



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: May 13, 2021

REF: M-6-21

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Text amendment modifying the approval period for site plan reviews

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 13, 2021 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Text amendment modifying the approval period for site plan reviews
Applicant	-	Toledo City Plan Commission One Government Center, Suite 1620 Toledo, OH 43604

### STAFF ANALYSIS

The request is a study of the Site Plan Review approval period. This study examines whether the current approval period, as outlined in the Toledo Municipal Code (TMC) §1111.0814 – *Lapse of Approval*, of one (1) year is feasible for development and whether other jurisdictions in Ohio have similar approval periods. Additionally, this study examines the approval periods of other Plan Commission reviews as dictated by the TMC to determine whether all approval periods are the same length of time.

The primary concern that staff has with the current approval period for Site Plan Reviews is that projects which were previously approved have had to be reapplied for and rereviewed because developers were unable to apply for building permits before the site plan approval expiration. Staff has heard feedback that securing project funding and finalizing building plans has taken more time than previous years, and more recently projects are being further delayed due to the economic impact of the COVID-19 pandemic. Additionally, the TMC has no avenue for developers to apply for a site plan approval period extension. Having to rereview site plans costs time for Plan Commission staff and for commenting City Departments and agencies, as well as costing time and money for applicants.

**STAFF ANALYSIS (cont'd)**

*Zoning Code Research*

An analysis of other jurisdiction's Zoning Codes was completed to determine the most common site plan approval period, as well as whether or not extensions can be requested by applicants. Research found that most site plan approval periods in other jurisdictions are longer than the City of Toledo's current policy. Cleveland, Cincinnati, and Youngstown require construction to begin two (2) years after plan approval, whereas Detroit's approval lasts for three (3) years. Columbus maintains a one (1) year plan approval, however applicants may request an extension. Seeing that other major cities in Ohio and neighboring Detroit have either longer approval periods or allow an extension of the approval period, the City of Toledo's requirement that building permits are applied for and acquired within one (1) year of site plan approval is an undue hardship for applicants.

*Other Plan Commission Approval Timeframes*

Additionally, staff noticed that the Certificates of Appropriateness, which is a Plan Commission application requirement for exterior modifications in Historic Districts, allow applicants to apply for an approval extension. The Historic District Commission may grant an extension of time for good cause shown, and applicants for Site Plan Reviews should also be able to request an extension. This would provide consistency between approvals, and make it easier for developers to maintain construction timelines.

*Conclusion and Recommendation*

After reviewing the zoning regulations of other jurisdictions and the approval periods for other Plan Commission reviews, it is necessary that the current one (1) year approval period be extended to two (2) years. Additionally, applicants should be given the opportunity to request an approval extension from the Plan Director if the applicant is able to justify an undue hardship.

Staff recommends that the site plan approval period be extended from one (1) year to two (2) years. Additionally, applicants may apply for a Site Plan Approval Extension via a letter addressed to the Plan Director describing the need for the extension.

**PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of the text amendment modifying the approval period for Site Plan Reviews as shown in Exhibit "A" to the Toledo City Council for the following reason:

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**PLAN COMMISSION RECOMMENDATION (cont'd)**

1. The proposed text amendments meet the challenge of a changing condition, where the Site Plan Review approval period does not coincide with development timelines (TMC§1111.0506(A) Review and Decision-Making Criteria).

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

DR

Exhibit "A" follows – Existing Text  
Exhibit "B" follows – Proposed Text  
Exhibit "C" follows – Research Table  
Cc: Lisa Cottrell, Administrator  
Dana Reising, Planner

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**Exhibit "A" – Existing Text**

**1111.0800 Site Plan Review**

**1111.0814 Lapse of Approval**

If no building permit is issued for the site within 1 year from the date of Site Plan approval, the approved plan shall lapse and become null and void. In such cases, no building permits may be issued until a new application is submitted and approved.

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### **Exhibit "B" – Proposed Text**

#### **1111.0800 Site Plan Review**

##### **1111.0814 Lapse of Approval**

If no building permit is issued for the site within 2 years from the date of Site Plan approval, the approved plan shall lapse and become null and void. In such cases, no building permits may be issued until a new application is submitted and approved. Applicant may request an extension to a date certain prior to expiration by submitting a letter to the Plan Director describing the hardship.



**Exhibit “C”**  
 Research Table

<b>Jurisdiction</b>	<b>Code Number</b>	<b>Code Text</b>
<b>Cleveland</b>	§334.08 Expiration of Approval; Site Restoration	Expiration of Site Plan Approval. Site Plan approval, as granted for PUD projects under Section 334.04 or division (b) of Section 334.05, shall be automatically revoked if construction on the development has not begun within two (2) years of the date of final approval or conditional approval thereof, or if the project has not been completed within four (4) years of the date of final approval or conditional approval. City Council may approve one (1) or more extensions of either time period and may establish an initial completion period exceeding four (4) years for projects deemed to be large or complex.
<b>Cincinnati</b>	§1429-19 Limitation of Final Plan Implementation	Expiration. A final development plan is effective on the date approved by the City Planning Commission and expires after two years unless a building permit has been issued and construction diligently pursued. An approved final development plan may specify a development staging program exceeding two years.
<b>Columbus</b>	Website	The plan approval is valid for 1 year from the date of the plan-approval letter. If construction has not commenced within this 12-month period, an extension may be requested.
<b>Youngstown</b>	§1105.03(h)(2)	Except as otherwise specified Section 1105.04, a permit or development approval (other than a building permit) granted under this Redevelopment Code shall expire two years following the date of final approval unless, prior to the expiration date, a building permit based upon such approval is issued and construction is commenced and diligently pursued toward completion.
<b>Detroit</b>	§50-3-207 Lapse of Approval; Extension	The right to develop in accordance with an approved final site plan shall lapse and be of no further effect where all development shown on the approved site plan is not complete within three years of the date of site plan approval.