File #: O-084-20, **Version:** 1

Zoning & Planning Committee

Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1103 Overlay Zoning District and 1103.1500 Warehouse Urban Neighborhood Overlay; and declaring an emergency.

SUMMARY & BACKGROUND:

The request is a Text Amendment to the Toledo Municipal Code Chapter 1103 Overlay Zoning Districts pertaining to Section 1103.1500 Warehouse Urban Neighborhood Overlay that is specific to Warehouse District. The Text Amendment was prepared by the Toledo Warehouse District Association, Toledo Warehouse District Architectural Review Committee (TWDARC), and the Toledo City Plan Commission staff.

The Toledo Warehouse Association and TWDARC worked together to review the existing guidelines that were adopted in 2014. The two groups worked diligently to update the standards to reflect the new changes in the district, and the recently adopted parking lot guidelines in the Downtown Overlay District.

The Toledo Warehouse Urban Neighborhood Overlay is bounded by Monroe Street to the north, Ottawa Street to the east along the riverfront, down to Saint Clair Street and following the Swan Creek watershed for the southern border, and then heading north along the Anthony Wayne Trail for the western boundary. Directly south of the Warehouse District is the Middle Grounds District that has an adopted neighborhood plan, and directly north is the Downtown Overlay District (DOD) that overlaps into the Warehouse Overlay.

The TWDARC placed this project on their monthly meeting agenda to upgrade the standards without any impact or expense to the existing property owners with the exception of surface parking lots. The proposed Text Amendment will provide guidance on building materials, signage, lighting, and surface lots. These new guidelines will not change the zoning of any property located within the Toledo Warehouse District.

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 1103.1500**,** which reads as follows:

103.1500 Warehouse UNO District.

<javascript:void(0)>**1103.1501 Purpose.**

The Warehouse District Urban Overlay District is intended to:

A. Provide a review process for proposed physical changes to structures and public space within the Warehouse District;

B. Implement appropriate building and parking setbacks that accommodate redevelopment that are compatible with historical building patterns; and

C. Promote development that features retail display windows, rear parking lots, and other pedestrian-oriented site design features.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1502 Effect of Designation.**

The Warehouse UNO District is an overlay zoning classification to be established as an Urban Neighborhood Overlay (UNO) District under the provisions of Sec. 1103.0500. The overlay zoning district establishes additional design standards for development allowed by the underlying zoning district. In the event of conflict between the Warehouse District Urban Overlay District regulations and the regulations of the underlying base zoning district, the UNO regulations govern. In all cases, the most restrictive provision of the Warehouse District Urban Overlay District or the underlying zoning regulations govern.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1503 Warehouse UNO District Classification.**

Those areas classified in the Warehouse UNO District shall be shown on the Official Zoning Map.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1504 Warehouse UNO District Boundaries.**

The boundaries of the District are hereby established as shown on the City of Toledo zoning maps. The District boundaries are defined via the map attached hereto and legally described in this section, both of which are incorporated herein by reference. The overlay district regulations apply to the entirety of parcels, as existing at the time of adoption, lying wholly or partially within this boundary.

The Warehouse UNO District boundary is as follows: Commencing at the intersection of the centerline of Monroe Street and the centerline of 10th Street, thence southwest along the centerline of 10th Street to its intersection with the centerline of Washington Street, thence northwest along the centerline of Washington Street to its intersection with the centerline of 11th Street, thence south along the centerline of 11th Street extended to its intersection with the centerline of Lucas Street extended to the east right-of-way line of the Anthony Wayne Trail, thence southwesterly along the east right-of-way of the Anthony Wayne Trail to its intersection with the east right-of way line I-75, thence south along the east right-of-way line of I-75 to its intersection with the centerline of Collingwood Boulevard, thence east along the centerline of Collingwood Boulevard to its intersection with St. Clair Street, thence north along the centerline of St Clair Street to its intersection with the centerline of William Street, thence southeast along the centerline of William Street to its intersection with the centerline of Oliver Street, thence northeast along the centerline of Oliver Street to its intersection with the centerline of Clayton Street, thence southeast along the centerline of Clayton Street to a point of intersection with the centerline of Ottawa Street/Owens Corning Parkway, thence northeast along the centerline of Ottawa Street/Owens Corning Parkway to its intersection with the centerline of Monroe Street, thence northwest along the centerline of Monroe Street to its intersection with the centerline 10th Street.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1505 Review and Approval Procedures.**

The site plan review shall be as specified in Sec. 1111.0800. Building elevation drawings (with colors and materials indicated) showing the front, rear and side views shall be submitted along with the site plan.

A. The standards of the Warehouse UNO District apply to the physical change of any building or building addition that increases a building's floor area by more than 10 percent. "Physical change" means any work such as alteration, remodeling, new construction or renovation of the exterior of a structure. The standards also apply to the construction of off-street parking spaces and driveways.

B. Building alterations that conflict with these standards or that otherwise increase the degree of non-

powered by Legistar™

compliance with these standards are prohibited.

C. A copy of new development, redevelopment and existing building rehabilitation plans, including landscaping, shall be submitted by the developer or building owner to the Toledo Warehouse District Architectural Review Committee for their review prior to any work or any permits being issued by any city department

D. The Toledo Warehouse District Architectural Review Committee shall be responsible for the review of plans as required by the Warehouse UNO District. They shall review and make recommendations to the Plan Director of the Plan Commission within thirty (30) calendar days of receipt of the plans by the Warehouse District Association.

E. In the event that Toledo Warehouse District Architectural Review Committee is no longer an official active organization for the Warehouse District then the development plans shall be subject to the Site Plan Review procedures of TMC 1111.0800.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1506 Design Criteria Used to Evaluate Site Plans and Projects.**

In addition to the design standards contained in Chapter 1109, Design Standards, the following criteria apply.

A. Relationship of Buildings to Site

1. The site shall be planned to accomplish a desirable transition between the building(s) and the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.

2. Parking areas shall be treated with decorative elements, building wall extensions, plantings, or other innovative means so as to screen parking areas from view from public ways.

3. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

4. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

B. Building Setback and Height

1. All new buildings shall be constructed with no minimum setback for building frontage. This includes buildings on corner lots.

2. The minimum side yard and rear yard setbacks shall be as specified in the underlying zoning district.

3. The maximum building height shall be as specified in the underlying zoning district.

C. Building Design

1. Building facades facing a Primary Street must incorporate a main entrance door on the primary street.

2. Building frontages that face Primary Streets and exceed a width of 50 feet must include vertical visual elements to break the plane of the building frontage. Such vertical elements must be spaced at regularly spaced intervals to provide visual interest along the entire building frontage.

3. Roof-mounted mechanical equipment must be screened from public view. The screening must be of a sufficient height to prevent persons located at the street level from viewing the screened items and a sight line analysis from at least 200 feet away must be submitted for review and approval. The design, colors and materials used in screening must be consistent with the architectural design of the building.

4. Dumpsters and trash receptacles must be screened in accordance with Sec. 1108.0304(B), and located to the rear of the property.

5. For commercially used property at least 60 percent of each building façade along a Primary Street, between the height of 2 feet and 10 feet above the nearest sidewalk grade, must consist of clear, non-tinted, non-mirrored, and uncovered window glass permitting views of the building's interior to a depth of at least 4 feet. For building frontages other than those on Primary Streets, the window glass must continue for a minimum of 10 feet from the building corner. No exterior security bars or roll-down metal doors shall be allowed. This provision shall be reduced to at least 30 percent, of each building facade along a Primary Street, for the conversion of a residential building to a commercial use. This provision does not apply to buildings officially

powered by Legistar™

recognized as historic or those deemed eligible for listing in the National Register of Historic Places if the provision would result in a modification of the original historic appearance of the building.

6. New buildings, stand alone and in-fill, may be designed in a contemporary style but must be in harmony and compatible with neighboring structures by using the materials listed below.

D. Building Materials

Maintaining a consistent palette of materials is important to establishing continuity within the District and to improving the overall appearance of the District. Predominant building materials should be high quality. Exterior insulation and finish system (EIFS) materials and applications are prohibited, except where used to simulate an existing material and when 36 inches above grade and not within an entryway, and comprising less than 15% of the facade. The following are identified as acceptable for predominant exterior building materials:

1. Brick: Shall be standard modular brick with common tooled mortar joints. Un-tooled joints, distressed brick, or irregular shaped brick are prohibited. Brick color and texture shall be compatible with original brick facades in the Warehouse District, constructed prior to the 1940's. Brick of this period was commonly blond, yellow-blond, beige, or dull red with very little color range. Textures varied from smooth or glazed to rough. Textures tended to be uniform.
2. Materials with a brick-like appearance such as "Founder's Brick", or similar material.
3. Wood, and it must be painted or stained/sealed.
4. Materials with a wood-like appearance such as "Textured Cementitious Board", "Cement Board Siding", or similar material.
5. Smooth finished or manufactured stone such as limestone or sandstone and terra cotta.
6. Glass.
7. Building materials other than those listed above may be approved by the Plan Director, in consultation with TWDARC, in special cases such as building additions or building renovations, taking into consideration the predominant building materials existing on the building to be added to or renovated.

E. Alley Facades

On any building being considered for restoration or renovation, the exterior facades facing an alley shall also be improved. Any exterior fire escape that is still in use and approved by the Fire Prevention Division of the Department of Fire and Rescue Operations shall be repaired and painted. Unused fire escapes shall be removed completely. All unused sign brackets or mounting devices shall be removed. All existing doors, windows and security devices shall be repaired and painted or replaced. All masonry or other facade materials shall be cleaned and sealed or painted. New lighting and building identification signage or street addresses shall be installed. New lighting fixtures with downward directed lighting shall be installed above or near any point of entry into the building.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1507 Permitted or Prohibited or Special Uses.**

All uses that are permitted or prohibited or are special uses in the underlying zoning district(s) shall remain as permitted or prohibited or special uses in the Warehouse UNO District.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1508 Accessory Buildings and Uses.**

All accessory buildings and uses which are permitted or prohibited in the underlying zoning district(s) are permitted or prohibited within the Warehouse UNO District, except that any detached accessory building on any lot shall have, on all sides, the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1509 Landscape Review Requirements.**

Site plan review shall also include the review of landscape design elements and conformance with Sec. 1108.0300 Urban Commercial Landscape Standards.

powered by Legistar™

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1510 Off-Street Parking.**

Off-street parking requirements for properties within the Warehouse UNO District shall comply with the requirements set forth in Chapter 1107, Parking, and the following provisions:

A. Location of off-street parking facilities shall be on the same lot as the principal building or use or an alternative access and parking plan may be submitted as provided for in Sec. 1107.1400.

B. Off-street parking facilities shall be located in the rear portion of the subject property and behind the principal building or use. The construction of new off street parking lots having frontage on a street is prohibited.

C. If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances approved by the Plan Commission, then parking may be allowed on the side of the building if a screening wall and landscape treatment are installed along the street frontage in conformance with the minimum parking lot standards for perimeter screening barriers.

1. If the parking lot is located adjacent to a building, a six (6') foot wide sidewalk shall be installed between the building and the parking area.

D. Access to parking lots shall be provided off alleys whenever possible in order to minimize curb cuts across pedestrian sidewalks.

E. The required number of off-street loading spaces may be reduced or eliminated by the Planning Director in consultation with the Division of Transportation, with due consideration given to the following factors:

1. Frequency and time of deliveries;
2. Size and nature of vehicles accommodated by the loading spaces;
3. The character of the neighborhood;
4. Impact upon adjoining streets, places, or alleys; and
5. Type of business.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1511 Lighting Requirements.**

A. In reviewing the lighting proposed for a lot to be developed in the District, factors to be considered include but are not limited to:

1. Safety provided by the lighting.
2. Security provided by the lighting.
3. Light spillage or glare onto adjoining residential properties and/or streets is prohibited. All lumination shall be directed downwards.
4. Height and placement of lighting standards considering the use.

B. Site Lighting for Small Parking Lots (Twenty-Five or Less Parking Spaces)

1. Site lighting for small parking lots shall utilize a pedestrian style light fixture and pole to match the lights being used by the City of Toledo for public enhancement within the Warehouse District. The Plan Commission will provide the model number for the light pole and luminaire, as well as detail product specifications. Similar fixtures and poles will be considered.
2. The light source shall be metal halide or LED.
3. The light intensity shall average a minimum of .5 foot-candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.

C. Site Lighting for Large Parking Lots (Twenty-Six or More Parking Spaces)

1. Site lighting for large parking lots shall utilize a Shoe Box Fixture and pole (maximum 25 feet height) for efficiency of lighting and neutrality of design. The Plan Commission will provide the model number for the lights or luminaires, as well as detailed product specifications. Similar fixtures and poles will be considered.
2. The light source shall be metal halide or LED.
3. Pedestrian style light fixture and pole, as indicated for small parking lots, shall be used along collective

powered by Legistar™

walks.

4. The light intensity shall average a minimum of .5 foot-candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1512 Canopies/Awnings.**

A. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. First floor awning sides are recommended to be open to increase sight lines towards storefronts along the street. Curved awnings matching the curve of the openings being covered are permitted. Other round-top, halfround, box, or other unusual awning shapes are prohibited unless approved in writing by the Plan Director. Internally illuminated awnings are also prohibited. Signage on awnings shall be allowed as long as it meets appropriate portions of the requirements of Section 1103.1513.

B. Canopies shall be narrow in elevation, six (6") inches to twelve (12") inches, and flat. Typically such canopies would have internal drainage. Canopies shall be self-supporting or supported by tension rods. Canopy projections are limited to thirty-six (36") inches. Sloping, or unusually shaped canopies are prohibited.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1513 Signage.**

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

A. Building signs shall be located above the main entrance in the sign band area, on the upper facade wall. The sign shall be sized to allow the masonry to be fully exposed around the sign.

B. No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.

C. Building signs shall not exceed 75% of the width of the storefront opening.

D. The shape of building signs shall be rectangular, or slight variations of rectangular forms, except business logos and/or corporate identity symbols are allowed.

E. Projecting signs are allowed. The maximum projection is three and one-half (3½') feet and the minimum mounting height to the bottom of the sign shall be seven (7') feet.

F. Window signs are allowed.

G. Raceways, cabinets, box signs, moving, animated or intensely lighted signs, roof signs or signs that extend above a building roofline or parapet, and pole mounted signs are prohibited.

H. Monument or ground signs are allowed.

I. Additional Off-Premise Signs (Billboards) are prohibited. Existing off-premise signs may remain subject to the regulations for legal non-conforming signs in Chapter 1395.

J. Each building shall display a street address as per City of Toledo Municipal Code. The street address shall also appear on any alley building elevation.

K. Murals shall be approved by the TWDARC prior to final approval from the Toledo Arts Commission.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1514 Architectural Review Committee Composition, Jurisdiction and Procedures.**

A. Toledo Warehouse District Architectural Review Committee (TWDARC) Authority

There is hereby established the Toledo Warehouse District Architectural Review Committee ("TWDARC") which shall have the responsibility for reviewing all Development Plans and proposed demolitions for projects in the Warehouse District, for compliance with the Warehouse UNO District.

The TWDARC shall recommend to the Plan Director to approve, approve with modifications, or disapprove submissions for projects in the Warehouse District. The TWDARC shall have full authority to approve, approve with modifications, or disapprove demolition submissions in the Warehouse District. The applicant may appeal decisions on demolitions by the Toledo Warehouse District Architectural Review Committee or any

powered by Legistar™

other interested person to the Plan Commission, in writing, within 7 days of the Toledo Warehouse District Architectural Review Committee. The Plan Commission must hear such appeals within thirty (30) calendar days of the date of receipt of the appeal.

If the TWDARC 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 the Declarations, the Toledo Municipal Code, and its Rules, and render its decision in writing. The Toledo Plan Commission shall not arbitrarily or unreasonably withhold its approval of Submissions.

B. TWDARC Composition and Term

The TWDARC shall consist of not more nor less than five (5) members. The Toledo Warehouse District Association shall appoint the members of the TWDARC. In the event that the Toledo Warehouse District Association is no longer a functional entity then Toledo City Council shall appoint the members. The composition of the TWDARC shall consist of those property owners (minimum of 2), residents (minimum of 1), or business owners (minimum of 1) who are located within the boundaries of the Warehouse District as defined in the Toledo Warehouse District Plan, and a professional architect or landscape architect, or planner (minimum of 1).

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

The TWDARC members shall serve the terms as outlined below. To achieve staggered terms the initial terms of the appointees of the Professional Architect, Landscape Architect, or Planner shall be three (3) years.

- Property Owners shall serve a term of two (2) years;
- Business Owners shall serve a term of two (2) years;
- Residents shall serve a term of two (2) years;

There are no term limitations.

C. TWDARC Rules

The Chair shall be responsible for providing a non-voting Secretary for the TWDARC who shall be responsible for maintaining the minutes and records of the TWDARC. A quorum of the TWDARC shall consist of three (3) members, one (1) of which must be the Chair. Three (3) affirmative votes are necessary for all TWDARC 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 TWDARC.

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

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

D. TWDARC Procedures

An applicant shall forward Submissions to the TWDARC for preliminary review in accordance with the Declarations before review of the Submission by the TWDARC. The TWDARC 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 TWDARC shall forward the Submission and all comments to the Toledo Plan Commission for review as provided for in this Article.

E. TWDARC Liability

The TWDARC, as a City of Toledo entity, shall have the liability protections granted to such bodies under the

laws of the State of Ohio.

F. Variance

The TWDARC is authorized to recommend variances 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 TWDARC 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.
(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1515 Demolition Hearing Procedures (Warehouse District).**

A. The Toledo Warehouse District Architectural Review Committee (TWDARC) has review and approval authority for demolition review under this section after seeking comment from the City Historic District Commission for review and comment.

B. When application is made for demolishing a structure within the Warehouse District, the Toledo Warehouse District Architectural Review Committee (TWDARC) must grant the application when one or both of the following conditions are found to exist:

1. The structure for which demolition is sought contains no features of architectural or historic significance, and it does not contribute to maintaining the character of the Warehouse District; or

2. There is no reasonable economic return for the structure as it exists and there is no feasible alternative to demolition submitted to the applicant by concerned organizations or individuals who wish to preserve the structure.

C. Economic Hardship Standards and Criteria

The Toledo Warehouse District Architectural Review Committee (TWDARC), in making a determination of economic hardship, may consider any relevant information, including but not limited to the following standards and criteria:

1. Alternative uses and the economic return they will earn in relation to all the following:

a. estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Toledo Warehouse District Architectural Review Committee (TWDARC) for changes necessary for the continued use of the building;

b. a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures on the property and their suitability for rehabilitation, including any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical;

c. estimated market value of the property in its current condition, based on an independent MAI-certified appraiser; after completion of the proposed redevelopment, alteration, demolition or removal; and after changes recommended by the Toledo Warehouse District Architectural Review Committee (TWDARC) for the renovation of the existing property for continued use; and

d. testimony from a third party architect, developer, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property, taking into consideration any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical.

2. The current economic return on the property in relation to all the following:

a. the amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased;

b. if the property is income-producing, the annual gross income from the property for the previous 2 years; itemized operating and maintenance expenses for the previous 2 years; and depreciation deduction and annual

cash flow after debt service, if any, during the same period;

c. real estate taxes for the previous 2 years and assessed value of the property according to the most recent assessed valuation; and

d. all appraisals obtained within the previous 2 years by the owner or applicant in connection with the purchase, financing or ownership of the property.

3. The property is not able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous 2 years, including testimony and relevant documents regarding:

a. any real estate broker or firm engaged to sell or lease the property;

b. reasonableness of the price or rent sought by the applicant; and

c. any advertisements placed for the sale or rent of the property.

4. Economic incentives and/or funding available to the applicant through federal, state, city or private programs.

5. Other information considered by the respective Toledo Warehouse District Architectural Review Committee (TWDARC) to be significant in determining whether the property does yield or may yield a reasonable return to the owner.

D. Alternatives To Demolition Submitted By Others

In deciding on the feasibility of an alternative to demolition, the Toledo Warehouse District Architectural Review Committee must find that the alternative plan meets the following requirements:

1. It contains a credible short-term and long-term program for the protection and use of the building;

2. It contains financial and architectural plans prepared by architects, engineers, real estate professionals, and other persons experienced in the rehabilitation and reuse of historic buildings; and

3. It has been submitted to the applicant as a good faith proposal containing an offer to enter into a contract at a price that reflects the fair market value of the property based upon three independent MAI-certified appraisers.

E. Additional Application Requirements

An applicant must meet with the Toledo Warehouse District Architectural Review Committee or the Plan Commission staff, and the applicant must then submit evidence on the following standards and criteria:

1. For a demolition application to be considered by the Toledo Warehouse District Architectural Review Committee, the application must contain sufficient information so that the Toledo Warehouse District Architectural Review Committee may adequately analyze the application in relation to its standards and criteria and then make a factual decision on the application.

2. The application shall include photographs and a written description of the present condition of the structure for which demolition is sought. The applicant shall include information about any changes in the condition of the structure during the previous 2 years.

3. At the initial meeting with the applicant, the Toledo Warehouse District Architectural Review Committee or the staff must indicate the information the Toledo Warehouse District Architectural Review Committee will need for a valid application.

4. For applications based on a lack of reasonable economic return, the applicant has the burden of showing that the property in question is incapable of earning a reasonable economic return in the absence of the proposed demolition. The showing must be made in accordance with the standards and criteria set forth in Economic Hardship Standards and Criteria.

5. The Planning Director must notify the applicant of any deficiencies in the documentation or other evidence provided.

6. Failure of the applicant to submit the required documentation and/or evidence will be construed as a failure on the part of the applicant to meet that standard for which the documentation and/or evidence is lacking.

7. After receipt of a completed application in which all required information is attached, the Toledo

powered by Legistar™

Warehouse District Architectural Review Committee must make a determination on the applicant's submission in accordance with the time frames set forth herein.

F. The Plan Commission staff must evaluate each application in accordance with the standards and criteria contained in Demolition Hearing Procedures and Economic Hardship Standards and Criteria and must provide a written evaluation and report. The report must be presented to the respective Toledo Warehouse District Architectural Review Committee on or before the Toledo Warehouse District Architectural Review Committee's initial hearing.

G. The respective Toledo Warehouse District Architectural Review Committee must hold an initial hearing on the application. The Toledo Warehouse District Architectural Review Committee, at the initial hearing, may delay a determination on the application and may impose a waiting period of at least 30 days and not longer than 9 months upon a finding that the structure is of value to the Warehouse District and that alternatives to demolition may be feasible and should be actively pursued by both the Toledo Warehouse District Architectural Review Committee and the applicant. This finding may include written recommendations to the applicant.

H. Upon the imposition of a waiting period, the Toledo Warehouse District Architectural Review Committee must undertake meaningful and continuing discussions during the waiting period in order to find a means of preserving the structure.

1. The Toledo Warehouse District Architectural Review Committee and applicant must investigate the feasibility of all means of preserving the structure. During this period the Toledo Warehouse District Architectural Review Committee and the applicant must make every reasonable effort to find a demolition alternative for that structure.

2. If the Toledo Warehouse District Architectural Review Committee and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussions at least every 30 days after the initial meeting. During these meetings, the Toledo Warehouse District Architectural Review Committee must give written notice to the applicant when the Toledo Warehouse District Architectural Review Committee believes that the structure may be saved if the applicant agrees to a longer waiting period.

I. The Toledo Warehouse District Architectural Review Committee may develop its own information on the Economic Hardship Standards and Criteria, and this information must be made part of the record on the application.

J. The Toledo Warehouse District Architectural Review Committee must announce at the initial public hearing that further evidence or documentation from any interested party may be made part of the record by submitting such information to the Planning Director by a date certain. These materials may include one or more plans for an alternative to demolition prepared by concerned organizations or individuals. The Planning Director must transmit any such information received to the Toledo Warehouse District Architectural Review Committee and the applicant.

K. When the demolition application is first received, the Toledo Warehouse District Architectural Review Committee must seek the help of neighborhood leaders and suggest that they and the Toledo Warehouse District Association work together on developing an alternative to demolition. The Toledo Warehouse District Architectural Review Committee shall arrange one or more meetings between the applicant and any organizations and individuals working on an alternative to demolition.

L. The Toledo Warehouse District Architectural Review Committee may cause to be established a three-person economic review panel. The review panel will be comprised of three real estate and redevelopment experts knowledgeable in the economics of renovation, redevelopment and other aspects of rehabilitation.

1. The panel will consist of one person selected by the Toledo Warehouse District Architectural Review Committee, one person selected by the applicant and one person selected by the first two appointments. If the first two appointments cannot agree on a third person, the third appointment will be selected by the Planning Director.

2. Within 60 days after the economic review panel is established and before the end of the 6th month of the

powered by Legistar™

waiting period, the panel must review the evidence and complete an evaluation of the economic return issue, applying the standards and criteria set forth in the Economic Hardship Standards and Criteria. It must forward a written report on this evaluation to the Toledo Warehouse District Architectural Review Committee.

M. If, after reviewing all of the evidence, the Toledo Warehouse District Architectural Review Committee finds as follows below, then the Toledo Warehouse District Architectural Review Committee must approve the request, conditionally or otherwise. If the Toledo Warehouse District Architectural Review Committee finds that the standards, criteria, and requirements are not satisfied, the request will be denied. The Toledo Warehouse District Architectural Review Committee must find that:

1. The standards and criteria set forth in the Economic Hardship Standards and Criteria are satisfied;
2. And there is no feasible alternative to demolition, per the requirements of paragraph C above.

N. If the applicant or a representative fails to meet with the Toledo Warehouse District Architectural Review Committee at the times specified, or to participate in a meeting arranged by the Toledo Warehouse District Architectural Review Committee, then the Toledo Warehouse District Architectural Review Committee may deny the request.

O. During the waiting period, the owner of such structure must maintain or mothball the structure to prevent further deterioration. If the request for a demolition is denied, the applicant must develop a program for continuing maintenance for the structure to ensure that the deterioration of the structure is not caused by the neglect of the structure by its owner or by a tenant. Such program must address the condition of the structure, the money currently available for repairs and maintenance, and any funds or in-kind assistance that may be available from interested third parties.

P. After holding good faith meetings pursuant to paragraph H above for 6 months into the waiting period specified by the Toledo Warehouse District Architectural Review Committee, or any time thereafter, the applicant may appeal to the Plan Commission for a determination pursuant to Section B through Section F.

Q. After each demolition of a landmarked structure or within a historic district, the Toledo Warehouse District Architectural Review Committee must prepare a brief report on that structure giving the reasons why the demolition took place. The report must be given to the Plan Commission and interested neighborhood organizations. At the end of each year the Toledo Warehouse District Architectural Review Committee must prepare a report summarizing the demolitions that year and the reasons for these demolitions. These summaries must be given to the Mayor, City Council, the Plan Commission and interested neighborhood organizations. (Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1516 Demolition Appeals.**

A. Decisions concerning demolitions by the Toledo Warehouse District Architectural Review Committee may be appealed by the applicant or any other interested person to the Plan Commission, in writing, within 7 days of the Toledo Warehouse District Architectural Review Committee hearing provided for in Initial Hearing Procedures. Applications must be accompanied by the fee amount that has been established by the City Council.

B. The Plan Commission will consider an appeal filed pursuant to this Section within 30 days of receipt of notice of appeal, and must utilize the written findings of that Toledo Warehouse District Architectural Review Committee to review economic, historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its cultural importance to the City. A majority vote of the Plan Commission is required to overturn a decision of the Toledo Warehouse District Architectural Review Committee.

C. In cases involving denial of an application for demolition pursuant to Demolition Hearing Procedures, the Toledo Warehouse District Architectural Review Committee and the applicant must present such evidence as will be relevant to the conditions set forth in Demolition Hearing Procedures and Economic Hardship Standards and Criteria and must further present evidence upon the efforts made, if any, to find a feasible and prudent alternative to demolition during the pendency of the appeal.

powered by Legistar™

1. In such cases, the Plan Commission may, in its discretion, and to facilitate the production of the evidence contemplated herein, defer its final decision to a date no later than 9 months from the initial Toledo Warehouse District Architectural Review Committee hearing.
2. The Plan Commission may direct the applicant and the Toledo Warehouse District Architectural Review Committee to continue discussions as provided for in Demolition Hearing Procedures (G) for the balance of the waiting period.

D. Decisions by the Plan Commission will be deemed final administrative orders for appellate purposes and will be thereafter regulated by Revised Code Chapter 2506.

E. No building permit, or other permit necessary for the activity applied for, including environmental changes, may be issued, or if issued will be valid, during the appeal time provided in Section A, during the pendency of a timely-filed appeal before the Plan Commission, or during the time prescribed in Revised Code Chapter 2506 for an appeal of a decision of the Plan Commission.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1517 Minimum Parking Lot Standards for Perimeter Screening Barriers.**

The following regulations are meant to augment the existing regulations in TMC Part Seven Business Regulation Code, Chapter 701 General Provision and Chapter 743 Parking Places. All existing parking lots that are in full compliance with current City of Toledo Municipal Code and licensing requirements are exempt.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1518 Parking Lot Screening Barriers.**

All existing parking lots with more than twenty spaces that do not comply with current City of Toledo Municipal Code requirements, and all future parking lots with more than ten spaces established after the adoption of these regulations shall be bordered along the entire length of all property lines fronting on public streets and alleys, by a vehicular barrier and visual screen, as further described in sections "A" and "B". Such barrier and screen shall be sufficient to prevent vehicular ingress and egress except at established entrances and exits, to prevent motor vehicles from encroaching into the public right-of-way, to restrict pedestrian movement on established sidewalk areas and to screen parked vehicles from the public right-of-way.

A. Vehicular Barriers. All vehicular barriers shall consist of a continuous rolled concrete or asphalt curb at least 6 inches high or 6 inches high anchored wheel stops, as necessary to prevent motor vehicles from projecting into the public right-of-way impacting the visual screen.

B. Visual Screens. All visual screens shall meet one of the following requirements with respect to height, opacity and materials. Minimum required height and opacity shall be provided throughout the length of any required visual screen. The visual screen shall be a minimum of 2.5 feet and a maximum of 5 feet in height and shall conform to one of the following three standards with respect to materials and opacity:

1. Shrubbery and fence: a continuous hedge of shrubbery 2.5 to 3.5 feet high, providing 100% opacity and an ornamental metal fence that is a minimum of 3.5 and a maximum of 5 feet in height.

2. Shrubbery, Fence and Trees: shrubbery 2.5 to 3.5 feet high, providing 50% opacity and a metal fence that is a minimum of 3.5 and a maximum of 5 feet in height, supplemented by trees planted at a minimum average spacing of 20 feet.

3. Wall, Fence and Shrubbery: a combination masonry wall with an ornamental metal fence mounted on top, that are a minimum of 3.5 feet and a maximum of 5 feet in height, with a continuous hedge of shrubbery 2.5 feet to 3.5 feet high in front of the ornamental metal fence, together providing opacity of 100% to a height of 2.5 feet to 3.5 feet.

C. Screening for Existing Licensed Parking Lots: An alternative vehicular barrier or screening plan may be considered if it meets the full intent of these standards and is creative and harmonious with the District. Such

alternatives may include but are not limited to the following:

1. Bollards, Chains, & Trees: The visual screen shall be composed of anchored concrete, metal or wood bollards, at least 8 inches square or 8 inches in diameter, and at least 2.5 feet above pavement level, in uniform intervals of 10 feet on center and connected through the top of each bollard by aluminum or galvanized chains, at least 1/2 inch in diameter with a clearance of 15 inches at the center of the drop. The bollards and chains shall be supplemented by trees planted inside the visual screen, at minimum intervals of 20 feet, spaced midway between bollards. The trees shall be located in 4 feet by 4 feet wells. Tree wells shall have a minimum of three feet deep topsoil for planting.
2. An alternative to planted trees is the use of precast concrete round planters, 36 inches in diameter and 24 inches high located in the public right-of-way with approval from the Division of Building Inspection, if at least 4 feet of sidewalk is maintained for pedestrians.

(Ord. 9-14. Passed 1-2-14.)

<javascript:void(0)>**1103.1519 Supplemental Standards for Visual Screens.**

Standards for Shrubs, Trees and Ground Cover. Shrubbery used as part of a visual screen must be sufficient to meet the height and opacity requirements by the end of the second growing season after planting. All shrubs and trees shall be selected from the list of approved plant material as adopted by the City of Toledo Division of Forestry. At the time of installation, deciduous trees shall be a minimum of 6 feet in height with a caliper of 1.5 inches at one foot above grade, and evergreen trees shall be 6 feet in height. Trees not used as a part of visual screen need not meet height, caliper size or opacity requirements. In the event of an existing parking lot where irrigation is not provided, landscaping materials installed on the property shall be drought tolerant species not requiring regular watering for good plant health and growth.

1. Standards for Landscaped areas. If a visual screen is set within a landscaped area, it shall be bordered by a continuous concrete or asphalt curb at least 6 inches wide and 6 inches high and covered by grass or other suitable vegetative ground cover, bark or decorative stones. All landscaped areas planted with shrubs shall be a minimum of 4 feet in width. If planted with trees, the landscaped area is to be a minimum of 4 feet in width.
2. Standards for Fences and Walls. All walls and fences used as part of visual screen shall be of uniform appearance and shall be set in a concrete base. Required ornamental metal fences shall be of actual or simulated wrought iron construction. Walls shall be of reinforced masonry construction, including decorative concrete masonry units.
3. Irrigation Requirements.

a. General Provisions: Every landscaped area installed after adoption of these standards shall be served by a permanent underground irrigation system. No irrigation system, however, shall be required for trees provided to supplement the use of bollards and chains as required by "Existing parking lots that are licensed but not in full compliance with current City of Toledo Municipal Code and licensing regulations" described in Section B(4).

b. Method of Connection: For all existing parking lots that are not in full compliance with current City of Toledo Municipal Code and licensing regulations, the irrigation system shall be either connected to City water lines or shall be configured for coupling to a hose which draws water from any permitted on site or nearby source. In such instances, the selection of the water source shall be made by the applicant.

c. As an alternative to an irrigation system, a parking lot owner or group of parking lot owners may contract for regular watering and maintenance of plant material. Proof of such service shall be provided for licensing.

4. Maintenance: All plant materials shall be maintained in good condition at all times. Unhealthy or dead plant material shall be replaced with healthy plant material no later than the start of next growing season. Fences and walls shall be kept free from peeling paint, rust, spalls, and broken, cracked or missing elements. Fences and walls shall also be kept plumb, with no more than a 2 inch deflection from grade to top of element.
5. Exemption for Alleys: No visual screen shall be required along public alleys except where alleys are designated as public walkways, pedestrian zones or for purposes other than service ways.

powered by Legistar™

6. Street Corner Parking Lots: All street corner parking lots shall have a minimum 18 feet square landscaped area on the corner where automobiles cannot park. Materials may include decorative paving, shrubbery, trees, flowers, walls, fee boxes and benches intended to beautify the street intersection. If the fronts of automobiles face only one street, the size of the landscaped area may be reduced to 9 feet by 18 feet.

7. Landscaping Reductions and Exemptions: With regard to an existing permitted parking lot that otherwise complies with all current City Zoning regulations, the City Plan Commission may grant a reduction of or an exemption from the requirements for shrubs, trees and landscaped areas if full compliance with such requirements would result in a loss of existing parking spaces which cannot be avoided or remediated through re-design or re-configuration of the parking lot. The City Plan Commission may take such action in accordance with the following provisions:

a. Evidence to be Provided by the Applicant: An applicant seeking a reduction of or an exemption from the requirement for landscape elements of a visual screen shall present written and graphic evidence to the City Plan Commission demonstrating that the potential loss of existing spaces cannot be avoided or remediated through re-design or re-configuration of the parking lot.

b. Determination by City Plan Commission: Upon consideration of evidence submitted by the applicant as well as any analysis prepared by the staff, the City Plan Commission shall determine whether strict application of the visual screen landscape requirements will result in an irremediable loss of parking spaces. In determining whether a loss of parking spaces can be avoided through re-design or re-striping, the City Plan Commission shall assume continued use of the existing parking space and aisle dimensions for the subject property except where such dimensions are in excess of current City of Toledo Municipal Code requirements.

c. Minimum Requirement. Any reduction of standards approved by the City Plan Commission with respect to the required visual screen shall be the minimum reduction necessary to prevent the loss of parking spaces. The City Plan Commission may require compliance with the visual screen standards through the use of a legal encroachment in one or more of the public rights-of-way adjoining the parking lot. At a minimum, the City Plan Commission may require installation of an ornamental metal fence meeting all applicable requirements of this section and, in addition, providing a brick or stone pier, at least 2 feet square, at a minimum spacing of 8 feet. The City Plan Commission may also require provision of landscaped areas where such provision will not result in a loss of parking spaces.

8.Temporary Uses. Where the City Plan Commission deems a parking lot to be a temporary use, the barrier and screening requirements of the section shall be considered to be met if the parking lot operator installs anchored concrete wheel stops supplemented by bollards and chains, as required by these standards. No surface parking lot shall be deemed temporary for a period in excess of one year, provided however, that the City Plan Commission may extend the temporary use for one additional one-year period if, prior to the completion on the initial one-year period, a project agreement with the City is executed which requires development of the lot within one year or a Building Permit application has been filed for development of the property. A parking lot shall also be considered as a temporary use if a lease exists, recorded with the Lucas County Recorder, between the owner of the property and the parking lot operator, and term of the lease expires within eighteen months after the compliance date for filing of plans.

9. Approval. The materials, design, location and construction of the screens and barriers required by this section shall be approved by the Director of the Toledo-Lucas County Plan Commissions in consultation with City of Toledo Division of Transportation, Division of Engineering Services, and the Toledo Warehouse District Architectural Review Committee and shall be in accordance with the standards promulgated by the Commissioners in compliance with the provisions of this Chapter of the Toledo Municipal Code. Unless otherwise permitted by the Commissioner of the Division of Transportation, each parking lot shall have one common entrance and one common exit, which may or may not be combined.

10. Compliance Dates: All legally established existing parking lots shall be in full compliance within one year after the adoption of these standards in order to obtain annual relicensing. Subsequent to the adoption of

powered by Legistar™

these Standards, all new parking lots shall be in full compliance prior to initial approval and licensing.

11. Confirmation of Compliance: Representatives of the Toledo Warehouse District Architectural Review Committee will regularly inspect each parking lot to confirm compliance with these standards and will recommend approval or denial to the City of Toledo Finance Department prior to the issuance of the annual renewal of a license to operate.

12. Americans with Disabilities Act Compliance: Full compliance with current standards for handicapped and van accessible parking, including signage, shall be required for licensing.

(Ord. 9-14. Passed 1-2-14.)

Be amended to read as follows:

1103.1500 | Warehouse UNO District

1103.1501 Purpose

The Warehouse District Urban Overlay District is intended to:

A. Provide a review process for proposed physical changes to existing structures, new construction, and public spaces within the Warehouse District;

B. Implement appropriate building and parking setbacks that accommodate redevelopment that are compatible with historical building patterns; and

C. Promote development that features retail display windows, ~~rear~~ parking lots, and other pedestrian-oriented site design features.

(Ord. 9-14. Passed 1-2-14.)

1103.1502 Effect of Designation

The Warehouse UNO District is an overlay zoning classification to be established as an Urban Neighborhood Overlay (UNO) District under the provisions of Sec. 1103.0500. The overlay zoning district establishes additional design standards for development allowed by the underlying zoning district. In the event of conflict between the Warehouse District Urban Overlay District regulations and the regulations of the underlying base zoning district, the UNO regulations govern. In all cases, the most restrictive provision of the Warehouse District Urban Overlay District or the underlying zoning regulations govern.

(Ord. 9-14. Passed 1-2-14.)

1103.1503 UNO District Classification

Those areas classified in the Warehouse UNO District shall be shown on the Official Zoning Map

(Ord. 9-14. Passed 1-2-14.)

1103.1504 Warehouse UNO District Boundaries

The boundaries of the District are hereby established as shown on the City of Toledo zoning maps. The District boundaries are defined via the map attached hereto and legally described in this section, both of which are incorporated herein by reference. The overlay district regulations apply to the entirety of parcels, as existing at the time of adoption, lying wholly or partially within this boundary.

The Warehouse UNO District boundary is as follows: Commencing at the intersection of the centerline of Monroe Street and the centerline of 10th Street, thence southwest along the centerline of 10th Street to its intersection with the centerline of Washington Street, thence northwest along the centerline of Washington Street to its intersection with the centerline of 11th Street, thence south along the centerline of 11th Street extended to its intersection with the centerline of Lucas Street extended to the east right-of-way line of the Anthony Wayne Trail, thence southwesterly along the east right-of-way of the Anthony Wayne Trail to its intersection with the east right-of way line I-75, thence south along the east right -of-way line of I-75 to its intersection with the centerline of Collingwood Boulevard, thence east along the centerline of Collingwood Boulevard to its intersection with St. Clair Street, thence north along the centerline of St Clair Street to its intersection with the centerline of William Street, thence southeast along the centerline of William Street to its intersection with the centerline of Oliver Street, thence northeast along the centerline of Oliver Street to its intersection with the centerline of Clayton Street, thence southeast along the centerline of Clayton Street to a point of intersection with the centerline of Ottawa Street/Owens Corning Parkway, thence northeast along the centerline of

powered by Legistar™

Ottawa Street/Owens Corning Parkway to its intersection with the centerline of Monroe Street, thence northwest along the centerline of Monroe Street to its intersection with the centerline 10th Street.
(Ord. 9-14. Passed 1-2-14.)

1103.1505 Review and Approval Procedures
The site plan review shall be as specified in Sec. 1111.0800. Building elevation drawings (with colors and materials indicated) showing the front, rear and side views shall be submitted along with the site plan.

A. The standards of the Warehouse UNO District apply to the physical change of any building or building addition that increases a building's floor area "Physical change" means any work such as alteration, remodeling, new construction or renovation of the exterior of a structure. The standards also apply to the construction of off-street parking spaces, *parking structures* and driveways.

B. Building alterations that conflict with these standards or that otherwise increase the degree of non-compliance with these standards are prohibited.

C. A copy of new development, redevelopment and existing building rehabilitation plans, including landscaping, shall be submitted by the developer or building owner to the Toledo Warehouse District Architectural Review Committee for review prior to any work or any permits being issued by any city department.

D. The Toledo Warehouse District Architectural Review Committee shall be responsible for the review of plans as required by the Warehouse UNO District. It shall review and make recommendations to the Plan Director of the Plan Commission within thirty (30) calendar days of receipt of the plans by the Warehouse District Association.

E. Minor site modifications, and adjustments to prior approvals maybe approved administratively by the Plan Commission Staff.

F. In the event that Toledo Warehouse District Architectural Review Committee is no longer an official active organization for the Warehouse District then the development plans shall be subject to the Site Plan Review procedures of TMC 1111.0800.
(Ord. 9-14. Passed 1-2-14.)

1103.1506 Design Criteria Used to Evaluate Site Plans and Projects
In addition to the design standards contained in Chapter 1109, Design Standards, the following criteria apply.

A. Relationship of Buildings to Site

1. The site shall be planned to accomplish a desirable transition between the building(s) and the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.

2. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

3. All new utility services, and service revisions necessitated by exterior alterations, must be installed underground.

B. Building Setback and Height

1. All new buildings including buildings on corner lots, shall be built to the Right of Way.

C. Building Design

1. Building facades facing a Primary Street must incorporate a main entrance door on the primary street.

2. Building frontages that face Primary Streets and exceed a width of 50 feet must include vertical visual elements to break the plane of the building frontage.
3. Roof-mounted mechanical equipment must be screened from public view. The screening must be of a sufficient height to prevent persons located at the street level from viewing the screened items and a sight line analysis from at least 200 feet away must be submitted for review and approval. The design, colors and materials used in screening must be consistent with the architectural design of the building.
4. Dumpsters, recycling, and trash receptacles must be screened in accordance with TMC Sec. 1108.0304 (B), and located adjacent to the primary structure. Materials of screen wall shall be consistent with the adjacent architecture, and exposed concrete block shall not be permitted.
5. For commercially used property at least 60 percent of each building façade along a Primary Street, between the height of 2 feet and 10 feet above the nearest sidewalk grade, must consist of clear, non-tinted, non-mirrored, and uncovered window glass permitting views of the building's interior to a depth of at least 4 feet. For building frontages other than those on Primary Streets, the window glass must continue for a minimum of 10 feet from the building corner. No exterior security bars or roll-down metal doors shall be allowed. This provision shall be reduced to at least 30 percent, of each building facade along a Primary Street, for the conversion of a residential building to a commercial use. This provision does not apply to buildings officially recognized as historic or those deemed eligible for listing in the National Register of Historic Places if the provision would result in a modification of the original historic appearance of the building.
6. New buildings, stand alone and in-fill, may be designed in a contemporary style but must be in harmony and compatible with neighboring structures by using the materials listed below.

D. Building Materials

Building facades shall reflect the Warehouse District's patterns of the surrounding context and provide interest for the pedestrian. Building facades shall reflect and complement the traditional materials and techniques of the district. They shall express the construction techniques and structural constraints of traditional, long-lasting building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details. All building materials to be used shall express their specific properties. For example, heavier more prominent materials (masonry) support lighter materials (wood).
The following are identified as acceptable for predominant exterior building materials:

1. Brick: Shall be standard modular brick with common tooled mortar joints. Un-tooled joints, distressed brick, or irregular shaped brick are prohibited. Brick color and texture shall be compatible with original brick facades in the Warehouse District, constructed prior to the 1940's. Brick of this period was commonly, beige or dull red with very little color range. Textures shall be uniform. Reclaimed brick shall only be used as a matching repair material.
2. Materials with a brick-like appearance such as "Founder's Brick", or similar material.

3. Wood, and it must be painted or stained/sealed.

4. Materials with a wood-like appearance such as "Textured Cementitious Board", "Cement Board Siding", or similar material.

5. Smooth finished or manufactured stone such as limestone or sandstone and terra cotta.

6. Glass.

7. Metal. Architectural metal panels which are either pre-finished aluminum or pre-finished steel that utilize concealed fasteners.

8. Building materials other than those listed above may be approved by the Plan Director, in consultation with TWDARC, in special cases such as building additions or building renovations, taking into consideration the predominant building materials existing on the building to be added to or renovated.

9. Exterior insulation and finish system (EIFS) with drainage cavity are acceptable where used to simulate an existing material and when 36 inches above grade and not within an entryway, and comprising less than 15% of the facade. EIFS systems must be applied as per manufacturer's specifications and certified by the manufacturer.

E. Alley Facades
On any building being considered for restoration or renovation, the exterior facades facing an alley shall ~~also~~ be improved. Any exterior fire escape that is still in use and approved by the Fire Prevention Division of the Department of Fire and Rescue Operations shall be repaired and painted. Unused fire escapes shall be removed completely. All unused sign brackets or mounting devices shall be removed. All existing doors, windows and security devices shall be repaired and painted or replaced. All masonry or other facade materials shall be cleaned and sealed or painted, except where such work may cause damage. New lighting and building identification signage or street addresses shall be installed. New lighting fixtures with downward directed lighting shall be installed above or near any point of entry into the building.

(Ord. 9-14. Passed 1-2-14.)

1103.1507 Permitted or Prohibited or Special Uses

All uses that are permitted or prohibited or are special uses in the underlying zoning district(s) shall remain as permitted or prohibited or special uses in the Warehouse UNO District.

(Ord. 9-14. Passed 1-2-14.)

1103.1508 Accessory Buildings and Uses

All accessory buildings and uses which are permitted or prohibited in the underlying zoning district(s) are permitted or prohibited within the Warehouse UNO District, except that any detached accessory building on any lot shall have, on all sides, the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated.

(Ord. 9-14. Passed 1-2-14.)

1103.1509 Landscape Review Requirements

Site plan review shall also include the review of landscape design elements and conformance with Sec. 1108.0300 | Urban Commercial Landscape Standards. (Ord. 9-14. Passed 1-2-14.)

1103.1510 Off-Street Parking

Off-street parking requirements for properties within the Warehouse UNO District shall comply with the requirements set forth in Chapter 1107, Parking, and the following provisions:

A. Location of off-street parking facilities shall be on the same lot as the principal building or use or an alternative access and parking plan may be submitted as provided for in Sec. 1107.1400.

B. Off-street parking facilities shall be located in the rear portion of the subject property and behind the principal building or use. The construction of new off street parking lots having frontage on a street is prohibited.

C. If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances approved by the Plan Commission, then parking may be allowed on the side of the building if a screening wall and landscape treatment are installed along the street frontage in conformance with the minimum parking lot standards for perimeter screening barriers.

1. If the parking lot is located adjacent to a building, a six (6') foot wide sidewalk shall be installed between the building and the parking area.

D. Access to parking lots shall be provided off alleys whenever possible in order to minimize curb cuts across pedestrian sidewalks.

E. The required number of off-street loading spaces may be reduced or eliminated by the Planning Director in consultation with the Division of Transportation, with due consideration given to the following factors:

1. Frequency and time of deliveries;

2. Size and nature of vehicles accommodated by the loading spaces;

3. The character of the neighborhood;

4. Impact upon adjoining streets, places, or alleys; and

5. Type of business.

(Ord. 9-14.passed 1-2-14.)

1103.1511 Lighting Requirements

A. In reviewing the lighting proposed for a proposed development, existing or new, in the District, factors to be considered include but are not limited to:

1. Safety provided by the lighting.

2. Security provided by the lighting.

3. Light spillage or glare onto adjoining residential properties and/or streets is prohibited. All lumination shall be directed downwards.

4. Height and placement of lighting considering the proposed use.

5. Unless lighting is strictly used for security purposes, lighting must be turned off or dimmed 75% prior to 11:00 pm or daily close of business for buildings that are above twenty-four (24) feet in height.

powered by Legistar™

B. Site Lighting for Parking Lots

1. Site lighting for parking lots shall utilize a pedestrian style light fixture and pole to match the lights being used by the City of Toledo for public enhancement within the Warehouse District. The Plan Commission will provide the model number for the light pole and luminaire, as well as detail product specifications. Similar fixtures and poles will be considered. Height shall be 14' to 16' maximum.

2. The light source shall be metal halide or LED.

3. The light intensity shall average a minimum of .5 foot-candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.

4. Pedestrian style light fixtures and poles shall be used along collective walks.

1103.1512 Fencing

A. No chain link fencing or barbed wire shall be permitted.

B. Fencing shall be pre-finished, dark colored ornamental aluminum style or similar material approved by TWDARC with vertical pickets of a commercial quality.

C. Re-construction of existing fencing is be reviewed by the ARC, and shall be replaced with approved materials.

1103.1513 Canopies/Awnings

A. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. Curved awnings matching the curve of the openings being covered are permitted. Other round-top, half-round, box, or other unusual awning shapes are prohibited unless approved in writing by the Plan Director. Internally illuminated awnings are also prohibited. Signage on awnings shall be allowed as long as it meets appropriate portions of the requirements of Section 1103.1513.

B. Structural canopies shall be narrow in elevation, six (6") inches to twelve (12") inches, and flat or minimally pitched for drainage. Typically such canopies would have internal drainage. Canopies shall be self-supporting or supported by tension rods.

(Ord. 9-14. Passed 1-2-14.)

1103.1514 Signage

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

A. Building signs shall be located above the main entrance in the sign band area, on the upper facade wall. The sign shall be sized to allow the masonry to be fully exposed around the sign.

B. No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.

C. Building signs shall not exceed 65% of the width of the street façade.

D. Creative and unique sign designs are encouraged.

E. Projecting signs are allowed. The maximum projection is three and one-half (3½') feet and the minimum mounting height to the bottom of the sign shall be seven (7') feet.

F. Signs and graphics painted or applied directly to the window glass are allowed. Vinyl window graphics applied directly to the glass are allowed. Both signs and graphics should not exceed 25% of the window area or obstruct visibility inside or outside of the window.

G. Raceways, cabinets, box signs, moving, animated or intensely lighted signs, roof signs or signs that extend above a building roofline or parapet, and pole mounted signs are prohibited.

H. Monument or ground signs are allowed.

I. Additional Off-Premise Signs (Billboards) are prohibited. Existing off-premise signs may remain subject to the regulations for legal non-conforming signs in Chapter 1395.

J. Each building shall display a street address as per City of Toledo Municipal Code. The street address shall also appear on any alley building elevation.

K. Sign Illumination

A. External Illumination:

1. External light sources shall be placed close to, and directed into, the sign and shielded to minimize glare into the street, sidewalks or onto adjacent properties.

2. Project light fixtures used for externally illuminated signs shall be simple and unobtrusive in appearance. They should not obscure the sign.

B. Internal illumination:

1. Channel letters may be internally lit or back-lit.
2. For cabinet signs, the background must be opaque. Only graphics, text and logos may be illuminated, and a halo of one inch around graphics, text, and logos may be non- opaque.

3. Exposed neon may be used for lettering or as an accent.

L. Signs for commercial or industrial businesses with exterior lighting:

1. For the second floor and above of the existing structure, all exterior lights must be dimmed by half or to 50% of their illumination capacity by 11 pm.
2. All entryways shall remain at light as deemed necessary by the owners or occupants.

1103.1515 Murals

The Toledo Arts Commission accepts mural applications city wide as stated in the Toledo Municipal Code Section 167. All mural applications for the Warehouse District shall be submitted directly to the Toledo Arts Commission and a copy of the submission shall be submitted to the Toledo City Plan Commission staff in order to inform the Warehouse District ARC of any new or potential

murals.

1103.1516 Architectural Review Committee Composition, Jurisdiction and Procedures

A. Toledo Warehouse District Architectural Review Committee (TWDARC) Authority
The Toledo Warehouse District Architectural Review Committee (TWDARC) shall have the responsibility for reviewing all Development Plans and proposed demolitions for projects in the Warehouse District, for compliance with the Warehouse UNO District.
The TWDARC shall recommend to the Plan Director to approve, approve with modifications, or disapprove submissions for projects in the Warehouse District. The TWDARC shall have full authority to approve, approve with modifications, or disapprove demolition submissions in the Warehouse District. The applicant may appeal decisions on demolitions by the Toledo Warehouse District Architectural Review Committee or any other interested person to the Plan Commission, in writing, within 7 days of the Toledo Warehouse District Architectural Review Committee. The Plan Commission must hear such appeals within thirty (30) calendar days of the date of receipt of the appeal.

If the TWDARC 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 the Declarations, the Toledo Municipal Code, and its Rules, and render its decision in writing. The Toledo Plan Commission shall not arbitrarily or unreasonably withhold its approval of Submissions.

B. **TWDARC Composition and Term**
The TWDARC shall consist of not more nor less than five (5) members. The Toledo Warehouse District Association shall appoint the members of the TWDARC. In the event that the Toledo Warehouse District Association is no longer a functional entity then Toledo City Council shall appoint the members. The composition of the TWDARC shall consist of those property owners (minimum of 2), residents (minimum of 1), or business owners (minimum of 1) who are located within the boundaries of the Warehouse District as defined in the Toledo Warehouse District Plan, and a professional architect or landscape architect, or planner (minimum of 1).
In the event that there is a vacant position on the TWDARC that has not been filled by the process defined in these Declarations, the TWDARC, by majority vote, may temporarily appoint a person to serve on the TWDARC until a replacement is designated.
The TWDARC members shall serve the terms as outlined below. To achieve staggered terms the initial terms of the appointees of the Professional Architect, Landscape Architect, or Planner shall be three (3) years.

- Property Owners shall serve a term of two (2) years;
- Business Owners shall serve a term of two (2) years;
- Residents shall serve a term of two (2) years;

There are no term limitations.

C. **TWDARC Rules**
The Chair shall be responsible for providing a non-voting Secretary for the TWDARC who shall be responsible for maintaining the minutes and records of the TWDARC. A quorum of the

TWDARC shall consist of three (3) members, one (1) of which must be the Chair. Three (3) affirmative votes are necessary for all TWDARC 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 TWDARC.

The TWDARC may adopt Rules of Procedure ("Rules") to govern the operations of the TWDARC. Such Rules must be adopted by, and may be amended by, a vote of not less than four (4) members of the TWDARC.
Robert's Rules of Order shall govern the actions of the TWDARC unless otherwise expressly provided for in the Rules.
The TWDARC may adopt provisions to allow the Chair to administratively approve certain Submissions conforming to the Declarations without review by the TWDARC.

D. **TWDARC Procedures**
An applicant shall forward Submissions to the TWDARC for preliminary review in accordance with the Declarations before review of the Submission by the TWDARC. The TWDARC 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 TWDARC shall forward the Submission and all comments to the Toledo Plan Commission for review as provided for in this Article.

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

F. **Variance**
The TWDARC is authorized to recommend variances 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 TWDARC 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.
(Ord. 9-14. Passed 1-2-14.)

1103.1517 Demolition Hearing Procedures (Warehouse District)

A. The Toledo Warehouse District Architectural Review Committee (TWDARC) has review and approval authority for demolition review under this section after seeking comment from the City Historic District Commission for review and comment.

B. When application is made for demolishing a structure within the Warehouse District, the Toledo Warehouse District Architectural Review Committee (TWDARC) must grant the application when one or both of the following conditions are found to exist:

1. The structure for which demolition is sought contains no features of architectural or historic significance, and it does not contribute to maintaining the character of the Warehouse District; or
2. There is no reasonable economic return for the structure as it exists and there is no feasible alternative to demolition submitted to the applicant by concerned organizations or individuals who wish to preserve the structure.

C. Economic Hardship Standards and Criteria

The Toledo Warehouse District Architectural Review Committee (TWDARC), in making a determination of economic hardship, may consider any relevant information, including but not limited to the following standards and criteria:

1. Alternative uses and the economic return they will earn in relation to all the following:
   a. estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Toledo Warehouse District Architectural Review Committee (TWDARC) for changes necessary for the continued use of the building;

   b. a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures on the property and their suitability for rehabilitation, including any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical;

   c. estimated market value of the property in its current condition, based on an independent MAI-certified appraiser; after completion of the proposed redevelopment, alteration, demolition or removal; and after changes recommended by the Toledo Warehouse District Architectural Review Committee (TWDARC) for the renovation of the existing property for continued use; and

   d. testimony from a third party architect, developer, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property, taking into consideration any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical.
2. The current economic return on the property in relation to all the following:
   a. the amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased;

   b. if the property is income-producing, the annual gross income from the property for the previous 2 years; itemized operating and maintenance expenses for the previous 2 years; and depreciation deduction and annual cash flow after debt service, if any, during the same period;

   c. real estate taxes for the previous 2 years and assessed value of the property according to the most recent assessed valuation; and

   d. all appraisals obtained within the previous 2 years by the owner or applicant in connection with the purchase, financing or ownership of the property.

3. The property is not able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous 2 years, including testimony and relevant documents regarding:

   a. any real estate broker or firm engaged to sell or lease the property;

   b. reasonableness of the price or rent sought by the applicant; and

   c. any advertisements placed for the sale or rent of the property.

4. Economic incentives and/or funding available to the applicant through federal, state, city or private programs.

5. Other information considered by the respective Toledo Warehouse District Architectural Review Committee (TWDARC) to be significant in determining whether the property does yield or may yield a reasonable return to the owner.

D. Alternatives To Demolition Submitted By Others

In deciding on the feasibility of an alternative to demolition, the Toledo Warehouse District Architectural Review Committee must find that the alternative plan meets the following requirements:

1. It contains a credible short-term and long-term program for the protection and use of the building;

2. It contains financial and architectural plans prepared by architects, engineers, real estate professionals, and other persons experienced in the rehabilitation and reuse of historic buildings; and

3. It has been submitted to the applicant as a good faith proposal containing an offer to enter into a contract at a price that reflects the fair market value of the property based upon three independent MAI-certified appraisers.

E. Additional Application Requirements

An applicant must meet with the Toledo Warehouse District Architectural Review Committee or the Plan Commission staff, and the applicant must then submit evidence on the following standards and criteria:

1. For a demolition application to be considered by the Toledo Warehouse District Architectural Review Committee, the application must contain sufficient information so that the Toledo Warehouse District Architectural Review Committee may adequately analyze the application in relation to its standards and criteria and then make a factual decision on the application.

2. The application shall include photographs and a written description of the present condition of the structure for which demolition is sought. The applicant shall include information about any changes in the condition of the structure during the previous 2 years.

3. At the initial meeting with the applicant, the Toledo Warehouse District Architectural Review Committee or the staff must indicate the information the Toledo Warehouse District Architectural Review Committee will need for a valid application.

4. For applications based on a lack of reasonable economic return, the applicant has the burden of showing that the property in question is incapable of earning a reasonable economic return in the absence of the proposed demolition. The showing must be made in accordance with the standards and criteria set forth in Economic Hardship Standards and Criteria.

5. The Planning Director must notify the applicant of any deficiencies in the documentation or other evidence provided.

6. Failure of the applicant to submit the required documentation and/or evidence will be construed as a failure on the part of the applicant to meet that standard for which the documentation and/or evidence is lacking.

7. After receipt of a completed application in which all required information is attached, the Toledo Warehouse District Architectural Review Committee must make a determination on the applicant's submission in accordance with the time frames set forth herein.

F. The Plan Commission staff must evaluate each application in accordance with the standards and criteria contained in Demolition Hearing Procedures and Economic Hardship Standards and Criteria and must provide a written evaluation and report. The report must be presented to the respective Toledo Warehouse District Architectural Review Committee on or before the Toledo Warehouse District Architectural Review Committee's initial hearing.

G. The respective Toledo Warehouse District Architectural Review Committee must hold an initial hearing on the application. The Toledo Warehouse District Architectural Review Committee, at the initial hearing, may delay a determination on the application and may impose a waiting period of at least 30 days and not longer than 9 months upon a finding that the structure is of value to the Warehouse District and that alternatives to demolition may be feasible and should be actively pursued by both the Toledo Warehouse District Architectural Review Committee and the applicant. This finding may include written recommendations to the applicant.

H. Upon the imposition of a waiting period, the Toledo Warehouse District Architectural Review Committee must undertake meaningful and continuing discussions during the waiting period in order to find a means of preserving the structure.

1. The Toledo Warehouse District Architectural Review Committee and applicant must investigate the feasibility of all means of preserving the structure. During this period the Toledo Warehouse District Architectural Review Committee and the applicant must make every reasonable effort to find a demolition alternative for that structure.

2. If the Toledo Warehouse District Architectural Review Committee and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussions at least every 30 days after the initial meeting. During these meetings, the Toledo Warehouse District Architectural Review Committee must give written notice to the applicant when the Toledo Warehouse District Architectural Review Committee believes that the structure may be saved if the applicant agrees to a longer waiting period.

I. The Toledo Warehouse District Architectural Review Committee may develop its own information on the Economic Hardship Standards and Criteria, and this information must be made part of the record on the application.

powered by Legistar™

J. The Toledo Warehouse District Architectural Review Committee must announce at the initial public hearing that further evidence or documentation from any interested party may be made part of the record by submitting such information to the Planning Director by a date certain. These materials may include one or more plans for an alternative to demolition prepared by concerned organizations or individuals. The Planning Director must transmit any such information received to the Toledo Warehouse District Architectural Review Committee and the applicant.

K. When the demolition application is first received, the Toledo Warehouse District Architectural Review Committee must seek the help of neighborhood leaders and suggest that they and the Toledo Warehouse District Association work together on developing an alternative to demolition. The Toledo Warehouse District Architectural Review Committee shall arrange one or more meetings between the applicant and any organizations and individuals working on an alternative to demolition.

L. The Toledo Warehouse District Architectural Review Committee may cause to be established a three-person economic review panel. The review panel will be comprised of three real estate and redevelopment experts knowledgeable in the economics of renovation, redevelopment and other aspects of rehabilitation.

1. The panel will consist of one person selected by the Toledo Warehouse District Architectural Review Committee, one person selected by the applicant and one person selected by the first two appointments. If the first two appointments cannot agree on a third person, the third appointment will be selected by the Planning Director.

2. Within 60 days after the economic review panel is established and before the end of the 6th month of the waiting period, the panel must review the evidence and complete an evaluation of the economic return issue, applying the standards and criteria set forth in the Economic Hardship Standards and Criteria. It must forward a written report on this evaluation to the Toledo Warehouse District Architectural Review Committee.

M. If, after reviewing all of the evidence, the Toledo Warehouse District Architectural Review Committee finds as follows below, then the Toledo Warehouse District Architectural Review Committee must approve the request, conditionally or otherwise. If the Toledo Warehouse District Architectural Review Committee finds that the standards, criteria, and requirements are not satisfied, the request will be denied. The Toledo Warehouse District Architectural Review Committee must find that:

1. The standards and criteria set forth in the Economic Hardship Standards and Criteria are satisfied;

2. And there is no feasible alternative to demolition, per the requirements of paragraph C above.

N. If the applicant or a representative fails to meet with the Toledo Warehouse District Architectural Review Committee at the times specified, or to participate in a meeting arranged by the Toledo Warehouse District Architectural Review Committee, then the Toledo Warehouse District Architectural Review Committee may deny the request.

O. During the waiting period, the owner of such structure must maintain or mothball the structure

to prevent further deterioration. If the request for a demolition is denied, the applicant must develop a program for continuing maintenance for the structure to ensure that the deterioration of the structure is not caused by the neglect of the structure by its owner or by a tenant. Such program must address the condition of the structure, the money currently available for repairs and maintenance, and any funds or in-kind assistance that may be available from interested third parties.

P. After holding good faith meetings pursuant to paragraph G above for 6 months into the waiting period specified by the Toledo Warehouse District Architectural Review Committee, or any time thereafter, the applicant may appeal to the Plan Commission for a determination pursuant to Section B through Section F.

Q. After each demolition of a landmarked structure or within a historic district, the Toledo Warehouse District Architectural Review Committee must prepare a brief report on that structure giving the reasons why the demolition took place. The report must be given to the Plan Commission and interested neighborhood organizations. At the end of each year the Toledo Warehouse District Architectural Review Committee must prepare a report summarizing the demolitions that year and the reasons for these demolitions. These summaries must be given to the Mayor, City Council, the Plan Commission and interested neighborhood organizations.

(Ord. 9-14. Passed 1-2-14.)

1103.1518 Demolition Appeals

A. Decisions concerning demolitions by the Toledo Warehouse District Architectural Review Committee may be appealed by the applicant or any other interested person to the Plan Commission, in writing, within 7 days of the Toledo Warehouse District Architectural Review Committee hearing provided for in Initial Hearing Procedures. Applications must be accompanied by the fee amount that has been established by the City Council.

B. The Plan Commission will consider an appeal filed pursuant to this Section within 30 days of receipt of notice of appeal, and must utilize the written findings of that Toledo Warehouse District Architectural Review Committee to review economic, historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its cultural importance to the City. A majority vote of the Plan Commission is required to overturn a decision of the Toledo Warehouse District Architectural Review Committee.

C. In cases involving denial of an application for demolition pursuant to Demolition Hearing Procedures, the Toledo Warehouse District Architectural Review Committee and the applicant must present such evidence as will be relevant to the conditions set forth in Demolition Hearing Procedures and Economic Hardship Standards and Criteria and must further present evidence upon the efforts made, if any, to find a feasible and prudent alternative to demolition during the pendency of the appeal.

1. In such cases, the Plan Commission may, in its discretion, and to facilitate the production of the evidence contemplated herein, defer its final decision to a date no later than 9 months from the initial Toledo Warehouse District Architectural Review Committee hearing.

2. The Plan Commission may direct the applicant and the Toledo Warehouse District Architectural Review Committee to continue discussions as provided for in Demolition

powered by Legistar™

Hearing Procedures (G) for the balance of the waiting period.

D. Decisions by the Plan Commission will be deemed final administrative orders for appellate purposes and will be thereafter regulated by Revised Code Chapter 2506.

E. No building permit, or other permit necessary for the activity applied for, including environmental changes, may be issued, or if issued will be valid, during the appeal time provided in Section A, during the pendency of a timely- filed appeal before the Plan Commission, or during the time prescribed in Revised Code Chapter 2506 for an appeal of a decision of the Plan Commission.

(Ord. 9-14. Passed 1-2-14.)

1103.1519 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 the City of Toledo shall be subject to the following standards:

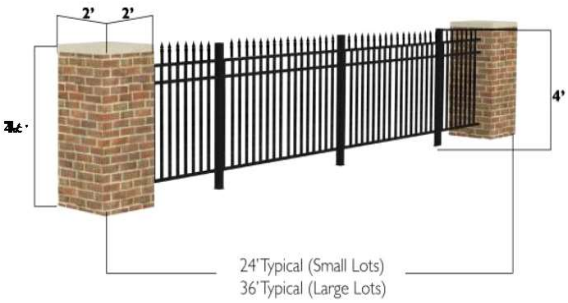
a) Surface Parking Lots shall be bordered along public rights of way by black wrought iron or black heavy gauge aluminum tube fencing that is at least four feet high with brick or thin brick columns that are at least 4’6" high and at least 18’’ wide or greater. Brick columns, or columns durably constructed 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 site.

The fences shall be clear of signage or other obstructions. The specifications for the fencing are as follows:

powered by Legistar™

TYPICAL FENCING DESIGN

TYPICAL FENCING DESIGN



FLAT TOP DESIGN

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

PICKET TOP DESIGN

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

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 ¾" 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

b) Parking spaces in Surface Parking Lots that abut fencing 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.

c) 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.

d) Lighting fixtures located on the brick columns are encouraged, but not required.

e) Landscaping is encouraged but not required. Landscaping shall not be a substitute or replacement for the Fencing & Columns required above.

1103.1520 **Supplemental Standards for Visual Screens**

Standards for Shrubs, Trees and Ground Cover. Shrubbery used as part of a visual screen must be sufficient to meet the height and opacity requirements by the end of the second growing season after planting. All shrubs and trees shall be selected from the list of approved plant material as adopted by the City of Toledo Division of Forestry. At the time of installation, deciduous trees shall be a minimum of 6 feet in height with a caliper of 1.5 inches at one foot above grade, and evergreen trees shall be 6 feet in height. Trees not used as a part of visual screen need not meet height, caliper size or opacity requirements. In the event of an existing parking lot where irrigation is not provided, landscaping materials installed on the property shall be drought tolerant species not requiring regular watering for good plant health and growth.

1. *Standards for Landscaped areas.* If a visual screen is set within a landscaped area, it shall be bordered by a continuous concrete or asphalt curb at least 6 inches wide and 6 inches high and covered by grass or other suitable vegetative ground cover, bark or decorative stones. All landscaped areas planted with shrubs shall be a minimum of 4 feet in width. If planted with

trees, the landscaped area is to be a minimum of 4 feet in width.

2. *Standards for Fences and Walls.* All walls and fences used as part of visual screen shall be of uniform appearance and shall be set in a concrete base. Required ornamental metal fences shall be of actual or simulated wrought iron construction. Walls shall be of reinforced masonry construction, including decorative concrete masonry units.

3. Irrigation Requirements.

a. General Provisions: Every landscaped area installed after adoption of these standards shall be served by a permanent underground irrigation system. No irrigation system, however, shall be required for trees provided to supplement the use of bollards and chains as required by "Existing parking lots that are licensed but not in full compliance with current City of Toledo Municipal Code and licensing regulations" described in Section B(4).

Method of Connection: For all existing parking lots that are not in full compliance with current City of Toledo Municipal Code and licensing regulations, the irrigation system shall be either connected to City water lines or shall be configured for coupling to a hose which draws water from any permitted on site or nearby source. In such instances, the selection of the water source shall be made by the applicant.

b. As an alternative to an irrigation system, a parking lot owner or group of parking lot owners may contract for regular watering and maintenance of plant material. Proof of such service shall be provided for licensing.

4. *Maintenance:* All plant materials shall be maintained in good condition at all times. Unhealthy or dead plant material shall be replaced with healthy plant material no later than the start of next growing season. Fences and walls shall be kept free from peeling paint, rust, spalls, and broken, cracked or missing elements. Fences and walls shall also be kept plumb, with no more than a 2 inch deflection from grade to top of element.

5. *Exemption for Alleys:* No visual screen shall be required along public alleys except where alleys are designated as public walkways, pedestrian zones or for purposes other than service ways.

6. *Street Corner Parking Lots*: All street corner parking lots shall have a minimum 18 feet square landscaped area on the corner where automobiles cannot park. Materials may include decorative paving, shrubbery, trees, flowers, walls, fee boxes and benches intended to beautify the street intersection. If the fronts of automobiles face only one street, the size of the landscaped area may be reduced to 9 feet by 18 feet.

7. *Landscaping Reductions and Exemptions:* With regard to an existing permitted parking lot that otherwise complies with all current City Zoning regulations, the City Plan Commission may grant a reduction of or an exemption from the requirements for shrubs, trees and landscaped areas if full compliance with such requirements would result in a loss of existing parking spaces which cannot be avoided or remediated through re-design or re-configuration of the parking lot. The City Plan Commission may take such action in accordance with the following provisions:

a. Evidence to be Provided by the Applicant: An applicant seeking a reduction of or an

exemption from the requirement for landscape elements of a visual screen shall present written and graphic evidence to the City Plan Commission demonstrating that the potential loss of existing spaces cannot be avoided or remediated through re-design or re-configuration of the parking lot.

b. Determination by City Plan Commission: Upon consideration of evidence submitted by the applicant as well as any analysis prepared by the staff, the City Plan Commission shall determine whether strict application of the visual screen landscape requirements will result in an irremediable loss of parking spaces. In determining whether a loss of parking spaces can be avoided through re-design or re-striping, the City Plan Commission shall assume continued use of the existing parking space and aisle dimensions for the subject property except where such dimensions are in excess of current City of Toledo Municipal Code requirements.

8. Temporary Uses Where the City Plan Commission deems a parking lot to be a temporary use, the barrier and screening requirements of the section shall be considered to be met if the parking lot operator installs anchored concrete wheel stops supplemented by bollards and chains, as required by these standards. No surface parking lot shall be deemed temporary for a period in excess of one year, provided however, that the City Plan Commission may extend the temporary use for one additional one-year period if, prior to the completion on the initial one-year period, a project agreement with the City is executed which requires development of the lot within one year or a Building Permit application has been filed for development of the property. A parking lot shall also be considered as a temporary use if a lease exists, recorded with the Lucas County Recorder, between the owner of the property and the parking lot operator, and term of the lease expires within eighteen months after the compliance date for filing of plans.

9. Approval: The materials, design, location and construction of the screens and barriers required by this section shall be approved by the Director of the Toledo-Lucas County Plan Commissions in consultation with City of Toledo Division of Transportation, Division of Engineering Services, and the Toledo Warehouse District Architectural Review Committee and shall be in accordance with the standards promulgated by the Commissioners in compliance with the provisions of this Chapter of the Toledo Municipal Code. Unless otherwise permitted by the Commissioner of the Division of Transportation, each parking lot shall have one common entrance and one common exit, which may or may not be combined.

10. Compliance Dates: All legally established existing parking lots shall be in full compliance within one year after the adoption of these standards in order to obtain annual relicensing. Subsequent to the adoption of these Standards, all new parking lots shall be in full compliance prior to initial approval and licensing.

11. Confirmation of Compliance: Representatives of the Toledo Warehouse District Architectural Review Committee will regularly inspect each parking lot to confirm compliance with these standards and will recommend approval or denial to the City of Toledo Finance Department prior to the issuance of the annual renewal of a license to operate.

12. Americans with Disabilities Act Compliance: Full compliance with current standards for handicapped and van accessible parking, including signage, shall be required for licensing.

powered by Legistar™

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 12, nays 0.

Passed: February 25, 2020, as an emergency measure: yeas 12, nays 0.

Attest:	
Gerald E. Dendinger	Matt Cherry
Clerk of Council	President of Council
Approved:	March 2, 2020
	Wade Kapszukiewicz
	Mayor

powered by Legistar™