

GENERAL INFORMATION

Subject

- Request - Modification to Various Sections of TMC Chapter 11, Changing Commissioner of Building Inspections to Planning Director
- Applicant - Toledo City Plan Commission
One Government Center, Suite 1620
Toledo, OH 43604

STAFF ANALYSIS

The Plan Commission is requesting a modification to Various Sections of TMC Chapter 11, Changing Commissioner of Building Inspections to Planning Director. This minor amendment is in relation to the adopted changes that took place last year when the Plan Commission began administering zoning compliance and enforcement. Plan Commission staff has identified multiple inconsistencies in Part Eleven – Planning and Zoning Code when referencing the Commissioner of Building Inspections instead of the Planning Director for zoning issues.

The proposed text amendment clarifies the proper office and authority for processing certain zoning applications, appeals, and other compliance issues. Additionally, there were a few sections of Chapter 11 that were not correctly updated when the new Sign Code (Chapter 1113) and Violations, Penalties & Enforcement (Chapter 1115) were updated last year (*Ord. 479-24 & Ord. 016-25*). The proposed text modifications are listed in Exhibit “A” with the proposed deletions in bold strikethrough and additions in highlighted italicized text.

Staff recommends approval of the minor text amendment since it corrects an inconsistency within the Zoning Code and the proposed amendment will support the adopted Comprehensive Plan and the stated purpose of the Zoning Code.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of M-4-25, a Modification to Various Sections of TMC Chapter 11, Changing Commissioner of Building Inspections to Planning Director, to Toledo City Council for the following **two (2)** reasons:

1. The proposed text amendment corrects an inconsistency in the Zoning Code (TMC 1111.0506(A) Review and Decision-Making Criteria) and;
2. The proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (TMC 1111.0506(B) Review and Decision-Making Criteria).

REF: M-4-25. . . May 8, 2024

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-4-25
DATE: May 8, 2024
TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE
TOLEDO CITY COUNCIL
DATE: June 11, 2024
TIME: 4:00 P.M.

RS
One (1) Exhibit "A" follows.

Exhibit “A”
Text Modifications

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

Chapter 1105 | Accessory Uses

1105.0400 | Home Occupations

1105.0405 Use-Related Regulations

7. The Commissioner of Building Inspection *and/or Planning Director* is authorized to classify uses not listed above as a prohibited home occupation if the use closely fits into one of the above prohibited use types or descriptions. (Ord. 510-21. Passed 09-28-21.)

1105.0410 General Home Occupation Permit

A. Purpose

Permits for General home occupations must be obtained from the Commissioner of Building Inspection *and/or Planning Director* prior to their establishment. The permit requirements are intended to ensure:

1. that the applicant is aware of the provisions of this Zoning Code governing home occupations;
2. that the City has all information necessary to evaluate whether the proposal initially meets and continues to meet Zoning Code regulations; and
3. that the distribution and location of General home occupations is known.

B. Procedure

A home occupation permit for General home occupations will be issued by the Commissioner of Building Inspection *and/or Planning Director* for a 2-year period. It is the responsibility of the applicant to obtain the permit every 2 years. The review process requires the applicant to submit an affidavit pledging agreement with these conditions and documentation that the proposal is a General home occupation. The permit is tied to the applicant and not to the lot occupied by the home occupation; permits are not transferable to other sites or other operators.

Chapter 1108 | Landscaping and Screening

1108.0100 | General

1108.0104 Building Permits and Certificates of Use and Occupancy

B. Certificates of Use and Occupancy

1. If landscape and screening has not been installed in compliance with the applicable standards of this Chapter within 180 days, the ~~Commissioner of Building Inspection~~ *Planning Director* shall authorize use of the funds or financial security to acquire and install required landscaping and screening.

Chapter 1111 | Development Approval Procedures

1111.0100 | General

1111.0103 Form of Application

Applications required under the Zoning Code must be submitted in a form and in such numbers as required by the Toledo City Plan Commission ~~or the Division of Building Inspection~~. Application forms and checklists of required submittal information shall be available in the Toledo City Plan Commission ~~or the Division of Building Inspection~~.

Exhibit “A” (cont’d)

Text Modifications

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

1111.0105 Application Filing Fees

Applications must be accompanied by the fee amount that has been established by the City Council and available at the Toledo City Plan Commission ~~and the Division of Building Inspection~~. Fees are not required with applications initiated by review or decision-making bodies. Any fee refund is solely at the discretion of the Planning Director ~~or Commissioner of Building Inspection~~.

1111.1100 | Certificates of Appropriateness

1111.1107 Initial Hearing Procedures

A. A public hearing on an application for a Certificate of Appropriateness must be conducted at the next regularly scheduled Historic District Commission meeting, no later than 45 days after the filing of the application. The Historic District Commission chairperson may call special meetings with the applicant for consultation at his or her own discretion or at the request of the Commissioner ~~of the Division of Building Inspection~~ *and/or Planning Director* ~~or Commissioner of Code Enforcement~~ prior to the regularly scheduled Historic District Commission meeting.

1111.1900 | Written Interpretations

1111.1901 Application Filing

A. Any person may apply to the ~~Commissioner of Building Inspection~~ *Director of the Planning Commission* for a written interpretation of this Zoning Code.
B. For existing nonconforming use verification see Sec. 1114.0107.

1111.1902 Additional Information

The person applying for an interpretation shall provide such additional information as the ~~Commissioner of Building Inspection~~ *Planning Director* requests as necessary for a proper determination. The ~~Commissioner~~ *Planning Director* may refuse to issue a written application if the person fails to provide the additional information.

1111.1903 Review and Decision

After receiving a complete application for a written interpretation, the ~~Commissioner of Building Inspection~~ *Planning Director* must:

- A. review and evaluate the application in light of this Zoning Code, the Comprehensive Plan, and any other relevant documents;
- B. consult with the ~~Planning Director~~, Law Director and other staff as necessary; and
- C. render a written interpretation.

1111.1905 Official Record of Interpretations

An official record of interpretations is kept on file *in with* the ~~Division of Building Inspection~~ *Planning Commission*. The record of interpretations is available for public inspection during normal business hours.

1111.1906 Appeals

Appeals of the ~~Commissioner of Building Inspection~~ *Planning Director*'s written interpretation may be taken by the applicant to the Zoning Board of Appeals in accordance with procedures of Sec. 1111.2000. If the appeal results in a change of interpretation, the new interpretation must be filed in the official record of interpretations.

Exhibit “A” (cont’d)
Text Modifications

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

Chapter 1112 | Review and Decision-Making Bodies

1112.0200 | Board of Zoning Appeals

1112.0208 Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties:

A. Appeals of Commissioner of Building Inspection *and/or Planning Director* Decisions

1. To hear and decide appeals of the decisions of the Commissioner of Building Inspection *or Planning Director* concerning the enforcement of the provisions of this Zoning Code in accordance with the procedures of Sec. 1111.2000.

2. To hear and decide appeals of the decisions of the Commissioner of Building Inspection *or Planning Director* concerning the provisions of ~~Part 13—Title 9—Sign Code~~ *Chapter 1113 – Signs* in accordance with the provisions of Sec. 1111.2000.

Chapter 1113 | Signs

1113.0100 | General

1113.0103 Application for Permit

Application for a permit shall be made to the ~~Division of Building Inspections~~ *Planning Commission* and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City including:

D. Colored drawings showing the dimensions, construction supports, foundation, electrical wiring and components, specific materials of the sign and method of attachment and specifications of structure members for attachment. The design, quality, materials and loading shall conform to the requirements of the Ohio Building Code, as amended. If the sign is over 42 inches in height, over 20 square feet in area, or otherwise required by the Division of Building Inspections *or Planning Commission*, engineering data shall be supplied on plans submitted certified by a duly licensed structural engineer.

1113.0800 | Removal and Disposition of Signs

1113.0805 Disposal of Signs; Fees

B. When the Sign Inspector orders the removal of a sign and/or sign structure, ~~he~~ *they* may give written notice of the removal order to the owner or operator, together with a brief written statement of the reasons for the order.

1113.0806 Assessment Procedure

D. If it shall be necessary for the Sign Inspector to remove a sign pursuant to the provisions hereof, and it should be practicable to sell or salvage any material derived in the aforesaid removal, ~~he~~ *they* may sell the same at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be deposited in the General Fund of the City, and any differences between the amount so received and the cost of the removal shall be levied as an assessment against the property on which the sign is located, by Council certified to the Auditor of Lucas County, and collected as any other assessment by the City of Toledo. Should the proceeds of the sale of such salvaged material exceed the cost of such removal, the over-plus, if any, shall be paid to the owner of the premises from which such sign was removed, or to the owner of such sign, whichever land whenever proper claim therefor is established.

Exhibit “A” (cont’d)

Text Modifications

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

1113.0906 Penalty

C. Every person concerned in the violation of or failure to comply with this Chapter, whether ~~he~~ *they* directly commits the act or aids and abets the same, and whether present or absent, shall be proceeded against and held as principal.

1113.1100 | License Required

1113.1101 Sign Contractor's License

No person shall perform any work or service for any business, organization, person, government entity or otherwise in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign in the City unless such person or his or her employer has first obtained a Sign Contractor's License from the ~~Division of Building Inspections~~ *Planning Commission*, or shall be represented by a duly licensed agent or subcontractor.

A. Before any manufacturer can engage in the manufacturing of an electrical sign, ~~he~~ *they* must demonstrate the ability to issue the UL (48) electrical label pertinent to electric signs, electrical sign specification or some similar electrical labeling requirement and any other requirements as recommended by the National Electrical Code.

1113.1102 Application

A. All prospective applicants for the sign contractor's license must first pass a test which will be offered on or about June 1 and December 1 of each year.

B. An application for a license shall be made in writing upon blanks furnished by the ~~Division of Building Inspections~~ *Planning Commission*.

C. Nothing herein shall be construed to mean that any sign contractor shall be required to secure separate licenses for each class of work mentioned.

D. On the filing of such application, upon passing the written examination and upon payment of the registration fee and qualifying as herein provided, the ~~Division of Building Inspections~~ *Planning Commission* shall issue to such applicant a license which shall bear the following:

Chapter 1114 | Nonconformities

1114.0100 | General

1114.0107 Certificate of Zoning Compliance

For existing nonconformities, landowners may request and obtain a Certificate of Zoning Compliance from the ~~Commissioner of Building Inspection~~ *Planning Commission*.

A. Subject to verification procedures established by the ~~Commissioner of Building Inspection~~ *Planning Commission*, nonconformities documented in a Certificate of Zoning Compliance shall be deemed to be legal nonconformities to the extent documented in the Certificate.

B. A record of all Certificates of Zoning Compliance shall be kept on file in the office of the ~~Division of Building Inspection~~ *Planning Commission*.

Exhibit “A” (cont’d)
Text Modifications

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

Chapter 1115 | Violations, Penalties and Enforcement

1115.0100 | Responsibility for Enforcement

1115.0101 It is the duty of the ~~Commissioner~~ *Director* of Building and Code Compliance, and the Planning Director, or their designees, to enforce this Zoning Code.

1115.0102 It is also the duty of all officers and employees of the City and especially of all members of the Police Department and Fire Department to assist the ~~Commissioner of Building Inspection and the Commissioner~~ *Director of Building and of Code Compliance and the Planning Director* ~~Enforcement~~ by reporting apparent violations of the Zoning Ordinance. The ~~Commissioner of Building Inspection and the Commissioner of Code Enforcement~~ *Director of Building and Code Compliance and the Planning Director* may authorize Police and Fire Officers to act on his or her behalf to enforce the provisions of this Zoning Code.

1115.0500 | Remedies and Enforcement Powers

1115.0502 Revoke Permits

A. Any permit or other form of authorization required and issued under this Zoning Code may be revoked by the Commissioner of Building Inspection *and/or Planning Director* when the Commissioner *and/or Director* determines that:

1115.0503 Stop Work

Whenever a structure or part thereof is being constructed, reconstructed, altered, or repaired, or other development is occurring, in violation of this Zoning Code, the Commissioner of Building Inspection *and/or Planning Director* may order the work to be immediately stopped.

1115.0506 Penalties

B. Illegal and unauthorized ~~work~~ *activity* completed prior to issuing the required permit or approval shall also be subject to a doubled permit *and/or application* fee and a fine per TMC 1115.0507.

Chapter 1116 | Terminology

1116.0100 | General Terms

1116.0141 Household

One or more persons occupying a dwelling unit as a functional unit. A functional unit is either a family, one or more persons related to each other by blood, adoption, or marriage; or two or more persons whose relationship is functionally equivalent to a family but who are not related by blood, adoption, or marriage. Persons occupying a boarding house, hotel, lodging house, group rental dwelling, or fraternity or sorority house, as herein defined do not constitute a household. In determining whether a group of unrelated persons is a household under the definition set forth above, the Commissioner of Building Inspection and/or the ~~Commissioner of Code Enforcement~~ *Planning Director* shall apply the factors set forth in Sec. 1115.0900 or such of those factors as may reasonably be known to the Commissioner *and/or Director* on the date of determination.