulations shall apply.
  - 2. Façade colors within Commercial Storefront (CS) districts shall be harmonious with the overall appearance, history and cultural heritage of the area.
- K. Property owners are encouraged to choose colors that compliment and are in character with the existing neighborhood.

- L. Each building is limited to three (3) different accent colors.
- M. Property owners are encouraged to select a lighter accent color when accompanying a shaded predominant color.
- N. Fluorescent colors reflect ultraviolet light as visible light. Highly reflective materials may pose a public safety hazard. These create nuisance conditions for neighboring properties and may distract passers-by. Any materials or colors which create a public safety hazard are prohibited.

#### 1109.0503 Exemptions

The Plan Commission acknowledges the continued development of new and existing building materials and methods. Materials which are not listed above, or which are desired to be used beyond the stated limits, shall be provided to the Plan Commission for proper vetting and consideration. When, in the opinion of the Planning Director or the Plan Commission, the design constitutes a unique, one-of-a-kind building that meets the intent of these design standards, the Planning Director or the Plan Commission may modify or waive these requirements.

#### 1109.0600 | Modifications and Waivers

The Plan Commission or Planning Director may, upon proper application by the property owner and upon making findings of fact, modify and/or waive the requirements of this Chapter provided the existing or resulting design features of the development comply with the spirit and intent of this Chapter and other related Chapters.

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 \_\_\_\_\_, 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