

GENERAL INFORMATION

Subject

Request	-	Text Amendment regarding Legal Nonconforming Lots and Density Requirements
Applicant	-	Toledo-Lucas County Plan Commission

Applicable Plans and Regulations

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

STAFF ANALYSIS

The Plan Commission staff is requesting a text amendment to TMC§1114.0402(A) *Use of Nonconforming Lots* to allow residential uses permitted within the underlying zoning district to be built on legal nonconforming lots. Zoning ordinances generally permit existing structures or land uses that do not meet the current regulations to continue so long as the nonconforming situation is not expanded. These non-conformances are commonly referred to as having “grandfathered” status. Nonconforming lots do not meet the underlying zoning district's minimum lot area, width, or depth requirements of TMC§1106 *Intensity and Dimensional Standards*.

The Zoning Code requires nonconforming lots in residential districts only to be used for detached houses and related accessory structures. This prevents residentially zoned lots from being used for any other type of residential housing. This means that if a legal nonconforming lot was zoned Duplex Residential (RD) or Multi dwelling Residential (RM), it could not be built as a duplex or multi-family housing, although the underlying district permits the use. Unlike the residential zoning districts, nonconforming lots in non-residential zoning districts may be used for uses permitted within the underlying zoning district. This requirement creates barriers and undermines efforts to achieve the goals of the Forward Toledo Comprehensive Plan and address housing needs in the community.

Forward Toledo Comprehensive Plan

The Forward Toledo Comprehensive Plan calls for promoting a diverse variety of well-designed housing to meet the residential needs of all Toledo citizens. The plan proposes “missing middle housing” to solve this problem. Missing middle housing provides diverse housing types such as duplexes, townhouses, cottage courts, and multiplexes. They fall between single-family homes and apartment buildings, providing a spectrum of affordability and homeownership opportunities. Additionally, the plan proposes revisions to lot size requirements to accommodate a wider variety of development projects.

STAFF ANALYSIS Cont'd

Proposed Amendment

The proposed text amendment opens up residential nonconforming lots for uses allowed within the underlying zoning district per TMC§1104 Use Regulations. The uses are subject to all applicable standards of the underlying zoning district.

Conclusion and Recommendation

The proposed code eliminates the restriction of residential nonconforming lots to be used exclusively for detached houses and accessory uses. Staff recommends approval of the new language as it corrects an error/inconsistency in the existing code and supports the goals of the comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends that the Toledo City Plan Commission recommend approval of M-7-25, a Text Amendment regarding legal non-conforming lots and density requirements, to the 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 (TMC§1111.0506(B))
2. The proposed text amendment corrects an error/inconsistency in the Zoning code (TMC§1111.0506(A))

ZONING TEXT AMENDMENT TOLEDO CITY PLAN COMMISSION

REF: M-7-25

DATE: August 14, 2025

TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE OF CITY COUNCIL

DATE: September 17, 2025

TIME: 4:00 P.M.

ET

Two Exhibits follow

Exhibit “A”
Existing

1114.0402 Use of Nonconforming Lots.

- A. In residential zoning districts, single nonconforming lots may be used for detached houses and related accessory structures, subject to all other applicable standards of the underlying zoning district.

Exhibit “B”
Modifications

(Additions in italic highlight. Deletions in bold strikethrough)

1114.0402 Use of Nonconforming Lots.

- A. In residential zoning districts, single nonconforming lots may be used for ~~detached houses~~ *residential uses allowed within the underlying zoning district* and related accessory structures, subject to all other applicable standards of the underlying zoning district.