

## GENERAL INFORMATION

### Subject

- |           |   |   |
|-----------|---|---|
| Request   | - | Text Amendment removing detention/retention ponds and swales from front yards   |
| Applicant | - | Toledo Plan Commission<br>One Government Center, Suite 1620<br>Toledo, OH 43604 |

### Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning

## STAFF ANALYSIS

The Toledo Plan Commission is requesting review of an amendment to remove traditional detention/retention ponds and swales from front yards. Currently, traditional detention/retention ponds are prohibited in the frontage greenbelt per TMC§1108.0206 Bioretention Areas (Rain Gardens). This section was amended in 2016 due to growing concerns over improper installation and lack of maintenance of stormwater treatment facilities. The amendment language was developed in consultation with the Division of Engineering Services, Division of Environmental Services and the Plan Commission. The modifications were designed to bring all three agencies to a consensus when working with developers what is expected in the design, location, installation, maintenance, and overall best management practices in concern to bioretention areas or stormwater treatment facilities.

While there have been improvements in the installation and maintenance of stormwater facilities as a result of the amended regulations, there is still a concern with the aesthetics and maintenance of traditional detention/retention ponds and swales that have been installed. Hence, an amendment is proposed to prohibit traditional detention/retention ponds and swales from the front yard. The front yard is defined by TMC§1116.0137 as the area between the right-of-way and the principal building. This will ensure that retention/detention facilities and swales will not encroach upon any frontage greenbelts and landscaping. This is important because frontage greenbelts and landscaping provide both protection of adjacent land uses and improve visual aesthetics. In addition, the location of detention/retention ponds and swales behind the front building façade will also decrease their visibility and potentially negative impact on views to and from sites.

Engineering Services staff has expressed concern with the proposed amendment in that it may limit the ability of developers to situate stormwater facilities based on the conditions of individual sites. In addition, it was noted that a closer review of conditions of existing stormwater

**STAFF ANALYSIS (cont'd)**

facilities may be warranted to determine what the cause is of the current issues and how best to address them. Following discussions of the proposed amendment, staff is proposing to move forward with the amendment at this time and reassess conditions in the future as needed.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of M-3-19, a text amendment to the Planning and Zoning Code to remove detention/retention ponds and swales from front yards, to the Toledo City Council.

ZONING TEXT AMENDMENT  
TOLEDO CITY PLAN COMMISSION  
REF: M-3-19  
DATE: June 13, 2024  
TIME: 2:00 P.M.

CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: July 16, 2024  
TIME: 4:00 P.M.

LK  
Three (3) Exhibits follow

**Exhibit "A"**  
**Existing Regulations**

**1108.0206 Bioretention Areas (Rain Gardens)**

- A.** A Stormwater Treatment Facility is defined by 941.01. In all zoning districts except the Downtown Overlay District (DOD), Stormwater Treatment Facilities may be located within the required landscaping areas, frontage greenbelt area, buffer area, parking lot screening area, or landscape islands provided the following criteria are met:
1. Traditional detention/retention ponds are prohibited in the frontage greenbelt.
  2. Facilities must be designed to infiltrate to drain dry or have a bottom slope minimum of 1% to drain dry.
  3. Side slopes shall have a maximum side slope no more than 3:1 (three units horizontal to one unit vertical).
  4. If located within the frontage greenbelt the stormwater treatment facility may only occupy up to 50% of the actual available green space.
    - a. Footprint of stormwater treatment facility is defined by the top of any slope that is 5:1 or steeper.
    - b. Footprint of stormwater treatment facility may cross the greenbelt boundary.
  5. Concrete drainage structures must be located to provide maximum benefit for stormwater treatment effectiveness, and must also be mostly concealed within the side slope, and be surrounded by landscape screening rather than visibly protruding into the landscaping.

**Exhibit “B”  
Proposed Modifications**

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

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1. Traditional detention/retention ponds *and swales* are prohibited in the *front yard* ~~frontage greenbelt~~.
  2. Facilities must be designed to infiltrate to drain dry or have a bottom slope minimum of 1% to drain dry.
  3. Side slopes shall have a maximum side slope no more than 3:1 (three units horizontal to one unit vertical).
  4. If located within the frontage greenbelt the stormwater treatment facility may only occupy up to 50% of the actual available green space.
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**Exhibit “C”  
Proposed Regulations**

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