

GENERAL INFORMATION

Subject

- Request - Amend TMC§1103.1400 Cherry Street Urban Neighborhood Overlay to Add Review Processes for Demolitions
- Applicant - Toledo Plan Commission
One Government Center, Suite 1620
Toledo, OH 43604

Parcel History

- M-9-13 - Review of amendment to Chapter 1103 of the City of Toledo Planning and Zoning Code to establish the Cherry Street Urban Neighborhood Overlay (UNO) District.

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan
- Cherry Street Legacy Plan

STAFF ANALYSIS

The request is for an amendment to Chapter 1103 of the City of Toledo Planning and Zoning Code to establish demolition criteria for the Cherry Street Urban Overlay District. The Cherry Street Urban Overlay District (UNO) was established in 2014 as one of the key recommendations in the Cherry Street Legacy Plan adopted by the Toledo City council in 2011. The Cherry Street Corridor is a 2.1-mile corridor extending from Detroit Avenue to the Greenbelt Parkway. The UNO district was created as a catalyst to spark redevelopment and restoration of one of Toledo's prominent legacy streets. The UNO is intended to foster development and redevelopment that is compatible with the scale and physical character of original buildings in an area through the use of development and design standards specific to the area.

The current regulations under TMC§1103.1400 provide detailed site development guidelines for both existing and new construction, however, there is no demolition criteria for proposed building demolitions. Demolishing buildings in the overlay goes against the historic and cultural preservation efforts made by the Cherry Street Legacy Plan. The 2011 plan calls for building protection of the commercial corner along Cherry Street and Central Avenue due to deteriorated vacant lots created from building demolitions.

STAFF ANALYSIS Cont.

Additionally, the proposed demolition criteria is intended to protect the history of the area and encourage rehabilitation of buildings. Often times these buildings are torn down and replaced with parking lots. Parking lots are humdrum and passive place with no visual interest. The Cherry Street historic corridor features several buildings dating from before the 1900. The historic nature of the Cherry Street area is important to the residents, hence, maintaining and protecting the existing structures is imperative.

All demolitions shall require a major site plan review. The demolition review process will establish a review by the Toledo City Plan Commission to determine whether there is merit for demolishing a structure. This proposal is not new and similar to demolition regulations in other UNO districts in the City and should be approved by the Toledo City Plan Commission to preserve existing buildings that contribute to the cultural identity of the area and also encourage rehabilitation.

On June 12, this proposal was presented at the CSDO monthly meeting, the organization expressed support in favor of the plan protecting the neighborhood.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of M-1-23, a text amendment to TMC§1103.1300 Cherry Street Urban Overlay to add demolition criteria for the following reason:

- A. The text amendment is in alignment with the stated purpose of the Zoning Code and ensures safety of Toledo residents,

ZONING TEXT AMENDMENT
 TOLEDO CITY PLAN COMMISSION
 REF: M-1-23
 DATE: June 3, 2024
 TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE OF
 CITY COUNCIL
 DATE: August 13, 2024
 TIME: 4:00 P.M.

ET
 1 Sketch and Two (2) Exhibits follow

Exhibit "A"
Existing

1103.1400 Cherry Street UNO District.

1103.1401 Purpose.

The Cherry Street UNO District is intended to create an area that has an urban, pedestrian friendly, walkable character that promotes a healthy community by:

- A. Providing a review process for proposed physical changes to structures and public space within the Cherry Street corridor.
- B. Implementing appropriate building and parking setbacks that accommodate redevelopment that is compatible with historical building patterns; and
- C. Promoting development that features retail display windows, rear parking lots, and other pedestrian-oriented site design features.

(Ord. 8-14. Passed 1-2-14.)

1103.1402 Effect of Designation.

The Cherry Street 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 Cherry Street UNO District regulations and the regulations of the underlying base zoning district, the UNO regulations govern. In all cases, the most restrictive provision of the Cherry Street UNO District or the underlying zoning regulations govern.

(Ord. 8-14. Passed 1-2-14.)

1103.1403 Cherry Street UNO District Classification.

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

(Ord. 8-14. Passed 1-2-14.)

1103.1404 Cherry Street 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.

(Ord. 8-14. Passed 1-2-14.)

1103.1405 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 Cherry Street 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, except for detached houses and duplexes used for residential purposes. "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-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 Cherry Street Development Organization (CSDO) for their review prior to any work or any permits being issued by any city department.
- D. The Cherry Street Development Organization shall be responsible for the review of plans as required by the Cherry Street Urban Neighborhood Overlay District. They shall review and make recommendations to the Plan Director of the Plan Commission within forty-five (45) calendar days of receipt of the plans by the Cherry Street Development Organization.
- E. In the event that the Cherry Street Development Organization is no longer an official active organization for the Cherry Street corridor then the development plans shall be subject to the Site Plan Review procedures of TMC 1111.0800.
(Ord. 8-14. Passed 1-2-14.)

1103.1406 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.

5. Newly proposed sidewalks within the public right-of-way shall be a minimum of five feet (5') in width.

B. Building Setback and Height

1. The maximum allowed front setback shall be 10 feet from the right-of-way unless a public-private setback zone is provided.
2. If a public-private setback zone is provided a maximum front setback of 20 feet is allowed for up to 50 percent of the building frontage. Buildings on corner lots must comply with maximum building setback standards along all lot frontages. Single family and two-family residential uses are exempt from this requirement.
3. The minimum side yard and rear yard setbacks shall be as specified in the underlying zoning district.
4. 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. All 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. Grade level mechanical equipment shall be screened from adjoining residential parcels and from the right of way(s). All utilities shall be underground wherever possible.
5. Dumpsters and trash receptacles must be screened in accordance with Sec. 1108.0304(B), and located to the rear of the property.
6. 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.

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 Cherry Street corridor.
 2. Materials with a brick-like appearance such as "Founder's Brick", or similar material.
 3. Wood, it must be painted.
 4. Materials with a wood-like appearance such as "Textured Cementitious Board", "Cement Board Siding", or similar material.
 5. Smooth finished stone such as limestone or sandstone; color to be light to medium 'buff'.
 6. Glass.
 7. Building materials other than those listed above may be approved by the Plan Director, in consultation with Cherry Street Development Organization, 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.
 8. Predominant exterior building materials shall not include the following:
 - (1) smooth-faced concrete block
 - (2) smooth-faced tilt-up concrete panels
 - (3) pre-fabricated steel panels
 - (4) vinyl siding
 9. The use of high-intensity colors, metallic colors, blacks or fluorescent colors is prohibited. Paint colors shall visually relate building elements to each other, as well as individual facades to each other. The colors chosen for any façade shall relate to the neighboring facades and to the blockscape as a whole. The placement of colors should be based on the existing hierarchy of detail: base, major and minor trim colors. The color of the upper wall surface and the storefront piers is the base color. A palette of suggested color schemes may be obtained from the CSDO. The color scheme for the building shall be reviewed and approved by the CSDO.
- (Ord. 8-14. Passed 1-2-14.)

1103.1407 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 Cherry Street UNO District.
(Ord. 8-14. Passed 1-2-14.)

1103.1408 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 Cherry Street 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. 8-14. Passed 1-2-14.)

1103.1409 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. Any fencing or walls shall be aesthetically compatible with the iconic fencing (brick piers and black wrought iron or aluminum tube) that is currently along Cherry Street. All landscaping shall adhere to the crime prevention through environmental design (CPTED) standards. Applicants are strongly encouraged to contact the Toledo Police Department Community Services Division who can make recommendations to enhance the usage of CPTED principles, which include natural surveillance, natural access control, and territorial reinforcement. Landscapes must allow clear and unobstructed views of the surrounding areas. All landscaping will be at ground level, three feet in height maximum, and any tree canopy base shall be six feet or higher to allow for natural surveillance and eliminate potential ambush points.
(Ord. 8-14. Passed 1-2-14.)

1103.1410 Off-Street Parking.

Off-street parking requirements for properties within the Cherry Street 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 Cherry 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. 8-14. Passed 1-2-14.)

1103.1411 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 Cherry Street corridor. The Plan Commission will provide the model number for the light pole and luminaire, as well as detail product specifications.
 - 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.
 - 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 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. 8-14. Passed 1-2-14.)

1103.1412 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 shall be open to increase sight lines towards storefronts along the street. Round-top, halfround, box, or other unusual awning shapes are prohibited unless approved in writing by the Plan Director. Internally lighted awnings are also prohibited. Signage on awnings shall be allowed as long as it meets appropriate portions of the requirements of Sec. 1103.1413. Internally illuminated awnings are prohibited.
 - 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. 8-14. Passed 1-2-14.)

1103.1413 Signage.

Signage shall comply, 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
- H. Moving, animated or intensely lighted signs, roof signs or signs that extend above a building roofline or parapet, and pole mounted signs are prohibited.
- I. Monument or ground signs are allowed.

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.
(Ord. 8-14. Passed 1-2-14; Ord. 166-24. Passed 4-10-24.)

Exhibit "B"
Modifications

(Additions in italic highlight. Deletions in bold strikethrough.)

1103.1414 Demolition Hearing Procedures (Cherry Street Urban Overlay District).

A. The Cherry Street Development Organization (CSDO) has review and approval authority for demolition review under this section after seeking comment from the Plan Commission. A Major Site Plan application shall be required for all demolition requests.

B. When application is made for demolishing a structure within the Cherry Street Urban Overlay District, the Cherry Street Development Organization 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 Cherry Street Urban Overlay 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 Cherry Street Development Organization 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 Cherry Street Development Organization 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 Cherry Street Development Organization 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 Cherry Street Development Organization 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 Cherry Street Development Organization 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 Cherry Street Development Organization 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 Cherry Street Development Organization the application must contain sufficient information so that the Cherry Street Development Organization 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 Cherry Street Development Organization or the staff must indicate the information the Cherry Street Development Organization 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 Cherry Street Development Organization 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 Cherry Street Development Organization on or before the Cherry Street Development Organization's hearing.*
- G. The respective Cherry Street Development Organization must hold a hearing on the application. The Cherry Street Development Organization, at the 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 Cherry Street Urban Overlay District and that alternatives to demolition may be feasible and should be actively pursued by both the Cherry Street Development Organization and the applicant. This finding may include written recommendations to the applicant.*

- H. Upon the imposition of a waiting period, the Cherry Street Development Organization must undertake meaningful and continuing discussions during the waiting period in order to find a means of preserving the structure.
1. The Cherry Street Development Organization and applicant must investigate the feasibility of all means of preserving the structure. During this period the Cherry Street Development Organization and the applicant must make every reasonable effort to find a demolition alternative for that structure.
 2. If the Cherry Street Development Organization 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 Cherry Street Development Organization must give written notice to the applicant when the Cherry Street Development Organization believes that the structure may be saved if the applicant agrees to a longer waiting period.
- I. The Cherry Street Development Organization 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 Cherry Street Development Organization 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 Cherry Street Development Organization and the applicant.
- K. When the demolition application is first received, the Cherry Street Development Organization must seek the help of neighborhood leaders and suggest that they and the Cherry Street Development Organization work together on developing an alternative to demolition. The Cherry Street Development Organization shall arrange one or more meetings between the applicant and any organizations and individuals working on an alternative to demolition.
- L. The Cherry Street Development Organization 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 Cherry Street Development Organization, 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 Cherry Street Development Organization.

M. If, after reviewing all of the evidence, the Cherry Street Development Organization finds as follows below, then the Cherry Street Development Organization must approve the request, conditionally or otherwise. If the Cherry Street Development Organization finds that the standards, criteria, and requirements are not satisfied, the request will be denied. The Cherry Street Development Organization 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 Cherry Street Development Organization at the times specified, or to participate in a meeting arranged by the Cherry Street Development Organization, then the Plan Commission 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 Cherry Street Development Organization, 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 Cherry Street Development Organization must prepare a brief report on that structure giving the reasons why the demolition took place. The report must be given to interested neighborhood organizations. At the end of each year the Cherry Street Development Organization 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, and interested neighborhood organizations.

1103.1518 Demolition Appeals.

A. Decisions concerning demolitions by the Plan Commission may be appealed by the applicant or any other interested person to the City Council Planning and Zoning Committee, in writing, within 7 days of the Plan Commission hearing. Applications must be accompanied by the fee amount that has been established by the City Council.

- B. The City Council Planning and Zoning Committee 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 Plan Commission 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 City Council Planning and Zoning Committee is required to overturn a decision of the Plan Commission.*
- C. In cases involving denial of an application for demolition pursuant to Demolition Hearing Procedures, the Plan Commission 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 City Council Planning and Zoning Committee 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 Plan Commission hearing.*
 - 2. The City Council Planning and Zoning Committee may direct the applicant and the Plan Commission to continue discussions as provided for in Demolition Hearing Procedures (G) for the balance of the waiting period.*
- D. Decisions by the City Council Planning and Zoning Committee 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 City Council Planning and Zoning Committee, or during the time prescribed in Revised Code Chapter 2506 for an appeal of a decision of the Plan Commission.*

GENERAL LOCATION

M-1-23

