

GENERAL INFORMATION

Subject

- Request - Study of schools and possible text amendments per Resolution 595-23.
- Applicant - Toledo City Council
One Government Center, Suite 2120
Toledo, OH 43604

STAFF ANALYSIS

The Toledo City Council is requesting a study and possible text amendment to the Zoning standards regulating schools. This request, submitted via Resolution 595-23, is prompted by Council’s desire to offer equality in the educational resources provided to school children, no matter the type of their school, and to ensure this equality extends to the buildings and facilities these children attend and utilize for their education. Staff has thus reviewed the Toledo Municipal Code’s current regulation of schools, as well as regulations regarding schools in other Ohio cities, and offers recommendations for amending the Toledo Municipal Code to promote enhanced safety and wellbeing for Toledo’s students, while still allowing flexibility for a variety of school types that can meet the varying needs of our City’s diverse student population.

The Toledo Municipal Planning and Zoning Code Part Eleven Chapter 1116 *Terminology* defines schools as public or private schools at the primary, elementary, middle, junior high, and high school level that provide state-mandated basic education. The Zoning Code further classifies schools into two categories: elementary and middle schools (which enroll students in any or all grades K through 8) and high schools (which enroll students in any or all of grades 9 through 12). Per TMC§1104 *Use Regulations*, schools are permitted in all Zoning Districts except industrial districts, planned business and industrial parks, and public open space districts.

A Special Use Permit (SUP) is required for all schools in all zoning districts in which they are permitted, except those in the Institutional Campus Zoning District, where schools are permitted by right. Special Use Permits are required for those uses that require heightened development standards to ensure safety, avoid nuisance issues, and promote cohesion with surrounding uses. The current standards regulating schools do not require that they meet any use-specific facility standards other than the parking requirements for schools per TMC§1107.0300 *Off-Street Parking Schedule “A.”* The SUP process allows Staff to assess each individual school’s adherence to all of Toledo Municipal Code.

Previous School Study

Staff conducted a previous study regarding how schools are regulated in 2016 (M-6-16). In this study, the proposed text amendment provided by City Council included the addition of

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criteria that would require all schools to meet specific facility standards, such as requiring a gymnasium, outdoor areas for athletic fields or playgrounds (depending on age range), a computer lab, a media lab, and adequate parking. Staff determined at the time of this study that requiring schools to meet additional facility standards through zoning begins to dictate the school's curriculum, which is outside the purview of land use and planning. Staff recommended disapproval of the proposed text amendment on the basis that facility standards for schools are already considered at the State level through the State of Ohio Facilities Construction Commission, and that parking requirements are already regulated by TMC§1107.0300.

Peer City Comparison

In reviewing school zoning regulations for the six largest cities in Ohio, Staff found that Toledo has the one of the most stringent codes regulating school location (see Exhibit "A" for code comparison). While cities like Akron and Cincinnati only require conditional review for schools in Single-family residential districts, Toledo requires schools to go through the Special Use Permit process in every residential district. In addition, some cities including Akron, Cincinnati, and Columbus allow schools in some industrial districts, while Toledo does not permit schools to locate in any industrial district. Of the six cities reviewed, Dayton is the only locality with use-specific regulations for schools. These regulations include requirements for the types of streets schools must be located on, as well as minimum side setbacks and minimal general standards for site design. Staff reviewed these regulations in the drafting of potential use-specific regulations for schools in Toledo.

Current Regulations for School Review

The following code breakdown explores how schools are currently analyzed through the Special Use Permit process, with a focus on identifying gaps that could be strengthened by the proposed text amendment (see Exhibits "B" and "C"). Note that the proposed use-specific standards will also apply to schools in IC-Institutional Campus districts, if adopted, and shall apply to both development review options for schools in this zoning district, as provided in TMC§1111.1201 *Development Review*, which include submitting an Institutional Master Plan in accordance with TMC§1111.0700 or securing Special Use approval.

TMC§1104 *Use Regulations*

As mentioned, schools do not have any use-specific regulations apart from parking requirements. Staff explored adding language to various code sections to strengthen the review process for schools, concluding that this section is the most logical place to house additions to the code. The proposed text amendment includes a new footnote in the Use Table, directing users to additional standards that will apply to the review of all schools.

TMC§1106 *Intensity and Dimensional Standards*

This code section ensures that schools are suited to their particular zoning district, dictating appropriate building setbacks, height, and coverage of the site. Staff recommends no changes to

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this section, as it reinforces flexibility in location options for schools, while ensuring that schools fit contextually with surrounding uses in their zoning district.

TMC§1107 *Parking, Loading and Access*

Per TMC§1107.0300 *Off-Street Parking Schedule "A,"* schools must provide adequate off-street parking for teachers, staff, and students, including the provision of adequate bicycle parking options. This required off-street parking must be located on the same lot as the principle use, except as otherwise provided by TMC§1107.1407(C) *Eligible Alternatives*, which ensures that proposed Alternative Parking Plans will not adversely affect surrounding neighborhoods, will not adversely affect traffic congestion and circulation, and will have a positive effect on the economic vitality or appearance of the project or on the environment.

Furthermore, during the SUP process, school site plans are assessed using the design standards of TMC§1107.1903 *Layout*, which states that any parking, loading, and maneuvering layout must be safe, adequate, and provide convenient arrangement of pedestrian walkways, bikeways, roads, and driveways. Sidewalks are a requirement per TMC§1107.0300, with the note that additional requirements for internal walkway systems may be required for Institutional Master Plans or Major Site Plan Reviews. Staff proposes adding language specific to schools that will allow Staff strengthened standards to recommend modifications to school site plans, as deemed necessary, including (but not limited to) the addition of crosswalks and school signage to enhance the safe travel of students within and surrounding the school site.

Additionally, while TMC§1107.0800 grants The Division of Transportation the ability to require a Traffic Study for developments over 50,000 square feet, Staff proposes adding code language that states a Traffic Study may be requested for any school, new or undergoing redevelopment, if the parking and circulation plan requires further assessment to ensure safe and efficient circulation of school visitors and attendees.

TMC§1108 *Landscaping and Screening*

This code section offers landscape buffer requirements via TMC§1108.0203 that apply to all school developments that undergo site plan review. The intent of this portion of code is to minimize the impacts of noise, dust and debris, and headlight glare, and to offer transition and visual screening between adjacent uses. In some cases, dependent on the zoning district of the subject site and adjacent parcels, a development may not be required to offer landscape buffering. Staff sees this as a potential gap that reinforces Staff's proposal to add code language that will give reviewers the ability to request additional site modifications—including additional landscape screening—not only for safety reasons, but also to lessen the impact of school developments on adjacent neighbors.

TMC§1109 *Design Standards*

The Institutional design standards listed in TMC§1109.0200 include requirements for helping ensure that developments are built to human scale, provide attractive street fronts, and accommodate both pedestrians and vehicular movement. Said requirements include the standard

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that at least one main building entrance shall face and open directly to a five-foot (5') wide walkway to the street sidewalk, providing a logical route for students to navigate school sites. If connecting walkways cross parking aisles or driveways, they are required to be distinguished from driving surfaces in a way that enhances pedestrian safety and comfort. The proposed text amendment strengthens reviewers' ability to request additional site modifications for school site plans if the site design does not adequately meet the spirit and intent of this code section.

TMC§1111 *Development Approval Procedures*

The SUP Review and Decision-Making Criteria listed in TMC§1111.0706 offers several factors which must be considered in deciding recommendations on SUPs. These criteria include consideration of whether the proposed use meets the stated purpose of the Zoning Code, which is to protect the health, safety, and general welfare of the citizens of Toledo. The criteria also include consideration of whether the proposed use is compatible with adjacent uses and if the development will have any adverse effect on the neighborhood or environment.

Where an aspect of a potential school site plan may not be regulated or addressed in any of the above code sections, Staff, as the review-body of the SUP process, has the power per TMC§1111.0112 to impose additional conditions on applications to reduce potential negative impacts of developments as proposed. While this code section allows Staff the ability to alter school development proposals, Staff believes the addition of use-specific code language for schools will increase clarity around the school review process and strengthen reviewers' ability to ensure that schools are planning for the safety of students and school visitors, as well as the wellbeing of surrounding neighbors.

Conclusion and Recommendation

Overall, the proposed text amendment uses language that will allow Staff to request site modifications for school developments, as well as additional review information pertaining to traffic and circulation for schools, *if* the materials provided for review do not adequately plan for and address the safety of students, or if Staff believes the school development will have adverse effects on surrounding uses. The decision to use “may” rather than “shall” in the text amendment is based on the belief that “one size does not fit all” for school developments, and that blanket requirements pertaining to all schools, without consideration of their particular settings and the unique needs of their students, will hinder the provision of adequate facilities that meet the needs of all of Toledo's children. Furthermore, the proposed text amendment supports several goals in the Forward Toledo Comprehensive Land Use Plan, including Quality Design, Building Preservation, and Support Childhood Development.

Staff believes that the proposed use-specific regulations for schools, in combination with the Special Use Permit and Institutional Master Plan processes, will offer a more comprehensive review process for school developments—where reviewers have the ability to request site modifications as necessary—while allowing flexibility and encouragement for a diverse array of educational environments. Staff recommends approval of the text amendment as it is consistent

STAFF ANALYSIS (cont'd)

Conclusion and Recommendation (cont'd)

with the Comprehensive Plan and the stated purpose of the Zoning Code to protect the health, safety and welfare of the citizens of Toledo.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of M-12-23, a study of schools and possible text amendments, to Toledo City Council for the following reason:

1. The proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code in that it will help ensure the safety and wellbeing of Toledo's student population and those surrounding school sites.

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-12-23
DATE: January 16, 2025
TIME: 2:00 P.M.

ZONING AND PLANNING
COMMITTEE OF CITY COUNCIL
DATE: February 19, 2025
TIME: 4:00 P.M.

MJM

Three (3) Exhibits follow

Exhibit “A”

Peer City Comparison of Zoning Regulations for Schools

Zoning Regulations	Cities					
	Akron	Cincinnati	Cleveland	Columbus	Dayton	Toledo
Permitted Outright:						
Residential Districts	X (Multi-family districts)	X (Multi-family districts)	X	X		
Commercial Districts	X	X	X	X		
Industrial Districts	X (Biomedical districts)	X (Manufacturing limited districts)	X (Semi-industry districts)			
Other Zoning Districts		X (Riverfront district & Institutional-Residential)	X (Institutional-research districts)	X (Neighborhood Center districts)	X (Campus-Institutional districts)	X (Institutional Campus districts)
SUP/Conditional Review:						
Residential Districts	X (Single-family districts)	X (Single-family districts)			X	X
Commercial Districts					X	X
Industrial Districts					X	
Other Zoning Districts		X (Park districts)				
Use-Specific Regulations:					X	

**Exhibit “B”
Existing Text**

1104.0100 | Use Table

<i>Use Category</i>	<i>RS12</i>	<i>RS9</i>	<i>RS6</i>	<i>RD6</i>	<i>RM (all)</i>	<i>R MH</i>	<i>CN</i>	<i>CO</i>	<i>CM</i>	<i>CS</i>	<i>CR</i>	<i>CD</i>	<i>IL</i>	<i>IG</i>	<i>IP</i>	<i>POS</i>	<i>IC</i>
Schools	S	S	S	S	S	S	S	S	S	S	S	S	-	-	-	-	P

**Exhibit “C”
Modifications**
(Additions in italic highlight.)

1104.0100 | Use Table

<i>Use Category</i>	<i>RS12</i>	<i>RS9</i>	<i>RS6</i>	<i>RD6</i>	<i>RM (all)</i>	<i>R MH</i>	<i>CN</i>	<i>CO</i>	<i>CM</i>	<i>CS</i>	<i>CR</i>	<i>CD</i>	<i>IL</i>	<i>IG</i>	<i>IP</i>	<i>POS</i>	<i>IC</i>
Schools	S [33]	S [33]	S [33]	S [33]	S [33]	S [33]	S [33]	S [33]	S [33]	S [33]	S [33]	S [33]	-	-	-	-	P [33]

[33] Subject to standards of Sec. 1104.2600 | Schools

1104.2600 | Schools

The following standards apply to schools.

1104.2601 | Traffic Study

The Planning Director may request a Traffic Study for any school, new or undergoing redevelopment, that meets the requirements of Sec. 1107.0802 if safety and circulation of the site are not adequately addressed with the provided materials.

1104.2602 | Site Design Modifications

The Planning Director may request additional site modifications for schools, new or undergoing redevelopment, to enhance student and school visitor safety and/or to limit the impact of school developments on surrounding uses. Potential site design modifications include:

- A. Crosswalks
- B. Signage
- C. Lighting
- D. Fencing (perimeter and/or interior)
- E. Landscape buffers
- F. Increased setbacks
- G. Any other modification deemed necessary to enhance safety of school attendees