



Legislation Details (With Text)

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File created: 5/14/2021 **In control:** City Council
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Title: Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1106.0301 "Multiple Buildings on a Lot - Applicability", adding the CM and CD zoning district; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
5/25/2021	1	City Council	Dispense with the rules of Council requiring...	Pass
5/25/2021	1	City Council	declare emergency	Pass
5/25/2021	1	City Council	passage	Pass

Zoning & Planning Committee

Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1106.0301 "Multiple Buildings on a Lot - Applicability", adding the CM and CD zoning district; and declaring an emergency.

SUMMARY & BACKGROUND:

The request is a study of the allowed number of principal buildings on a lot in the CD-Downtown Commercial and CM-Mixed Commercial-Residential Zoning Districts. This study examines the impacts and implications of allowing multiple buildings on a lot in these urban Commercial Districts, as well whether or not fellow Ohio jurisdictions permit multiple buildings on a lot in urban Commercial Districts.

There are multiple reasons why this study was requested by Plan Commission staff. The residential density standards for CD-Downtown Commercial and CM-Mixed Commercial-Residential were studied in 2020, and results indicated that residential density for these Districts as defined in the Toledo Municipal Code (TMC) were substantially different from the common urban residential density standards found in other major cities in Ohio. The density requirements in TMC§1106.0102 - Commercial Districts were consequentially amended to allow more dwelling units on a lot in both the CD-Downtown Commercial and CM-Mixed Commercial-Residential by Ord. 287-20 on 08/11/2020. During this review, staff noticed other disparities between development standards in these districts, including that several other jurisdictions allow multiple buildings on a lot in urban Zoning Districts, and noted this for future review.

Another purpose for this study is to determine whether or not the Planned Unit Development (PUD) standards as outlined in TMC§1103.1000 are in character with the PUD standards of other Midwestern cities, especially in an urban setting. TMC§1103.1007(C) states that no more than forty percent (40%) of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway, and parking area pavement, and TMC§1103.1007(D) state that no less than fifteen percent (15%) of the gross site acreage shall

be allocated to usable, accessible and consolidated common open space. Feedback from developers indicates that these restrictions are not feasible in an urban environment.

Lastly, the TMC prior to 2004 allowed multiple buildings on a lot in the C-MX Zoning District if a concept plan was submitted and approved by the Plan Director. This Zoning District was eliminated with the 2004 Zoning Code rewrite, and replaced with CM-Mixed Commercial-Residential District. After the 2004 Zoning Code was established, a few downtown developments became legal non-conforming as TMC§1106.0300 does not include the CM-Mixed Commercial-Residential District as a Zoning District permitted to have multiple buildings on a lot.

The above issues have resulted in staff considering to allow multiple buildings on a lot in the CD-Downtown Commercial and CM-Mixed Commercial-Residential Districts. Despite the previously mentioned concerns, staff also has concerns with allowing commercial sites to have multiple principal structures on a lot, as this can often result in legal and safety issues for owners and tenants. However, the CD-Downtown Commercial and CM-Mixed Commercial-Residential Districts permit residential uses by right, and multi-dwelling developments are often configured to have multiple buildings on a lot. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1106.0300, which reads as follows:

1106.0300 Multiple Buildings on Lot

1106.0301 Applicability

More than one principal building shall be allowed on a lot when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased, or under option by a single entity. This applies to the RM12, RM24, RM36, IL, IG, IP and IC zoning districts. More than one principal building on a lot in other zoning districts is allowed only in a Planned Unit Development (PUD).

(Ord. 554-09. Passed 9-29-09.)

Is hereby repealed

SECTION 2. That Toledo Municipal Code, Part Eleven, Subsection 1106.0300 be amended to read as follows:

1106.0300 Multiple Buildings on Lot

1106.0301 Applicability

More than one principal building shall be allowed on a lot when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased, or under option by a single entity. This applies to the CD, CM, RM12, RM24, RM36, IL, IG, IP and IC zoning districts. Additionally, in CD and CM zoning districts, fifty percent (50%) or more of each buildings' floor area must be for residential use. More than one principal building on a lot in other zoning districts is allowed only in a Planned Unit Development (PUD).

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 12, nays 0.

Passed: May 25, 2021, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

May 26, 2021
Wade Kapszukiewicz
Mayor