



## Legislation Text

---

**File #:** O-355-19, **Version:** 1

---

### Zoning & Planning Committee

**Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1103.0202, 1103.0205, 1103.0207; and enacting a new Toledo Municipal Code, Chapter Eleven, Subsections 1103.0208, 1103.0209, 1103.0210, 1103.0211 regarding the Downtown Overlay District Regulations pertaining to parking; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

The request is a Text Amendment to the Toledo Municipal Code Chapter 1103 Overlay Zoning Districts pertaining to Sections 1103.0202, 1103.0205, 1103.0207, 1103.0208, 1103.0209, 1103.0210, and 1103.0211 that are specific to the Downtown Overlay District (DOD). The Text Amendment was prepared by the City of Toledo Department Economic and Business Development and the Toledo City Plan Commission staff.

The Department Economic and Business Development representatives engaged in public and private meetings with the stakeholders located in the DOD to encourage business owners to bring their surface parking lots into compliance with the new design guidelines that are being proposed under the Text Amendment. Additionally, the Department Economic and Business Development representatives presented the proposed Text Amendment to City Council in a public meeting on April 25, 2019 where stakeholders were allowed to voice concerns regarding the parking issues within the DOD.

The Downtown Overlay District (DOD) is bounded by 14<sup>th</sup> Street to the west, Woodruff Avenue to Cherry Street to the north, Summit Street creating the easterly boarder along the riverfront, and down to Lafayette Street and Washington Street for the southern border. Directly west of the DOD is UpTown District, to the north is the Vistula Historic District, and directly to the south is the Warehouse District that overlaps into the DOD.

The Text Amendment will require all surface parking lot owners to follow the design criteria for fencing in the lots with black wrought iron or black heavy gauge aluminum tube along with brick piers spaced accordingly to the parcel size, and the brick pier color will be earth tone colors. The parking lots will be required to have wheel stops for each space abutting the fencing, landscaping or alley way of the lot, landscaping and lighting on the piers is encouraged. The property owners will have three (3) to five (5) years to comply with these new guidelines based on the map provided in the document.

#### Downtown Toledo Master Plan

The Downtown Toledo Master Plan recommends that the City conduct a Downtown Parking Study that addresses public on-street parking, off-street parking, and structured parking. The plan identifies these three options as to how they should be viewed when developing the downtown area.

The on-street parking could generate up to \$10,000 on a yearly basis in retail sales when adjacent to retailers. The off-street parking is to be considered temporary, and should be attractive and screened so as not to disrupt the walkability of the downtown area. Once land values increase, the existing surface lots should then be redeveloped with infill buildings. The structured parking is considered the most effective and economical in mixed use developments. The new parking structures would be located along a street, sizing the first floor for infill commercial space and architecturally designed to contribute to the public streetscape.

Staff recommends the approval of the Text Amendment for three reasons. First, the stakeholders in the DOD community were involved from the beginning, and their interests and concerns were incorporated into the guidelines. Second, the goal of the Text Amendment is to create uniformity with the parking surface lots within the DOD over the next three (3) years.

Finally, the Text Amendment is consistent with the Downtown Toledo Master Plan as it pertains to designing off-street surface lots.

#### PLAN COMMISSION RECOMMENDATION

The Plan Commission recommends approval of M-8-19, a request to Amendment of Downtown Overlay District regulations regarding parking lots; Repealing Toledo Municipal Code Sections 1103.0202, 1103.0205, 1103.0207; enacting New Toledo Municipal Code Sections 1103.0202, 1103.0205, 1103.0207, 1103.0208, 1103.0209, 1103.0210, 1103.0211 to the Toledo City Council, for the following one (1) reason:

1. The Text Amendment was created to have a safe, and walk able downtown area as stated in the Downtown Toledo Master Plan, and create uniformity with all of the parking surface lots within the DOD.

On June 13, 2019 the Toledo City Plan Commission considered and recommended approval of the requested text amendment.

On July 17, 2019, 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 1103.0200, which reads as follows:  
1103.0200 DO, Downtown Overlay District

##### 1103.0201 Purpose

The -DO, Downtown Overlay district is intended to provide a review process for proposed physical changes to structures within the Central Business District of the City and adjacent areas in order to evaluate the proposals in relation to the approved plan for the area.

##### 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](#).

Be amended to read as follows:

1103.0200 DO, Downtown Overlay District

1103.0201 Purpose

The -DO, Downtown Overlay district is intended to provide a review process for proposed physical changes to structures within the Central Business District of the City and adjacent areas in order to evaluate the proposals in relation to the approved plan for the area.

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.

SECTION 2. That Toledo Municipal Code, Part Eleven, Subsection 1103.0205, which reads as follows:

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.

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.

G. Building Identification Signs

Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in Zoning Districts, and the following regulations:

- a. Each building within the -DOD is limited to one (1) building identification sign.
- b. Additional building signs, including projecting, marquee, fascia or monument, shall be limited to tenants and/or occupants located on the ground floor.
- c. No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.
- d. Projecting signs are not allowed as building identification signage.

Be amended to read as follows;

#### 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:
  - c. ground-level pedestrian presentation; and
  - d. 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.

5. 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.
6. 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.

7. 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.
8. 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

5. 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.
6. 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.
7. 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.
8. 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.

G. Building Identification Signs

Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in Zoning Districts, and the following regulations:

- a. Each building within the -DOD is limited to one (1) building identification sign.

- b. Additional building signs, including projecting, marquee, fascia or monument, shall be limited to tenants and/or occupants located on the ground floor.
- c. No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.
- d. Projecting signs are not allowed as building identification signage.

SECTION 3. That Toledo Municipal Code, Part Eleven, Subsection 1103.0207, which reads as follows:  
1103.0207 Review and Approval Procedures  
See Sec. 1111.0900

Be amended to read as follows;

1103.0207 Special Design Standards- Surface Parking Lots

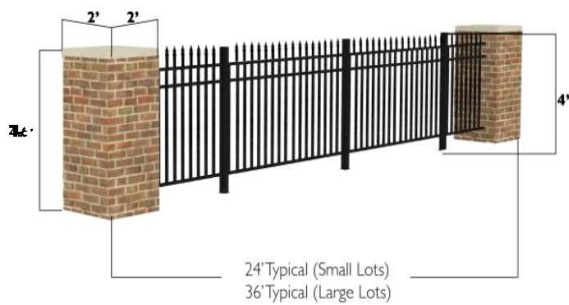
Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as, entertainment, storefronts/retail and/or landscaped treatments to soften the structure. Existing Surface Parking Lots, public or private, 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 wrought iron or black heavy gauge aluminum tube 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 or greater. 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 that are equal to or better than the Carlton Brick Columns of Faux Panels.com/Barron Designs Incorporated. 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



### FLAT TOP DESIGN

24' Typical (Small Lots)  
60' Typical (Large Lots)

90' on Non-Primary St

### PICKET TOP DESIGN

24' Typical (Small Lots)  
60' Typical (Large Lots)

90' on Non-Primary St

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  $\frac{3}{4}$ " 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
- c) 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.
- d) 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.
- e) Lighting fixtures located on the brick columns are encouraged, but not required.
- f) Landscaping is encouraged but not required. Landscaping shall not be a substitute or replacement for the Fencing & Columns required above.
- g) 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.

- h) These provisions apply to all properties within the Downtown Overlay District with the exception of the area bounded by Woodruff Avenue, Cherry Street, Spielbusch Avenue, Southard Street, 12<sup>th</sup> Street, Jackson Street and 13<sup>th</sup> Street.

SECTION 4. That a new Toledo Municipal Code, Part Eleven, Subsection 1103.0208, be created which reads as follows:

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 conflict with the design standards set forth in Section 1103.0207, the provisions of 1103.0207 shall control.

SECTION 5. That a new Toledo Municipal Code, Part Eleven, Subsection 1103.0209, be created which reads as follows:

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.

SECTION 6. That a new Toledo Municipal Code, Part Eleven, Subsection 1103.0210, be created which reads as follows:

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 excellent or good condition as determined by the DPLRIAC.

SECTION 7. That a new Toledo Municipal Code, Part Eleven, Subsection 1103.0211, be created which reads as follows:

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

A. Downtown Parking Lot Review and Improvement Advisory Committee Authority

1. 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.
2. 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.
3. 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.
4. 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 seven (7) 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 City 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 five (5) members, one (1) of which must be the Chair. Four (4) 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.

H. In the event that the DPLRIAC is no longer an official, active organization for the Downtown Parking Lots then the development plans shall be subject to the Site Plan Review procedure of the TMC Section 1111.0800.

SECTION 8. 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