

THE STATE OF PLANNING LAW IN THE GLOBAL SAMPLE OF CITIES

TOLEDO, OHIO, UNITED STATES

2018



Source: © TOLEDO, OHIO WIKIPEDIA
https://en.wikipedia.org/wiki/Toledo,_Ohio

A. URBAN AREAS

The City of Toledo, the fourth largest city in Ohio, is located in Northwest Ohio's Lucas County.¹ A once booming port city, Toledo sits at the western end of Lake Erie. Since its days as the "Glass City," when the city was home to the nation's glass manufacturers, Toledo has seen a steady decline in population. Currently, Toledo consists of 24 neighborhoods² governed by the Toledo-Lucas County Plan Commissions,³ the 20/20 Comprehensive Plan, and the Toledo Municipal Code.⁴ Together, these entities establish a *de facto* urban growth boundary (UGB) through land use zoning.

¹ U.N. Habitat for a Better Future, Atlas of Urban Expansion, <http://www.atlasofurbanexpansion.org/cities/view/Toledo> (last visited Sept. 6, 2018).

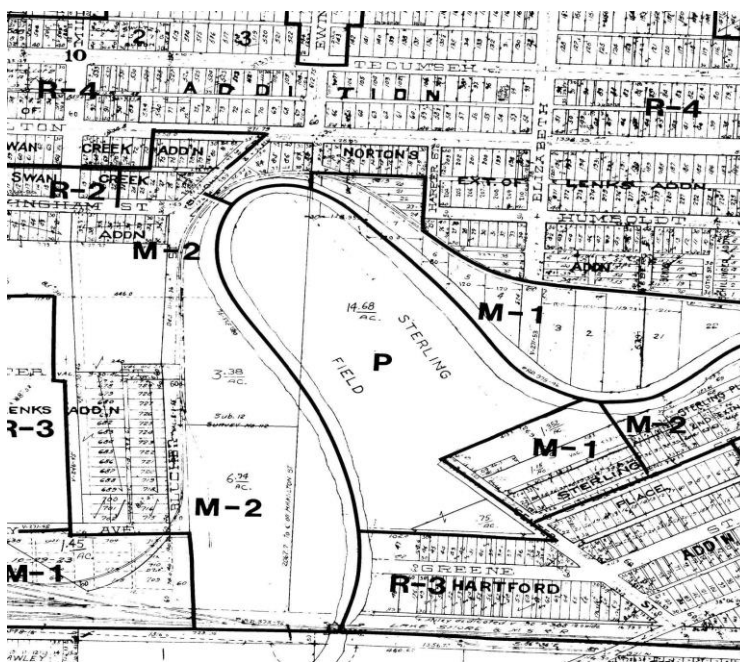
² These include: Franklin Park, East Toledo, Birmingham, Totco, Warren Sherman, Lagrange, North River, Fort Industry, Point Place, North Towne, Whitmer-Trilby, Scott Park, Secor Garden, South Side, DeVeaux, Glendale, Beverly, Reynolds Corners, Southwyck, Five Points, Englewood, Onyx, West Gate, Ottawa, Old West End, Downtown. City of Toledo, Neighborhood & Council Districts, <https://toledo.oh.gov/media/5377/neighborhoods.pdf>.

³ The Toledo-Lucas County Plan Commissions is comprised of two separate commissions: The Toledo City Plan Commission and the Lucas County Planning Commission. The purpose of this joint commission is to "create a community with a high quality of life and access to economic opportunity for...residents." This is achieved "by providing effective guidance on land use decisions." See City of Toledo, Ohio, Plan Commission, <https://toledo.oh.gov/services/plan-commission/>.

⁴ American Legal Publishing Corporation, Toledo Municipal Code, [http://library.amlegal.com/nxt/gateway.dll/Ohio/toledo/parteleven-planningandzoningcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:toledo_oh](http://library.amlegal.com/nxt/gateway.dll/Ohio/toledo/parteleven-planningandzoningcode?f=templates$fn=default.htm$3.0$vid=amlegal:toledo_oh).

According to the U.S. Census Bureau, Toledo has a population of 278,000 people and has experienced a 4% decrease in population since 2010. It is approximately 206 km² and holds approximately 1,359 people per km².⁵ At the current population growth rate of -4%, the city is unlikely to ever reach a population density of 15,000 per km².

To preserve natural land, the city has incorporated regulations and land use plans that preserve unique and fragile areas of land.⁶ Toledo's Special Purpose Districts "protect natural amenities" of open land.⁷ Within a particular residential area, where there might be natural land to protect, the Toledo City Plan Commission developed subdivision regulations that require commission approval before natural land can be built up.⁸ Many Special Purpose Districts are surrounded by residential, commercial and large industrial zones. The map below is for Zone 13 of Toledo's Zoning Index, which divides the city into 232 different zones with corresponding maps, the "P" in the center demonstrates a Special Purpose District that is surrounded by industrial and residential development lots.⁹



Map A - Toledo-Lucas County Plan Commissions

Source: © City of Toledo, Ohio,

<https://toledo.oh.gov/services/plan-commission/zoning-maps/>, click on 13 for Zone 13 map
(<https://toledo.oh.gov/media/1246/Toledo-13.pdf>)

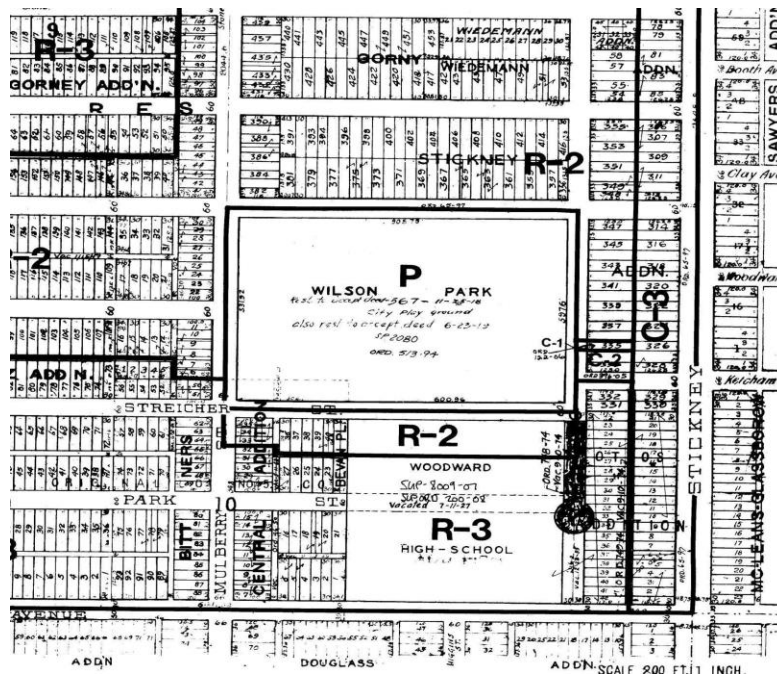
⁵ United State Census Bureau, Quick Facts: Toledo Ohio, July 2017, <https://www.census.gov/quickfacts/toledocityohio>.

⁶ Toledo City Plan Commission Report, (Oct. 12, 2017) <https://toledo.oh.gov/media/4582/october-12-city.pdf>, pgs. 3-4.

⁷ *Id.*

⁸ Subdivision Rules & Regulations For the City of Toledo, § 302, <https://toledo.oh.gov/media/1099/subdivision-regulations-toledo.pdf>.

⁹ City of Toledo Zoning Index, <https://toledo.oh.gov/media/1233/Toledo-BaseMap.pdf>.



Map B - Toledo-Lucas County Plan Commissions

Source: © City of Toledo, Ohio,

<https://toledo.oh.gov/services/plan-commission/zoning-maps/>, click on 7 for Zone 7 map (<https://toledo.oh.gov/media/1240/Toledo-7.pdf>).

The map above is for Zone 7 of Toledo's Zoning Index¹⁰ showing a Special Purpose District that is surrounded by residential development lots.

B. URBAN PLANS AND PUBLIC SPACE

100% of the area within Toledo's *de facto* UGB is governed by the spatial plans adopted pursuant to Toledo's Municipal Code, Part Eleven - Planning and Zoning Code, enacted in 2004. The Zoning Index, created pursuant to Part Eleven of the Municipal Code, outlines planning by district.

In 2000, Toledo adopted the 20/20 Comprehensive Plan, which was subsequently amended by Ordinance 367-11 in 2011, to rethink infrastructure and development within the city's limits.¹¹ Among other items outlined in the plan, the city government envisions a more stable housing stock, a flourishing downtown, and nature as a recreational attraction by 2020.¹² The 20/20 Comprehensive Plan "provides a set of recommendations to guide the future growth and development of the city."¹³ Part of its implementation framework includes "land use and related

¹⁰ City of Toledo Zoning Index, <https://toledo.oh.gov/media/1233/Toledo-BaseMap.pdf>.

¹¹ City of Toledo, Ohio, <https://toledo.oh.gov/media/1129/toledo-2020-plan.pdf>; The University of Toledo Urban Affairs Center, Planning Downtown Toledo, <https://www.utoledo.edu/centers/urban-affairs/docs/planning-downtown.pdf>.

¹² *Id.* at i.

¹³ City of Toledo, Ohio, <https://toledo.oh.gov/media/1129/toledo-2020-plan.pdf>.

recommendations for the development and redevelopment of the city,” and “code enforcement” in order to scale up development downtown to attract more businesses and people to the city.¹⁴ Toledo’s 20/20 Comprehensive Plan is the only plan presently in force, making the average age of plans in force 7 years.

C. SPOT CHECKS ON PLAN IMPLEMENTATION

Spot checks were conducted for two sites; one in, or in proximity to, a district predominantly commercial in character and the second on the edge of the built-up area. The following is a summary of key findings:

SITE 1: DOWNTOWN TOLEDO

Downtown Toledo, Ohio is primarily zoned for commercial usage.



Source: © THE BLADE

https://www.toledoblade.com/local/2013/02/15/Shift-in-zoning-aims-to-protect-Warehouse-District-area-property-owners-worry.html?fb_comment_id=412243032196887_2601701

From the below aerial shot, the streets surrounding Fifth Third Field in Downtown Toledo are in compliance with Toledo’s Planning and Zoning Code as well as the 20/20 Comprehensive Plan because the area consists of high-rise offices and low-rise retail space. The area also contains

¹⁴ Ignazio Messina, *Official: Lots to do yet on city’s 20/20 plan*, The Blade, <https://www.toledoblade.com/local/2014/11/03/Official-Lots-to-do-yet-on-city-s-20-20-plan/stories/20141102177>, (last visited Dec. 5, 2018).

restaurants and shops indicating compliance with the commercial zoning as well as compliance with the 20/20 Comprehensive Plan’s vision for a “flourishing” commercial downtown.¹⁵



Aerial shot of the area surrounding Fifth Third Field.

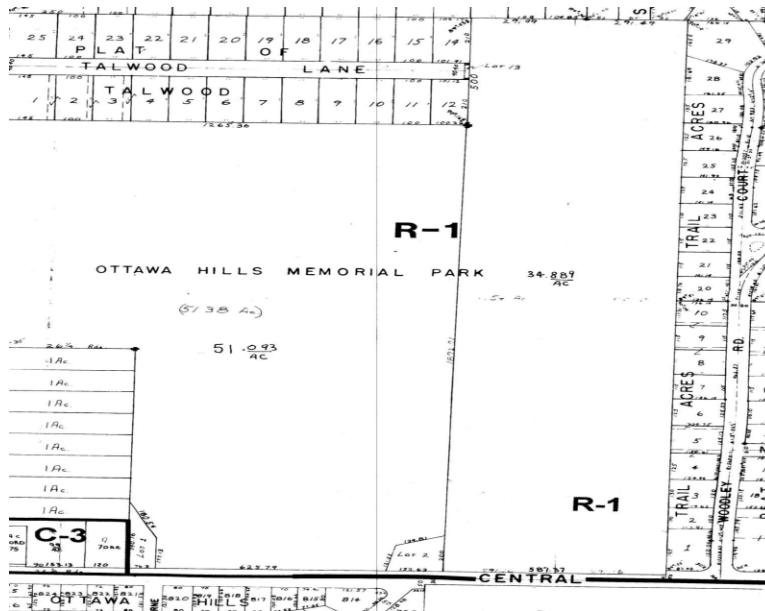
Source: © FLICKR,

<https://www.flickr.com/photos/owhsports/5633258164>

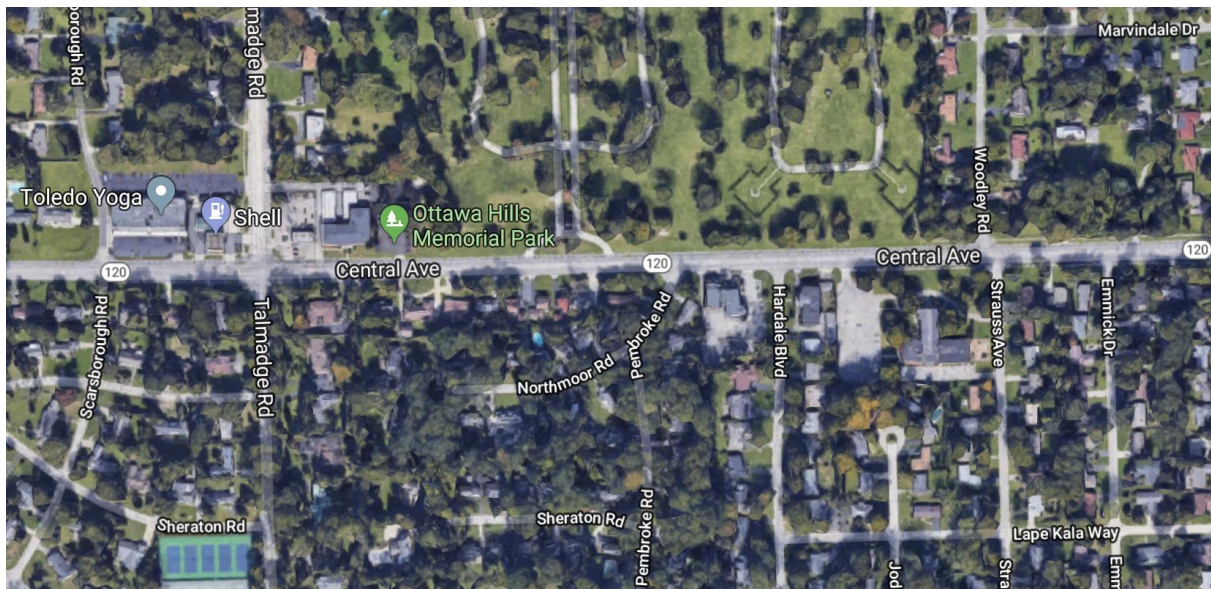
SITE 2: OTTAWA HILLS MEMORIAL PARK

Pursuant to Toledo’s Zoning Index and the 20/20 Comprehensive Plan’s recommendation for more park space, Zone 78, which contains Ottawa Hills Memorial Park, is sectioned primarily for public green space.

¹⁵ GOOGLE MAPS, <https://www.google.com/maps/place/Fifth+Third+Field/@41.6487177,-83.5403625,17z/data=!4m5!3m4!1s0x0:0x1cb79ecbd76fb1b2!8m2!3d41.6485687!4d-83.5386609> (last visited Dec. 13, 2018); City of Toledo, Ohio, <https://toledo.oh.gov/media/1129/toledo-2020-plan.pdf> at pgs. 2-4.



Source: © CITY OF TOLEDO, OHIO, <https://toledo.oh.gov/services/plan-commission/zoning-maps/> click on 78 for Zone 78 map
<https://toledo.oh.gov/media/1312/Toledo-78.pdf>



Source: © GOOGLE MAPS,
<https://www.google.com/maps/place/Ottawa+Hills+Memorial+Park/@41.6773682,-83.6434969,244m/data=!3m1!1e3!4m5!3m4!1s0x883c7edbaaa2fa5:0xb43d5338c312a236!8m2!3d41.6774658!4d-83.6426154>

Despite being zoned as green space, some commercial development has encroached upon the Ottawa Hills Memorial Park. As seen above, “Toledo Yoga” and “Shell” gas station, both commercial units (C-3), have encroached upon park land (R-1). However, there is no public record of enforcement action against either of these entities, and a substantial portion of the greenspace has been preserved, as demonstrated by the image. Therefore, on the whole, current development indicates compliance with the Zoning Index and 20/20 Comprehensive Plan.

D. LAND ADMINISTRATION

The size of land subdivisions that are legal and can be approved in Toledo varies by zoning district. The minimum land division plot sizes for residential, commercial and industrial zoning districts can be found in Tables 1 through 3 below:

Table 1 – Residential Zoning Districts Minimum Lot Area Standards¹⁶								
Minimum Lot Area (m²)	RS 12¹⁷	RS 9¹⁸	RS 6¹⁹	RD 6²⁰	RM 12²¹	RM 24²²	RM 36²³	RMH²⁴
Detached House	1115	836	557	557	557	557	557	N/A
Attached House	N/A	N/A	N/A	279	279	279	279	N/A
Duplex	N/A	N/A	N/A	279	279	279	279	N/A
Multi-Dwelling	N/A	N/A	N/A	N/A	334	167	111	N/A
Manufactured Home	N/A	N/A	N/A	N/A	N/A	N/A	N/A	334
All Other Development	1115	836	557	557	557	557	557	N/A

Table 2 – Commercial Zoning Districts Minimum Lot Area Standards²⁵						
Minimum Lot Area (m²)	CN²⁶	CO²⁷	CM²⁸	CS²⁹	CR³⁰	CD³¹
Detached House	557	N/A	N/A	N/A	N/A	N/A

¹⁶ Toledo, Ohio, Mun. Code §1106.0100 (2004).

¹⁷ RS 12 is the abbreviation for Single-Dwelling Residential, 111 m².

¹⁸ RS 9 is the abbreviation for Single-Dwelling Residential, 836 m².

¹⁹ RS 6 is the abbreviation for Single-Dwelling Residential, 557 m².

²⁰ RD 6 is the abbreviation for Duplex Residential, 57 m².

²¹ RM 12 is the abbreviation for Multi-Dwelling Residential with 12 units per acre.

²² RM 24 is the abbreviation for Multi-Dwelling Residential with 24 units per acre.

²³ RM 36 is the abbreviation for Multi-Dwelling Residential with 36 units per acre.

²⁴ RMH is the abbreviation for Manufactured Housing Park.

²⁵ Toledo, Ohio, Mun. Code [§1106.0102](#) (2004).

²⁶ CN is the abbreviation for Neighborhood Commercial.

²⁷ CO is the abbreviation for Office Commercial.

²⁸ CM is the abbreviation for Mixed Commercial-Residential.

²⁹ CS is the abbreviation for Storefront Commercial.

³⁰ CR is the abbreviation for Regional Commercial.

³¹ CD is the abbreviation for Downtown Commercial.

Duplex/Attached House (per unit)	279	N/A	1,400	N/A	N/A	N/A
Multi-Dwelling (per unit)	390	167	130	167	167	46
All Other Development	None	None	None	None	None	None

Table 3 – Industrial Zoning Districts Minimum Lot Area Standards³²			
Minimum Contiguous Site Area (acres)	IL³³	IG³⁴	IP³⁵
	None	None	5

The City of Toledo approved thirty-seven land subdivisions between November 2017 and October 2018, as detailed by the zoning codes in Table 4 below:

Table 4 – Toledo Land Subdivisions Approvals from November 2017 – October 2018³⁶	
Zoning Code	Number of Approvals
Office Commercial (CO)	2
Regional Commercial (CR)	7
Institutional Campus (IC)	1
General Industrial (IG)	3
Limited Industrial (IL)	1
Mixed Use (MX)	8
Duplex Residential 6,000 square feet (RD6)	7
Multi-Dwelling Residential 36 units/acre (RM36)	2
Single-Dwelling Residential 12,000 sq. ft. (RS12)	1
Single-Dwelling Residential 6,000 sq. ft. (RS6)	5
Total	37

With respect to land expropriation, under sections 1724 and 5722 of the Ohio Revised Code, a county may elect to organize a county land reutilization corporation.³⁷ Such a corporation is organized for the statutory purpose of “efficiently holding and managing vacant, abandoned, or tax-foreclosed real property pending its reclamation, rehabilitation, and reutilization.”³⁸ Pursuant to this legislative authority, the Toledo City Council in August 2010 established the Lucas County

³² Toledo, Ohio, Mun. Code [§1106.0103](#) (2004).

³³ IL is the abbreviation for Limited Industrial.

³⁴ IG is the abbreviation for General Industrial.

³⁵ IP is the abbreviation for Planned Industrial/Business Park.

³⁶ Data obtained directly from Toledo-Lucas County Plan Commissions County Planner on November 15, 2018.

³⁷ Ohio Rev. Code Ann. § 1724.04 (West).

³⁸ Ohio Rev. Code Ann. § 1724.01 (West).

Land Bank, a county land reutilization corporation, with the purpose of acquiring vacant and abandoned properties through tax foreclosure, owner donation, real estate owned donation, and purchase.³⁹ While a land bank is established by the board of county commissioners through a resolution, a land bank is not part of county government.⁴⁰ Rather, land banks are independent corporations that are governed by a board of directors composed of local government leaders.⁴¹

In July 2016, Lucas County Land Bank publicized their “1,500 Project”, which aims to raze or renovate 1,500 vacant properties by September 2020.⁴² Between January 2013 and November 2018, the Land Bank acquired 5,100 properties. Of these properties, 1,351 were residential, 3,600 were vacant lots, 61 were commercial lots, and 3 were industrial lots.⁴³ With respect to the method of acquisition, 3,923 of the lots were in tax foreclosure, 892 were forfeited land, 112 were donated by the owner(s), 166 were donated by a bank, and 6 were purchased by the Land Bank.⁴⁴

The Land Bank does not, however, acquire property through eminent domain, as it is a non-profit corporation, not a government entity.⁴⁵ Pursuant to the Toledo Municipal Code, the power of eminent domain may be exercised only by the City of Toledo itself.⁴⁶ In August 2018, the Toledo City Council authorized the initiation of eminent domain proceedings for two parcels of land in order to construct a roundabout and pedestrian walkway.⁴⁷ This project required the purchase of 0.0836 acre of land.⁴⁸ Similarly, in 2016, the city initiated eminent domain proceedings to acquire approximately 1.73 acres of property adjacent to the roadway connecting Highway I-75 and Erie Street in order to execute its Anthony Wayne Trail Gateway Improvement Project as a part of the 20/20 Comprehensive Plan.⁴⁹

³⁹ Five Year Progress Report 2010-2015, Lucas County Land Bank (2015), <http://co.lucas.oh.us/DocumentCenter/View/55765/2010-2015-Progress-Report?bidId=>

⁴⁰ Land Bank Playbook, Western Reserve Land Conservancy, https://www.wrlandconservancy.org/county-land-banks/playbook_home/.

⁴¹ *Id.*

⁴² Five Year Progress Report 2010-2015, Lucas County Land Bank (2015), <http://co.lucas.oh.us/DocumentCenter/View/55765/2010-2015-Progress-Report?bidId=>

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ E-mail from Anne Wistow, Vice President for Projects and Planning, Lucas County Land Bank, to Emma DeCourcy, Urban Law Student Fellow, Fordham Univ. School of Law (November 28, 2018, 2:34 EST).

⁴⁶ Toledo, Ohio, Mun. Code §1201.14 (2004).

⁴⁷ Sarah Elms, *Eminent Domain Proceedings to Begin to Make Way for S. Toledo Roundabout*, The Blade (Aug. 15 2018, <https://www.toledoblade.com/local/2018/08/14/Eminent-domain-proceedings-to-begin-to-make-way-for-South-Toledo-roundabout-sje/stories/20180814194>).

⁴⁸ Toledo City Council, *Toledo City Council Agenda Review* (July 31, 2018).

⁴⁹ WTOL11, City of Toledo uses eminent domain to acquire land for Anthony Wayne Road project, <http://www.wtol.com/story/33265258/city-of-toledo-uses-eminent-domain-to-acquire-land-for-anthony-wayne-road-project/>; Toledo Blade, Council approves eminent domain for Trail work, <https://www.toledoblade.com/Politics/2016/10/11/Council-approves-eminent-domain-for-Anthony-Wayne-Trail-work.html>.

E. INSTITUTIONAL

Planning and development control is managed at the municipal level by the Toledo City Plan Commission pursuant to Chapter 10 § 189-90 of the Toledo City Charter.⁵⁰ The Toledo City Plan Commission has five members, including a Chair and a Vice Chair.⁵¹ As of December 2016, the Toledo-Lucas County Plan Commissions, which are comprised of the Toledo City Plan Commission and the Lucas County Planning Commission, together consisted of 10 professional staff members. This staff includes one Director, one Administrator, two Principal Planners, three Planners, one Planning Technician, one Secretary, and one Clerk Specialist.⁵²

The Department of Neighborhoods and Business Development Division of Code Enforcement (Division of Code Enforcement) is responsible for the enforcement of development controls.⁵³ The table below details the recorded administrative actions by the Division of Code Enforcement in 2017:

Period (January – December 2017) ⁵⁴	
Administrative Actions	Instances
30 Day Public Nuisance Orders	1,682
30 Day Housing Violation Orders	114
72 Hour Public Nuisance Orders	5,651
Notice of Liability	2,853
Sign Violation Warning	22
Unfit for Human Habitation Orders	54
Vacant Residential Building Registrations	1,199
Zoning Violation Orders	12,840
Demolitions with City Crews	366
Fire/Emergency Demolitions	90
Total	24,871

F. ACKNOWLEDGEMENTS

⁵⁰ Toledo, Ohio, City Charter Ch. 10 §189 (2000), [http://library.amlegal.com/nxt/gateway.dll/Ohio/toledo/toledomunicipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:toledo_oh](http://library.amlegal.com/nxt/gateway.dll/Ohio/toledo/toledomunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:toledo_oh).

⁵¹ *The 1500 Report*, The Blade (July 25, 2016), <http://www.toledoblade.com/Featured-Editorial-Home/2016/07/25/The-1-500-project-Lucas-County-Land-Bank.html>).

⁵² 2016 Annual Report, Toledo-Lucas County Plan Commissions (2016), <https://toledo.oh.gov/media/3914/2016-annual-report.pdf>.

⁵³ City of Toledo, Ohio, Division of Code Enforcement, <https://toledo.oh.gov/services/neighborhoods/code-enforcement/>.

⁵⁴ City of Toledo, Ohio, Division of Code Enforcement, <https://toledo.oh.gov/services/neighborhoods/code-enforcement/>.

The Urban Legislation Unit thanks the Urban Law Center at Fordham University School of Law, and its Urban Law Student Fellows, Brittany Armstead and Emma DeCourcy, and Bill Harbert, a County Planner with the Toledo-Lucas County Plan Commissions, and Anne Wistow, the Vice President for Projects and Planning for the Lucas County Land Bank, for their assistance with this report.