



City of Toledo

One Government Center
Toledo, OH 43604

Formal Agenda City Council

Tuesday, September 9, 2025

4:00 PM

Council Chambers

COUNCIL PRESIDENT HARTMAN AND COUNCILMAN HOBBS PRESENT:

[R-390-25](#) Recognizing Justin Scott Slater for Extraordinary Heroism.

COUNCILWOMAN JONES PRESENTS THE FOLLOWING ITEM:

[R-391-25](#) Recognizing Kenyetta Gable-Jones on Her Retirement from General Motors after 40 Years of Dedicated Service.

APPOINTMENTS FROM THE OFFICE OF THE MAYOR:

[A-392-25](#) Appointment to the Human Relations Commission

Attachments: [20250828151301311-HRC](#)

[A-393-25](#) Appointment to the Latino Affairs Commission

Attachments: [20250828151323218 LAC](#)

[A-394-25](#) Toledo Community Improvement Corporation

Attachments: [20250828151449778 -tcic](#)

SECOND READING ITEMS:

[O-342-25](#) Amending Toledo Municipal Code (TMC), Chapters 743, 1103, 1104, 1107 and 1116 relating to the Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC) and surface parking lots in the Downtown and Warehouse Districts; and declaring an emergency.

Attachments: [Video: City Council July 15, 2025](#)

[Video: Agenda Review 8/5/2025](#)

Legislative History

7/15/25 City Council held

8/12/25 City Council held

[R-350-25](#)

Urging the Ohio Board of Pharmacy to Classify Kratom (*Mitragyna Speciosa*) as a Schedule I Controlled Substance.

Attachments: [Video: Agenda Review 8/5/2025](#)

[Proposed Amendment](#)

Legislative History

8/12/25 City Council First Reading

[O-351-25](#)

Enacting a new Toledo Municipal Code (TMC), Chapter 513; Subsection 513.17 Prohibiting the Sale of Kratom.

Attachments: [Video: Agenda Review 8/5/2025](#)

Legislative History

8/12/25 City Council First Reading

[O-357-25](#)

Authorizing the Mayor to execute and deliver needed instruments to forgive the loan balance and release the mortgage and security interests with respect to the 24 scattered site single family rental housing Low-Income Housing Tax Credit Project known as United North School Homes LLC; and declaring an emergency.

Attachments: [Video: Agenda Review 8/5/2025](#)

Legislative History

8/12/25 City Council First Reading

[O-358-25](#)

Authorizing the Mayor to execute and deliver needed instruments to forgive the loan balance and release the mortgage and security interests with respect to the 24 scattered site single family rental housing Low-Income Housing Tax Credit Project known as United North School Homes LLC; and declaring an emergency.

Attachments: [Video: Agenda Review 8/5/2025](#)

Legislative History

8/12/25 City Council First Reading

[O-361-25](#)

Amending Toledo Municipal Code Part Thirteen - Building Code by: (1) repealing Sections 1301.02, 1301.06, 1301.13, 1303.01, 1303.02, 1303.03, 1303.04, 1303.07, 1303.08, 1303.09, 1305.02, 1305.09, 1309.04, 1309.08, 1313.04, 1361.03, and 1361.10 and enacting new versions of the aforementioned Sections; (2) repealing Section 1309.09 Fire Prevention Bureau approval; and (3) enacting Section 1367.04 titled Heat Supply; and declaring an emergency.

Attachments: [Exhibit A](#)

[Video: Agenda Review 8/5/2025](#)

Legislative History

8/12/25 City Council First Reading

[O-362-25](#)

Authorizing appropriations and budget adjustments within the 2025 Approved Operating and Capital Improvement Budgets; and declaring an emergency.

Attachments: [MidYear.Adjustments.2025](#)

[Revised Council 2025 Midyear Budget Amendments 9.5.25](#)

[Video: Agenda Review 8/5/2025](#)

Legislative History

8/12/25 City Council First Reading

[O-389-25](#)

Repealing Ordinance 303-00 in its entirety, a proposed zone change conditioned upon the recording of an industrial plat for a property located at 606-636 S. Byrne Road and 3550-3636 Angola Road; and declaring an emergency.

Attachments: [Exhibit A](#)

Legislative History

8/12/25 City Council immediate consideration

8/12/25 City Council First Reading

NEW ITEMS FROM COUNCIL:**COUNCILMAN DRISCOLL PRESENTS THE FOLLOWING ITEM:**[R-395-25](#)

Requesting the Toledo City Plan Commission to conduct a study amending the landscaping requirements, outlined in Toledo Municipal Code Part Eleven, to require the use of native plants; and declaring an emergency.

COUNCILMAN MARTINEZ PRESENTS:[R-396-25](#)

Submitting to the Toledo City Plan Commission a request to conduct a study for the purpose of reviewing past zone changes that may contain conditional terms that would allow for the passage of a zone change years after their initial review; authorizing a public hearing on said locations and publication of said hearing; and declaring an emergency.

COUNCILMAN HOBBS PRESENTS THE FOLLOWING ITEM FROM TOLEDO MUNICIPAL COURT:[O-397-25](#)

Authorizing the Clerk of Toledo Municipal Court to enter into an agreement with ScanWorks LLC for the scanning and destruction of Toledo Municipal Court case files; authorizing the expenditure of \$125,500 from the General Fund; and declaring an emergency.

NEW ITEMS FROM THE ADMINISTRATION:**COUNCILMAN MARTINEZ PRESENTS THE FOLLOWING 4 ITEMS FROM THE DEPARTMENT OF PUBLIC UTILITIES:**[O-398-25](#)

Authorizing the appropriation and expenditure of \$150,000 from the Water Replacement Fund for the purchase of wetland mitigation credits to offset development of the elevated storage tanks on Northover Rd.; authorizing the Mayor to award contracts for wetland mitigation credits; authorizing the Mayor to waive the competitive bidding provisions of TMC Chapter 187 for local watershed wetland mitigation credits; and declaring an emergency.

[O-399-25](#)

Authorizing the Mayor to execute and deliver needed instruments for the granting of an easement and right of access to the City of Oregon, on a portion of city-owned real property located north of Corduroy Rd. and east of Collins Park Ave.; and declaring an emergency.

Attachments:

[Exhibit A - Perpetual Easement](#)

[Exhibit A - Temporary Easement](#)

[O-400-25](#)

Authorizing expenditure of an amount not to exceed \$4,820 from the Water Replacement Fund for the replacement of damaged asphalt on the 30” transmission main repair; and declaring an emergency.

[O-401-25](#)

Amending Sections 1 and 3 of Ordinance 305-24 for the purpose of including the preparation of plans, specifications, design construction related to the removal and replacement of eight large diameter valves; declaring an emergency.

COUNCILWOMAN McPHERSON PRESENTS THE FOLLOWING ITEM FROM THE DEPARTMENT OF DIVERSITY & INCLUSION:

[O-402-25](#)

Authorizing the Mayor to supplement the existing contract with Keen Independent Research, LLC in an amount not to exceed \$13,000 for the continuation and completion of the Gender Equity Analysis; authorizing the expenditure of funds; and declaring an emergency.

COUNCILWOMAN McPHERSON PRESENTS THE FOLLOWING ITEM FROM THE DEPARTMENT OF COMMUNICATIONS:

[O-403-25](#)

Authorizing the annual expenditure of \$10,799 from the General Fund for Social News Desk Software to enhance the city’s online communication and engagement efforts; authorizing the Mayor to enter into a two-year agreement; and declaring an emergency.

COUNCILMAN SARANTOU PRESENTS THE FOLLOWING ITEM FROM THE DEPARTMENT OF FINANCE:

[O-404-25](#)

Authorizing the Mayor to enter into an extension of the contract with Clark, Schaefer, Hackett & Co. for the

2025-2029 annual audits for the City's accounting and financial records; authorizing the annual expenditure of an amount not to exceed \$198,800 from the General Fund; and declaring an emergency.

COUNCILMAN HOBBS PRESENTS THE FOLLOWING 2 ITEMS FROM THE DEPARTMENT OF LAW:

[O-405-25](#) **Authorizing the settlement of claims brought in Allen, Administrator v. City of Toledo, et al.; authorizing the expenditure of \$300,000 from the Risk Management Fund; and declaring an emergency.**

[O-406-25](#) **Authorizing the Mayor and Director of Law to enter into settlement agreements on behalf of the City of Toledo in multi-district litigation in the prosecution of claims to recover damages related to opioid-related costs; authorizing the Mayor and Director of Law to execute documents necessary to effectuate approving settlements according to terms as recommended by the City's retained legal counsel; and declaring an emergency.**

COUNCILMEMBER KOMIVES PRESENTS THE FOLLOWING ITEM FROM THE DEPARTMENT OF PUBLIC UTILITIES:

[O-407-25](#) **Authorizing the Mayor to execute all necessary grant award documents with the Environmental Protection Agency (EPA) for the Great Lakes Restoration Initiative (GLRI) Grant; authorizing the Mayor to accept and deposit grant proceeds in the amount of \$1,459,500 into the Operation Grants Fund; authorizing the appropriation and expenditure of said grant proceeds for the Collins Park Stream Restoration Project; authorizing the Mayor to accept bids and execute necessary contracts to administer the grants; and declaring an emergency.**

COUNCILMEMBER KOMIVES PRESENTS THE FOLLOWING 3 ITEMS FROM THE DEPARTMENT OF TRANSPORTATION:

[O-408-25](#) **Authorizing the improvement to the intersections at**

Matzinger Road & Stickney Avenue, by installing two(2) street lights; authorizing the annual cost of \$345.00 for said improvement from the General Fund utilities account; authorizing the payment of \$2,200.00 from the General Fund utilities account to Toledo Edison for a one-time installation cost; and declaring an emergency.

[R-409-25](#)

Declaring the necessity and intention of appropriating, in fee, a portion of the property owned by HG Toledo LLC, located at 1525 Cherry Street for a safety project; and declaring an emergency.

Attachments: [TDOT090925APPROPRIATE1525CHERRY Legal Description](#)

[R-410-25](#)

Declaring the necessity and intention of appropriating, in fee, a portion of the property owned by Zubha Props, located at 1615 Cherry Street for a safety project; and declaring an emergency.

Attachments: [TDOT090925APPROPRIATE1615CHERRY Legal Description](#)

COUNCILMEMBER KOMIVES PRESENTS THE FOLLOWING 2 ITEMS FROM THE DEPARTMENT OF PUBLIC SERVICE:

[O-411-25](#)

Authorizing the Mayor to enter into a five-year contract with the option for a five-year renewal with Woodlawn Cemetery Historical Association, Inc. (dba Woodlawn Cemetery and Arboretum) for the management and operation of the city's five municipal cemeteries; waiving the competitive provisions of TMC 187; authorizing the annual expenditure of an amount not to exceed \$615,000 for contractual payments; and declaring an emergency.

Attachments: [Woodlawn Cemetery Proposal](#)

[O-412-25](#)

Authorizing the Mayor to enter into a contract utilizing a purchasing cooperative for the purchase of electric, commercial grade lawn equipment; authorizing the expenditure of an amount not to exceed \$70,000 from the 1% for the Environment funding; and declaring an emergency.

**COUNCILWOMAN MORRIS CHAIR OF ZONING & PLANNING
COMMITTEE REPORTS AS APPROVED:**

[O-413-25](#) Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5414 301st Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

[O-414-25](#) Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 313 Morris Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

[O-415-25](#) Granting a Special Use Permit for a Day Care Center for the property located at 2800 West Central Avenue, in the City of Toledo, Lucas County, Ohio, subject to certain conditions; and declaring an emergency.

[O-416-25](#) Granting a Special Use Permit for a Tobacco Shop for the property located at 229 Main Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

[O-417-25](#) Amending Toledo Municipal Code Part Eleven - Planning and Zoning Code by enacting §1103.1414 entitled Demolition Hearing Procedures (Cherry Street Overlay District); and enacting §1103.1415 Demolition Appeals; and declaring an emergency.

[O-418-25](#) Amending Toledo Municipal Code Part Eleven - Planning and Zoning Code by enacting Subsection 1104.2700 entitled Scrap and Salvage Operations; and Section 1104.2701 entitled Setbacks; and amending the Use Table found at Subpart 1104.0100 to include the respective changes enacted in Section 1104.2701; and declaring an emergency.

Attachments: [Ex. A to Scrap](#)
[Ex. B to Scrap](#)

[O-419-25](#) Amending Toledo Municipal Code Part Eleven - Planning and Zoning Code by repealing §§ 1103.0610 and 1103.1008; and § 1107.0102, 1107.0103, 1107.0104, 1107.0200, 1107.0204, 1107.0205, 1107.0300, 1107.0301, 1107.0302, 1107.0303, 1107.0304, 1107.0400, 1107.0500, 1107.0601, 1107.0700, 1107.0701, 1107.1101, 1107.1102, 1107.1401, 1107.1402,

1107.1407; and enacting new versions of the aforementioned sections; and declaring an emergency.

Attachments: [Exhibit A to Parking Minimums](#)

[O-420-25](#)

Amending Toledo Municipal Code Part Eleven - Planning and Zoning Code by repealing §1105.0205 and enacting a new version of §1105.0205 entitled Appearance; and enacting a new §1105.0206 entitled Business Use; and declaring an emergency.

[O-421-25](#)

Vacation of a portion of property within Whittlesey's Addition located in the City of Toledo, Lucas County, Ohio, subject to certain conditions; and declaring an emergency.

The Clerk of Council's Office supports the provisions of the Americans' with Disabilities Act. If you need special accommodations, please call 48 hours prior to meeting time at 419-245-1060 for arrangements.



Legislation Text

File #: R-390-25, Version: 1

Sponsor: Hobbs, Hartman
9/9/2025

Recognizing Justin Scott Slater for Extraordinary Heroism.

SUMMARY & BACKGROUND:

WHEREAS, on July 31st, 2024, Toledo resident and local fisherman, Justin Scott Slater saved a woman from drowning in the Maumee River; and

WHEREAS, after his father called emergency services, Mr. Slater risked his own life by entering the water and swimming approximately 195 feet to reach the drowning woman; and

WHEREAS, upon reaching her, Mr. Slater administered life saving measures, including mouth-to-mouth resuscitation and the Heimlich maneuver, ultimately bringing her back to the dock where first responders were waiting to take the woman to the hospital to receive further care; and

WHEREAS, for his courageous actions Justin Scott Slater is being honored with the prestigious Carnegie Medal for Heroism, awarded by the Carnegie Hero Fund Commission; and

WHEREAS, the Carnegie Medal is the highest civilian honor for heroism in the United States and Canada, presented to individuals who risk their lives to an extraordinary degree to save others; and

WHEREAS, the City of Toledo commends this act of bravery, acknowledging that Mr. Slater's actions exemplify the highest ideals of civic duty, courage, and compassion.

NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That Council hereby recognizes and honors Justin Scott Slater for his extraordinary act of heroism and congratulates him on his Carnegie Medal, expressing the City's deep appreciation for his service to humanity.

SECTION 2. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: R-391-25, Version: 2

Sponsor: Jones
9/9/2025

Recognizing Kenyetta Gable-Jones on Her Retirement from General Motors after 40 Years of Dedicated Service.

WHEREAS, the City of Toledo proudly recognizes Kenyetta Gable-Jones on her retirement from General Motors after dedicating 40 years. Whose career reflects exceptional dedication, professionalism, and impact on both her workplace and community; and

WHEREAS, Kenyetta Gable-Jones, a lifelong resident of Toledo, Ohio who called the Junction neighborhood home and a 1982 graduate of Libbey High School; who also raised two daughters with her husband, Darryl, while obtaining her Associate's and Master's degrees; and

WHEREAS, throughout her tenure at General Motors, Kenyetta exemplified integrity, perseverance, and excellence, earning the respect of her colleagues and the admiration of her community through her many community and political endeavors; and

WHEREAS, her commitment extended beyond the factory floor, as she consistently uplifted others through mentorship, civic engagement, and advocacy for working families within various leadership positions and speaking engagements; and

WHEREAS, her retirement marks not only the conclusion of a remarkable career, but also the beginning of a new chapter filled with well-earned rest, personal fulfillment, and continued service to the Toledo community.

NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That this Council hereby honors and commends Kenyetta Gable-Jones for her outstanding career at General Motors and her enduring contributions to the City and its residents.

SECTION 2. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Vote on emergency clause: yeas _____, nays _____.

Adopted _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: A-392-25, Version: 1

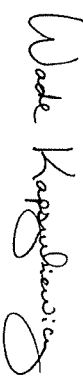
Appointment to the Human Relations Commission

Appointee	Appointee Replaced	Proposed Term	
Kwinlyn Tyler	New	1 year expiring 9/9/2026	At Large

To: Carlie Hartman, President, and Members of City Council
 From: Wade Kapszukiewicz, Mayor
 Subject: Appointment to the Human Relations Commission
 9/9/2025

I Recommend the Following Appointments to the Human Relations Commission

Appointee	Appointee Replaced	Proposed Term of Office	Section 61 waiver as a special engagement	Reserved Slot / Type	Recommended by (if applicable)	Attendance Record	Resume attached
Kwilyn Tyler	new	1 year, expiring 09/09/2026	no	At-Large	Caryn Maloney	n/a	yes



Wade Kapszukiewicz
 Mayor

EDUCATION

UNIVERSITY OF HAWAII MANOA BA Communications in Communities May 2016
Certificate Women and Gender Studies

PROFESSIONAL EXPERIENCE

TOLEDO AREA REGIONAL TRANSIT AUTHORITY Community Affairs Manager March 2014-Present

- Represents TARTA before public officials, private entities, and governmental groups.
- Plans and implements publicity efforts, strategies, and outreach programs to promote local support for participation in TARTA services and projects
- Recommends strategies to promote TARTA's strategic goals and objectives.

LUCAS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT Project Manager November 2022 - March 2025

- Oversees the development, planning, and execution of projects related to workforce and economic development in conjunction with team members, and community partners.
- Enhances the internal and external communication of ongoing projects by developing clear project plans, collaborating with stakeholders to clearly define scope and objectives of each project, engaging relevant stakeholders throughout the project cycle, encouraging engagement of plan partners, and regularly communicating out status updates.
- Offers assistance to partnering agencies in executing diverse programs and projects.
- Serve as a representative for the department on various committees with the state, elected officials, and community partners to connect citizens with employment opportunities.

BOARD OF LUCAS COUNTY COMMISSIONERS Executive Assistant July 2020- November 2022

- Managed various boards including Citizen Levy Review, Access Management Appeals Board, and Board of Revision by ensuring the boards conducted business within the scope of their charge.
- Communicated on behalf of the Commissioner regarding constituent concerns, ongoing matters pertaining to the Commissioner, and community programs and initiatives.
- Worked with constituents on major issues.
- Coordinated and executed Toledo Jeep Fest, including, coordinating planning board meetings, identifying and engaging relevant stakeholders.

PLANNED PARENTHOOD GREATER OHIO Community Health Educator August 2018- July 2020

- Provided comprehensive sexual health education to the community
- Garnered relationships with community partners and organizations by reaching out to organizational leaders, setting up meetings to discuss the benefits of partnership, and communicating information about events and services to community partners.
- Facilitated Peer Education group with teens 15-19

UNITED CITIZEN POWER Community Organizer June 2016- July 2018

- Launched the Lucas County office for the national organization, and increased the organization's presence in the community and media.
- Recruited and trained over 100 volunteers in Lucas County to advocate for their communities.
- Managed communications and community messaging for organization.

Kwinlyn Tyler

Kwin.Tyler@gmail.com Phone: 919-971-1637 www.linkedin.com/in/Kwinlynt

VOLUNTEER EXPERIENCE

CASA ADVISORY BOARD *January 2024- Present*

EQUALITY TOLEDO Board of Directors -Vice Chair *January 2020 - Present*

EQUALITY TOLEDO COMMUNITY PANTRY Pantry Coordinator *February 2018 - August 2019*



Legislation Text

File #: A-393-25, Version: 1

Appointment to the Latino Affairs Commission

Appointee	Appointee Replaced	Proposed Term	Section 61 waiver	Reserved Slot / Type	Recommended by
Elaina Hernandez	Sue Cuevas	Continuation of term to expire 10/9/2027		Business Mayor	

To: Carrie Hartman, President, and Members of City Council
 From: Wade Kapszukiewicz, Mayor
 Subject: Appointment to the Latino Affairs Commission
 9/9/2025

I Recommend the Following Appointments to the Latino Affairs Commission

Appointee	Appointee Replaced	Proposed Term of Office	Reserved Slot / Type	Recommended by (if applicable)	Attendance Record	Resume attached
Elaina Hernandez	Sue Cuevas	continuation of term to expire 10/09/2027	Business	Mayor	n/ a	yes

Section 61
 waiver as a
 special
 engagement

no



Wade Kapszukiewicz
Mayor

○ **BIO: Elaina Hernandez**

- Elaina Hernandez is a 39-year veteran of Mexican Folkloric Dance. She has studied under Maestro Carlos Vega of Mexico, Director Sam Cortez of Chicago, Instructor Rene Cardoza of Chicago, Instructor Placido Lopez Guerrero of Colima, Mexico, Director Bladimir Bravo of San Antonio, Maestra Karina Estrella of California and Maestro Jose Tena of New Mexico. Elaina has been directing and choreographing for over 30 years. She is recognized as a Master Artist by the Ohio Arts Council. In 2010, she received the Diamante Award for Adult Leadership and in 2016, she received the Ohio Heritage Fellowship. In 2019, she received the Merit Award from the Arts Commission in Toledo, Ohio. From 2018-2025, Master Elaina Hernandez has received the Ohio Traditional Apprenticeship grant to train assistant Vanessa and Ignacio Hernandez in the art of Mexican Folkloric Dance.
- She is also a certified American Ballroom and Latin Instructor and ZIN Zumba and Zumba Kids instructor.
- Hernandez current works as the Program Director at the Believe Center in Toledo, Ohio.
- <https://elcorazondemexicodance.com/about-us>



Legislation Text


File #: A-394-25, Version: 1

Toledo Community Improvement Corporation

<u>Appointment</u>	<u>Replacing</u>	<u>Term</u>	<u>Section 61 waiver</u>	<u>Slot</u>
Tyran Boyd	New	2 years, expiring 09/09/2027	yes	Minority Business
Matthew Heyrman	New	2 years, expiring 09/09/2027	yes	Regional Econ Dev
David Mann	New	1 year, expiring 09/09/2026	no	Neighborhood/Community Development
Julia Randles	New	3 years Expiring 09/09/2028	no	At-Large
Timothy Schlacter	New	3 years Expiring 09/09/2028	no	At-Large

To: Carrie Hartman, President, and Members of City Council
 From: Wade Kapszukiewicz, Mayor
 Subject: Appointment to the Toledo Community Improvement Corporation
 9/9/2025
I Recommend the Following Appointments to the Toledo Community Improvement Corporation

Appointee	Appointee Replaced	Proposed Term of Office	Section 61		Reserved Slot / Type	Recommended by (if applicable)	Attendance Record	Resume attached
			waiver as a special engagement	engagement				
Tyran Boyd		new appointment 2 years, expiring 09/09/2027	yes		Minority Business Interests Regional Economic	Mayor	n/ a	yes
Matthew Heyrman		new appointment 2 years, expiring 09/09/2027	yes		Development	Mayor	n/ a	yes
David Mann		new appointment 1 year, expiring 09/09/2026	no		Neighborhood or Community Development	Mayor	n/ a	yes
Julia Randles		new appointment 3 years, expiring 09/09/2028	yes		At-large	Mayor	n/ a	yes
Timothy Schlachter		new appointment 3 years, expiring 09/09/2028	yes		At-large	Mayor	n/ a	yes


 Wade Kapszukiewicz
 Mayor

Tyran A. K. Boyd **Managing Director**

Education:

Bowling Green State University, Bachelor of Science, *Construction Management*

Community College of the Air Force, Associates in *Emergency Management*

Experience:

Construction industry, 22 years

With Boyd & Associates Consulting, LLC., 9 years

Role Responsibilities:

As the Managing Director, Mr. Boyd serves as your primary point of contact, managing all resources while providing operational oversight and leadership to the execution of each project by Boyd & Associates Consulting, LLC. (BAC). With his construction and community partnership knowledge, Tyran engages all stakeholders strategically creating products to match each partner's needs.

Tyran's 22-year background in construction coupled with 14 years of military service speaks to his leadership, experience, professionalism and service to the community. He is well thought of, respected and known within the community; his name has become his brand.

Professional Organizations and Affiliations:

Maumee Valley Habitat for Humanity – Board of Directors, *Member*

The Public Broadcasting Foundation of Northwest Ohio – WGTE Board of Directors, *Member*

Toledo Design Collective – Board of Directors, *Member*

Connecting Kids to Meals – Board of Directors, *Member*

20Under40 Toledo, Selection Committee, *Judge*

Spencer Township, OH

- Zoning Commission Board, *Chair/Member*
- Land Use Committee, *Member*

Boy Scouts of America, Erie Shore Council, Nominating Committee, *Member*

Toledo Public Schools

- Career Technology, Advisory Board *Member*
- Construction Technology, Advisory Board *Member*

Toledo African American Chamber of Commerce (TAACC), *Member*

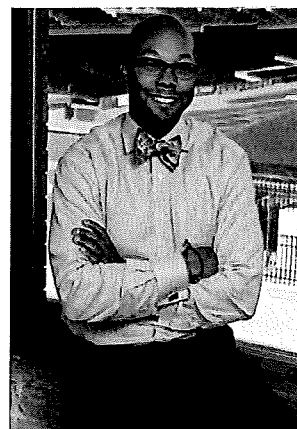
National Guard Association of the United States, *Member*

Notable Projects:

Cultural/Entertainment:

Toledo Lucas County Public Library, Toledo, OH

- Main Library
 - Over 100,000 sq. ft of interior renovation, environmentally friendly upgrades and historical preservation;



BOYD & ASSOCIATES
 — CONSULTING, LLC — 

6923 ANGOLA RD UNIT 1206 HOLLAND, OH 43528 • (567) 703.1255 • BOYDACLIC@GMAIL.COM

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- Imaging & Nuclear Medicine;
- Surgical;
- Endoscopy;
- Over 300,000 sq. ft. of buildouts and/or interior renovation construction:
 - Suites;
 - Orthopedic hospital and Medical Office building;
 - full diagnostics;
 - Critical care, operating, minor procedure, emergency, labor and delivery rooms and
 - Medical/surgical private rooms;
 - 14-story, 309-bed patient tower;
 - Over 1.8M sq. ft. of new construction:
 - 14-story, 309-bed patient tower;
 - Medical/surgical private rooms;
 - Critical care, operating, minor procedure, emergency, labor and delivery rooms and

ProMedica Health System, Toledo, OH:

Healthcare:

- Director/CEO's & Ancillary staff;
- Curatorial departmental office;
- Education departmental office;
- Asian and Ethiopian gallery;
- Collections & Registrar departmental office;
- Offices and galleries:
 - Director/CEO's & Ancillary staff;
 - Curatorial departmental office;
 - Education departmental office;
 - Asian and Ethiopian gallery;
 - Collections & Registrar departmental office;
- Over 40,000 sq ft. of buildout and/or interior renovation construction;
 - Offices and galleries;
 - Over 40,000 sq ft. of buildout and/or interior renovation construction;
 - Offices and galleries;
 - Director/CEO's & Ancillary staff;
 - Curatorial departmental office;
 - Education departmental office;
 - Asian and Ethiopian gallery;
 - Collections & Registrar departmental office;
- Toledo Museum of Art, Toledo, OH*
 - Over 270,000 sq. ft. of new, buildout and/or interior renovation construction;
 - 3-story, 1,150 seating capacity ballroom;
 - "Pocket park" and meeting space;
 - Over 270,000 sq. ft. of new, buildout and/or interior renovation construction;
 - 3-story, 1,150 seating capacity ballroom;
 - "Pocket park" and meeting space;
- Glass City Center/Ballroom, Toledo, OH;*
 - STEM learning;
 - Reading & book stacks;
 - Large and private meeting space;
 - Flexible, multi-functional space;
 - Canopy and roof to mimic trees;
 - Mott Branch
 - New 19,000 sq. ft. neighborhood resource center construction;
 - Canopy and roof to mimic trees;
 - Flexible, multi-functional space;
 - Large and private meeting space;
 - Reading & book stacks;
 - STEM learning;
- Mott Branch
 - New 19,000 sq. ft. neighborhood resource center construction;
 - Canopy and roof to mimic trees;
 - Flexible, multi-functional space;
 - Large and private meeting space;
 - Reading & book stacks;
 - STEM learning;
- New 26,000 sq. ft. green roof to improve stormwater management, conserves energy, mitigates the urban heat island, reduce noise and air pollution and provides space for urban agriculture;
 - New cafe creation;
 - Gift shop relocation;
 - Children's and gallery areas expansion;
 - Business incubator space;
 - Multiple movable tables, smart boards, and TV monitors.
 - Flexible, multi-functional space;
 - Open floor plan while implementing modern technological resources;

- Penthouse for mechanical equipment and an addition to the Central Energy Plant;
- Pharmacy and Sterile Processing Center;
- Conference Center and meeting rooms;
- Psychiatric and Step-down units;
- Medical/surgical private rooms;

Zepf Center, Toledo, OH:

- Over 80,000 sq. ft. of buildouts and/or interior renovation construction:
 - Recovery house/center and Administration offices;

Food & Beverage:

Peach Cobbler Factory, Perrysburg, OH;

- 1,500 sq. ft. dessert shop tenant fit out;

The Flying Joe, Perrysburg, OH;

- 3,700 sq. ft. coffee shop and restaurant tenant fit out;

Educational:

Bowling Green State University, Bowling Green, OH;

- Over 43,000 sq. ft. of buildout and/or interior renovation construction,
 - 4-story, STEM education and research labs for Moseley Hall;

Toledo Public School, Toledo, OH

- Over 4.2M sq. ft. of new, buildout and/or interior renovation construction;
 - 45 building district-wide school reconstruction program;

Certifications & Awards:

OSHA 30 hour Certified

20Under40 Toledo Recipient

6923 ANGOLA RD UNIT 1206 HOLLAND, OH 43528 • (567) 703.1255 • BOYDACLIC@GMAIL.COM

WWW.BOYDANDASSOC.COM

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BOYD & ASSOCIATES 
— CONSULTING, LLC —

Matthew S. Heyrman

mheyрман@gmail.com 8929 West Bancroft Street, Toledo, Ohio 43617 Cell: (419) 930-7786

Profile

Driven leader with experience building consensus to move organizations forward.

Employment Experience

Board of Lucas County Commissioners

Deputy County Administrator

September 2018 to Present

- ◆ Serve as the countywide Director of Economic Development
- ◆ Developed and implementing Lucas County's Economic Development Visionary Roadmap
- ◆ Support the administration of a \$190+ million general fund budget amongst highly diverse stakeholders
- ◆ Facilitated the consolidation of eight 9-1-1 call centers serving 28 public safety agencies
- ◆ Served as the Deputy Incident Commander for Lucas County's coordinated response to COVID-19

Director of Public Health and Safety / Senior Project Manager

May 2014 to February 2017

- ◆ Coordinated, developed and implemented countywide policy related to criminal justice, emergency services, and public health systems
- ◆ Established a comprehensive plan to reform Lucas County's criminal justice system by building consensus amongst diverse stakeholders that garnered \$7 million in private investment and resulted in a 38% reduction in jail population while maintaining community safety

Emergency Management Agency (EMA) Director / Deputy Director of Emergency Services

December 2012 to May 2014

- ◆ Managed, lead, and coordinated countywide emergency management, emergency medical services (EMS) and 9-1-1 departments
- ◆ Managed large scale public safety capital projects and contracts to include a countywide public notification system, EMS microwave communications system, and agreement for countywide EMS services between the County and local fire departments

Homeland Security Project Manager - *January 2011 to December 2012*

Acting EMA Director - *April 2010 to January 2011*

Emergency Services Project Manager - *June 2007 to April 2010*

Emergency Services Intern - *May 2006 to June 2007*

RMF Nooter, LLC (Nooter Toledo)

Director of Business Development

March 2018 to September 2018

- ◆ Developed strategies to diversify the penetration of a traditional industrial and refinery-based industrial contractor into new markets to include sustainable energy and logistics

- ◆ Directed and engaged local workforce development in the area of commercial construction and associated trades
- ◆ Negotiated, coordinated, and administered collective bargaining agreements with local general construction trades

Community Board Service

WGTE Public Media (2022 to Present)

Lucas County Economic Development Corporation, President (2023 to Present)

Connect Toledo/Regional Growth Partnership/Toledo Regional Chamber of Commerce/Lucas County/City of Toledo – Economic Development Visioning Steering Committee (2023 to Present)

Downtown Toledo Master Plan Update Steering Committee (2023)

Toledo-Lucas County Board of Health (2011 to 2021)

Toledo Area Regional Transit Authority (2018)

Education

Master of Public Administration, University of Toledo (2007)

Bachelor of Arts, University of Dayton (2005)

David P. Mann

1424 Sabra Road, Toledo, Ohio 43612

Experience

- President & CEO | Lucas County Land Reutilization Corporation** 2013 – Present
 Leads an innovative, public non-profit organization dedicated to strengthening neighborhoods by returning vacant, tax-delinquent, and deteriorated properties to productive use. Oversees a staff of 9 professionals and an annual budget of over \$10 million. Recognized as one of the most effective land banks in the country.
- Attorney | Marshall & Melhorn, LLC** 2012 – 2019
 Associate and Of Counsel in the Business practice group, concentrating on business and commercial transactions, real estate, tax, non-profit, and local government law.
- Vice President & Executive Director | Lucas County Land Reutilization Corporation** 2010 – 2012
- Executive Assistant / Public Affairs Liaison | Board of Lucas County Commissioners** 2005 – 2010

Admissions

- Supreme Court of Ohio** 2012
United States District Court, Northern District of Ohio 2012

Education

- Juris Doctor, *summa cum laude* | The University of Toledo College of Law**
 Member | Order of the Coif and Order of the Barristers
 Barrister, Best Oralist, and Best Team | 34th Annual Charles A. Fornoff Moot Court Competition
 2012 Sixth Circuit Distinguished Bankruptcy Law Student | American College of Bankruptcy
- Bachelor of Arts, *magna cum laude* | The University of Toledo**
 Majors: English, concentration in writing & Women's and Gender Studies
 2003 University of Toledo Outstanding Student Leader
 2004 Outstanding Student in the Department of Women's and Gender Studies

Awards & Community Involvement

- Founding Board Member, Treasurer | Ohio Land Bank Association** 2018 - Present
- Board Member | Toledo-Lucas County Port Authority** 2019 - 2023
- Member | Toledo Bar Association Grievance Committee** 2016 – 2018
- Recipient | 20 Under 40 Award** 2013
- Founding Board Member | EqualityToledo** 2005 - 2014

Julia Randles – Bio for Consideration to the Board of Directors, Community Improvement Corporation (CIC)

Julia Randles brings over 20 years of experience in construction and real estate development, with a proven track record of delivering impactful projects across both public and private sectors.

The first decade of Julia’s career was spent in Chicago, where she managed large-scale institutional construction projects for clients such as universities, school districts, healthcare systems, and municipalities. This foundation sharpened her ability to lead complex, multi-stakeholder efforts with a focus on quality, efficiency, and long-term value.

Over the past eight years, Julia has devoted her work to the revitalization and growth of Toledo. As co-owner of Crane Development, she and her partner have assembled a portfolio of over 20 properties, totaling more than 200,000 square feet and four acres across the city. Their work emphasizes a block-by-block development strategy—combining the adaptive reuse of historic buildings with thoughtful new construction—to foster vibrant neighborhoods, economic opportunity, and a strong sense of place.

Julia’s development philosophy centers on community impact, long-term sustainability, and respect for Toledo’s historic fabric. Her commitment to the city is both professional and personal: she has built her business and invested her career here, and remains deeply engaged in shaping its future.

With her technical expertise, entrepreneurial perspective, and demonstrated passion for Toledo’s continued transformation, Julia is well-positioned to contribute meaningfully to the Community Improvement Corporation. She looks forward to working collaboratively with public and private stakeholders to create lasting, inclusive impact for the city.

Timothy Schlachter
9040 Rolling Hill
Holland, Ohio 43528
(419)466-5501
tim.schlachter@svn.com

Summary Statement

Over 35 years of business management experience relating to real estate sales, marketing, finance, construction and strategic business planning. A dedicated community leader, focused on the continued improvement and economic prosperity of the Northwest Ohio and Southeast Michigan region.

Professional Experience

SVN-Ascension Commercial Realty Toledo, Oh

President/Managing Director 2022-Present

- Licensed Ohio Real Estate Broker responsible for all aspects of managing the company's real estate brokerage and property management operations.
- As a licensed Broker, consistently consummate yearly real estate transaction volume totaling \$10,000,000.
- Successfully negotiated and implemented plan to separate the former Danberry Commercial Realty business from Miller Diversified.
- Negotiated and implemented plan to join the global real estate platform of SVN, a national CRE leader with nearly 200 offices, 2,000 advisors over 15 billion in yearly transaction volume.

iTCart

Global Commercial Real Estate Ambassador 2025-Present

- Responsible for advising the company in matters and opportunities related to the integration of AI within the commercial real estate platform.

Miller Diversified Realty, LLC

Maumee, Oh

President 2017-2021

- Licensed Ohio Real Estate Broker responsible for all aspects of managing the company's real estate brokerage and property management operations.
- As a licensed Broker, consistently consummated yearly real estate transaction volume totaling \$10,000,000.

-Led team of six stake holders through the planning and implementation of the successful merger between Danberry Commercial Realty and Miller Diversified Real Estate Company.
-Designed and manage referral program between Miller Diversified Realty and Miller Diversified Construction as well as The Danberry Co., Realtors.
- Served as Executive Advisor to the Miller Investment Fund

**The Danberry Company, Realtors
Toledo, Ohio**

**Vice President of Business Development and Commercial Operation
2012-2017**

-Responsible for recruiting and onboarding commercial real estate agents
-Guided brokerage company through five years of double digit growth
-Formed a commercial property management division which managed over 1,000,000 square feet of space in the Northwest Ohio Region.
-Member of Leadership Team which advised the company ownership on day to day operations as well as strategic planning.

Fifth Third Bank of Northwest Ohio

Toledo, Oh

Affiliate Sales Manager II, Residential Mortgage Division 2010 - 2012
-Managed a team of 12 Mortgage Loan Originators, with specific focus on production goals, business plans, development plans and community involvement.

-Served on a committee which focuses on the development and implementation of processes which support the One Bank culture within our affiliate.
-Served as liaison between the bank and various trade organizations and quasi governmental agencies which are connected to the residential mortgage line of business.
-Managed recruitment, hiring and training process for new Mortgage Loan Originators.

**Buckeye Specialty Homes, Buckeye Real Estate Group
Toledo, Oh**

President and Co-Founder 1994 – 2010

- Leader of firm, whose yearly revenue peaked in excess of \$15,000,000, construction of over 700,000 square feet of commercial space and residential construction projects totaling more than 400 units.

- Created and implemented strategic business plan for multi-faceted development and construction company.
- Developed and maintained mutually beneficial relationships with financial institutions and private equity groups.
- Generated sales of build-to-suit projects for professional, retail and medical office users. Average deal value greater than \$1,000,000.

**KTC Management Company/Thomas Building Company
Toledo, Oh**

President 1990-1994

- Lead management group in the oversight of 1,200 residential units and 23 major tenant anchored retail centers.
- Maintained residential occupancy levels at 93% and above.
- Restructured leasing and maintenance departments resulting in the achievement of better than industry average benchmarks in vacancy percentage, turn-over refurbishment expense and fixed cost percentage.
- Guided building company through three consecutive years of sales growth in excess of 100%.

**Continental Real Estate Company
Columbus, Oh**

Licensed Commercial Realtor 1988-1990

- Successfully developed and implemented marketing plan for office/warehouse development located in the Green Meadows Park.
- Consummated lease and build to suit contracts valued over \$4,000,000 in consecutive years.
- Designed and implemented development and construction financing programs with local banks and insurance companies.

Education

The Ohio State University Columbus, Oh

BSBA Finance

Certified Commercial Investment Manager

Graduate of ProMedica Leadership Institute, November 2008

Licensed Ohio Real Estate Broker

Professional Trade Involvement

Home Builders Association of Greater Toledo (HBA)

President 2005

President Elect 2004

Treasurer 2003

Secretary 2002

Grievance and Ethics Committee 2001-2004

Property Right Coalition 2005-2008

Foundation Board 2008-2012

Community Involvement

Better Business Bureau of Northwest Ohio and Southeast Michigan

-Current member of the Board of Directors

Sylvania Township Board of Zoning Appeals

-Past trustee of board which rules on appeals to the Township's zoning code

Epworth United Method Church

-Past member of the Building Committee which has planned and oversaw a

\$4,500,000 renovation to the Church.

ProMedica Health System

-Manage real estate transactions on behalf of the system and provide

property management services for non-clinical properties owned by the

system, including The Innovation Post, located at 1300 Jefferson.

-Past Board Member of the Toledo Children's Hospital Foundation Board,

integral in raising \$2,500,000 per year, furthering the mission of the Toledo

Children's Hospital.

-Past Chairman of the Board of Trustees of the Toledo Children's

Hospital with main duties centered around quality of care and financial

oversight.

-Past member of the Central Region Board of Trustees and The Central

Region Finance Committee. Responsible for financial oversight and

strategic planning for all acute care facilities located within the Central

Region, including Toledo Hospital, Toledo Children's Hospital, Flower

Hospital, Wildwood Orthopedic Hospital and St. Luke's Hospital.

-Past member of the Quality and Credentialing Committee. Duties center

around the development and achievement of certain quality matrixes and the

oversight of the physician credentialing process for privileges within the hospital system.

- Ohio Children's Hospital Association. Past member of Clinical Quality Initiative in conjunction with Cardinal Health and the seven other children's hospitals in the state of Ohio. This is the only such collaborative of its kind in the nation and is responsible for the implementation of new best practices surrounding harmful events such as surgical site infections, blood stream infections, code response and the reduction of medicine dosage errors.

Maumee Valley Habitat for Humanity

- Past Member of 30th Anniversary Celebration Steering Committee
- Past Member of Executive Director Search Committee
- Lead organizer of four build projects with Epworth United Methodist Church.
- Lead builder of Blitz Build in 2006 and 2008, resulting in the construction of twelve homes in a one week time period.

Extreme Makeover Home Addition

- Chosen by production staff to be lead builder. Directed a team of over 4,000 volunteers in the construction of a home for the Frisch Family of Toledo. Episode aired on ABC on November 16, 2008.

Sylvania Schools Athletic Foundation

- Past Member of committee, including the district superintendent, formed to raise \$4,500,000 for the construction of sporting facilities at the two local high schools and two local middle schools.

Membership and Awards

- Toledo Regional Association of Realtors
- Ohio Association of Realtors
- National Association of Realtors
- Certified Commercial Investment Member
- Greater Toledo Area Chamber of Commerce
- Sylvania Area Chamber of Commerce
- The Brisson Board, St. Francis de Sales School
- Foundation Board, Home Builders Association of Greater Toledo
- 2009 Torch Award Finalist, Better Business Bureau
- 2008 Congressional Letter of Recognition, Marcy Kaptur
- 2008 Key to the City, Toledo Mayor Carty Finkbiener

-Home Builders Association of Greater Toledo Presidents Award for outstanding service to the association in 2004 and 2008.

-Home Builders Association of Greater Toledo. Rayner B. Pyle Award for outstanding service to the industry in 2006 and 2008.

-Sylvania Community Improvement Corporation Top Project in 2001, 2002 and 2003.

-Home Builders Association of Greater Toledo Sales and Marketing Award winner in 2005 and 2007.



Legislation Text

File #: O-342-25, Version: 1

Amending TMC 743, 1103, 1104, 1107 & 1116
Downtown Parking Lots

Zoning & Planning Committee

Amending Toledo Municipal Code (TMC), Chapters 743, 1103, 1104, 1107 and 1116 relating to the Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC) and surface parking lots in the Downtown and Warehouse Districts; and declaring an emergency.

SUMMARY & BACKGROUND:

In 2019 City Council passed Ordinance 355-19, which amended the Downtown Overlay District regulations to require all downtown surface parking lot owners to follow certain design criteria. The design criteria required lots to be fenced with black wrought iron or black heavy gauge aluminum tube fencing along with brick piers spaced according to parcel size. The text amendment required all surface parking lot owners to comply with the regulation within three (3) years of its passing. Unfortunately, the COVID-19 pandemic hit that following year, causing the text amendment to go unenforced.

The proposed Text Amendment to TMC Chapters 743, 1103, 1104, 1107, and 1116 seeks to reform these regulations for surface parking lots in both the Downtown Overlay and Warehouse Urban Neighborhood Overlay Districts and create more specific compliance criteria. A version of these reforms and compliance criteria was heard by the Plan Commission on September 14, 2023, however the amendment was deferred to put some more thought into it. Multiple meetings of the DPLRIAC have been conducted to discuss this proposed amendment since that September 2023 hearing.

Chapter 1103 *Overlay Zoning Districts*

The most prominent change in the proposed regulations is the merging of the Downtown Overlay and Warehouse Urban Neighborhood Overlay (UNO) surface parking lot design criteria. In the interest of removing overlap, the Toledo Warehouse District Architecture Review Committee (TWDARC) has agreed to give up its authority to review surface parking lots in the Warehouse UNO District to the Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC). The two boards currently maintain extremely similar design criteria within their separate sections. This amendment removes the bulk of TMC§1103.1519, within the Warehouse UNO District regulations, and replaces it with references to TMC Sections 1103.0207, 1103.0208,

1103.0209, 1103.0210, 1103.0211, and 1103.0212, within the Downtown Overlay District regulations. In turn, those sections within the Downtown Overlay District regulations now state that they apply within both the Downtown Overlay and Warehouse UNO districts.

The proposed combined design criteria would break surface parking lots into two categories: accessory and non-accessory. Accessory parking would be defined as:

“Automobile parking as a subordinate use and of a nature incidental to but supportive of the principal use, building or structure. Accessory parking is characterized as a free service for employees and/or customers of the principal use, building or structure.”

Non-Accessory parking would be defined as:

“Automobile parking as a principal rather than a subordinate land use that is neither accessory to a specific use nor code-required. A parking lot that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Non-Accessory Parking use. A parking lot that contains parking spaces which are leased to an entity other than a tenant of the property owner, whether those leased spaces could be considered accessory to a specific use or not, shall be classified as a Non-Accessory Parking use. A parking lot containing parking spaces which fall under an alternative parking plan approved pursuant to Section 1107.1400 may be classified instead as an Accessory Parking use. Non-Accessory Parking is generally characterized as a commercial service.”

Surface parking lots which fall under the accessory parking definition would be grandfathered while those falling under non-accessory would be required to comply with the design criteria on certain dates depending on its location. Three Zones of Compliance are proposed, all of which are shown on Exhibit “C” attached. Non-accessory surface parking lots within Zone 1 would be required to comply by April 1, 2027, while those in Zone 2 would be required to comply by April 1, 2028 and those in Zone 3 would be required to comply by April 1, 2029.

Other changes are proposed to clarify regulations, update references, or specify the role and makeup of the Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC). Of note is TMC§1103.0207(B)(6), which permits the required brick piers/columns to encroach up to eighteen inches (18”) within the public right-of-way subject to certain criteria including the approval of an encroachment permit through the Division of Traffic Management.

Chapter 743 *Parking Places* and Enforcement

Chapter 743 requires “Public Parking Places”, or parking places in or upon which a business is conducted of

storing motor vehicles where the owner or person storing such vehicle is charged a fee, to obtain an annual license from the Division of Taxation and Treasury. The definition of public parking place is proposed to be changed to make it similar to that of non-accessory parking discussed above. This annual license expires each year on April 1, which coincides with the compliance dates listed above. Public parking place / non-accessory parking lot owners will be unable to obtain a license through this chapter unless they comply with the compliance timelines of Chapter 1103 and if they continue to operate without a license, our Zoning Compliance Specialists will enforce. Other minor changes are proposed to make the chapter consistent with the proposed changes to Chapter 1103.

Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC)

The Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC) currently has the authority to review modifications and/or waivers of the design criteria. The proposed amendment seeks to also grant the DPLRIAC the authority to review extensions of the compliance timelines as well, provided the subject surface parking lot owner has shown diligent effort to comply with the requirements.

Other Changes to TMC Part 11 *Planning and Zoning Code*

At the request of members of the DPLRIAC, an amendment to TMC§1107.0102 is proposed to clarify when non-conforming non-accessory parking lots are required to come into full compliance with Chapter 1107 *Parking, Loading and Access*. The onus of this issue came from the requirement of TMC§1107.1911 *Dimensions* which requires all off street parking spaces to have a minimum stall width of nine feet (9'). Most non-accessory parking lots in the downtown and warehouse districts currently have stall widths of eight and a half feet (8.5'). Among other things, this proposed amendment will permit non-accessory parking lot owners to maintain their nonconforming parking lots, including resurfacing, patching, or restriping which does not result in an alteration in the configuration or dimension of any parking or loading space, maneuvering area, aisle, or driveway, so long as such maintenance does not increase the parking lot's nonconformity.

A change to the definitions is proposed which replaces the term "Commercial Parking" with "Non-Accessory Parking", as they are essentially referring to the same use. The definition of accessory parking is added in the amendment as well.

The last notable change is to TMC§1107.0903, currently called Commercial Parking but proposed to be renamed to Non-Accessory Parking. The section currently requires commercial parking to provide a bicycle parking area equivalent to one parking space, or two parking spaces if the facility has more than 200 parking spaces. The space must contain lockers, hard covers or shells, or other similar structures or devices in which bicycles may be individually covered and locked. It was noted by members of the DPLRIAC that this may be overly burdensome for a non-accessory parking lot owner which have small lots of, for example, ten (10) spaces. Staff recommends that these bicycle parking areas be permitted within the right-of-way subject to an encroachment permit approved by the Division of Traffic Management. Many cities currently permit or promote bicycle parking "parklets", taking the place of on-street parking spaces similar to other outdoor dining

areas approved downtown.

One of the goals under the build theme is Quality Design. Numerous planning studies have explored the connection between neighborhood perception and the conditions or quality of existing buildings in an area. The general consensus is that design matters. Thoughtful design can help establish unique areas that contribute to placemaking. This is the idea that a well-designed space can create an experience that we enjoy visiting. The proposed text amendment seeks to contribute to the placemaking of the downtown and warehouse districts by imposing design standards upon non-accessory parking lots. This is consistent with the Forward Toledo Plan. The proposed amendment is also consistent with the Forward Toledo Plan in that it provides opportunities to expand right-of-way use in the form of permitting parking lot owners to install bicycle parking areas within the right-of-way.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Chapter 743, which reads as follows:

CHAPTER 743

Parking Places

743.01 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95616>	Definitions.
743.02 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95625>	License required.
743.03 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95628>	Application for license.
743.04 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95635>	License fees.
743.05 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95641>	Issuance and transfer of licenses.
743.06 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95645>	Revocation of license.
743.07 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95651>	Signs required.
743.08 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95655>	Change of rate.
743.09 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95660>	Open parking places to be fenced in.
743.10 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95664>	Limitation on storage.
743.11 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95667>	Entrances and exits.
743.12 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95670>	Loading and unloading passengers.
743.13 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95673>	Claim checks to be furnished.
743.14 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95678>	Transfer of parked vehicles.

- [743.15 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95681>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95681) Use of parked vehicles.
- [743.16 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95684>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95684) Construction materials.
- [743.17 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95687>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95687) Sidewalks to be kept clean; placing snow in public right-of-way.
- [743.18 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95690>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95690) Open parking places to be enclosed.
- [743.19 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-159264>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-159264) Employees
- [743.99 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95693>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95693) Penalty.

CROSS REFERENCES

Unauthorized use of a vehicle; vehicle trespass - see GEN. OFF. [545.06 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-93362>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-93362)

General business licensing provisions - see BUS. REG. [Ch. 701 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-93962>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-93962)

743.01. Definitions.

For the purposes of this chapter the following words and phrases shall have the following meanings:

- (a) "Parking place" means any garage or other building or any plot, piece or parcel of land in or upon which motor vehicles, tractors or trailers are stored or parked.
- (b) "Public parking place" means any parking place in or upon which a business is conducted of storing motor vehicles where the owner or person storing such vehicle is charged a fee.
- (c) "Commercial parking place" means any parking place where motor vehicles, tractors or trailers are stored for purposes of sale or display.
- (d) "Private parking place" means any parking place where one or more motor vehicles are stored which is not defined as a public or commercial parking place.
- (e) "Person" means any individual, partnership, firm, association or corporation.
- (f) "Paint" or "Painted" means the application of waterproof paint.
- (g) "Surface Parking Lot" shall have the same meaning as set out in Section 1103.0202 of this Code.
- (h) "Special Event Parking" means any private space offered for a public event such as a ball game, concert, parade or similar event that would require short term paid parking.

743.02. License required.

No person, firm or corporation shall conduct a business of storing motor vehicle for hire in a public parking place, including special event parking, within the limits of the City without first having obtained a license therefore in the manner hereinafter set forth.

743.03. Application for license.

Applications for licenses for public parking places shall be made by the person or persons intending to conduct a business therein upon blanks to be furnished by the Director of Finance in substantially the following form:

- (a) The name and address of the applicant; and if a nonresident of the City, the name and address of a local representative inside the City limits upon whom service can be made under the provisions of this chapter or of summons or other process issued by any court;
- (b) A site plan of the lot that indicates the size and location of the lot including aisle width, stall dimensions, what type of barrier is in place, entrance and exit location, and location of signage;
- (c) Verification that the parking place is compliant with all Federal ADA guidelines as defined in Section 1107.1700 of the Toledo Municipal Code;
- (d) Proof of public liability insurance;
- (e) Proof that the applicant is registered to do business in Toledo and the State of Ohio;
- (f) Verification that the applicant is compliant within the appropriate time frame established for applicable design standards as provided for in this Section and Chapter 1103 of this Code.

743.04. License fees.

(a) The following shall be the license fees for operating all public parking place except for Surface Parking Lots in the Downtown Overlay District:

- (1) For any location that was not licensed as a public parking place for the immediately preceding license year, five hundred dollars (\$500.00) for the initial license year.
- (2) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, one hundred fifty dollars (\$150.00) per year.
- (3) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, two hundred seventy-five dollars (\$275.00) per year.

(b) The following shall be the license fees for operating a public parking place in a Surface Parking Lot in the Downtown Overlay District:

- (1) For any location that is in compliance with applicable design standards and was not licensed nor required to be licensed as a public parking place for the immediately preceding license year, five hundred dollars (\$500.00) for the initial license year.
- (2) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, and is in compliance with any applicable design standards, one hundred fifty dollars (\$150.00) per year.
- (3) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, and is in compliance with any applicable design standards, two hundred seventy-five dollars (\$275.00) per year.

(c) All license fees collected pursuant to Section 743.04(b) shall be deposited into a segregated revenue

accruing account and used for enforcement of the provisions of this Chapter and improvements to the public infrastructure in the Downtown Overlay District.

743.05. Issuance and transfer of licenses.

(a) Applications for public parking place licenses shall be investigated by the Commissioner of Transportation and if after investigation he is reasonably satisfied that the applicant has a good reputation; that the statements set forth in the application are correct; that the issuance of such license will be conducive to the public welfare and safety; and if the proper fee is paid, then such license shall be issued to the applicant, which license shall continue in effect until the first of April following the issuance of such license, unless revoked prior thereto.

(b) Licenses may be transferred from location to location with the written consent of the Commissioner of Transportation.

743.06. Revocation of license.

The Commissioner of Transportation may revoke any public parking place license if upon a hearing and investigation after at least ten days' written notice of the time and place of such hearing, he finds:

(a) The licensee has knowingly made any false or materially incorrect statement in the application.

(b) The licensee knowingly violates or knowingly permits or countenances the violation of any provision of this article.

(c) The licensee knowingly violates or knowingly permits or countenances the violation of any provision of any penal law or ordinance regarding theft, larceny or conversion of a motor vehicle or the operation of a motor vehicle without the owner's consent as prohibited by Section 743.14.

743.07. Signs required.

Each person operating a public parking place shall have erected at each entrance thereto a sign or signs so that following information is clearly visible from each customer entrance:

(a) The rate by day or hour as specified in the permit, also if there is a different rate on certain days or nights.

(b) The hours during which the parking place will remain open for business if access to the facility is restricted during certain hours of the day.

(c) The name and telephone number of the operator of the parking place.

743.08. Change of rate.

No operator of any public parking place shall make any charge for storing any motor vehicle in excess of that set forth on the sign erected on the premises as required by Section 743.07.

(a) However, nothing herein contained shall be deemed to prevent the operator of any parking lot from charging a rate in case of special events different from that ordinarily charged, if such operator has placed over that portion of the sign indicating the usual rate for a parking sign bearing the following legend: "SPECIAL EVENT PARKING" and rate indicated on such sign.

743.09. Open parking places to be fenced in.

(a) Persons operating open parking places shall keep same enclosed, so that motor vehicles stored within cannot be removed from such place except at regularly established entrances and exits.

(b) Persons operating open parking places, public or private, shall be enclosed in the same fashion on all sides pursuant to Section 1103.0207, except those sides adjacent to public alley ways.

(c) Surface Parking Lots in the Downtown Overlay District shall conform with the provisions set forth in Chapters 1103 and 1107 of this Code where applicable.

743.10. Limitation on storage.

Persons operating public parking places shall limit the storage of vehicles therein to the reasonable storage capacity thereof and shall not permit the crowding of vehicles beyond such reasonable storage capacity.

743.11. Entrances and exits.

(a) Unless otherwise permitted by the Commissioner of Transportation, each public parking place shall have one common entrance and one common exit, which may or may not be combined.

(b) Each public parking place must also comply with TMC Chapters 1103 and 1107 of this Code where applicable.

743.12. Loading and unloading passengers.

The operator of each and every public parking place shall provide for a suitable place, commensurate with the capacity of such place, for the loading and unloading of the occupants of cars to be delivered or parked. The loading or unloading of passengers or drivers of motor vehicles across or upon a public sidewalk is hereby expressly prohibited, and any operator or employee who by receiving or delivering motor vehicles other than within the space provided by such place, aids or assists in blocking any sidewalk or street shall be deemed to have violated the provisions of this chapter.

743.13. Claim Checks to be Furnished.

(a) At the time of accepting a motor vehicle for storage or parking in a public parking place, the person conducting the same, his agent, servant or employee shall furnish to such person parking his or her motor vehicle a distinctive check which shall be numbered to correspond to a coupon placed upon such motor vehicle,

which check shall contain the name and address of the person owning or operating such public parking place. This provision shall not apply where cars are stored on a weekly or monthly basis.

(b) No person shall affix any parking coupon to any motor vehicle so as to obliterate in whole or in part any portion of the motor vehicle license plate on such vehicle.

743.14. Transfer of parked vehicles.

No owner or operator of any public parking place shall move or transfer, or cause to be moved or transferred, any parked motor vehicle from the particular parking place at which it is parked to any other public parking place over, through or upon the streets or alleys of the City, unless by the written consent executed by the owner of such motor vehicle or person parking the same. The written consent shall be signed in duplicate by the owner or person parking the motor vehicle and one copy of such consent shall be retained by such person and the other copy shall be retained by the owner or operator of the public parking place and kept as a permanent record. It is not the intention of this section to prohibit the moving of cars into a protected area after the posted closing hours. It is not the intention of this section to prohibit the transfer of vehicles from one area within the public parking place where an alley separates the areas which are operated by a single management.

743.15. Use of parked vehicles.

No owner or operator of any public parking place shall make any use for any purpose whatsoever of any motor vehicle parked in such place, unless the use has first been authorized by the owner or person having control of such vehicle.

743.16. Construction materials.

All parking places shall be constructed of concrete, asphalt or equivalent clean, hard surface material. The Administrative Board, sometimes referred to as the Zoning Board of Appeals, created by Section 1112.0200 is hereby empowered in specific cases of practical difficulty or unnecessary hardship to vary the terms of this chapter and the off-street parking section of the zoning code in harmony with the general intent and purposes hereof and thereof.

743.17. Sidewalks to be kept clean; placing snow in public right-of-way.

Any person operating or maintaining any public, commercial or private parking place shall keep the sidewalks surrounding such places free from dirt, ice and snow, and other debris, and shall keep the sidewalks in safe condition for the travel of pedestrians. The owner and/or operator of any public parking place, commercial parking place or private parking place shall not remove the natural accumulation of snow or ice thereon by shoveling, plowing or otherwise removing such natural accumulation of snow and ice by depositing same upon the paved portion of the public right-of-way.

743.18. Open parking places to be enclosed.

All open parking places shall be so enclosed as to prevent unauthorized encroachment upon the public right of way and such enclosure shall conform to the established building lines. Except in the Downtown Overlay District, open parking places in residential areas shall be screened and landscaped. Surface Parking Lots in the Downtown Overlay District shall conform with the provisions set forth in Chapter 1103 of this Code.

743.19 Employees.

While on duty at the parking facility, whether public or private, each employee shall display identification provided by the parking operator, identifying the individual as an employee.

743.99. Penalty.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree.

Is hereby repealed.

SECTION 2. That a new Toledo Municipal Code, Chapter 743 shall read as follows:

CHAPTER 743

Parking Places

743.01 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95616>	Definitions.
743.02 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95625>	License required.
743.03 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95628>	Application for license.
743.04 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95635>	License fees.
743.05 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95641>	Issuance and transfer of licenses.
743.06 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95645>	Revocation of license.
743.07 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95651>	Signs required.
743.08 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95655>	Change of rate.
743.09 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95660>	Open parking places to be fenced in.
743.10 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95664>	Limitation on storage.
743.11 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95667>	Entrances and

exits.

- [743.12 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95670>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95670) Loading and unloading passengers.
- [743.13 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95673>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95673) Claim checks to be furnished.
- [743.14 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95678>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95678) Transfer of parked vehicles.
- [743.15 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95681>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95681) Use of parked vehicles.
- [743.16 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95684>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95684) Construction materials.
- [743.17 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95687>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95687) Sidewalks to be kept clean; placing snow in public right-of-way.
- [743.18 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95690>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95690) Open parking places to be enclosed.
- [743.19 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-159264>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-159264) Employees
- [743.99 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95693>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-95693) Penalty.

CROSS REFERENCES

Unauthorized use of a vehicle; vehicle trespass - see GEN. OFF. [545.06 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-93362>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-93362)

General business licensing provisions - see BUS. REG. [Ch. 701 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-93962>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-93962)

743.01. Definitions.

For the purposes of this chapter the following words and phrases shall have the following meanings:

- (a) "Parking place" means any garage or other building or any plot, piece or parcel of land in or upon which motor vehicles, tractors or trailers are stored or parked.
- (b) "Public parking place" means any parking place in or upon which a business is conducted of storing motor vehicles where the owner or person storing such vehicle is charged a fee. Public parking spaces are generally characterized as a principal rather than a subordinate land use. A parking place that provides both accessory parking for a specific use, building or structure and regular fee parking for people not connected to the use, building or structure is also classified as a public parking place. A parking place that contains parking spaces which are leased to an entity other than a tenant of the property owner, whether those leased spaces could be considered subordinate to a specific use or not, shall be classified as a public parking place. A parking place containing parking spaces which fall under an alternative parking plan approved pursuant to Section 1107.1400 may be classified instead as a private parking place.
- (c) "Commercial parking place" means any parking place where motor vehicles, tractors or trailers are stored for purposes of sale or display.
- (d) "Private parking place" means any parking place where one or more motor vehicles are stored as a free service for employees and/or customers of a principal use, building or structure. Private parking places are generally characterized as a subordinate land use and of a nature incidental to but supportive of a principal use, building, or structure.
- (e) "Person" means any individual, partnership, firm, association or corporation.
- (f) "Paint" or "Painted" means the application of waterproof paint.
- (g) "Surface Parking Lot" means any nonstructural property used for temporary parking and/or storage of vehicles upon real estate which is not part of any street, highway or alley. "Surface Parking Lots" shall not include parking garages.
- (h) "Special Event Parking" means any private space offered for a public event such as a ball game, concert, parade or similar

event that would require short term paid parking.

743.02. License required.

No person, firm or corporation shall conduct a business of parking or storing motor vehicles for a fee in a public parking place, including special event parking, within the limits of the City without first having obtained a license as provided in this Chapter 743.

743.03. Application for license.

Applications for licenses for public parking places shall be made by the person or persons intending to conduct a business therein upon forms to be furnished by the Director of Finance in substantially the following form:

(a) The name and address of the applicant; and if a nonresident of the City, the name and address of a local representative inside the City limits upon whom service can be made under the provisions of this chapter or of summons or other process issued by any court;

(b) A site plan of the lot, compliant with Toledo Municipal Code Chapter 1107, that indicates the size and location of the lot including aisle width, stall dimensions, what type of barrier is in place, entrance and exit location, and location of signage;

(c) Verification that the parking place is compliant with all Federal ADA guidelines as defined in Section 1107.1700 of the Toledo Municipal Code;

(d) Proof of public liability insurance;

(e) Proof that the applicant is registered to do business in Toledo and the State of Ohio;

(f) Verification that the applicant is compliant with all applicable standards and requirements, including design standards, of this Chapter and Chapter 1103 of this Code.

743.04. License fees.

(a) The following shall be the license fees for operating all public parking place except for Surface Parking Lots in the Downtown Overlay District and/or in the Warehouse UNO District:

(1) For any location that was not licensed as a public parking place for the immediately preceding license year, five hundred dollars (\$500.00) for the initial license year.

(2) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, one hundred fifty dollars (\$150.00) per year.

(3) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, two hundred seventy-five dollars (\$275.00) per year.

(b) The following shall be the license fees for operating a public parking place in a Surface Parking Lot in the Downtown Overlay District and/or in the Warehouse UNO District:

(1) For any location that is in compliance with applicable design standards and was not licensed nor required to be licensed as a public parking place for the immediately preceding license year, five hundred dollars (\$500.00) for the initial license year.

(2) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, and is in compliance with any applicable design standards, one hundred fifty dollars (\$150.00) per year.

(3) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, and is in compliance with any applicable design standards, two hundred seventy-five dollars (\$275.00) per year.

(c) All license fees collected pursuant to Section 743.04(b) shall be deposited into a segregated revenue accruing account and used for enforcement of the provisions of this Chapter and improvements to the public infrastructure in the Downtown Overlay District and/or in the Warehouse UNO District.

743.05. Issuance and transfer of licenses.

- a. Applications for public parking place licenses shall be investigated by the Commissioner of Transportation and if after investigation he is reasonably satisfied that the applicant has a good reputation; that the statements set forth in the application are correct; that the issuance of such license will be conducive to the public welfare and safety; and if the proper fee is paid, then such license shall be issued to the applicant, which license shall continue in effect until the first of April following the issuance of such license, unless revoked prior thereto.
- b. Licenses may be transferred from location to location with the written consent of the Commissioner of Transportation.

743.06. Revocation of license.

The Commissioner of Transportation may revoke any public parking place license if upon a hearing and investigation after at least ten days' written notice of the time and place of such hearing, he finds:

- (a) The licensee has knowingly made any false or materially incorrect statement in the application.
- (b) The licensee knowingly violates or knowingly permits or countenances the violation of any provision of this article.
- (c) The licensee knowingly violates or knowingly permits or countenances the violation of any provision of any penal law or ordinance regarding theft, larceny or conversion of a motor vehicle or the operation of a motor vehicle without the owner's consent as prohibited by Section 743.14.

743.07. Signs required.

Each person operating a public parking place shall have erected at each entrance thereto a sign or signs so that following information is clearly visible from each customer entrance:

- (a) The rate by day or hour as specified in the permit, also if there is a different rate on certain days or nights.
- (b) The hours during which the parking place will remain open for business if access to the facility is restricted during certain hours of the day.
- (c) The name and telephone number of the operator of the parking place.

743.08. Change of rate.

No operator of any public parking place shall make any charge for storing any motor vehicle in excess of that set forth on the sign erected on the premises as required by Section 743.07.

- (a) However, nothing herein contained shall be deemed to prevent the operator of any parking lot from charging a rate in case of special events different from that ordinarily charged, if such operator has placed over that portion of the sign indicating the usual rate for a parking sign bearing the following legend: "SPECIAL EVENT PARKING" and rate indicated on such sign.

743.09. Open parking places to be fenced in.

- (a) Persons operating open parking places shall keep same enclosed, so that motor vehicles stored within cannot be removed from such place except at regularly established entrances and exits.
- (b) Persons operating open parking places, public or private, shall be enclosed in the same fashion on all sides pursuant to Section 1103.0207, except those sides adjacent to public alley ways.
- (c) Surface Parking Lots in the Downtown Overlay District and/or in the Warehouse UNO District shall conform with the

provisions set forth in Chapters 1103 and 1107 of this Code where applicable.

743.10. Limitation on storage.

Persons operating public parking places shall limit the storage of vehicles therein to the reasonable storage capacity thereof and shall not permit the crowding of vehicles beyond such reasonable storage capacity.

743.11. Entrances and exits.

(a) Unless otherwise permitted by the Commissioner of Transportation, each public parking place shall have one common entrance and one common exit, which may or may not be combined.

(b) Each public parking place must also comply with TMC Chapters 1103 and 1107 of this Code where applicable.

743.12. Loading and unloading passengers.

The operator of each and every public parking place shall provide for a suitable place, commensurate with the capacity of such place, for the loading and unloading of the occupants of cars to be delivered or parked. The loading or unloading of passengers or drivers of motor vehicles across or upon a public sidewalk is hereby expressly prohibited, and any operator or employee who by receiving or delivering motor vehicles other than within the space provided by such place, aids or assists in blocking any sidewalk or street shall be deemed to have violated the provisions of this chapter.

743.13. Claim Checks to be Furnished.

(a) At the time of accepting a motor vehicle for storage or parking in a public parking place, the person conducting the same, his agent, servant or employee shall furnish to such person parking his or her motor vehicle a distinctive check which shall be numbered to correspond to a coupon placed upon such motor vehicle, which check shall contain the name and address of the person owning or operating such public parking place. This provision shall not apply where cars are stored on a weekly or monthly basis.

(b) No person shall affix any parking coupon to any motor vehicle so as to obliterate in whole or in part any portion of the motor vehicle license plate on such vehicle.

743.14. Transfer of parked vehicles.

No owner or operator of any public parking place shall move or transfer, or cause to be moved or transferred, any parked motor vehicle from the particular parking place at which it is parked to any other public parking place over, through or upon the streets or alleys of the City, unless by the written consent executed by the owner of such motor vehicle or person parking the same. The written consent shall be signed in duplicate by the owner or person parking the motor vehicle and one copy of such consent shall be retained by such person and the other copy shall be retained by the owner or operator of the public parking place and kept as a permanent record. It is not the intention of this section to prohibit the moving of cars into a protected area after the posted closing hours. It is not the intention of this section to prohibit the transfer of vehicles from one area within the public parking place where an alley separates the areas which are operated by a single management.

743.15. Use of parked vehicles.

No owner or operator of any public parking place shall make any use for any purpose whatsoever of any motor vehicle parked

in such place, unless the use has first been authorized by the owner or person having control of such vehicle.

743.16. Construction materials.

All parking places shall be constructed of concrete, asphalt or equivalent clean, hard surface material. The Administrative Board, sometimes referred to as the Zoning Board of Appeals, created by Section 1112.0200 is hereby empowered in specific cases of practical difficulty or unnecessary hardship to vary the terms of this chapter and the off-street parking section of the zoning code in harmony with the general intent and purposes hereof and thereof.

743.17. Sidewalks to be kept clean; placing snow in public right-of-way.

Any person operating or maintaining any public, commercial or private parking place shall keep the sidewalks surrounding such places free from dirt, ice and snow, and other debris, and shall keep the sidewalks in safe condition for the travel of pedestrians. The owner and/or operator of any public parking place, commercial parking place or private parking place shall not remove the natural accumulation of snow or ice thereon by shoveling, plowing or otherwise removing such natural accumulation of snow and ice by depositing same upon the paved portion of the public right-of-way.

743.18. Open parking places to be enclosed.

All open parking places shall be so enclosed as to prevent unauthorized encroachment upon the public right of way and such enclosure shall conform to the established building lines. Except in the Downtown Overlay District and/or the Warehouse UNO District, open parking places in residential areas shall be screened and landscaped. Surface Parking Lots in the Downtown Overlay District and/or in the Warehouse UNO District shall conform with the provisions set forth in Chapter 1103 of this Code.

743.19 Employees.

While on duty at the parking facility, whether public or private, each employee shall display identification provided by the parking operator, identifying the individual as an employee.

743.99. Penalty.

Any property owner or agent thereof which violates any provision of this chapter is guilty of a misdemeanor of the fourth degree

SECTION 3. That Toledo Municipal Code, Chapter 1103, which reads as follows:

CHAPTER 1103

Overlay Zoning Districts

1103.0200 -DO, Downtown Overlay District.

1103.0201 Purpose.

The -DO, Downtown Overlay district is intended to provide a review process for proposed physical changes to structures within the

Central Business District of the City and adjacent areas in order to evaluate the proposals in relation to the approved plan for the area.

1103.0202 Definitions.

The definitions of this section are to be used solely for the purpose of interpreting and administering the downtown overlay provisions of this Zoning Code.

- A. “Demolition.” For the purposes of the downtown overlay provisions, "demolition" means the removal or tearing down of all or part of a structure.
- B. “Physical change.” For the purpose of the downtown overlay provisions, "physical change" means any work such as alteration, remodeling, new construction or renovation of the exterior of a structure for which the total cost would be more than two hundred fifty thousand dollars (\$250,000) or twenty-five percent (25%) of the appraised value of the building, as listed by the County Auditor, whichever is the lesser amount. In computing the total cost, the cost of any such work accumulated in any three-year period shall be considered.
- C. “Reasonable economic use.” For the purpose of the downtown overlay provisions, "reasonable economic use" means a use for a structure or property that will produce a reasonable return that is economically viable. In a situation involving a property or structure that is not income-producing, reasonable economic use means that the property structure can be put to a reasonable beneficial use in a reasonable period of time based upon all relevant criteria set forth in Section 1111.0904.
- D. “Surface Parking Lots.” For purposes of the downtown overlay provisions. "Surface Parking Lots" means any nonstructural property used for temporary storage of vehicles upon real estate which is not part of any street, highway or alley. “Surface Parking Lots” shall not include parking garages.

1103.0203 Creation and Boundaries.

The -DO District is created as an overlay district to be applied to land within and adjacent to the Central Business District as the City Council designates by ordinance. The boundaries of the -DO District are depicted on the Official Zoning Map. A map of the boundaries and boundary description are also presented in Appendix A.

1103.0204 Effect of -DO Designation.

The -DO District regulations apply in combination with underlying base zoning district regulations and all other applicable standards of this Zoning Code. When -DO District standards conflict with the underlying base zoning district standards or other regulations of this Zoning Code, the regulations of the -DO District will always govern. When no special -DO District standards are specified, all other applicable regulations of this Zoning Code will govern.

1103.0205 Design Guidelines.

These guidelines are derived largely from the Design Guidelines chapter found in 2002 Downtown Toledo Master Plan, as adopted by Ordinance 280-02.

A. Rehabilitation of existing structures. Wherever possible, examples of the City's traditional commercial, civic and residential architecture should be preserved, renovated and where appropriate, adaptively reused. Specifically:

1. Where removed a cornice or fascia should be restored to reemphasize the original design intent of the structure and should be designed in proportion to the overall mass of the building.
2. The building's original wall surface and detailing should be restored whenever possible and all exposed mechanical

equipment, unused electrical apparatus or sign supports should be removed.

3. Special attention should be given to the removal of storefront surface materials that will extend onto the piers and walls of the upper facade.
4. If new materials are to be used for buildings that are architecturally undistinguished, they should be selected to coordinate with neighboring structures and to complement the design of the storefront.
5. The proportions of restored windows and the rhythm of the window pattern should replicate the original facade design as closely as possible.
6. Display windows of a storefront should never be filled or covered except where there are residential uses abutting the sidewalk on the ground floor.
7. On traditional buildings, recessed entrances are encouraged and where entrances are flush with display windows, awnings can be used to give greater definition to the storefront and provide overhead protection. Awnings should be attached directly to the building without requiring a support column on the sidewalk, have a minimum clearance of eight feet and a maximum clearance of 12 feet above the sidewalk.
8. Loading and service entrances should be located at the rear and side of the building.
9. Trash containers, service and storage areas should be screened and maintained. In larger developments, trash collection, service and loading areas should be separated from main circulation and parking areas.

B. New Development Infill.

1. The front setback of new development should replicate the setback of existing buildings to create a consistently developed edge, reinforce the City center's urban development pattern and enhance pedestrian orientation.
2. There should be no spacing between buildings except a mid-block pedestrian walkway would be allowed.
3. Building height and massing should be compatible with existing development. The building mass should be broken into increments that correspond to the scale and massing of existing buildings through the use of such devices as setbacks and variable roof heights.
4. The location and articulation of building entrances should complement those of existing buildings and should be oriented to street frontages.
5. Street facades of new infill development should be organized into:
 1. ground-level pedestrian presentation; and
 2. the upper architecture, with strong horizontal elements separating the two.

C. Major New Development Over 25,000 Square Feet. The principal challenge in designing major new downtown development projects is the successful incorporation of large-scale and/or high-rise structures into the existing context of smaller-scale buildings.

1. Unarticulated forms and masses should be avoided in new larger-scale development. Instead, the building should be broken into increments that relate to the human scale by using such devices as fenestration, architectural detailing, variable setbacks and rooflines to define a sequence of bays and provide transitions in height and scale. Multi-block mega-structures that erase the street grid and weaken the basic urban block structure are discouraged.
2. Blank wall areas at sidewalk edge may not extend for more than 25 horizontal feet without articulation such as a window, glass-covered display area, entryway or recessed area.
3. To counter high-rise impacts the use of reflective glass at ground level should be avoided so that the building base meets the

ground in a manner that is more inviting to the public. Controls designed to preserve solar access to streets and public spaces and measures that help minimize wind tunnel and down draft effects may also be considered.

4. Maintain pedestrian connections and view corridors along traditional street rights of way when a project spans several blocks (mega-structures) providing for a sequence of public spaces and walkways that are linked to the street grid.

D. Facade Materials and Colors. See Section 1109.0500 for building facade material and color standards.

E. Streetscape.

1. Street trees to the satisfaction of the Department of Parks, Recreation and Forestry, light standards, street signs, etc., should be placed so that the trees are between the street lanes and any pedestrian walkway. Moveable seating is preferred to seating that is permanently anchored to the sidewalk.
2. Trees should be spaced at distances so that each tree can attain the appropriate form and shape at maturity. This could range between 30 and 40 foot spacing for large trees and 15 to 25 feet for smaller trees. Do not plant trees directly in front of entrances or other significant architectural features.
3. Any walkway or public spaces specifically designed to enhance pedestrian movement should not use plain asphaltic pavements for the walking surface or use tiles or similar surfaces that can become slippery when wet.
4. Existing and future transit stop locations should have ample space for patron amenities and waiting.

F. Building Identification Signs. Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in Zoning Districts, and the following regulations:

1. Each building within the -DOD is limited to one (1) Building Identification Sign per building façade, with a maximum of two (2) Building Identification Signs.
2. Additional building signs, including projecting, marquee, fascia or monument, shall be limited to tenants and/or occupants located in the building. Such signs shall be located between the top of the first floor door or window lintel and the second floor windowsill. Unless architectural treatments and/or features preclude the installation of such signs, which then shall be reviewed and approved by the Plan Director.
3. No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.
4. Projecting signs are not allowed as Building Identification Signs.

G. Exemptions. The Plan Commission may modify and/or waive all or parts of the design standards in this section for site when, in the opinion of the Plan Commission, the design constitutes a unique, one of a kind building that meets the intent of these design standards. The Plan Commission may request the City Historic District Commission to review and comment.

1103.0206 Relationship to Comprehensive Plan.

Review of proposals for physical change for demolition must be based on the Comprehensive Plan, the Downtown Toledo Master Plan approved through Ordinance 280-02, the CBD Architectural Survey Report (1986), and any other additions and amendments thereto as may be approved by the Plan Commission and City Council.

1103.0207 Special Design Standards - Surface Parking Lots.

Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as entertainment, storefronts/retail, and/or landscaped treatments to soften the structure. Existing Surface Parking Lots, public or private, permitted by this Code shall be subject to the following standards:

A. Surface Parking Lots that are permitted by this Code or are created after the effective date of this Section shall comply with

the standards set forth herein prior to storage or parking occurring on the Surface Parking Lot.

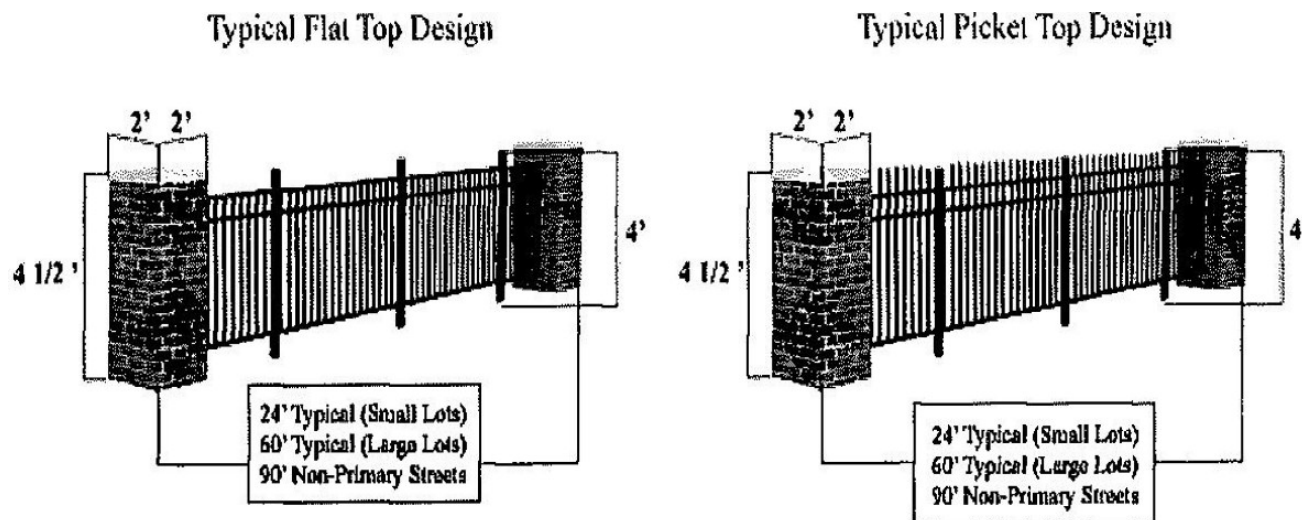
B. Surface Parking Lots in the Downtown Overlay district shall be bordered along public rights of way by black wrought iron or black heavy gauge aluminum tube fencing that is at least four feet high with brick or thin brick columns that are at least 4'6" high and at least 18" wide or greater.

Brick columns shall meet the requirements for brick as defined in Sec. 1109.0502.A. Columns shall be constructed using earth tone colors. On primary streets, spacing of columns shall be at least every 24' for small lots (120' x 120' and under) and at least every 60' for large lots (with frontage of more than 120'). On non-primary streets, spacing of columns may be spaced no more than 90' apart. The Plan Director may approve greater distance spacing of columns where recommended by Toledo Downtown Parking Lot Review and Improvement Advisory Committee. Measurement as to placement of columns, new entrances, and exits will take into consideration turning radius needed for motor vehicles as well as two-way traffic.

Fencing may connect to adjacent buildings rather than installing a pillar in instances where such connections are practical and do not detract from the purposes of this Chapter.

The fences shall be clear of signage or other obstructions.

The specifications for the fencing are as follows:



- a. Sections: Standard sections are 6' wide.
- b. Pickets: Commercial 3/4" square x .055
- c. Spacing between Pickets: Commercial standard 3-5/8" and optional 1-1/2"
- d. Fasteners: Stainless steel
- e. Horizontal Rails: Commercial 1-1/4" x 1-3/8" with .088" side walls and .065" top walls
- f. Posts: Commercial 2" square x .080, or .125; 2-1/2" square x .100; and 3" square x .125
- g. Alloy: High-strength Ultrum™ 6005-T5 alloy, min. strength 35,000 PSI Finish: Powercoat. When applied, Powercoat is twice the thickness and hardness of a typical acrylic, baked enamel or "wet paint" finish, making it more durable, fade-resistant and scratch-resistant than other coatings.

h. Color: Black

C. Parking spaces in Surface Parking Lots in the Downtown Overlay District that abut fencing required by this Section shall have wheel stops of 4" high or a continuous 4 inch concrete inside the fence placed as to prevent cars from hitting or damaging the fence or columns.

D. Guard rails, bollards, chains, wires, ropes or similar type barriers are not permitted on any Surface Parking Lot in the Downtown Overlay District - even inside the black metal fences unless they are to protect electrical boxes/ conduit, drains, honor boxes, machines, or large investments within the lot.

E. Lighting fixtures located on the brick columns are encouraged, but not required.

F. Landscaping is encouraged but not required. Landscaping shall not be a substitute or replacement for the Fencing & Columns required above.

G. The Downtown Overlay Map on the following page indicates the primary and non-primary streets and the compliance timetable (See Sections 743.05 and 743.06). Primary streets are highlighted in the map. All other streets are considered non-primary for purposes of this Chapter.

E. These provisions apply to all properties within the Downtown Overlay District with the exception of the area bounded by Woodruff Avenue, Cherry Street, Spielbusch Avenue, Southard Street, 12th Street, Jackson Street and 13th Street.

1103.0208 Other Provisions.

It is the intent of Section 1103.0207 of this Code to provide for uniform standards for Surface Parking Lots in the Downtown Overlay District. Nothing in Section 1103.0207 should be interpreted as excusing or superseding any and all other applicable Code Provisions governing parking except to the extent that any other provision could be interpreted as allowing a lesser standard. To the extent that any other design standard in the Code conflict with the design standards set forth in Section 1103.0207, the provisions of 1103.0207 shall control.

1103.0209 Compliance.

Surface Parking Lots within the part of the Downtown Overlay District bounded by Michigan Street, Jackson Street, Water Street and Lafayette Street shall be in full compliance with the provisions of Section 1103.0207 within three (3) years of the effective date of the adopting legislation unless granted a variance or extension as provided herein. All other Surface Parking Lots in the Downtown Overlay District shall be in full compliance with Section 1103.0207 within five (5) years of the effective date of the adopting legislation unless granted a variance or extension as provided herein.

1103.0210 Existing Surface Parking Lot Fencing/ Extensions/Exemptions.

B. Fencing on surface lots that are not used for commercial parking that existed on the day this code is enacted except for barbed wire fences, may be granted an extension of up to ten (10) years to comply with the requirements of this Chapter by a recommendation by the Toledo Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC) to the Plan Commission Director. Additionally, surface lots that are not used for public parking that are determined by the DPLRIAC to currently have a unique landscaping design or perimeter finish may be granted an 'exemption' from the metal fencing & brick pillars, as long as the unique landscaping design or perimeter finish is maintained in excellent or good condition as determined by the DPLRIAC.

1103.0211 Downtown Parking Lot Review and Improvement Advisory Committee, Composition, Jurisdiction and Procedures.

A. Downtown Parking Lot Review and Improvement Advisory Committee Authority

1. There is hereby established the Toledo Downtown Parking Lot Review and Improvement Advisory Committee ("DPLRIAC") which shall have the responsibility for reviewing all Plans and requests for variances in the DOD, for compliance with the provisions of this Chapter. The DPLRIAC shall review all Surface Parking Lot Design plans in the Downtown Overlay District and may issue variances from brick columns, the height of the fencing, or the spacing of the brick columns. No color variances for fence or columns shall be permitted.

2. The DPLRIAC shall recommend to the Plan Director to approve, approve with modifications, or disapprove submissions for parking lot improvements and/or variances. Any applicant may appeal decisions on plans or variances by the DPLRIAC or any other interested person to the Plan Commission, in writing, within 7 days of an adverse decision of the DPLRIAC. The Plan Commission must hear such appeals within thirty (30) calendar days of the date of receipt of the appeal.

3. If the DPLRIAC forwards the Submission to the Toledo Plan Commission, or the decision under these Declarations is appealed to the Toledo Plan Commission, the Toledo Plan Commission shall review the Submission in accordance with these Declarations, the Toledo Municipal Code, and its Rules, and render its decision in writing.

4. The DPLRIAC may recommend public improvements to the public ways in the Downtown Overlay District to the Mayor and may recommend to the Mayor expenditures of any funds maintained in the revenue accruing account established pursuant to Section 743.04(C) of this Code.

B. DPLRIAC Composition and Term

The DPLRIAC shall consist of not more nor less than seven (7) members who shall be appointed by the Mayor in accordance with Charter Section 61 but shall include:

1. A representative of the Downtown Toledo Improvement District,

2. A representative from the Toledo City Commission (or their designee),

3. A private parking lot owner/operator,

4. A public parking lot owner/operator,

5. A restaurant or retail store owner/operator,

6. A downtown resident who owns their dwelling, and

7. A representative of the Toledo Design Center or, if no such representative is available, an elector of the City of Toledo.

In the event that there is a vacant position on the DPLRIAC that has not been filled by the process defined in these Declarations, the

DPLRIAC, by majority vote, may temporarily appoint a person to serve on the DPLRIAC until a replacement is designated. The DPLRIAC members shall serve three year terms. A member may serve no more than two consecutive terms.

C. DPLRIAC RULES

The Chair shall be responsible for providing a non-voting Secretary for the DPLRIAC who shall be responsible for maintaining the minutes and records of the DPLRIAC. A quorum of the DPLRIAC shall consist of five (5) members, one (1) of which must be the Chair. Four (4) affirmative votes are necessary for all DPLRIAC review action, unless stated otherwise in these Declarations. In the event of a tie vote, the Chair shall render a decision on behalf of the DPLRIAC.

The DPLRIAC may adopt Rules of Procedure ("Rules") to govern the operations of the DPLRIAC. Such Rules must be adopted by, and may be amended by, a vote of not less than four (4) members of the DPLRIAC. Robert's Rules of Order shall govern the actions of the DPLRIAC unless otherwise expressly provided for in the Rules.

D. The DPLRIAC may adopt provisions to allow the Chair to administratively approve certain Submissions conforming to the Declarations without review by the TWDARC.

E. DPLRIAC Procedures

a. An applicant shall forward Submissions to the DPLRIAC for preliminary review in accordance with the Declarations before review of the Submission by the DPLRIAC. The DPLRIAC shall review the Submission for conformance with the Declarations and the Toledo Municipal Code, and shall respond in writing within thirty (30) days of the filing of the Submission as to whether the Submission materially conforms to the Declarations and Toledo Municipal Code, or what modifications are needed to achieve conformance.

b. If the Submission materially conforms to the Declarations and the Toledo Municipal Code, the DPLRIAC shall forward the Submission and all comments to the Toledo Plan Commission for review as provided for in this Article.

F. DPLRIAC Liability

The DPLRIAC, as a City of Toledo entity, shall have the liability protections granted to such bodies under the laws of the State of Ohio.

G. Exceptions

The DPLRIAC is authorized to recommend exceptions from any provision of the Declarations where such variances will assist in carrying out the intent and spirit of the development and where strict application of the provision would result in a particular hardship to the applicant.

H. Public Meetings

Regular and Special meetings of the DPLRIAC shall be subject to the public meeting and notice requirements (commonly known as the "Sunshine Laws") of the Ohio Revised Code and the Toledo Municipal Code.

I. In the event that the DPLRIAC is no longer an official, active organization for the Downtown Parking Lots then the development plans shall be subject to the Site Plan Review procedure of the TMC Section 1111.0800.

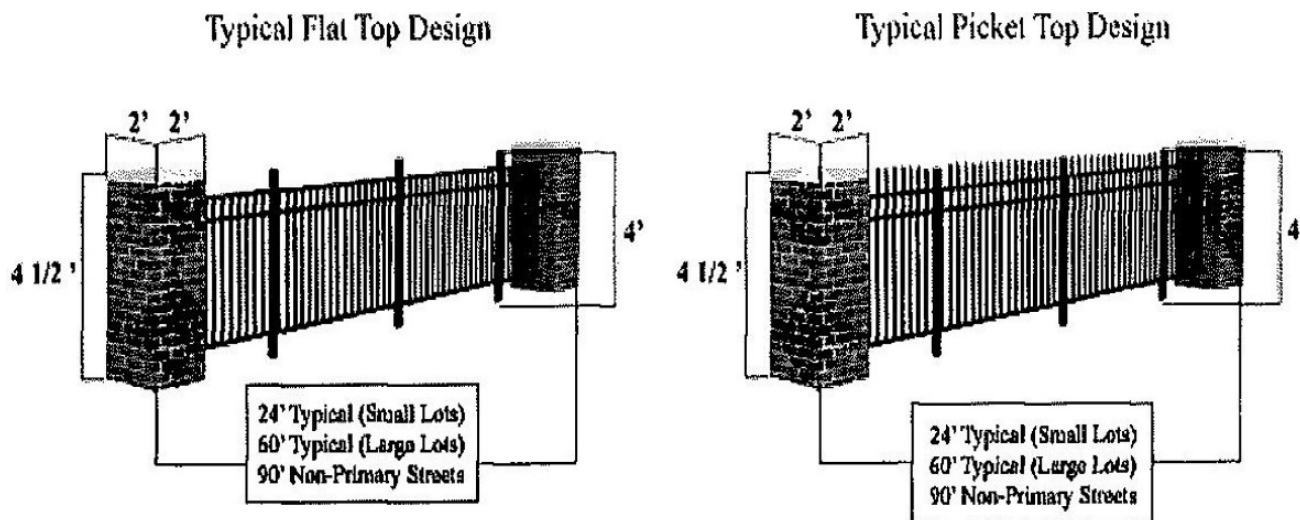
1103.1500 Warehouse UNO District.

1103.1519 Design Standards - Surface Parking Lots.

Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as entertainment, storefronts/retail and/or landscaped treatments to soften the structure. Existing Surface Parking Lots, public or private, permitted by the City of Toledo shall be subject to the following standards:

Surface Parking Lots shall be bordered along public rights of way by black wrought iron or black heavy gauge aluminum tube fencing that is at least four feet high with brick or thin brick columns that are at least 4'6" high and at least 18" wide or greater. Brick columns shall meet the requirements for brick as defined in Sec. [1109.0502 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-160596>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-160596). A. Columns shall be constructed using earth tone colors. On primary streets, spacing of columns shall be at least every 24' for small lots (120' x 120' and under) and at least every 60' for large lots (with frontage of more than 120'). On non-primary streets, spacing of columns may be spaced no more than 90' apart. The Plan Director may approve greater distance spacing of columns where recommended by Toledo Downtown Parking Lot Review and Improvement Advisory Committee. Measurement as to placement of columns, new entrances, and exits will take into consideration turning radius needed for motor vehicles as well as two-way traffic. Fencing may connect to adjacent buildings rather than installing a pillar in instances where such connections are practical and do not detract from the site.

The fences shall be clear of signage or other obstructions. The specifications for the fencing are as follows:



- Sections: Standard sections are 6' wide.
- Pickets: Commercial 3/4" square x .055
- Spacing between Pickets: Commercial standard 3-5/8" and optional 1-1/2"
- Fasteners: Stainless steel
- Horizontal Rails: Commercial 1-1/4" x 1-3/8" with .088" side walls and .065" top walls
- Posts: Commercial 2" square x .080, or .125; 2-1/2" square x .100; and 3" square x .125
- Alloy: High-strength Ultrum™ 6005-T5 alloy, min. strength 35,000 PSI Finish: Powercoat. When applied, Powercoat is twice the thickness and hardness of a typical acrylic, baked enamel or "wet paint" finish, making it more durable, fade-resistant and scratch-resistant than other coatings.
- Color: Black

Parking spaces in Surface Parking Lots that abut fencing shall have wheel stops of 4" high or a continuous 4 inch concrete inside the fence placed as to prevent cars from hitting or damaging the fence or columns.

Guard rails, bollards, chains, wires, ropes or similar type barriers are not permitted on any Surface Parking Lot in the Downtown Overlay District - even inside the black metal fences unless they are to protect electrical boxes/ conduit, drains, honor boxes, machines, or large investments within the lot.

Lighting fixtures located on the brick columns are encouraged, but not required.

Landscaping is encouraged but not required. Landscaping shall not be a substitute or replacement for the Fencing & Columns required above.

Is hereby repealed.

SECTION 4. That a new Toledo Municipal Code Chapter 1103 shall read as follows:

CHAPTER 1103
Overlay Zoning Districts

1103.0200 -DO, Downtown Overlay District.

1103.0201 Purpose.

The -DO, Downtown Overlay district is intended to provide a review process for proposed physical changes to structures within the Central Business District of the City and adjacent areas in order to evaluate the proposals in relation to the approved plan for the area.

1103.0202 Definitions.

The definitions of this section are to be used solely for the purpose of interpreting and administering the downtown overlay provisions of this Zoning Code.

- A. "Demolition." For the purposes of the downtown overlay provisions, "demolition" means the removal or tearing down of all or part of a structure.
- B. "Physical change." For the purpose of the downtown overlay provisions, "physical change" means any work such as alteration, remodeling, new construction or renovation of the exterior of a structure for which the total cost would be more than two hundred fifty thousand dollars (\$250,000) or twenty-five percent (25%) of the appraised value of the building, as listed by the County Auditor, whichever is the lesser amount. In computing the total cost, the cost of any such work accumulated in any three-year period shall be considered.
- C. "Reasonable economic use." For the purpose of the downtown overlay provisions, "reasonable economic use" means a use for a structure or property that will produce a reasonable return that is economically viable. In a situation involving a property or structure that is not income-producing, reasonable economic use means that the property structure can be put to a reasonable beneficial use in a reasonable period of time based upon all relevant criteria set forth in Section 1111.0904.
- D. "Surface Parking Lots." For purposes of the downtown overlay provisions. "Surface Parking Lots" means any nonstructural property used for temporary parking or storage of vehicles upon real estate which is not part of any street, highway or alley. "Surface Parking Lots" shall not include parking garages.

1103.0203 Creation and Boundaries.

The -DO District is created as an overlay district to be applied to land within and adjacent to the Central Business District as the City Council designates by ordinance. The boundaries of the -DO District are depicted on the Official Zoning Map. A map of the boundaries and boundary description are also presented in Appendix A.

1103.0204 Effect of -DO Designation.

The -DO District regulations apply in combination with underlying base zoning district regulations and all other applicable standards of this Zoning Code. When -DO District standards conflict with the underlying base zoning district standards or other regulations of this Zoning Code, the regulations of the -DO District will always govern. When no special -DO District standards are specified, all other applicable regulations of this Zoning Code will govern.

1103.0205 Design Guidelines.

These guidelines are derived largely from the Design Guidelines chapter found in the 2002 Downtown Toledo Master Plan, as adopted by Ordinance 280-02.

H. Rehabilitation of existing structures. Wherever possible, examples of the City's traditional commercial, civic and residential architecture should be preserved, renovated and where appropriate, adaptively reused. Specifically:

1. Where removed a cornice or fascia should be restored to reemphasize the original design intent of the structure and should be designed in proportion to the overall mass of the building.
2. The building's original wall surface and detailing should be restored whenever possible and all exposed mechanical equipment, unused electrical apparatus or sign supports should be removed.
 1. Special attention should be given to the removal of storefront surface materials that will extend onto the piers and walls of the upper facade.
 2. If new materials are to be used for buildings that are architecturally undistinguished, they should be selected to coordinate with neighboring structures and to complement the design of the storefront.
 3. The proportions of restored windows and the rhythm of the window pattern should replicate the original facade design as closely as possible.
 4. Display windows of a storefront should never be filled or covered except where there are residential uses abutting the sidewalk on the ground floor.
 5. On traditional buildings, recessed entrances are encouraged and where entrances are flush with display windows, awnings can be used to give greater definition to the storefront and provide overhead protection. Awnings should be attached directly to the building without requiring a support column on the sidewalk, have a minimum clearance of eight (8) feet and a maximum clearance of twelve (12) feet above the sidewalk.
 6. Loading and service entrances should be located at the rear and side of the building.
 7. Trash containers, service and storage areas should be screened and maintained. In larger developments, trash collection, service and loading areas should be separated from main circulation and parking areas.

I. New Development Infill.

1. The front setback of new development should replicate the setback of existing buildings to create a consistently developed edge, reinforce the City center's urban development pattern and enhance

pedestrian orientation.

2. There should be no spacing between buildings except a mid-block pedestrian walkway would be allowed.
3. Building height and massing should be compatible with existing development. The building mass should be broken into increments that correspond to the scale and massing of existing buildings through the use of such devices as setbacks and variable roof heights.
4. The location and articulation of building entrances should complement those of existing buildings and should be oriented to street frontages.
5. Street facades of new infill development should be organized into:
 1. ground-level pedestrian presentation; and
 2. the upper architecture, with strong horizontal elements separating the two.

J. Major New Development Over 25,000 Square Feet. The principal challenge in designing major new downtown development projects is the successful incorporation of large-scale and/or high-rise structures into the existing context of smaller-scale buildings.

1. Unarticulated forms and masses should be avoided in new larger-scale development. Instead, the building should be broken into increments that relate to the human scale by using such devices as fenestration, architectural detailing, variable setbacks and rooflines to define a sequence of bays and provide transitions in height and scale. Multi-block mega-structures that erase the street grid and weakens the basic urban block structure are discouraged.
2. Blank wall areas at sidewalk edge may not extend for more than 25 horizontal feet without articulation such as a window, glass-covered display area, entryway or recessed area.
3. To counter high-rise impacts the use of reflective glass at ground level should be avoided so that the building base meets the ground in a manner that is more inviting to the public. Controls designed to preserve solar access to streets and public spaces and measures that help minimize wind tunnel and down draft effects may also be considered.
4. Maintain pedestrian connections and view corridors along traditional street rights of way when a project spans several blocks (mega-structures) providing for a sequence of public spaces and walkways that are linked to the street grid.

K. Facade Materials and Colors. See Section 1109.0500 for building facade material and color standards.

L. Streetscape.

1. Street trees to the satisfaction of the Division of Urban Beautification, light standards, street signs, etc., should be placed so that the trees are between the street lanes and any pedestrian walkway. Moveable seating is preferred to seating that is permanently anchored to the sidewalk.
2. Trees should be spaced at distances so that each tree can attain the appropriate form and shape at maturity. This could range between 30 and 40 foot spacing for large trees and 15 to 25 feet for smaller trees. Do not plant trees directly in front of entrances or other significant architectural features.
3. Any walkway or public spaces specifically designed to enhance pedestrian movement should not use plain asphaltic pavements for the walking surface or use tiles or similar surfaces that can become slippery when wet.
4. Existing and future transit stop locations should have ample space for patron amenities and waiting.

M. Building Identification Signs. Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in Zoning Districts, and the following regulations:

1. Each building within the -DOD is limited to one (1) Building Identification Sign per building façade, with a maximum of two (2) Building Identification Signs.
2. Additional building signs, including projecting, marquee, fascia or monument, shall be limited to tenants and/or occupants located in the building. Such signs shall be located between the top of the first floor door or window lintel and the second floor windowsill. Unless architectural treatments and/or features preclude the installation of such signs, which then shall be reviewed and approved by the Plan Director.
3. No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.
4. Projecting signs are not allowed as Building Identification Signs.

N. Exemptions. The Plan Commission may exempt all or parts of the design standards in this section for commissioned buildings by an architect for a site when, in the opinion of the Plan Commission, the design constitutes a unique, one of a kind building that meets the intent of these design standards. The Plan Commission may request the City Historic District Commission to review and comment.

1103.0206 Relationship to Comprehensive Plan.

Review of proposals for physical change or demolition must be based on the Comprehensive Plan, the Downtown Toledo Master Plan approved through Ordinance 280-02, the CBD Architectural Survey Report (1986), and any other additions and amendments thereto as may be approved by the Plan Commission and City Council.

1103.0207 Special Design Standards - Surface Parking Lots.

Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as entertainment, storefronts/retail, and/or landscaped treatments to soften the structure. Existing Surface Parking Lots, accessory or non-accessory, permitted by this Code shall be subject to the following standards:

- A. Surface Parking Lots that are permitted by this Code or are created after the effective date of this Section shall comply with the standards set forth herein prior to storage or parking occurring on the Surface Parking Lot.
- B. Surface Parking Lots in the Downtown Overlay District and/or in the Warehouse UNO District shall be bordered along public rights of way by a combination of fencing and brick columns
 1. Columns shall be durably constructed of brick or with a thin brick veneer. Minimum acceptable material for thin brick veneer is lightweight high-density polyurethane that is all weather and has the appearance of real brick.
 2. Columns shall be at least 4 feet 6 inches high and at least 18 inches wide.
 3. Columns shall be constructed using earth tone colors.
 4. Spacing of columns shall be as follows:

On primary streets, columns shall be spaced at least every 24' for small lots (120' x 120' and under) and at least every 60' for large lots (with frontage of more than 120').

On non-primary streets, columns may be spaced no more than 90' apart.

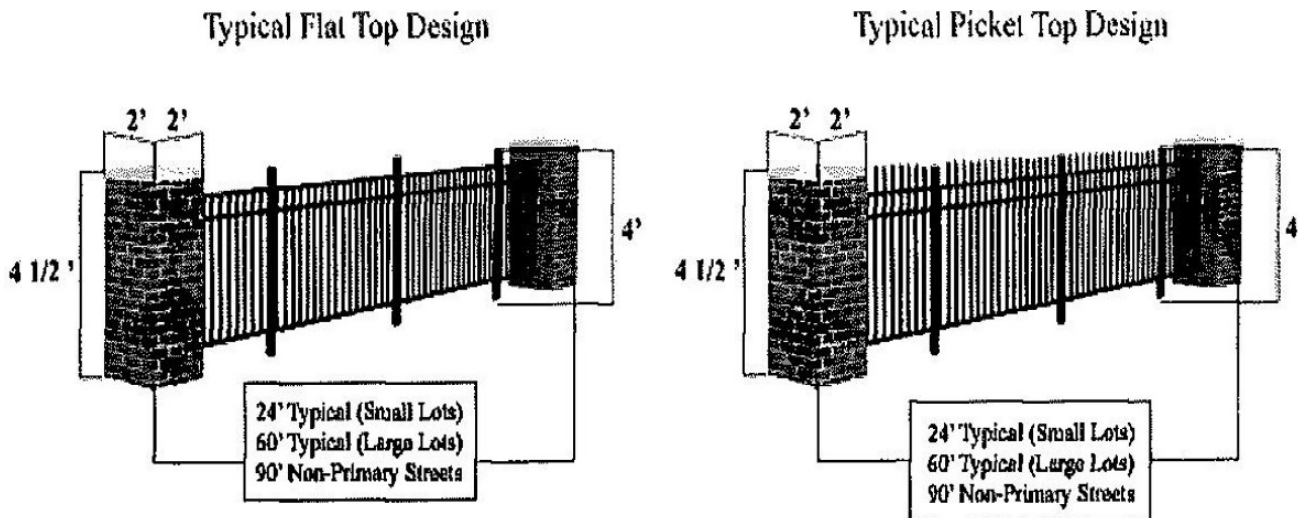
The Plan Director may approve greater distance spacing of columns where recommended by Toledo Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC).

5. Measurement as to placement of columns, new entrances, and exits will take into consideration turning radius needed for motor vehicles as well as two-way traffic.
6. Columns may encroach up to 18 inches into the right-of-way subject to the following:

An encroachment permit shall be approved through the Division of Traffic Management.

Columns shall not interfere with right-of-way pedestrian movement. At a minimum a six foot wide unobstructed walkway shall be maintained within the right-of-way.

7. Fencing shall be black wrought iron or black heavy gauge aluminum tube fencing that is at least four feet high.
8. Fencing may connect to adjacent buildings rather than installing a pillar in instances where such connections are practical and do not detract from the purposes of this Chapter.
9. Fences shall be clear of signage or other obstructions.
10. Fencing required by this section shall adhere to the following specifications:



Sections: Standard sections are 6' wide.

Pickets: Commercial 3/4" square x .055

Spacing between Pickets: Commercial standard 3-5/8" and optional 1-1/2"

Fasteners: Stainless steel

Horizontal Rails: Commercial 1-1/4" x 1-3/8" with .088" side walls and .065" top walls

Posts: Commercial 2" square x .080, or .125; 2-1/2" square x .100; and 3" square x .125

Alloy: High-strength Ultram™ 6005-T5 alloy, min. strength 35,000 PSI Finish: Powercoat. When applied, Powercoat is twice the thickness and hardness of a typical acrylic, baked enamel or "wet paint" finish, making it more durable, fade-resistant and scratch-resistant than other coatings.

Color: Black

C. Parking spaces in Surface Parking Lots in the Downtown Overlay District and/or in the Warehouse UNO District that abut fencing required by this Section shall have wheel stops of 4" high or a continuous 4 inch concrete inside the fence placed as to prevent cars from hitting or damaging the fence or columns.

D. Guard rails, bollards, chains, wires, ropes or similar type barriers are not permitted on any Surface Parking Lot in the Downtown Overlay District and/or in the Warehouse UNO District - even inside the black metal fences unless they are to protect electrical boxes/ conduit, drains, honor boxes, machines, or large investments within the lot.

E. Lighting fixtures located on the brick columns are encouraged, but not required.

F. Landscaping is encouraged but not required. Landscaping shall not be a substitute or replacement for the Fencing & Columns required above.

G. Streets classified as principle arterial and minor arterial on the Street and Highway Plan are considered primary for the purposes of this Chapter. All other streets are considered non-primary for purposes of this Chapter.

1103.0208 Other Provisions.

It is the intent of Section 1103.0207 of this Code to provide for uniform standards for Surface Parking Lots in the Downtown Overlay District and the Warehouse UNO District. Nothing in Section 1103.0207 should be interpreted as excusing or superseding any and all other applicable Code Provisions governing parking except to the extent that any other provision could be interpreted as allowing a lesser standard. To the extent that any other design standard in the Code conflict with the design standards set forth in Section 1103.0207, the provisions of Section 1103.0207 shall control.

1103.0209 Compliance.

A. There is hereby established three zones of compliance within the Downtown Overlay District and Warehouse UNO District; Zone 1, Zone 2, and Zone 3.

1. The boundaries of land included in Zone 1 shall be as follows:

Beginning at a point of intersection of the centerlines of Summit Street and Cherry Street, thence northwesterly along the centerline of Cherry Street to its intersection with of the centerline of North Erie Street; thence southwesterly along the centerline of North Erie Street to the intersection of the centerline of Monroe Street; thence northwesterly along the centerline of Monroe Street to the centerline of Tenth Street; thence southwesterly along the centerline of Tenth Street to the centerline of Washington Street; thence

northwesterly along the centerline of Washington Street to the centerline of South Eleventh Street; thence southerly along the current and former centerline of South Eleventh Street to the centerline of Nebraska Avenue; thence easterly along the centerline of Nebraska Avenue to the centerline of South Erie Street; thence southwesterly along the centerline of South Erie Street to a point of intersection of the westerly extension of the north line of Lot 3, Sprague's Addition to Toledo; thence easterly along the westerly extension of, and the north line of, and the easterly extension of Lot 3, Sprague's addition to Toledo to the centerline of Relocated Swan Creek; thence northeasterly, southeasterly, and northeasterly along the centerline of Relocated Swan Creek to a point of intersection of the southeasterly extension of the southwesterly right-of-way line of Jefferson Avenue; thence southeasterly along the southeasterly extension of the southwesterly right-of-way line of Jefferson Avenue to the center of the Maumee River; thence northeasterly along the center of the Maumee River to its intersection with the centerline of the Martin Luther King Bridge, being also the centerline of Cherry Street; thence northwesterly along the centerline of Cherry Street to the point of beginning.

2. The boundaries of land included in Zone 2 shall be as follows:

Beginning at a point of intersection of the centerlines of Cherry Street and North Erie Street, thence northwesterly along the centerline of Cherry Street to its intersection with the centerline of Spielbusch Avenue; thence southwesterly along the centerline of Spielbusch Avenue to the centerline of Jackson Street; thence southwesterly along the centerline of Michigan Street to the centerline of Monroe Street; thence southeasterly along the centerline of Monroe Street to the centerline of North Erie Street; thence northeasterly along the centerline of North Erie Street to the point of beginning.

3. Zone 3 shall include all lands within the Downtown Overlay District boundaries and/or the Warehouse UNO District boundaries which are not included in the boundaries of Zones 1 or 2.

B. All Non-Accessory Surface Parking Lots in Zone 1 of the Downtown Overlay District and Warehouse UNO District shall be in full compliance with Section 1103.0207 by April 1, 2027, unless granted a variance or extension as provided herein.

C. All Non-Accessory Surface Parking Lots in Zone 2 of the Downtown Overlay District and Warehouse UNO District shall be in full compliance with Section 1103.0207 by April 1, 2028, unless granted a variance or extension as provided herein.

D. All Non-Accessory Surface Parking Lots in Zone 3 of the Downtown Overlay District and Warehouse UNO District shall be in full compliance with Section 1103.0207 by April 1, 2029, unless granted a variance or extension as provided herein.

1103.0210 Modifications and Waivers.

C. The Plan Commission or Plan Commission Director may, after proper application by the property owner and review of the application by the Downtown Parking Lot Review and Improvement Advisory Committee (the "DPLRIAC"), upon making findings of fact and consideration of DPLRIAC recommendation, modify and/or waive the requirements of Section 1103.0207, provided the existing or resulting design features of the subject surface parking lot comply with the spirit and intent of this Chapter and other applicable provisions of the Toledo Municipal Code.

D. The Plan Commission or Plan Commission Director may, after proper application by the property owner and review of the application by the Downtown Parking Lot Review and Improvement Advisory Committee (the "DPLRIAC"), upon making findings of fact and consideration of DPLRIAC recommendation, grant extensions of the compliance timelines of Section 1103.0209, provided the subject surface parking lot owner has shown diligent effort to comply with this Chapter and other provisions of the Toledo Municipal Code.

1103.0211 Downtown Parking Lot Review and Improvement Advisory Committee, Composition, Jurisdiction and Procedures.

J. Downtown Parking Lot Review and Improvement Advisory Committee

1. There is hereby established the Toledo Downtown Parking Lot Review and Improvement Advisory Committee ("DPLRIAC") which shall review all site plans, requests for modification/waiver, and requests for extension of compliance timelines for surface parking lots in the Downtown Overlay District and Warehouse UNO District and make recommendations to the Plan Commission Director.

2. The DPLRIAC shall recommend to the Plan Commission Director to approve, approve with modifications, or disapprove submissions for parking lot improvements, modifications, waivers, and/or extensions of a compliance timeline. The DPLRIAC may make recommendations to the Plan Commission Director for variances from requirements for brick columns, the height of fencing, or the spacing of the brick columns. No color variances for fence or columns shall be permitted.

3. The Plan Commission Director shall review and consider the recommendations of the DPLRIAC, giving due weight to its findings and the submission's compliance with Section 1103.0207 and other applicable provisions of the Toledo Municipal Code and make determinations in writing. The DPLRIAC, applicant or other interested party may appeal the Plan Commission Director's decision to the Plan Commission in accordance with Section 1103.0212.

4. The DPLRIAC may recommend public improvements to the public ways in the Downtown Overlay District and/or in the Warehouse UNO District to the Mayor.

K. DPLRIAC Composition and Term

The DPLRIAC shall consist of not more nor less than seven (7) members who shall be appointed by the Mayor but shall include:

1. A representative of the Downtown Toledo Improvement District,
2. A representative from the Toledo City Plan Commission (or their designee),
3. Two non-accessory parking lot owners/operators,
4. A restaurant or retail store owner/operator,
5. A downtown resident who owns their dwelling, and
6. A representative of the Toledo Design Center or, if no such representative is available, an elector of the City of Toledo.

In the event that there is a vacant position on the DPLRIAC that has not been filled, the DPLRIAC, by majority vote, may temporarily appoint a person to serve on the DPLRIAC until a replacement is designated. The DPLRIAC members shall serve three-year terms. A member may serve no more than two consecutive terms.

L. DPLRIAC Rules/Procedures

The DPLRIAC may adopt rules or procedures ("Rules") to govern the operations of the DPLRIAC, including the election of officers to include a Chair. Such Rules must be adopted by, and may be amended by, a vote of not less than four (4) members of the DPLRIAC. Robert's Rules of Order shall govern the actions of the DPLRIAC unless otherwise expressly provided for in the Rules.

The Chair shall be responsible for providing a non-voting Secretary for the DPLRIAC who shall be responsible for maintaining the minutes and records of the DPLRIAC. A quorum of the DPLRIAC shall consist of five (5) members, one (1) of which must be the Chair or Vice-Chair. Four (4) affirmative votes are necessary for all DPLRIAC actions.

M. Parking Lot Site Plan Review Process.

c. The Department of Finance shall forward an application for a license with the site for public parking places (non-accessory parking) under Code Section 743.01 to the Plan Commission.

d. The Plan Commission shall submit any such application within the Downtown Overlay District and/or within the Warehouse UNO District to the DPLRIAC for review.

e. The DPLRIAC shall review the application site plan for conformance with Section 1103.0207 and other applicable Toledo Municipal Code provisions and make recommendations for approval, approval with modifications, or disapproval to the Plan Commission Director.

f. The Plan Commission Director shall review the DPLRIAC recommendation and provide written notice of approval, disapproval or modification to the applicant in writing within forty-five (45) days of the filing of the application and site plan with the Plan Commission. If the site plan is disapproved, the Director shall indicate what modifications to the site plan are necessary for approval.

N. DPLRIAC Liability

The DPLRIAC, as a City of Toledo entity, shall have the liability protections granted to such bodies under the laws of the State of Ohio.

O. Exceptions

The DPLRIAC may recommend exceptions from the requirements of Section 1103.0207 if it finds that such variances will assist in carrying out the intent and spirit of the Downtown Overlay District development objectives and where strict application of the provision would result in a particular hardship to the applicant.

P. Public Meetings

Regular and Special meetings of the DPLRIAC shall be subject to the public meeting and notice requirements (commonly known as the "Sunshine Laws") of the Ohio Revised Code.

Q. In the event that the DPLRIAC is no longer an official, active organization for the Downtown Parking Lots then the development plans shall be subject to the Site Plan Review procedure of the TMC Section 1111.0800.

1103.0212 Appeals.

A decision made by the Plan Director or the Plan Commission under this Chapter 1103 shall be subject to appeal in accordance with the provisions set forth in Toledo Municipal Code Section 1111.0805.

1103.1500 Warehouse UNO District.

1103.1519 Design Standards - Surface Parking Lots.

Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as entertainment, storefronts/retail and/or landscaped treatments to soften the structure. Existing Surface Parking Lots, accessory or non-accessory, permitted by the City of Toledo shall be subject to the standards outlined in Toledo Municipal Code Sections 1103.0207, 1103.0208, 1103.0209, 1103.0210, 1103.0211, and 1103.0212.

SECTION 5: That Toledo Municipal Code, Chapter 1104, which reads as follows:

1104.0100 Use Table.

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Residential																	
Household Living																	
Detached House	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Detached House, Zero Lot Line	-	-	P [1]	P [X X1 XX]	P [X X1 XX]	-	P [XX 1XX]	-	-	-	-	-	-	-	-	-	-
Attached House	-	-	-	P [2]	P [X X2 XX]	-	P [XX 2XX]	-	P [2]	-	-	P [2]	-	-	-	-	-
Duplex	-	-	-	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Cluster Housing	S [3]	S [X X3 XX]	S [X X3 XX]	S [X X3 XX]	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Housing Park	-	-	-	-	-	P [4]	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Multi-Dwelling Structure	-	-	-	-	P [5]	-	P [5,6]	P [5,6]	P [5,7]	P [5,6]	P [5,6]	P [5]	-	-	-	-	P
Adult Foster Home	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Certified Foster Home	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Group Living																	
Adult Family Home	P [8]	P [8]	P [8]	P [8]	S [8]	S [8]	S	-	S	-	-	-	-	-	-	-	-
Residential Facility, Small	P [8]	P [8]	P [8]	P [8]	S [8]	P [8]	-	-	-	-	-	-	-	-	-	-	-
Residential Facility, Large	-	-	-	-	S [8]	-	-	-	-	-	-	-	-	-	-	-	-
Drug and Alcohol Residential Facility	-	-	-	-	S [8]	-	-	-	-	-	-	P [8]	-	-	-	-	-

Halfway House	-	-	-	-	-	-	-	-	-	S [8, 27]	-	S [8, 27]	S [8, 27]	-	-	-	-	-
Nursing Home	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-	-
Rest Home	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-	-
Home for the Aging	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-	-
Group Rental	P [9,10]	P [9,10]	P [9,10]	P [9,10]	P [9,10]	-	P [10]	P [10]	P [10]	P [10]	P [10]	P [10]	-	-	-	-	-	-
Homeless Shelter	-	-	-	-	--	-	-	-	S [8]	S [8]	S [8]	S [8]	-	-	-	-	-	-
Other Group Living	-	-	-	-	S	-	-	-	-	-	S	S	-	-	-	-	-	P
Public and Civic																		
Colleges and Universities	-	-	-	-	-	-	--	-	-	-	-	S	S	S	-	-	-	P
Community Recreation																		
Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Active	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Marinas	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	-
Cultural Exhibits and Libraries	S	S	S	S	S	-	P	P	P	P	P	P	P	--	-	-	S	P
Day Care																		
Type A Family Day Care Home	S [8,12]	S [8,12]	S [8,12]	S [8,12]	S [8,12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	-	-	-	-
Type B Family Day Care Home	P [12]	P [12]	P [12]	P [12]	P [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	-	-	-	-
Day Care Center	S [12]	S [12]	S [12]	S [12]	S [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	P [12]
Hospital	-	-	-	-	-	-	-	S	-	-	S	S	-	-	-	-	-	P
Lodge, Fraternal and Civic Assembly	-	-	-	-	S	-	P	P	P	P	P	P	P	-	-	-	-	-
Postal Service	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	-
Public Safety	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	S	P
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P

Schools	S	S	S	S	S	S	S	S	S	S	S	S	S	-	-	-	-	P
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities and Services, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	P	
Commercial Use Types																		
Animal Services																		
Sales and Grooming	-	-	-	-	-	-	P	-	P	P	P	P	P	-	-	-	-	-
							[13]											
Kennels	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-
											[14]		[14]	[14]				
Animal Shelters	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-
											[14]	[14]	[14]	[14]				
Fully Enclosed Animal Shelters / Kennels	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-
Veterinary	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-
							[13]											
Building Maintenance Services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-
Business Equipment Sales and Services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	-
							[13]											
Business Support Services	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	-	-	-
							[13]											
Communications Service Establishments	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Construction Sales and Services	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-
											[15]							
Eating and Drinking Establishments																		
Tavern	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-
							[13]											
Fast Order Food	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-
							[13]	[16]										
Fast Order Food, Drive-through	-	-	-	-	-	-	-	-	-	S	P	--	-	-	-	-	-	-
										[17]	[9,17]							
Restaurant, Sit-Down	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-
							[13]	[16]										

Electronic Gaming Parlor	-	-	-	-	-	-	-	-	-	-	-	P [32]	-	-	-	-	-	-	
Entertainment and Spectator Sports																			
Limited	-	-	-	-	-	-	P [13]	-	P	P	P	P	P	-	-	-	-	-	P
General	-	-	-	-	-	-	-	-	-	S	P	P	P	-	-	-	-	-	P
Financial, Insurance and Real Estate Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	-	-	-	-	-	-
Short-Term Lender	-	-	-	-	-	-	P [29]	P [29]	P [29]	P [29]	P [29]	P [29]	P [29]	-	-	-	-	-	-
Food and Beverage Retail Sales																			
Large Stores	-	-	-	-	-	-	P [13]	-	P	P	P	P	P	-	-	-	-	-	-
Convenience Stores	-	-	-	-	-	-	P [13]	-	P	P	P	P	P	-	-	-	-	-	-
Funeral and Interment Services																			
Cremating	-	-	-	-	-	-	-	-	-	-	-	S [9] [28]	-	P [28]	P [28]	-	-	-	-
Interring	S	S	S	S	S	-	S [13]	S	S	S	S	S	S	-	-	-	-	P	-
Undertaking	S [9]	S [9]	S [9]	S [9]	S [9]	-	P [13]	-	P	P	P	P	P	P	P	-	-	-	-
Cemeteries	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Gasoline and Fuel Sales	-	-	-	-	-	-	S [13, 19]	-	-	-	S [19]	S [19]	S [19]	-	-	-	-	-	-
Marijuana Facility																			
Cultivator	--	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--	--
Dispensary	--	--	--	--	--	--	S [30]	--	--	--	--	S [30]	--	--	--	--	--	--	--
Processor	--	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--	--
Testing Laboratory	--	--	--	--	--	--	--	P [30]	--	--	--	P [30]	P [30]	P [30]	P [30]	P [30]	--	--	--
Medical Services																			

Drug and Alcohol Treatment Center, Nonresidential	-	-	-	-	-	-	-	P [8]	P [8]	P [8]	P [8]	-	-	-	-	-	P
All other Medical Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	--	-	-	-	P
Office, Administrative and Professional	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	-	-	P	P
Parking, Commercial	-	-	-	-	-	-	-	-	-	S	P	S	--	-	-	-	P
Personal Convenience Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Personal Improvement Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Rental Halls	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-
Repair Services, Consumer	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Retail Sales, General	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Sexually-Oriented Business Establishment	-	-	-	-	-	-	-	-	-	-	P [20]	P [20]	P [20]	P [20]	-	-	-
Small Box Discount Store	-	-	-	-	-	-	P [34]	-	P [34]	P [34]	P [34]	P [34]	-	-	-	-	-
Sports and Recreation, Participant																	
Indoor	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Outdoor	S [22]	S [22]	S [22]	S [22]	S [22]	-	-	-	-	-	P	P	-	-	-	-	-
Tobacco Shop	-	-	-	-	-	-	S [13, 21]	-	S [21]	S [21]	S [21]	S [21]	-	-	-	-	-
Transient Habitation																	
Bed and Breakfast	S [22]	S [22]	S [22]	S [22]	S [22]	-	P [13]	P	P	P	P	P	-	-	-	-	-
Lodging	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	P
Rooming House	-	-	-	-	S [9]	-	P [13]	-	-	P	P	P	-	-	-	-	-

Vehicle Sales and Service																	
Cleaning/Washing	-	-	-	-	-	-	-	-	-	-	S [9,1 7]	P [9,1 7]	P [9,1 7]	P [9,1 7]	-	-	-
Fleet Storage	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Heavy Equipment Repairs	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Light Equipment Repairs	-	-	-	-	-	-	-	-	-	S	P	P	P	P	-	-	-
Heavy Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Auto and RV Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Auto and RV Sales, used only	-	-	-	-	-	-	-	-	-	-	S [23]	S [23]	-	-	-	-	-
Storage of Towaway Vehicles	-	-	-	-	-	-	-	-	-	-	S [24]	-	S [24]	S [24]	-	-	-
Storage of Recreational Vehicles	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Industrial Use Types																	
Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-
Freight Terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	P [26]	P [26]	-	-
Industrial, General	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Laundry Service	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Manufacturing and Production, Limited	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-
Manufacturing and Production, Technological	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-
Scrap and Salvage Operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-
Wholesale, Storage and Distribution																	
Mini-Warehouse	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-
Tight	-	-	-	-	-	-	-	-	-	-	-	-	-	D	D	D	D

Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Other Use Types																		
Solar Energy Systems																		
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]
Primary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Urban Agriculture																		
Major	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P
	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]
Mining	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Recycling Facilities																		
Large Collection Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Small Collection Facilities	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-
Processing Center	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Wireless Telecommunications Facilities																		
Co-Located	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]
Freestanding	S	S	S	S	S	S	P	P	S	S	P	P	P	P	P	S	P	
	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]
Radio/TV Towers	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	-
											[25]	[25]	[25]	[25]	[25]			

- [1] Subject to standards of Sec. 1104.1900 | Zero Lot Line Housing, Detached
- [2] Subject to standards of Sec. 1104.0200 | Attached Housing
- [3] Subject to standards of Sec. 1104.0500 | Cluster Housing
- [4] Subject to standards of Sec. 1104.1300 | Manufactured Housing Parks
- [5] Subject to standards of Sec. 1106.0300 | Multiple Buildings on Lot
- [6] All dwellings units must be located above the ground floor of the building.
- [7] Subject to standards of Sec. 1105.0600 | Mixed Commercial-Residential District Additional Standards

- [8] Subject to spacing standards of Sec. 1104.1000 | Group Living and Day Care - Spacing
- [9] Uses must have frontage on one or more major streets.
- [10] Subject to standards of Sec. 1104.1100 | Group Rental
- [11] Subject to standards of Sec. 1104.1400 | Marinas
- [12] Subject to standards of Sec. 1104.0700 | Day Care
- [13] Subject to standards of Sec. 1106.0500 | Neighborhood Commercial District Maximum Floor Area
- [14] Subject to standards of Sec. 1104.1200 | Animal Shelters and Kennels
- [15] No outdoor storage allowed.
- [16] Only when included as part of a structure which is used as a hotel, motel or office building.
- [17] Subject to standards of Sec. 1104.8000 | Drive-through Facilities
- [18] Subject to standards of Sec. 1104.0600 | Convenience Stores
- [19] Subject to standards of Sec. 1104.0900 | Gasoline and Fuel Sales
- [20] Subject to standards of Sec. 1104.1500 | Sexually-Oriented Business Establishment
- [21] Subject to standards of Sec. 1104.1700 | Tobacco Shops
- [22] Subject to standards of Sec. 1104.0400 | Bed and Breakfast
- [23] Subject to standards of Sec. 1104.0300 | Auto and RV Sales, Used Only
- [24] Subject to standards of Sec. 1104.1600 | Storage of Towaway Vehicles
- [25] Subject to standards of Sec. 1104.1800 | Wireless Telecommunications Facilities
- [26] Subject to standards of Sec. 1108.0203 H | Outdoor Storage Screening
- [27] Subject to standards of Sec. 1104.2000 | Halfway Houses
- [28] Subject to standards of Sec. 1104.2100 | Cremating. In the CR *Regional Commercial* district crematories may only operate as an accessory use to undertaking.
- [29] Subject to standards of Sec. 1104.2200 | Short-Term Lenders
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- [31] Subject to standards of Sec. 1104.2400 | Urban Agriculture
- [32] Subject to standards of Sec. 1104.2500 | Electronic Gaming Parlor
- [33] Subject to standards of Sec. 1105.0800 | Solar Energy Systems
- [34] Subject to standards of Sec. 1104.2600 | Small Box Discount Stores

Is here by repealed.

SECTION 6. That a new Toledo Municipal Code Chapter 1104.01 shall read as follows:

1104.0100 Use table.

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	PO S	IC
Residential																	
Household Living																	
Detached House	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Detached House, Zero Lot Line	-	-	P [1]	P [X X1 XX]	P [X X1 XX]	-	P [XX 1XX]	-	-	-	-	-	-	-	-	-	-
Attached House	-	-	-	P [2]	P [X X2 XX]	-	P [XX 2XX]	-	P [2]	-	-	P [2]	-	-	-	-	-
Duplex	-	-	-	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Cluster Housing	S [3]	S [X X3 XX]	S [X X3 XX]	S [X X3 XX]	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Housing Park	-	-	-	-	-	P [4]	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Multi-Dwelling Structure	-	-	-	-	P [5]	-	P [5,6]	P [5,6]	P [5,7]	P [5,6]	P [5,6]	P [5]	-	-	-	-	P
Adult Foster Home	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Certified Foster Home	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Group Living																	

Adult Family Home	P [8]	P [8]	P [8]	P [8]	S [8]	S [8]	S	-	S	-	-	-	-	-	-	-	-
Residential Facility, Small	P [8]	P [8]	P [8]	P [8]	S [8]	P [8]	-	-	-	-	-	-	-	-	-	-	-
Residential Facility, Large	-	-	-	-	S [8]	-	-	-	-	-	-	-	-	-	-	-	-
Drug and Alcohol Residential Facility	-	-	-	-	S [8]	-	-	-	-	-	P [8]	-	-	-	-	-	-
Halfway House	-	-	-	-	-	-	-	-	S [8, 27]	-	S [8, 27]	S [8, 27]	-	-	-	-	-
Nursing Home	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Rest Home	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Home for the Aging	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Group Rental	P [9,10]	P [9,10]	P [9,10]	P [9,10]	P [9,10]	-	P [10]	P [10]	P [10]	P [10]	P [10]	P [10]	-	-	-	-	-
Homeless Shelter	-	-	-	-	--	-	-	-	S [8]	S [8]	S [8]	S [8]	-	-	-	-	-
Other Group Living	-	-	-	-	S	-	-	-	-	-	S	S	-	-	-	-	P
Public and Civic																	
Colleges and Universities	-	-	-	-	-	-	--	-	-	-	S	S	S	-	-	-	P
Community Recreation																	
Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Active	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Marinas	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	-
Cultural Exhibits and Libraries	S	S	S	S	S	-	P	P	P	P	P	P	--	-	-	-	P
Day Care																	
Type A Family Day Care Home	S [8,12]	S [8,12]	S [8,12]	S [8,12]	S [8,12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	-	-	-	-
Type B Family Day Care Home	P [12]	P [12]	P [12]	P [12]	P [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	-	-	-	-

Day Care Center	S [12]	S [12]	S [12]	S [12]	S [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	P [12]
Hospital	-	-	-	-	-	-	-	S	-	-	S	S	-	-	-	-	P
Lodge, Fraternal and Civic Assembly	-	-	-	-	S	-	P	P	P	P	P	P	P	-	-	-	-
Postal Service	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-
Public Safety	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	S	P
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Schools	S	S	S	S	S	S	S	S	S	S	S	S	-	-	-	-	P
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities and Services, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	P
Commercial Use Types																	
Animal Services																	
Sales and Grooming	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Kennels	-	-	-	-	-	-	-	-	-	-	P [14]	-	P [14]	P [14]	-	-	-
Animal Shelters	-	-	-	-	-	-	-	-	-	-	P [14]	P [14]	P [14]	P [14]	-	-	-
Fully Enclosed Animal Shelters / Kennels	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-
Veterinary	-	-	-	-	-	-	P [13]	P	-	P	P	P	P	P	-	-	-
Building Maintenance Services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-
Business Equipment Sales and Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	P	P	-	-
Business Support Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	-	P	-	-
Communications Service Establishments	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Construction Sales and Services	-	-	-	-	-	-	-	-	-	-	P [15]	-	P	P	P	-	-
Eating and Drinking Establishments																	

Tavern	-	-	-	-	-	-	P [13]	-	P	P	P	P	P	P	-	-	-
Fast Order Food	-	-	-	-	-	-	P [13]	P [16]	P	P	P	P	-	-	-	-	-
Fast Order Food, Drive-through	-	-	-	-	-	-	-	-	-	S [17]	P [9,1 7]	--	-	-	-	-	
Restaurant, Sit- Down	-	-	-	-	-	-	P [13]	P [16]	P	P	P	P	-	-	-	-	-
Electronic Gaming Parlor	-	-	-	-	-	-	-	-	-	-	P [32]	-	-	-	-	-	
Entertainment and Spectator Sports																	
Limited	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	P
General	-	-	-	-	-	-	-	-	-	S	P	P	-	-	-	-	P
Financial, Insurance and Real Estate Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Short-Term Lender	-	-	-	-	-	-	P [29]	P [29]	P [29]	P [29]	P [29]	P [29]	-	-	-	-	-
Food and Beverage Retail Sales																	
Large Stores	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Convenience Stores	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Funeral and Interment Services																	
Cremating	-	-	-	-	-	-	-	-	-	-	S [9] [28]	-	P [28]	P [28]	-	-	-
Interring	S	S	S	S	S	-	S [13]	S	S	S	S	S	S	-	-	-	P
Undertaking	S [9]	S [9]	S [9]	S [9]	S [9]	-	P [13]	-	P	P	P	P	P	P	-	-	-
Cemeteries	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	P	-
Gasoline and Fuel Sales	-	-	-	-	-	-	S [13, 19]	-	-	S [19]	S [19]	S [19]	--	-	-	-	-
Marijuana Facility																	

Cultivator	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--
Dispensary	--	--	--	--	--	--	S [30]	--	--	--	S [30]	--	--	--	--	--	--
Processor	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--
Testing Laboratory	--	--	--	--	--	--	--	P [30]	--	--	P [30]	P [30]	P [30]	P [30]	P [30]	--	--
Medical Services																	
Drug and Alcohol Treatment Center, Nonresidential	-	-	-	-	-	-	-	P [8]	P [8]	P [8]	P [8]	-	-	-	-	-	P
All other Medical Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	--	-	-	P
Office, Administrative and Professional	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	-	-	P	P
Parking, Non-Accessory	-	-	-	-	-	-	-	-	-	S	P	S	--	-	-	-	P
Personal Convenience Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Personal Improvement Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Rental Halls	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-
Repair Services, Consumer	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Retail Sales, General	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Sexually-Oriented Business Establishment	-	-	-	-	-	-	-	-	-	-	P [20]	P [20]	P [20]	P [20]	-	-	-
Small Box Discount Store	-	-	-	-	-	-	P [34]	-	P [34]	P [34]	P [34]	P [34]	-	-	-	-	-
Sports and Recreation, Participant																	
Indoor	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Outdoor	S	S	S	S	S	L	L	L	L	L	L	P	P	L	L	L	L

Tobacco Shop	-	-	-	-	-	-	S [13, 21]	-	S [21]	S [21]	S [21]	S [21]	-	-	-	-	-
Transient Habitation																	
Bed and Breakfast	S [22]	S [22]	S [22]	S [22]	S [22]	-	P [13]	P	P	P	P	P	-	-	-	-	-
Lodging	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	P
Rooming House	-	-	-	-	S [9]	-	P [9, 13]	-	-	P	P	P	-	-	-	-	-
Vehicle Sales and Service																	
Cleaning/Washing	-	-	-	-	-	-	-	-	-	S [9,1 7]	P [9,1 7]	P [9,1 7]	P [9,1 7]	-	-	-	-
Fleet Storage	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Heavy Equipment Repairs	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Light Equipment Repairs	-	-	-	-	-	-	-	-	-	S	P	P	P	P	-	-	-
Heavy Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Auto and RV Sales/Rental	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Auto and RV Sales, used only	-	-	-	-	-	-	-	-	-	-	S [23]	S [23]	-	-	-	-	-
Storage of Towaway Vehicles	-	-	-	-	-	-	-	-	-	-	S [24]	-	S [24]	S [24]	-	-	-
Storage of Recreational Vehicles	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Industrial Use Types																	
Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Freight Terminal	-	-	-	-	-	-	-	-	-	-	-	-	P [26]	P [26]	-	-	-
Industrial, General	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Laundry Service	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	
Manufacturing and Production Limited	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-

PRODUCTION, LIMITED																		
Manufacturing and Production, Technological	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-
Scrap and Salvage Operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Wholesale, Storage and Distribution																		
Mini-Warehouse	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-
Light	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Other Use Types																		
Solar Energy Systems																		
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]	[33]
Primary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Urban Agriculture																		
Major	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P
	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]	[31]
Mining	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Recycling Facilities																		
Large Collection Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Small Collection Facilities	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Processing Center	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Wireless Telecommunications Facilities																		
Co-Located	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]
Freestanding	S	S	S	S	S	S	P	P	S	S	P	P	P	P	P	S	P	
	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]	[25]
Radio/TV Towers	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-
												[25]	[25]	[25]	[25]	[25]		

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SECTION 7. That Toledo Municipal Code, Chapter 1107, which reads as follows:

CHAPTER 1107

Parking, Loading and Access

1107.0102 Applicability.

A. **New Development.** The parking, loading and access standards of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.

B. **Expansions and Substantial Modifications.** The parking, loading and access standards of this chapter apply when an existing structure or use is expanded or enlarged, whether through the addition of dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements.

1. Additional off-street parking and loading spaces to meet minimum ratios are required only to serve the enlarged or expanded area, not the entire building or use.

2. If the number of parking spaces on a site at the time of expansion or substantial modification exceeds the maximum ratios of this chapter, no Alternative Parking Plan approval will be required, but no additional spaces will be allowed, except through the Alternative Parking Plan provisions of Section [1107.1400](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-105065) <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-105065>.

C. **Requirements for Change in Use.** If a change in use causes an increase in the required number of parking, stacking, or loading spaces, 80 percent of such additional spaces shall be provided in accordance with the requirements of this Zoning Code; except that if the change in use would require an increase of less than 50 percent in the required number of parking spaces or fewer than five parking spaces, no additional parking shall be required.

D. **Applicability in the Event of Damage or Destruction of Existing Use.**

1. When a conforming or nonconforming building or use that does not comply with current off-street parking and/or loading regulations is damaged and the cost of reconstruction does not exceed 75 percent of the assessed value at the time such damage occurred, the building may be constructed with the same number of parking and loading spaces that existed at the time of damage or destruction. However, when the cost of reconstruction exceeds 75 percent of the assessed value at the time such damage occurred, off-street parking and loading spaces must be provided in the amount required for new construction on the date the application for reconstruction is approved.

2. Notwithstanding the preceding, within a Historic (-HO) or Pedestrian-Oriented (-PO) Overlay Zoning District, any damaged building or use of 5,000 square feet or less that is nonconforming only in the amount of off-street parking and/or loading space that is provided, may be reconstructed (if authorized by Sections [1114.0205 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-107192>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-107192)C. or [1114.0305 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-107219>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-107219)B.), without providing additional off-street parking and/or loading.

1107.0903 Commercial Parking.

A Commercial Parking facility must provide bicycle parking area equivalent to one parking space, or two parking spaces if the facility has more than 200 parking spaces. The space must contain lockers, hard covers or shells, or other similar structures or devices in which bicycles may be individually covered and locked.

Is hereby repealed.

SECTION 8. that a new Toledo Municipal Code, Chapter 1107 shall read as follows:

CHAPTER 1107

Parking, Loading and Access

1107.0102 Applicability.

A. **New Development.** The parking, loading and access standards of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.

B. **Expansions and Substantial Modifications.** The parking, loading and access standards of this chapter apply when an existing structure or use is expanded or enlarged, whether through the addition of dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements.

1. Additional off-street parking and loading spaces to meet minimum ratios are required only to serve the enlarged or expanded area, not the entire building or use.

2. If the number of parking spaces on a site at the time of expansion or substantial modification exceeds the maximum ratios of this chapter, no Alternative Parking Plan approval will be required, but no additional spaces will be allowed, except through the Alternative Parking Plan provisions of Section [1107.1400 <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-105065>](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-105065).

C. **Requirements for Change in Use.** If a change in use causes an increase in the required number of parking, stacking, or loading spaces, 80 percent of such additional spaces shall be provided in accordance with the requirements of this Zoning Code; except that if the change in use would require an increase of less than 50 percent in the required number of parking spaces or fewer than five parking spaces, no additional parking shall be required.

D. Applicability in the Event of Damage or Destruction of Existing Use.

1. When a conforming or nonconforming building or use that does not comply with current off-street parking and/or loading regulations is damaged and the cost of reconstruction does not exceed 75 percent of the assessed value at the time such damage occurred, the building may be constructed with the same number of parking and loading spaces that existed at the time of damage or destruction. However, when the cost of reconstruction exceeds 75 percent of the assessed value at the time such damage occurred, off-street parking and loading spaces must be provided in the amount required for new construction on the date the application for reconstruction is approved.

2. Notwithstanding the preceding, within a Historic (-HO) or Pedestrian-Oriented (-PO) Overlay Zoning District, any damaged

building or use of 5,000 square feet or less that is nonconforming only in the amount of off-street parking and/or loading space that is provided, may be reconstructed (if authorized by Sections [1114.0205](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-107192) <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-107192>C. or [1114.0305](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-107219) <https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-107219>B., without providing additional off-street parking and/or loading.

E. Non-Accessory Parking Lots. Full compliance with the parking, loading, and access standards of this chapter shall apply to nonconforming non-accessory parking lots when the configuration or dimension of any on-site parking or loading space, maneuvering area, aisle, or driveway is altered. Maintenance of non-accessory parking lots, including resurfacing, patching, or restriping which does not result in an alteration in the configuration or dimension of any parking or loading space, maneuvering area, aisle, or driveway, is permitted by this chapter so long as such maintenance does not increase the parking lot's nonconformity

1107.0903 Non-Accessory Parking.

A Non-Accessory Parking facility must provide bicycle parking area equivalent to one parking space, or two parking spaces if the facility has more than 200 parking spaces. The space must contain lockers, hard covers or shells, or other similar structures or devices in which bicycles may be individually covered and locked. Such bicycle parking area may be installed within the right-of-way subject to the following:

An encroachment permit shall be approved through the Division of Traffic Management.

Bicycle parking spots as outlined in Section 1107.0902 shall not interfere with right-of-way pedestrian movement. A clear Pedestrian zone of at least 6' shall be maintained, with no minor pinch-point (such as around a utility pole or tree) below 4' wide. Bicycle parking areas may take the place of an on-street parking space when protective bollards, wheel stops, or the like are installed subject to approval by the Division of Traffic Management.

SECTION 9. That Toledo Municipal Code, Chapter 1116 which reads as follows:

CHAPTER 1116

Terminology

1116.0234 Parking, Commercial.

Facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking use. Vehicles located on the property must have valid license plates associated with and displayed on each individual vehicle. All activities associated with vehicle sales or advertisements for vehicles sales are not permitted at the facility. A facility that provides parking or storage of vehicles without valid license plates is considered Vehicle Storage.

Is here by repealed.

SECTION 10. That a new Toledo Municipal Code, Chapter 1116 shall read as follows:

CHAPTER 1116

Terminology

1116.0234 Parking, Accessory & Non-Accessory.

A. Parking, Non-Accessory

Automobile parking as a principal rather than a subordinate land use that is neither accessory to a specific use nor code-required. A parking lot that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Non-Accessory Parking use. A parking lot that contains parking spaces which are leased to an entity other than a tenant of the property owner, whether those leased spaces could be considered accessory to a specific use or not, shall be classified as a Non-Accessory Parking use. A parking lot containing parking spaces which fall under an alternative parking plan approved pursuant to Section 1107.1400 may be classified instead as an Accessory Parking use. Non-Accessory Parking is generally characterized as a commercial service.

B. Parking, Accessory

Automobile parking as a subordinate use and of a nature incidental to but supportive of the principal use, building or structure. Accessory parking is characterized as a free service for employees and/or customers of the principal use, building or structure.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council _____.

Attest: _____
Clerk of Council



Legislation Text

File #: R-350-25, Version: 1

Kratom as Controlled Substance
Toledo City Council
Sponsors: Melden, Williams, Hobbs

Urging the Ohio Board of Pharmacy to Classify Kratom (*Mitragyna Speciosa*) as a Schedule I Controlled Substance.

WHEREAS, Kratom, also known by its botanical name *Mitragyna Speciosa*, is a psychoactive substance derived from a tropical tree native to Southeast Asia and is currently unregulated in the State of Ohio; and

WHEREAS, Kratom contains two key alkaloids, mitragynine and 7-hydroxymitragynine, which interact with opioid receptors in the brain and can cause sedation, euphoria, and dependence similar to traditional opioids; and

WHEREAS, the U.S. Food and Drug Administration has not approved any medical use for Kratom and has issued several public health advisories warning consumers of its risks, including side effects such as seizures, hallucinations, liver damage, and respiratory depression; and

WHEREAS, the Drug Enforcement Administration previously identified Kratom as a “drug of concern” and considered emergency scheduling due to its high potential for abuse, risk to public safety, and lack of accepted medical use; and

WHEREAS, the Ohio Board of Pharmacy began proceedings in 2019 to schedule Kratom as a Schedule I controlled substance, indicating its recognition of Kratom’s potential danger, but did not take steps to finalize this action; and

WHEREAS, an increasing number of municipalities and states, including Alabama, Indiana, and Wisconsin, have taken legislative action to band or tightly regulate Kratom; and

WHEREAS, the unregulated sale and use of Kratom products, often marketed as “natural supplements”, poses a direct threat to vulnerable populations including adolescents and individuals in recovery from substance abuse disorders; and

WHEREAS, the classification of Kratom as a Schedule I drug under Ohio law would prohibit its possession, sale, and distribution thereby protecting Toledo’s residents.

NOW, THEREFORE, Be it resolved by the Council of the City of Toledo that:

SECTION 1. That the Council urges the Ohio Board of Pharmacy to classify Kratom (*Mitragyna Speciosa*) as a Schedule I Controlled Substance.

SECTION 2. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted _____: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council

..Label

Natural Leaf Kratom Regulations
Toledo City Council
Sponsors: Melden, Williams, Hobbs, Morris

..Title

Urging the Ohio State Board of Pharmacy to Develop and Implement Regulations for Natural Leaf Kratom to Ensure Safe, Legal Access for Ohioans

..Summary

WHEREAS, Kratom (*Mitragyna Speciosa*) is a plant native to Southeast Asian that has been traditionally used as a natural remedy to combat various ailments; and,

WHEREAS, the unregulated sale of Kratom products may expose consumers to adulterated or contaminated substances, mislabeling, and unverified claims, thereby underscoring the need for state regulation; and,

WHEREAS, there is a distinction between the natural leaf Kratom and the isolated, synthetic compound 7-hydroxymitragynine (7-OH), a much more potent alkaloid and unregulated product is creating safety risks that do not represent the natural leaf plant itself; and,

WHEREAS, the public health concern lies with 7-OH products that are branded to be “natural supplements” to the consumer and pose a direct threat to vulnerable populations including adolescents and individuals in recovery from substance abuse disorders; and,

WHEREAS, several states have adopted the Kratom Consumer Protection Act which helps outline best practices for Kratom product testing, labeling, age limits, and bans on synthetic enhancements; and,

WHEREAS, the residents of the City of Toledo and the broader Ohio community would benefit from consistent, science-based regulations that protect consumers while preserving access to natural leaf Kratom as a potential wellness tool.

NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That we call on the Ohio Board of Pharmacy to create and implement regulatory framework that ensures product testing, sets age restrictions, and requires truthful labeling to protect patients using natural leaf Kratom.

SECTION 2. That the Clerk of Council is directed to forward a copy of this resolution to the Ohio Board of Pharmacy on behalf of Toledo City Council.

SECTION 3. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by
Council _____.

Attest: _____

Clerk of Council



Legislation Text

File #: O-351-25, Version: 1

TMC Ch. 513.17

Sale of Kratom

Melden, Williams, Hobbs, Morris

Enacting a new Toledo Municipal Code (TMC), Chapter 513; Subsection 513.17 Prohibiting the Sale of Kratom.

SUMMARY & BACKGROUND:

Kratom is an herbal extract that comes from the leaves of an evergreen tree called *Mitragyna speciosa*. The tree grows in Southeast Asia. Kratom users can chew the tree's leaves, swallow or brew dry kratom, or add the extract to a liquid.

People who use kratom report that at low doses, kratom acts as a stimulant. That means it makes them more alert and gives them more energy. At higher doses, people who use it report that it reduces pain and makes them feel calm and less anxious.

Some people take kratom to ease the symptoms of quitting opioids. Kratom may be easier to get than prescription medicines. But it carries its own risk of addiction, according to an article from the Mayo Clinic. According to the Drug Enforcement Administration, it carries risks of dependency, withdrawal, and psychotic symptoms. When someone tries to quit using kratom after long-term use, it can mimic the withdrawal pattern of opioids, causing muscle pain, insomnia, and mood swings.

People who take kratom believe that it helps them. But kratom hasn't been shown to be safe or to treat any medical conditions. The U.S. Food and Drug Administration (FDA) has warned people not to use kratom because of possible harm it can cause. The U.S. Drug Enforcement Administration calls kratom a drug of concern.

Poison control centers in the United States received more than 3,400 reports about use of kratom from 2014 through 2019. These included reports of death. Side effects reported included high blood pressure, confusion and seizures.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Part Five, Chapter 513, Subsection 513.17, be enacted to read as follows:

513.17 Kratom Sale Prohibited

(a) As used in this section, unless the context otherwise requires, "kratom product" means any product or ingredient containing:

(1) Any part of the leaf of the *mitragyna speciosa* plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine; or

(2) A synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine or mitragynine pseudoindoxyl.

(b) No person shall knowingly sell or offer for sale a Kratom product.

(c) Whoever violates subsection (b) hereof is guilty of sale of a Kratom product, a misdemeanor of the first degree.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-357-25, Version: 1

Toledo City Council
Councilwoman Williams

Authorizing the Mayor to execute and deliver needed instruments to forgive the loan balance and release the mortgage and security interests with respect to the 24 scattered site single family rental housing Low-Income Housing Tax Credit Project known as United North School Homes LLC; and declaring an emergency.

SUMMARY & BACKGROUND:

The Low-Income Housing Tax Credits program (LIHTC) is a public tool used to provide funding for the development of affordable housing. The federal government allows developers of particular affordable-housing project to sell tax credits to investors to provide the capital necessary to build the project. Locally, community development corporations have used LIHTC as a financing tool to build many units of affordable housing and promote homeownership in Toledo.

United North School Homes LLC originated as 24 single-family housing units under the auspices of United North Corporation. An investment of \$370,000 of HOME Investment Partnerships funds was made to this project. NorthRiver Development Corporation is the controlling partner of United North School Homes, LLC. This project has not achieved the success intended under the LIHTC. This request is to deliver a Release of Mortgage through forgiveness of the note and move the portfolio into the hands of a stable entity.

The City of Toledo, have been instrumental in working toward securing the portfolio toward a local partner, Neighborworks Toledo Home Region, that will work with tenants to move them toward homeownership, along with homebuyer counseling, financial literacy, home maintenance and education opportunities.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to execute and deliver a release of the United North Homes Schools LLC Mortgage and related security interests and forgiveness of the loan in the amount of \$370,000.

SECTION 2. That this ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of safety and well-being of current tenants.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-358-25, Version: 1

Toledo City Council
Councilwoman Williams

Authorizing the Mayor to execute and deliver needed instruments to forgive the loan balance and release the mortgage and security interests with respect to the 24 scattered site single family rental housing Low-Income Housing Tax Credit Project known as United North School Homes LLC; and declaring an emergency.

SUMMARY & BACKGROUND:

The Low-Income Housing Tax Credits program (LIHTC) is a public tool used to provide funding for the development of affordable housing. The federal government allows developers of particular affordable-housing project to sell tax credits to investors to provide the capital necessary to build the project. Locally, community development corporations have used LIHTC as a financing tool to build many units of affordable housing and promote homeownership in Toledo.

United North School Homes II LLC originated as 24 single-family housing units under the auspices of United North Corporation. An investment of \$370,000 of HOME Investment Partnerships funds was made to this project. United North Corporation is the sole member and general partner of United North Homes Schools II LLC. United North Corporation is a strategic alliance between North River Development Corporation and Lagrange Development Corporation. This project has not achieved the success intended under the LIHTC. This request is to deliver a Release of Mortgage through forgiveness of the note and move the portfolio into the hands of a stable entity.

The City of Toledo, have been instrumental in working toward securing the portfolio toward a local partner, Neighborworks Toledo Home Region, that will work with tenants to move them toward homeownership, along with homebuyer counseling, financial literacy, home maintenance and education opportunities.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to execute and deliver a release of the United North Homes Schools II LLC Mortgage and related security interests and forgiveness of the loan in the amount of \$370,000.

SECTION 2. That this ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of safety and well-being of current tenants.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-361-25, Version: 1

TMC Amendments re: Part 13 - Building Code
Building and Code Compliance
J. Molnar (x1532)/Carl Cochenour (x1220)

Amending Toledo Municipal Code Part Thirteen - Building Code by: (1) repealing Sections 1301.02, 1301.06, 1301.13, 1303.01, 1303.02, 1303.03, 1303.04, 1303.07, 1303.08, 1303.09, 1305.02, 1305.09, 1309.04, 1309.08, 1313.04, 1361.03, and 1361.10 and enacting new versions of the aforementioned Sections; (2) repealing Section 1309.09 Fire Prevention Bureau approval; and (3) enacting Section 1367.04 titled Heat Supply; and declaring an emergency.

SUMMARY & BACKGROUND:

This ordinance updates, repeals and enacts new sections of the Toledo Municipal Code (“TMC”) to better align with the most current Ohio Building Code and associated standards. The changes focus on improving administrative clarity, updating code references, eliminating duplicative language, and modernizing the permitting and licensing processes. These updates are intended to ensure consistency with state requirements while streamlining local enforcement and review procedures.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Toledo Municipal Code, Part Thirteen, §1301.02 which states as follows:

§1301.02 *Administration and enforcement; scope.*

(a) This Part Thirteen-Building Code shall be administered and enforced by Building Inspection, a division in the City's Department of Economic and Business Development, and as provided by Chapter 1303. The Division of Building Inspection shall be a state-certified building inspection department as defined by the Ohio Board of Building Standards through its Ohio Building Code. The Director of the Department of Economic and Business Development and the Commissioner of Building Inspection shall direct, supervise and manage all administrative and fiscal operations and matters relating to this Part Thirteen-Building Code as well as those other sections of the Municipal Code identified as Housing Code, Nuisance Abatement, Property Maintenance and Vacant Properties. The Chief Building Official shall be responsible for enforcing the most current editions of the Ohio Building Code, the Residential Code of Ohio, and the associated mechanical and electrical codes adopted by the State of Ohio through the State's Board of Building Standards, and as adopted by this Municipal Code as referenced authorities. In all matters of building code compliance and building code enforcement, the Chief Building Official shall be the City's final authority.

(b) This Part Thirteen-Building Code presumptively provides for matters concerning, affecting or relating to the construction, alteration, repairs, removal, demolition, equipment, use and occupancy, location and maintenance of buildings or structures, erected or to be erected in the City, except insofar as such matters are otherwise provided for in the City Charter, in other statutes or ordinances, or in rules duly promulgated under the provisions of this Part Thirteen-Building Code.

is repealed.

SECTION 2. That a new Toledo Municipal Code §1301.02 is enacted to state as follows:
§1301.02 *Administration and enforcement; scope.*

(a) This Part Thirteen-Building Code shall be administered and enforced by Building Inspection, a division in the City's Department of Building and Code Compliance, and as provided by Chapter 1303. The Division of Building Inspection shall be a state-certified building inspection department as defined by the Ohio Board of Building Standards through its Ohio Building Code. The Director of the Department of Building and Code Compliance and the Commissioner of Building Inspection shall direct, supervise and manage all administrative and fiscal operations and matters relating to this Part Thirteen-Building Code as well as those other sections of the Municipal Code identified as Housing Code, Nuisance Abatement, Property Maintenance and Vacant Properties. The Chief Building Official shall be responsible for enforcing the most current editions of the Ohio Building Code, the Residential Code of Ohio, and the associated mechanical and electrical codes adopted by the State of Ohio through the State's Board of Building Standards, and as adopted by this Municipal Code as referenced authorities. In all matters of building code compliance and building code enforcement, the Chief Building Official shall be the City's final authority.

(b) This Part Thirteen-Building Code presumptively provides for matters concerning, affecting or relating to the construction, alteration, repairs, removal, demolition, equipment, use and occupancy, location and maintenance of buildings or structures, erected or to be erected in the City, except insofar as such matters are otherwise provided for in the City Charter, in other statutes or ordinances, or in rules duly promulgated under the provisions of this Part Thirteen-Building Code.

SECTION 3. That the Toledo Municipal Code, Part Thirteen, §1301.06 which states as follows:

§1301.06 *Codes applicable.*

(a) Residential. One, two and three-family dwellings shall be constructed, altered or repaired in accordance with the requirements of the most current edition of the Residential Code of Ohio (RCO) For One, Two and Three Family Dwellings adopted by the State of Ohio and as otherwise provided under this Part Thirteen, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards.

(b) Commercial and Residential Structures greater than three dwelling units. Buildings whose occupancy is other than noted in subsection (a) above shall be constructed in accordance with the requirements of the most current edition of the Ohio Building Code (OBC) adopted by the State of Ohio, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards.

(c) In the event of conflict between the administrative provisions (Article 1) of the Ohio Building Code or the entire Residential Code of Ohio for One, Two and Three Family Dwellings and this Part Thirteen-Building Code, the provisions of the Ohio Building Code or the Residential Code of Ohio shall control.

(d) The most current edition of the following codes, adopted by the State of Ohio, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards is adopted by the City of Toledo and shall be in force for all residential and commercial structures:

- (1) Ohio Building Code,
- (2) Residential Code of Ohio for One Two, and Three Family Dwellings,
- (3) Ohio Plumbing Code,
- (4) Ohio Mechanical Code,
- (5) Ohio Boiler Code,

- (6) Ohio Elevator Code,
- (7) International Energy Codes or ASHRAE 90.1
- (8) Ohio Building Code Accessibility Guidelines and ADAAG.
- (9) National Electrical Code,
- (10) Ohio Fire Prevention Code,

(e) The City of Toledo also adopts the most current edition of the following codes, including such revisions and amendments, for all residential and commercial structures:

- (11) International Property Maintenance Code,
- (12) International Fire Code,
- (13) City of Toledo Fire Prevention Code found in the Toledo Municipal Code, Part 15

is repealed.

SECTION 4. That a new Toledo Municipal Code, Part Thirteen, §1301.06 is enacted to state as follows:
§1301.06 *Codes applicable.*

(a) Residential. One, two and three-family dwellings shall be constructed, altered or repaired in accordance with the requirements of the most current edition of the Residential Code of Ohio (RCO) For One, Two and Three Family Dwellings adopted by the State of Ohio and as otherwise provided under this Part Thirteen, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards.

(b) Commercial and Residential Structures greater than three dwelling units. Buildings whose occupancy is other than noted in subsection (a) above shall be constructed in accordance with the requirements of the most current edition of the Ohio Building Code (OBC) adopted by the State of Ohio, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards.

(c) In the event of conflict between the administrative provisions (Article 1) of the Ohio Building Code or the entire Residential Code of Ohio for One, Two and Three Family Dwellings and this Part Thirteen-Building Code, the provisions of the Ohio Building Code or the Residential Code of Ohio shall control.

(d) The most current edition of the following codes, adopted by the State of Ohio, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards is adopted by the City of Toledo and shall be in force for all residential and commercial structures:

- (1) Ohio Building Code,
- (2) Residential Code of Ohio for One Two, and Three Family Dwellings,
- (3) Ohio Plumbing Code,
- (4) Ohio Mechanical Code,
- (5) Ohio Boiler Code,
- (6) Ohio Elevator Code,
- (7) International Energy Codes or ASHRAE 90.1
- (8) Ohio Building Code Accessibility Guidelines and ADAAG,
- (9) National Fire Protection Association Standards as adopted by the referenced Codes herein;
- (10) Ohio Fire Prevention Code, and
- (11) Ohio Existing Building Code

(e) The City of Toledo also adopts the most current edition of the following codes, including such revisions and amendments, for all residential and commercial structures:

- (1) International Property Maintenance Code,
- (2) International Fire Code,
- (3) City of Toledo Fire Prevention Code found in the Toledo Municipal Code, Part 15

SECTION 5. That the Toledo Municipal Code, Part Thirteen, §1301.13 which states as follows:

§1301.13 *Disconnecting and re-establishing electrical service.*

(a) The Chief of the Fire and Rescue Operations Department, the Director of the Department Economic and Business Development, the Commissioner of Building Inspection, or the Chief Building Official, or a competent person designated by them, shall have the power to at once cause the removal of all wires, or the turning off of all electrical currents where the circuits interfere with the work of the Fire and Rescue Operations Department during the progress of a fire.

(b) The Director of Economic and Business Development, the Commissioner of Building Inspection, or the Chief Building Official are hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus which are deemed to be in unsafe condition or which have not been installed in conformity with the provisions of this chapter.

(c) Electrical supply to such conductors or apparatus shall be re-energized only after the connections have been made and the inspection tag of the Division of Building Inspection attached thereto. No electrical service may be connected by the utility until first having a release from the Division of Inspection.

is repealed.

SECTION 6. That a new Toledo Municipal Code, Part Thirteen, §1301.13 is enacted to state as follows:

§1301.13 *Disconnecting and re-establishing electrical service.*

(a) The Chief of the Fire and Rescue Operations Department, the Director of Building and Code Compliance, the Commissioner of Building Inspection, or the Chief Building Official, or a competent person designated by them, shall have the power to at once cause the removal of all wires, or the turning off of all electrical currents where the circuits interfere with the work of the Fire and Rescue Operations Department during the progress of a fire.

(b) The Director of Building and Code Compliance, the Commissioner of Building Inspection, or the Chief Building Official are hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus which are deemed to be in unsafe condition or which have not been installed in conformity with the provisions of this chapter.

(c) Electrical supply to such conductors or apparatus shall be re-energized only after the connections have been made and the inspection tag of the Division of Building Inspection attached thereto. No electrical service may be connected by the utility until first having a release from the Division of Building Inspection.

SECTION 7. That the Toledo Municipal Code, Part Thirteen, §1303.01 which states as follows:

§1303.01 *Responsibilities Generally.*

(a) The Director of the Department Economic and Business Development shall generally supervise the activities of the Commissioner of Building Inspection, the Chief Building Official, and the supervisory staff of the Division of Building Inspection.

(b) The Director of the Department of Neighborhoods shall administer, supervise, and direct the operations of the Division of Code Enforcement. The Director of the Department of Neighborhoods shall be responsible for scheduling inspections made by City employed general inspectors; and for confirming that their findings are recorded and posted. The Director of the Department of Neighborhoods shall be the Administrator of the Nuisance Abatement Housing Appeals Board.

(c) The Director of the Department of Economic and Business Development shall ensure the activities of the Department work in coordination with other city departments, such as Environmental Services, Health, Fire Prevention Services, Neighborhoods, Public Service, the various Divisions of the Department of Public Utilities and the Toledo Plan Commission.

is repealed.

SECTION 8. That a new Toledo Municipal Code, Part Thirteen, §1303.01 is enacted to state as follows:

§1303.01 *Responsibilities Generally.*

(a) The Director of Building and Code Compliance shall generally supervise the activities of the Commissioner of Building Inspection, the Chief Building Official, and the supervisory staff of the Division of Building Inspection.

(b) The Director of Building and Code Compliance shall administer, supervise, and direct the operations of the Division of Code Enforcement. The Director of Building and Code Compliance shall be responsible for scheduling inspections made by City employed general inspectors; and for confirming that their findings are recorded and posted. The Director of Building and Code Compliance shall be the Administrator of the Nuisance Abatement Housing Appeals Board.

(c) The Director of Building and Code Compliance shall ensure the activities of the Department work in coordination with other city departments, such as Environmental Services, Health, Fire Prevention Services, Neighborhoods, Public Service, the various Divisions of the Department of Public Utilities and the Toledo Plan Commission.

SECTION 9. That the Toledo Municipal Code, Part Thirteen, §1303.02 which states as follows:

§1303.02 *Commissioner of Building Inspection.*

(a) The Commissioner of Building Inspection (Commissioner) shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor. The Commissioner of Building Inspection shall be accountable to the Mayor through the Director of the Department of Economic and Business Development and is responsible for the effective administration and management of the operations of the Division and its staff on a day-to-day basis.

(b) To provide the most efficient service to the public and to promote the economic interests of the City, the Commissioner of Building Inspection shall monitor and integrate the performance of the Division with other City Departments, such as the Departments of Environmental Services, Health, Fire Prevention Services, Neighborhoods, Public Service, the various Divisions of the Department of Public Utilities and the Toledo Plan Commission.

(c) The Commissioner shall have at least ten (10) years experience in the construction industry, in building design, in construction management, or related construction technologies. He shall have sufficient knowledge of the State's building codes, the International Property Maintenance Codes, the City's zoning codes identified in Chapter Eleven - Zoning; the City's housing and vacant buildings codes identified in sections of Chapter Seventeen - Health Code of this Municipal Code; the city's permit processing system; the City's contractor and trades licensing procedures; and floodplain management procedures to enable him to perform his duties effectively.

(d) The Commissioner of Building Inspection shall be the Administrator of the Board of Building Appeals, the Board of Zoning Appeals, the Home Improvement and Remodelers' Board of Control, and the various Boards of Control for mechanical and electrical trades as well as contractors and shall report any

actions, information and findings of pertinence to these Boards which occur between their meetings.

(e) The Commissioner of Building Inspection shall develop permit application documents in compliance with the provisions set forth by the State's Board of Building Standards. The Commissioner of Building Inspection shall be responsible for receiving construction documents and permit applications and shall forward same to the Chief Building Official for review. The Commissioner of Building Inspection shall supervise the collection, storage, and retrieval of data and public records associated with the Division.

(f) The Commissioner of Building Inspection, in concert with the Chief Building Official, shall render written procedures and policies for processing permits, plan review, inspections, licenses, and registrations in compliance with the State's Board of Building Standards and this Chapter Thirteen. However technical rulings and opinions which are distinctly building code-related shall be created and delivered by the Chief Building Official.

(g) The Commissioner of Building Inspection shall be responsible for scheduling inspections made by City employed, State-certified inspectors and for confirming that their findings are recorded and posted.

(h) The Commissioner of Building Inspection shall assist the Chief Building Official to implement and administer the City's floodplain management policies and procedures.

(i) In the temporary absence of the Commissioner, either the Director or the Chief Building Official will assume the Commissioner's duties and responsibilities.

is repealed.

SECTION 10. That a new Toledo Municipal Code, Part Thirteen, §1303.02 is enacted to state as follows:

§1303.02 *Commissioner of Building Inspection.*

(a) The Commissioner of Building Inspection (Commissioner) shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor. The Commissioner of Building Inspection shall be accountable to the Mayor through the Director of Building and Code Compliance and is responsible for the effective administration and management of the operations of the Division and its staff on a day-to-day basis.

(b) To provide the most efficient service to the public and to promote the economic interests of the City, the Commissioner of Building Inspection shall monitor and integrate the performance of the Division with other City Departments, such as the Departments of Environmental Services, Health, Fire Prevention Services, Neighborhoods, Public Service, the various Divisions of the Department of Public Utilities and the Toledo Plan Commission.

(c) The Commissioner shall have at least ten (10) years experience in the construction industry, in building design, in construction management, or related construction technologies. He shall have sufficient knowledge of the State's building codes, the International Property Maintenance Codes, the City's zoning codes identified in Chapter Eleven - Zoning; the City's housing and vacant buildings codes identified in sections of Chapter Seventeen - Health Code of this Municipal Code; the city's permit processing system; the City's contractor and trades licensing procedures; and floodplain management procedures to enable him to perform his duties effectively.

(d) The Commissioner of Building Inspection shall be the Administrator of the Board of Building Appeals, the Board of Zoning Appeals, the Home Improvement and Remodelers' Board of Control, and the various Boards of Control for mechanical and electrical trades as well as contractors and shall report any actions, information and findings of pertinence to these Boards which occur between their meetings.

(e) The Commissioner of Building Inspection shall develop permit application documents in compliance with the provisions set forth by the State's Board of Building Standards. The Commissioner of

Building Inspection shall be responsible for receiving construction documents and permit applications and shall forward same to the Chief Building Official for review. The Commissioner of Building Inspection shall supervise the collection, storage, and retrieval of data and public records associated with the Division.

(f) The Commissioner of Building Inspection, in concert with the Chief Building Official, shall render written procedures and policies for processing permits, plan review, inspections, licenses, and registrations in compliance with the State's Board of Building Standards and this Chapter Thirteen. However technical rulings and opinions which are distinctly building code-related shall be created and delivered by the Chief Building Official.

(g) The Commissioner of Building Inspection shall be responsible for scheduling inspections made by City employed, State-certified inspectors and for confirming that their findings are recorded and posted.

(h) The Commissioner of Building Inspection shall assist the Chief Building Official to implement and administer the City's floodplain management policies and procedures.

(i) In the temporary absence of the Commissioner, either the Director or the Chief Building Official will assume the Commissioner's duties and responsibilities.

SECTION 11. That the Toledo Municipal Code, Part Thirteen, §1303.03 which states as follows:

§1303.03 *Chief Building Official.*

(a) The City shall have in its employ an architect or professional engineer registered in the State of Ohio having at least five (5) years experience in building construction or design and who holds the State certification of Building Official. Said professional architect or engineer shall be designated by the Mayor and approved by City Council as the City's Chief Building Official, commonly referred to as CBO. The Chief Building Official shall report to the Mayor, through the Commissioner of Building Inspection and Director of the Department of Economic and Business Development. The Chief Building Official shall maintain his certification credentials, and that of the Division's, in an active and current status with the State of Ohio.

(b) The Chief Building Official shall be responsible for enforcing and administering the Ohio Building Code, the Residential Code of Ohio, and the associated mechanical and electrical codes currently adopted by the State of Ohio through the State's Board of Building Standards. He shall be generally informed on the quality and strength of building materials, on the prevailing methods of building construction, on good practice in fire prevention, on the accepted requirements for safe exit facilities and on the proper installation of plumbing, electrical, heating, refrigeration and other installations for the safety and welfare of the occupants, as specified by the State of Ohio Board of Building Standards. In all such matters of code compliance and code enforcement, the Chief Building Official shall be the City's final authority.

(c) The Chief Building Official shall devote his whole time to the duties of his office. He shall be capable of making necessary examinations and inspections of buildings in the course of construction or demolition, or shall direct the City's staff-based, State-certified inspectors to perform such inspections. He shall be responsible for maintaining a log to track the results of such inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction.

(d) The Chief Building Official shall review, or direct the review of, all submitted applications and construction documents and shall issue permitted approvals and certificates of occupancy in compliance with procedures as prescribed by the State Board of Building Standards. He shall render opinions consistent with the compliance and enforcement of the provisions of the existing building, mechanical, electrical, and fire codes adopted by the State of Ohio and the Toledo Municipal Code.

(e) The Chief Building Official (CBO), in concert with the Commissioner of Building Inspection shall develop and render procedural documents which give greater clarity to building code related matters. However rulings which are distinctly building code related shall be delivered by the CBO.

(f) The Chief Building Official shall supervise the fire inspection staff in fire safety plan review and inspections involving pre-occupied new structures or existing structures which are being altered, improved, or remodeled and require building permits and a certificate of occupancy.

(g) The Chief Building Official shall be the City's Floodplain Administrator and shall implement and administer the City's floodplain management policies and procedures. He shall communicate with federal, state, and local agencies as the City's official representative in floodplain management matters. He shall execute all documents related to construction activities in special flood hazard areas. He shall maintain records of Letters of Map Amendments (LOMAs), Letters of Map Revisions (LOMRs), Floodplain Economic and Business Development permits, Community Acknowledgement forms, and other such federally mandated records and certificates associated with the City's involvement in floodplain management. He shall be responsible for the City's participation in the Community Rating System which establishes flood insurance rates for the community. The Chief Building Official shall be assisted by the Commissioner of Building Inspection in matters pertaining to floodplain management.

(h) In the temporary absence of the Chief Building Official (CBO), a person who holds the State certification of Building Official, and has been designated to the State's Board of Building Standards as an alternate, shall assume the CBO's responsibilities.

is repealed.

SECTION 12. That a new Toledo Municipal Code, Part Thirteen, §1303.03 is enacted to state as follows:

§1303.03 *Chief Building Official.*

(a) The City shall have in its employ an official who holds the State certification of Building Official. Said professional shall be designated by the Mayor and approved by City Council as the City's Chief Building Official, commonly referred to as CBO. The Chief Building Official shall report to the Mayor, through the Commissioner of Building Inspection and Director of Building and Code Compliance. The Chief Building Official shall maintain his certification credentials, and that of the Division's, in an active and current status with the State of Ohio.

(b) The Chief Building Official shall be responsible for enforcing and administering the Ohio Building Code, the Residential Code of Ohio, and the associated mechanical and electrical codes currently adopted by the State of Ohio through the State's Board of Building Standards. He shall be generally informed on the quality and strength of building materials, on the prevailing methods of building construction, on good practice in fire prevention, on the accepted requirements for safe exit facilities and on the proper installation of plumbing, electrical, heating, refrigeration and other installations for the safety and welfare of the occupants, as specified by the State of Ohio Board of Building Standards. In all such matters of code compliance and code enforcement, the Chief Building Official shall be the City's final authority.

(c) The Chief Building Official shall devote his whole time to the duties of his office. He shall be capable of making necessary examinations and inspections of buildings in the course of construction or demolition, or shall direct the City's staff-based, State-certified inspectors to perform such inspections. He shall be responsible for maintaining a log to track the results of such inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction.

(d) The Chief Building Official shall review, or direct the review of, all submitted applications and construction documents and shall issue permitted approvals and certificates of occupancy in compliance with procedures as prescribed by the State Board of Building Standards. He shall render opinions consistent with the compliance and enforcement of the provisions of the existing building, mechanical, electrical, and fire codes

adopted by the State of Ohio and the Toledo Municipal Code.

(e) The Chief Building Official (CBO), in concert with the Commissioner of Building Inspection shall develop and render procedural documents which give greater clarity to building code related matters. However rulings which are distinctly building code related shall be delivered by the CBO.

(f) The Chief Building Official shall supervise the fire inspection staff in fire safety plan review and inspections involving pre-occupied new structures or existing structures which are being altered, improved, or remodeled and require building permits and a certificate of occupancy.

(g) The Chief Building Official shall be the City's Floodplain Administrator and shall implement and administer the City's floodplain management policies and procedures. He shall communicate with federal, state, and local agencies as the City's official representative in floodplain management matters. He shall execute all documents related to construction activities in special flood hazard areas. He shall maintain records of Letters of Map Amendments (LOMAs), Letters of Map Revisions (LOMRs), Floodplain Economic and Business Development permits, Community Acknowledgement forms, and other such federally mandated records and certificates associated with the City's involvement in floodplain management. He shall be responsible for the City's participation in the Community Rating System which establishes flood insurance rates for the community. The Chief Building Official shall be assisted by the Commissioner of Building Inspection in matters pertaining to floodplain management.

(h) In the temporary absence of the Chief Building Official (CBO), a person who holds the State certification of Building Official, and has been designated to the State's Board of Building Standards as an alternate, shall assume the CBO's responsibilities.

SECTION 13. That the Toledo Municipal Code, Part Thirteen, §1303.04 which states as follows:

§1303.04 *Inspections.*

(a) Certified inspections required by the State Board of Building Standards and by the provisions of this Part Thirteen - Building Code shall be made by, or under the authority of, the Chief Building Official, or duly designated, City staff-based, and State-certified inspectors.

(b) General inspections required under the provisions of Part Eleven - Zoning Code and Part Seventeen - Health Code, shall be made under the authority of the Director of Economic and Business Development and/or Director of Department of Neighborhoods, by inspectors trained to identify property maintenance and nuisance abatement issues.

is repealed.

SECTION 14. That a new Toledo Municipal Code, Part Thirteen, §1303.04 is enacted to state as follows:

§1303.04 *Inspections.*

(a) Certified inspections required by the State Board of Building Standards and by the provisions of this Part Thirteen - Building Code shall be made by, or under the authority of, the Chief Building Official, or duly designated, City staff-based, and State-certified inspectors.

(b) General inspections required under the provisions of Part Eleven - Zoning Code and Part Seventeen - Health Code, shall be made under the authority of the Director of Building and Code Compliance, by inspectors trained to identify property maintenance and nuisance abatement issues.

SECTION 15. That the Toledo Municipal Code, Part Thirteen, §1303.07 which states as follows:

§1303.07 *Reports.*

(a) The Director of the Department of Economic and Business Development shall make reports to the Mayor in accordance with Administrative regulations or as requested. Such reports shall include statements of permits and certificates issued and orders propagated by the Department.

is repealed.

SECTION 16. That a new Toledo Municipal Code, Part Thirteen, §1303.07 is enacted to state as follows:

§1303.07 *Reports.*

(a) The Director of Building and Code Compliance shall make reports to the Mayor in accordance with Administrative regulations or as requested. Such reports shall include statements of permits and certificates issued and orders propagated by the Department.

SECTION 17. That the Toledo Municipal Code, Part Thirteen, §1303.08 which states as follows:

§1303.08 *Cooperation of other Offices.*

(a) The Director of the Department of Economic and Business Development, the Commissioner of Building Inspection, and the Chief Building Official may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the Director of Law in prosecuting violations, and of all other City officials in the enforcement of their duties under this Code.

is repealed.

SECTION 18. That a new Toledo Municipal Code, Part Thirteen, §1303.08 is enacted to state as follows:

§1303.08 *Cooperation of other Offices.*

(a) The Director of Building and Code Compliance, the Commissioner of Building Inspection, and the Chief Building Official may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the Director of Law in prosecuting violations, and of all other City officials in the enforcement of their duties under this Code.

SECTION 19. That the Toledo Municipal Code, Part Thirteen, §1303.09 which states as follows:

§1303.09 *Right of entry.*

(a) The Director of the Department of Economic and Business Development, the Commissioner of Building Inspection, the Chief Building Official or their City-employed staff are authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this code provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter

has not been obtained, is denied, or the Director of the Department of Economic and Business Development, the Commissioner of Building Inspection, the Chief Building Official or their City-employed staff has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard, the Director of the Department of Economic and Business Development, the Commissioner of Building Inspection, or the Chief Building Official shall have recourse to the remedies provided by law to gain and secure entry.

is repealed.

SECTION 20. That a new Toledo Municipal Code, Part Thirteen, §1303.09 is enacted to state as follows:

§1303.09 *Right of entry.*

(a) The Director of Building and Code Compliance, the Commissioner of Building Inspection, the Chief Building Official or their City-employed staff are authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this code provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the Director of Building and Code Compliance the Commissioner of Building Inspection, the Chief Building Official or their City-employed staff has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard, the Director of Building and Code Compliance, the Commissioner of Building Inspection, or the Chief Building Official shall have recourse to the remedies provided by law to gain and secure entry.

SECTION 21. That the Toledo Municipal Code, Part Thirteen, §1305.02 which states as follows:

§1305.02 *Permits: when not required.*

No permit shall be required for minor repairs and maintenance. Minor repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping; electric wiring or mechanical or other work affecting public health or general safety. Exemptions from obtaining a permit required by this Building Code shall not be construed as to authorize any work to be performed in violation of any applicable codes or any other provision in this Part Thirteen - Building Code.

(a) **Buildings or structures.** No permit shall be required for maintenance and minor repairs of buildings or structures of all occupancies which do not affect structural stability, egress, or a change of use or occupancy. A certificate of appropriateness per Chapter 1103 will be required for work in an Historic District even if a permit is not required. See Section 1307.02 (a). Exempted from permits, but not limited to, are:

(1) One-story detached accessory structures used as tool and storage sheds, playhouses, playground structures, and similar uses, provided the floor area does not exceed 200 square feet in occupancies of one-, two - and three-dwelling units and 120 square feet in all other occupancies.

(2) Fences not over 6 feet in height.

(3) Oil derricks.

(4) Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding classified liquids.

(5) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the

ratio of height to diameter or width does not exceed 2 to 1.

(6) Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below and which are not part of an accessible route.

(7) Finishes not regulated by the OBC or RCO, such as painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

(8) Prefabricated swimming pools that are less than 24 inches deep.

(9) Swings and other playground equipment accessory to a one, two, or three-family dwelling.

(10) Window awnings supported by an exterior wall of Group R-3, which do not project more than 54" from the exterior wall and do not require additional support.

(11) Temporary motion picture, television and theater stage sets and scenery.

(b) **Electrical.**

(1) Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(2) Electrical equipment used for radio and television transmissions except equipment and wiring for power supply, and the installations of towers and antennas.

(3) The installations of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(4) Electrical wiring, devices, appliances and apparatus of equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, unless specially addressed in this code.

(5) Process equipment and the associated wiring on the load side of the power disconnect to the equipment.

(6) Electrical wiring equipment not connected to building services equipment in and adjacent to natural or artificially made bodies of water as defined in Article 682 of NFPA 70 as referenced in Chapter 35.

(c) **Plumbing and Hydronics.** No permit shall be required for the repair of leaks in drains, water, soil, waste or vent pipes, the replacement of faucet assemblies or for work further defined as minor repairs. As applied to plumbing, minor repairs shall be defined as:

(1) Repair of leaks in faucets, valves or working parts of a plumbing fixture except as provided in subsection 1305.02(c)(3) hereof.

(2) The clearance of drain or waste stoppages except as provided in subsection (f)(3)C.

(3) Any defect (leak or stoppage) necessitating removal and replacement with new material shall constitute new work and a permit shall be obtained and inspection made as required in this Building Code.

(4) The removal and reinstallation of a water closet for cleanout openings or a new floor, or a kitchen sink for a new countertop provided the reinstallation does not require replacement or rearrangement of valves, pipes or new fixtures.

(5) Minor repair does not include the alteration, replacement, repair or relocation of any plumbing fixture, device, appliance, appurtenance, water supply, rain leader, soil, waste, vent or similar piping or any plumbing work which the Chief Building Official determines to affect the public health.

(6) Hydronics. No permit shall be required for minor repairs. As applied to hydronics, "minor repairs" means the repair or replacement of valves, circulating motors, mechanical controls, flue pipe and connectors, and expansion tanks with like material or material serving the same purpose, however, any defect necessitating removal and/or replacement of all or part of the system with new material shall constitute new work and a permit shall be obtained and inspection made as required by this Building Code.

(d) **Heating, venting and air-conditioning.** No permit shall be required for the replacement of air filters and flue pipe in a warm air heating system or for work further defined as minor repairs. As applied to heating and air conditioning, minor repairs means the replacement of air filters, but does not include replacement of any mechanical controls, dampers, motors, fans or permanent wiring. No permit shall be required for the installation of refrigerating and air-conditioning systems in the following capacities and occupancies.

(1) One, two or three-family dwellings. Systems containing ten pounds or less of refrigerant and/or actuated by motors or engines of one horsepower or less.

(2) Other residential occupancies. Self-contained unit systems containing not more than six pounds of refrigerant when actuated by motors or engines of one horsepower or less with the exception of all systems of any rating which are so installed as to project over public sidewalks or thoroughfares.

(3) Commercial occupancies. New self-contained unit systems containing not more than six pounds of a Group 1 refrigerant when actuated by motors or engines of one horsepower or less, with the exception of all systems of any rating which are so installed as to project over public sidewalks or thoroughfares.

(4) Industrial occupancies. New self-contained unit systems containing not more than twenty pounds of a Group 1 refrigerant when actuated by motors or engines of one horsepower or less, with the exception of all systems of any rating which are so installed as to project over public sidewalks or thoroughfares.

(5) Portable vehicles. Units and/or systems installed on portable vehicles used on public thoroughfares for the purpose of producing refrigeration for trucks, trailers, buses and similar conveyances.

is repealed.

SECTION 22. That a new Toledo Municipal Code, Part Thirteen, §1305.02 is enacted to state as follows:

§1305.02 *Permits: when not required.*

No permit shall be required for maintenance, work listed below at subsections (a) and (b), or any other work as described in Ohio Building Code 102.10 Work Exempt From Approval and Residential Code of Ohio 102.10 Work Exempt From Approval.. Exemptions from obtaining a permit required by this Building Code shall not be construed as to authorize any work to be performed in violation of any applicable codes or any other provision in this Part Thirteen - Building Code.

(a) For residential properties, provided that the work is done in accordance with all other applicable provisions, approval shall not be required for the following work:

(1) Buildings:

A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred square feet (18.58 m²) and playground structures.

B. Fences not over six feet (1829 mm) high.

C. Retaining walls which are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

D. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons (18 927 L) and the ratio of height to diameter or width does not exceed two to one.

E. Sidewalks and driveways not more than thirty inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

F. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

G. Swings and other playground equipment accessory to a one, two, or three-family dwelling.

H. Window awnings supported by an exterior wall which do not project more than fifty-four inches (1372 mm) from the exterior wall and do not require additional support.

I. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling, and do not serve as the exit door.

J. Above-ground storage tanks as defined in rule 4101:8-2-01 of the Ohio Administrative Code and the associated tank foundations.

K. Battery operated smoke or carbon monoxide alarms installed in existing buildings where no construction is taking place.

(2) Electrical:

- A. Listed cord-and-plug connected temporary decorative lighting.
- B. Reinstallation of attachment plug receptacles but not the outlets thereof.
- C. Replacement of branch circuit overcurrent devices of the required capacity and type in the same location.
- D. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- E. Repairs and Maintenance, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- F. Process equipment and the associated wiring on the load side of the power disconnect to the equipment.
- G. Electrical wiring equipment not connected to building services equipment in and adjacent to natural or artificially made bodies of water as defined in Article 682 of [NFPA 70](https://codes.iccsafe.org/lookup/OHRC2019P3_Pt08_Ch44_PromNFPA_RefStd70_23/4218) <https://codes.iccsafe.org/lookup/OHRC2019P3_Pt08_Ch44_PromNFPA_RefStd70_23/4218>.

(3) Gas:

- A. Portable heating, cooking, or clothes drying appliances.
- B. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- C. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- D. Gas distribution piping owned and maintained by public or municipal utilities and located upstream of the point of delivery.
- E. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.

(4) Mechanical:

- A. Portable heating appliances.
- B. Portable ventilation equipment.
- C. Portable cooling units.
- D. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the Residential Code of Ohio.
- E. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.
- F. Portable evaporative cooler.
- G. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
- H. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- I. Heating and cooling distribution piping owned and maintained by public or municipal utilities.
- J. Process equipment including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.

(4) Plumbing:

A. The repair of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain-pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and an approval shall be obtained and inspection made as provided in the Residential Code of Ohio.

B. The clearance of stoppages or the repair of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement of more than one fixture or rearrangement of valves, pipes or fixtures.

C. Process equipment including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.

(b) For all other properties, provided that the work is done in accordance with all other applicable provisions, approval shall not be required for the following work:

(1) **Buildings:**

A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²) and playground structures.

B. Fences not over 7 feet (2134 mm) high.

C. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

D. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed two to one.

E. Sidewalks, parking lots and driveways not more than 30 inches (762 mm) above grade, not over any basement or story below, and not part of an accessible route.

F. Finishes not regulated by this code, decorating, or other work defined as maintenance or minor repair.

G. Temporary motion picture, television and theater stage sets and scenery.

H. Window awnings supported by an exterior wall of Group R-3.

I. Tents and membrane structures exempted in Ohio Building Code Section 3103.1.3.

J. Above-ground storage tanks as defined in rule 4101:1-2-01 of the Administrative Code and the associated tank foundations.

K. Battery-operated smoke or carbon monoxide alarms installed in existing buildings where no construction is taking place.

L. Battery-operated smoke or carbon monoxide alarms installed in existing buildings where no construction is taking place.

M. Signs painted directly on building surfaces.

N. Temporary yard signs.

O. Signs not more than 21/2 square feet in area (0.23 m²).

P. Signs required in accordance with the provisions of Ohio Building Code, Chapter 11.

Q. Signs undergoing minor repairs in accordance with Ohio Building Code Section 102.10.2.

S. Temporary or time-limited occupancy of a building used or constructed to respond to conditions directly connected to an emergency declaration issued by the governor or federal government.

(b) **Electrical:**

A. Minor repair work, including the replacement of lamps or the connection of

approved portable electrical equipment to approved permanently installed receptacles.

B. Electrical equipment used for radio and television transmissions except equipment and wiring for power supply, and the installations of towers and antennas.

C. The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

D. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, unless specifically addressed in the Ohio Building Code.

E. Process equipment and the associated wiring on the load side of the power disconnect to the equipment.

F. Electrical wiring equipment not connected to building services equipment in and adjacent to natural or artificially made bodies of water as defined in Article 682 of [NFPA 70](https://codes.iccsafe.org/lookup/OHBC2024P1_Ch35_PromNFPA_RefStd70_23/3384) <https://codes.iccsafe.org/lookup/OHBC2024P1_Ch35_PromNFPA_RefStd70_23/3384>.

(c) Gas:

A. Portable heating appliances.

B. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.

C. Gas distribution piping owned and maintained by public or municipal utilities and located upstream of the point of delivery.

D. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve that separates the process from the building services piping is exempt from approval.

E. When installed by the servicing gas supplier, replacement of existing LP-gas containers by servicing gas supplier of the same capacity in the same location and associated regulators.

(d) Mechanical:

A. Portable heating appliances.

B. Portable ventilation equipment.

C. Portable cooling units.

D. Replacement of any part of an appliance that does not alter its approval or make it unsafe.

E. Portable evaporative cooler.

F. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve that separates the process from the building services piping is exempt from approval.

G. Heating and cooling distribution piping installed and maintained by public or municipal utilities.

H. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

(e) Plumbing:

A. The repair of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work is to be considered as new work and an approval is to be obtained and inspection made as provided in the Ohio Building Code.

B. The clearance of stoppages or the repair of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve the replacement of more than one fixture or rearrangement of valves, pipes or fixtures.

C. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve that separates the process from the building services piping is exempt from approval.

SECTION 23. That the Toledo Municipal Code, Part Thirteen, §1305.09 which states as follows:

§1305.09 *Permit to remove or demolish.*

(a) No permit to remove a building or structure shall be granted until notice of application thereof has been given to the owners of lots adjoining the lot from which such building or structure is to be removed and the owners of wires or other impediments the temporary removal of which will be necessary; nor until a certificate from the Department of Health is first obtained stating that the building or structure either has no rats, pigeons or vermin or that they have been exterminated by a commercial exterminator; nor until a certificate of liability insurance is first filed with the Chief Building Official under the following conditions.

- (1) Demolition is being performed by contract with the City.
- (2) Demolition is being performed by contract with the property owner.

(b) The certificate of insurance required herein shall provide for bodily injury in the sum of one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000) and property damage in the sum of one hundred thousand dollars (\$100,000). Liability insurance shall not be required under the following conditions:

- (1) Demolition is being done by the owner as the prime contractor provided, however, such owner must hold title to the land and buildings thereon.
- (2) Demolition is being done by a governmental agency of the State.

(c) No permit to remove a building or structure located within the boundary of a designated historic district shall be issued, or if issued, shall be valid, unless accompanied by the prior written approval of the appropriate historic district commission as evidenced by a Certificate of Appropriateness as countersigned by the chairperson thereof, or if appealed, by the chairman of the Toledo Plan Commission.

is repealed.

SECTION 24. That a new Toledo Municipal Code, Part Thirteen, §1305.09 is enacted to state as follows:

§1305.09 *Permit to remove or demolish.*

(a) No permit to remove a building or structure, including partial demolitions, shall be granted until:

- (1) notice of application has been given to the owners of lots adjoining the lot from which such building or structure is to be removed;
- (2) notice of application has been given to the owners of wires or other impediments, the temporary removal of which will be necessary;
- (3) a certificate from the Department of Health is obtained stating that the building or structure either has no rats, pigeons or vermin or that they have been exterminated by a commercial exterminator; and
- (4) a certificate of liability insurance is filed with the Chief Building Official when the demolition, including partial demolition, is being performed by contract with the City, or by contract with the property owner.

(b) The certificate of insurance required herein shall provide for bodily injury in the sum of one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000) and property damage in the

sum of one hundred thousand dollars (\$100,000). Liability insurance shall not be required if:

(1) Demolition, including partial demolition, is being done by the owner as the prime contractor provided, however, such owner must hold title to the land and buildings thereon.

(2) Demolition, including partial demolition, is being done by a governmental agency of the State.

(c) Partial demolition permits may be issued to authorize the removal or demolition of interior components, partitions, fixtures or systems; provided the structural integrity and exterior walls remain unaffected. Application for such permit must be submitted prior to the submission of any plans for full renovation and/or change of use. Any work that impacts structural integrity, the building envelope, fire-rated assemblies, or life safety systems requires separate review and approval.

(d) In addition to the permitting requirements at subsection (a), to obtain a permit for partial demolition applicant must:

(1) Provide an interior floor plan indicating the limits of demolition;

(2) Provide a written statement, signed by applicant, that the demolition is limited to interior elements; the structure is otherwise code-compliant and/or actively permitted for occupancy; and that such demolition will not affect structural components, fire-rated assemblies or life safety systems, unless separately permitted.

(e) Permits for demolition are subject to the following conditions:

(1) The Chief Building Official reserves the right to require additional documentation or inspections of the premises at any time prior to or during the demolition;

(2) The discovery of any structural, hazardous, or concealed conditions must be reported immediately to the division of Building Inspection and all demolition work must cease immediately until further inspection has occurred; and

(3) The issuance of permit for partial demolition does not constitute approval for reconstruction, change of use, or occupancy unless permission for the same has been separately granted.

(f) No permit to remove a building or structure, including partial demolitions, located within the boundary of a designated historic district shall be issued, or if issued, shall be valid, unless accompanied by the prior written approval of the appropriate historic district commission as evidenced by a Certificate of Appropriateness as countersigned by the chairperson thereof, or if appealed, by the chairman of the Toledo Plan Commission.

(g) Fees for all demolition permits, including partial demolition, shall be established by the Director of Building and Code Compliance and published in the City's fee schedule.

SECTION 25. That the Toledo Municipal Code, Part Thirteen, §1309.04 which states as follows:

§1309.04 *Certificate of occupancy contents.*

In addition to the certification as to compliance with the provisions of this Building Code, the certificate of occupancy shall state the purposes for which the building may be used in its several parts, the maximum permissible live loads on the several floors, the number of individual persons that may be accommodated in the several stories, in case such number is limited by a provision of law or by the permit, and all special stipulations of the permit, if any.

is repealed.

SECTION 26. That a new Toledo Municipal Code, Part Thirteen, §1309.04 is enacted to state as follows:

§1309.04 *Certificate of occupancy contents.*

In addition to the certification as to compliance with the provisions of this Building Code, the certificate of occupancy shall comply with Ohio Building Code Section 111 or Residential Code of Ohio Section 111, as applicable.

SECTION 27. That the Toledo Municipal Code, Part Thirteen, §1309.08 which states as follows:

§1309.08 *Change of occupancy.*

(a) No change of occupancy or use shall be made in a building hereafter erected or altered that is not consistent with the last issued certificate of occupancy for such building, unless a permit is secured. In case of an existing building, no change of occupancy that would bring it under some special provision of this Building Code shall be made, unless the Chief Building Official finds, upon inspection, that such building conforms substantially to the provisions of law with respect to the proposed new occupancy and use, and issues a certificate of occupancy therefor.

(b) The use of a building or premises shall not be deemed to have changed because of a temporary vacancy or change of ownership or tenancy. The re-establishment in a building, after a change of occupancy has been made, of a prior use that would not have been permitted in a new building of the same type of construction, is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made.

(c) In the event of a change of occupancy from an existing automobile service station or automobile filling station to another permitted use in conformance with the provisions of Part Eleven - Planning and Zoning Code, all underground tanks shall be removed prior to the change of occupancy; unless it is determined by the Commissioner of Building Inspection that the new occupancy has a proper use for such underground tanks. In that event, they may remain and be used as long as the occupancy and/or use of the premises is not changed further.

is repealed.

SECTION 28. That a new Toledo Municipal Code, Part Thirteen, §1309.08 is enacted to state as follows:

§1309.08 *Change of occupancy.*

(a) A change of occupancy of an existing structure is not permitted, except as specified in Chapter 10 of the Ohio Existing Building Code, current edition as adopted by the Ohio Board of Building Standards. A building or structure hereafter changed, in whole or in part, from one occupancy to another is not to be occupied for the new occupancy until the new certificate of occupancy has been issued by the Building Official reflecting the change to any such portions. Existing occupancy of spaces within the building or structure that are unaffected by the change of occupancy, and/or any related alterations, may be permitted to continue if the Building Official determines the existing spaces can be occupied safely until the completion of the alterations.

(b) In the event of a change of occupancy from an existing automobile service station or automobile filling station to another permitted use in conformance with the provisions of Part Eleven - Planning and Zoning Code, all underground tanks shall be removed prior to the change of occupancy; unless it is determined

by the Commissioner of Building Inspection that the new occupancy has a proper use for such underground tanks. In that event, they may remain and be used as long as the occupancy and/or use of the premises is not changed further.

SECTION 29. That the Toledo Municipal Code, Part Thirteen, §1309.09 which states as follows:

§1309.09 *Fire Prevention Bureau approval.*

No certificate of occupancy shall be issued for any building constructed or altered as regulated by the provisions of the Ohio Building Code and the Ohio Fire Code until the Fire Prevention Bureau has inspected such building and determined compliance with all requirements of law and conditions of approval relating to fire prevention and fire protection.

is repealed.

SECTION 30. That the Toledo Municipal Code, Part Thirteen, §1313.04 which states as follows:

§1313.04 *License fees; term.*

(a) Fees. The initial test application fee for both the Certified Remodeler's License and the Limited Remodeler's License shall be two hundred dollars (\$200.00), described further in Section 1313.06 (b). The annual renewal fee for both categories of licenses shall be one hundred forty dollars (\$140.00).

(b) Duplicate - Replacement License. The fee for issuing a duplicate license which replaces one lost, destroyed or mutilated shall be fifty dollars (\$50.00) and shall bear the word "duplicate" stamped on it.

(c) Renewal of licenses.

(1) Expiration. Licenses issued in accordance with this chapter shall expire at 12:00 p.m., local time, on December 31, but may be renewed for the next succeeding year period by the payment of the annual renewal fee on or before close of business, January 31, of the succeeding year.

(2) Late renewal or renewal after expiration. A person holding a valid license under the provisions of this chapter in any year who fails to renew such license before the annual renewal fee is due, as provided in subsection (a) hereof, shall be subjected to the following penalty as part of the renewal requirements.

A. Certified Remodeler's License and/or Limited Remodeler's License: \$140.00 annual fee + \$100.00 per month penalty, up to December 31st of the year in which the renewal was due (maximum \$1,240.00 total).

(3) If a license holder fails to renew his license by December 31st in the year in which the license renewal was due, the contractor shall be considered as a new applicant and before receiving a new license, shall be required to meet all the requirements of a new applicant, including passing the examinations identified in TMC Section 1313.07 and paying the original registration fee in TMC Section 1313.04 (a) (b).

(d) Continuing Education. All home improvement and remodeling contractors licensed with the City of Toledo shall be required to complete ten (10) hours of continuing education yearly, as established by the Board of Control. If the licensee fails to submit proof of the required continuing education for the annual license renewal, the license shall not be renewed and the licensee must reapply as a new applicant subject to the requirements of Chapter 1313.

SECTION 31. That a new Toledo Municipal Code, Part Thirteen, §1313.04 is enacted to state as follows:

§1313.04 *License fees; term.*

(a) Fees. The initial test application fee for both the Certified Remodeler's License and the Limited Remodeler's License shall be two hundred dollars (\$200.00), described further in Section 1313.06 (b). The annual renewal fee for both categories of licenses shall be one hundred forty dollars (\$140.00).

(b) Duplicate - Replacement License. The fee for issuing a duplicate license which replaces one lost, destroyed or mutilated shall be fifty dollars (\$50.00) and shall bear the word "duplicate" stamped on it.

(c) Renewal of licenses.

(1) Expiration. Licenses issued in accordance with this chapter shall expire at 12:00 p.m., local time, on December 31, but may be renewed for the next succeeding year period by the payment of the annual renewal fee on or before close of business, January 31, of the succeeding year.

(2) Late renewal or renewal after expiration. A person holding a valid license under the provisions of this chapter in any year who fails to renew such license before the annual renewal fee is due, as provided in subsections (a) and (c) hereof, in addition to the annual renewal fee, shall be subject to a \$50.00 penalty.

(3) If a license holder fails to renew his license by December 31st in the year in which the license renewal was due, the contractor shall be considered as a new applicant and before receiving a new license, shall be required to meet all the requirements of a new applicant, including passing the examinations identified in TMC Section 1313.07 and paying the original registration fee in TMC Section 1313.04 (a) (b).

(d) Continuing Education. All home improvement and remodeling contractors licensed with the City of Toledo shall be required to complete ten (10) hours of continuing education yearly, as established by the Board of Control. If the licensee fails to submit proof of the required continuing education for the annual license renewal, the license shall not be renewed and the licensee must reapply as a new applicant subject to the requirements of Chapter 1313.

SECTION 32. That the Toledo Municipal Code, Part Thirteen, §1313.06 which states as follows:

§1313.06 *Application.*

(a) An application for a license, or renewal thereof, shall be made to the Commissioner of Building Inspection on a form prescribed by him. Each applicant for a license shall furnish a sworn statement setting forth his present business and resident addresses and also stating the name of the person, firm, partnership, association or corporation, and the location of the place or places for which such license is desired, and it shall also set forth the period of time, if any, during which the applicant has been engaged in the business. Such application shall be executed by such person, or by any officer or member thereof. The Commissioner of Building Inspection is hereby authorized to require and procure any and all satisfactory proof which he deems necessary with reference to the honesty, truthfulness and reputation of any applicant for a license under this chapter, or of any of the officers or members of any such applicant prior to the issuance of any such license.

(b) The fee for the examination for a license to engage in the business of home improvement and remodeling shall be two hundred dollars (\$200.00), which amount shall accompany the application therefor.

(c) Each application for a license or renewal thereof shall be accompanied with a contractor's agreement, filed with the Commissioner of Building Inspection, acknowledging their knowledge of the requirements of Part Eleven, Sections 1103.0300, 1111.1000, and 1111.1100 of the Toledo Municipal Code requiring the approval of a historic district commission for any environmental changes to property within the historic district, and agreeing to comply with its provisions.

is repealed.

SECTION 33. That a new Toledo Municipal Code, Part Thirteen, §1313.06 is enacted to state as follows:

§1313.06 *Application.*

(a) An application for a license, or renewal thereof, shall be made to the Commissioner of Building Inspection on a form prescribed by him. Each applicant for a license shall furnish a sworn statement setting forth his present business and resident addresses and also stating the name of the person, firm, partnership, association or corporation, and the location of the place or places for which such license is desired, and it shall also set forth the period of time, if any, during which the applicant has been engaged in the business. Such application shall be executed by such person, or by any officer or member thereof. The Commissioner of Building Inspection is hereby authorized to require and procure any and all satisfactory proof which he deems necessary with reference to the honesty, truthfulness and reputation of any applicant for a license under this chapter, or of any of the officers or members of any such applicant prior to the issuance of any such license.

(b) The fee for the examination for a license to engage in the business of home improvement and remodeling shall be two hundred dollars (\$200.00), which amount shall accompany the application therefor.

(c) Each application for a license or renewal thereof shall be accompanied with a contractor's agreement, filed with the Commissioner of Building Inspection, acknowledging their knowledge of the requirements of Part Eleven, Sections 1103.0300, 1111.1000, and 1111.1100 of the Toledo Municipal Code requiring the approval of a historic district commission for any environmental changes to property within the historic district, and agreeing to comply with its provisions.

(d) Applicant shall provide a certificate of liability insurance that shall provide for bodily injury in the sum of one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000) and property damage in the sum of one hundred thousand dollars (\$100,000). Applicant shall be responsible for ensuring that all subcontractors utilized have liability insurance in amounts satisfactory to the Applicant.

SECTION 34. That the Toledo Municipal Code, Part Thirteen, §1361.03 which states as follows:

§1361.03 *Maintenance and removal.*

(a) All construction for which a permit is hereafter granted pursuant to the regulations of this chapter, by the Director of the Department of Economic and Business Development, the Commissioner of Building Inspection or the Chief Building Official for projections beyond the property line, or by the Director of Public Service permitting the occupancy or use of public property or public thoroughfares, and any special use granted by Council and all other existing projections or encroachments shall be maintained in a safe condition. Such permit shall be revoked whenever public necessity or public safety so requires when ordered by the Chief Building Official, the Director of Public Service or by resolution of Council or by authorities of the State of Ohio; and such construction shall thereupon be removed at the expense of the abutting property owner and the City shall, by appropriate document or documents executed by such abutting property owner, be indemnified from any and all claims or damages resulting directly or indirectly from such encroachment or the removal thereof.

(b) No change or enlargement shall be made to any such existing projection or encroachment except in conformity with the regulations of this chapter.

is repealed.

SECTION 35. That a new Toledo Municipal Code, Part Thirteen, §1361.03 is enacted to state as follows:

§1361.03 *Maintenance and removal.*

(a) All construction for which a permit is hereafter granted pursuant to the regulations of this chapter, by the Director of Building and Code Compliance, the Commissioner of Building Inspection or the Chief Building Official for projections beyond the property line, or by the Director of Public Service permitting the occupancy or use of public property or public thoroughfares, and any special use granted by Council and all other existing projections or encroachments shall be maintained in a safe condition. Such permit shall be revoked whenever public necessity or public safety so requires when ordered by the Chief Building Official, the Director of Public Service or by resolution of Council or by authorities of the State of Ohio; and such construction shall thereupon be removed at the expense of the abutting property owner and the City shall, by appropriate document or documents executed by such abutting property owner, be indemnified from any and all claims or damages resulting directly or indirectly from such encroachment or the removal thereof.

(b) No change or enlargement shall be made to any such existing projection or encroachment except in conformity with the regulations of this chapter.

SECTION 36. That the Toledo Municipal Code, Part Thirteen, §1361.10 which states as follows:

§1361.10 *Temporary occupancy of public right of way.*

(a) General Regulations. No person shall erect, place or store any material, equipment, shed, roof, fence or temporary walk, guard, device or any other structure on a public right of way without first obtaining a permit from the Commissioner of the Division of Transportation to do so; nor shall any person move any building or structure onto, across or over any public right of way without first obtaining a permit from the Commissioner of the Division of Transportation.

(b) Occupancy of Public Right of Way. Permits for the temporary occupancy of a public right of way and the duration of such permits shall be contingent upon the compliance with the rules and regulations established by the Commissioner of the Division of Transportation.

(1) Such occupancy shall be limited to that part of the public right of way abutting the premises on which construction work is in progress.

(2) Such occupancy, including the temporary sidewalk if one is required, shall not extend into the roadway of a public right of way more than one-third the width of the roadway and in no case more than twenty feet, and provided further that no such occupancy shall be within six feet of the rail of any railroad track.

(3) Such materials, equipment, temporary buildings or structures shall not be placed, stored or erected within two feet of any standpipe, fire or police alarm box, utility box, catch basin or manhole, nor within fifteen feet of a fire hydrant (measured along the curb line), and shall not obstruct the access to any fire hydrant, fire cistern, standpipe, fire or police alarm box, utility box, catch basin or manhole. Portable equipment may temporarily be secured to trees to prevent theft or damage.

(4) Such materials, equipment, temporary buildings or structures shall not be located within twenty feet of a street intersection, nor so placed, stored or erected as to obstruct normal observation of traffic or traffic control lights, signals or signs, fire hydrants, fire and police alarm boxes or to hinder the use of street car, bus or trolley loading platforms or zones.

(5) The drainage in street gutters shall be maintained at all times.

(6) Persons securing a permit shall be responsible for placing and maintaining lights during darkness and at night in full view of the public at each excavation, pile of material, equipment, fence, temporary walk, shed, enclosure or other obstruction on any public right of way.

(7) Pedestrian traffic shall be maintained at all times, either on the existing sidewalk or on a temporary walkway in the roadway or as otherwise determined by the Commissioner of the Division of Transportation. A

fence, railing or other approved guard, if required by the Director of the Department of Economic and Business Development, the Commissioner of Building Inspection or the Chief Building Official, not less than three feet six inches high shall be erected on both sides of the temporary walkway and a fence at least four feet high shall be erected on the building side of the existing sidewalk if an excavation is within ten feet of a public right of way.

(8) Approved canopies shall be erected over street walks, when so determined by the Director of the Department of Economic and Business Development, the Commissioner of Building Inspection or the Chief Building Official, to safeguard the public from any danger from falling material where buildings or structures are being erected, constructed, enlarged, altered, repaired, renovated, painted, cleaned, moved, removed or demolished when such buildings or structures are within ten feet of a public sidewalk.

(9) The permit to occupy a public right of way during construction work is intended only for use in connection with the actual erection, construction, enlargement, alteration, repair, renovation, moving, removal or demolition of buildings or structures and does not permit any sign or advertising device of any kind, except signs as regulated in Part Eleven-Planning and Zoning Code and Part Thirteen-Building Code.

(10) Unless permitted by the Commissioner of the Division of Transportation, earth or rubbish shall not be stored on any public right of way.

(11) The Commissioner of the Division of Transportation may issue permits for the erection of temporary guy lines beyond the area permitted in a street permit provided such guy lines are at least twenty feet above the street.

is repealed.

SECTION 37. That a new Toledo Municipal Code, Part Thirteen, §1361.10 is enacted to state as follows:

§1361.10 *Temporary occupancy of public right of way.*

(a) General Regulations. No person shall erect, place or store any material, equipment, shed, roof, fence or temporary walk, guard, device or any other structure on a public right of way without first obtaining a permit from the Commissioner of the Division of Transportation to do so; nor shall any person move any building or structure onto, across or over any public right of way without first obtaining a permit from the Commissioner of the Division of Transportation.

(b) Occupancy of Public Right of Way. Permits for the temporary occupancy of a public right of way and the duration of such permits shall be contingent upon the compliance with the rules and regulations established by the Commissioner of the Division of Transportation.

(1) Such occupancy shall be limited to that part of the public right of way abutting the premises on which construction work is in progress.

(2) Such occupancy, including the temporary sidewalk if one is required, shall not extend into the roadway of a public right of way more than one-third the width of the roadway and in no case more than twenty feet, and provided further that no such occupancy shall be within six feet of the rail of any railroad track.

(3) Such materials, equipment, temporary buildings or structures shall not be placed, stored or erected within two feet of any standpipe, fire or police alarm box, utility box, catch basin or manhole, nor within fifteen feet of a fire hydrant (measured along the curb line), and shall not obstruct the access to any fire hydrant, fire cistern, standpipe, fire or police alarm box, utility box, catch basin or manhole. Portable equipment may temporarily be secured to trees to prevent theft or damage.

(4) Such materials, equipment, temporary buildings or structures shall not be located within twenty feet of a street intersection, nor so placed, stored or erected as to obstruct normal observation of traffic or traffic control lights, signals or signs, fire hydrants, fire and police alarm boxes or to hinder the use of street car, bus or

trolley loading platforms or zones.

(5) The drainage in street gutters shall be maintained at all times.

(6) Persons securing a permit shall be responsible for placing and maintaining lights during darkness and at night in full view of the public at each excavation, pile of material, equipment, fence, temporary walk, shed, enclosure or other obstruction on any public right of way.

(7) Pedestrian traffic shall be maintained at all times, either on the existing sidewalk or on a temporary walkway in the roadway or as otherwise determined by the Commissioner of the Division of Transportation. A fence, railing or other approved guard, if required by the Director of Building and Code Compliance, the Commissioner of Building Inspection or the Chief Building Official, not less than three feet six inches high shall be erected on both sides of the temporary walkway and a fence at least four feet high shall be erected on the building side of the existing sidewalk if an excavation is within ten feet of a public right of way.

(8) Approved canopies shall be erected over street walks, when so determined by the Director of Building and Code Compliance, the Commissioner of Building Inspection or the Chief Building Official, to safeguard the public from any danger from falling material where buildings or structures are being erected, constructed, enlarged, altered, repaired, renovated, painted, cleaned, moved, removed or demolished when such buildings or structures are within ten feet of a public sidewalk.

(9) The permit to occupy a public right of way during construction work is intended only for use in connection with the actual erection, construction, enlargement, alteration, repair, renovation, moving, removal or demolition of buildings or structures and does not permit any sign or advertising device of any kind, except signs as regulated in Part Eleven-Planning and Zoning Code and Part Thirteen-Building Code.

(10) Unless permitted by the Commissioner of the Division of Transportation, earth or rubbish shall not be stored on any public right of way.

(11) The Commissioner of the Division of Transportation may issue permits for the erection of temporary guy lines beyond the area permitted in a street permit provided such guy lines are at least twenty feet above the street.

SECTION 38. That a new section of Toledo Municipal Code, Part Thirteen, is enacted at §1367.04 and states as follows:

§1367.04 *Heat Supply.*

Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 31 to April 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. The following are exceptions to this requirement:

(a) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

(b) In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

SECTION 38. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to reconcile the applicable section of the Toledo Municipal Code with the Ohio Fire Code and Ohio Building Code.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council

Exhibit A

Redlines showing proposed changes to TMC §§ 1301.02, 1301.06, 1301.13, 1303.01, 1303.02, 1303.03, 1303.04, 1303.07, 1303.08, 1303.09, 1305.02, 1305.09, 1309.04, 1309.08, 1313.04, 1361.03, 1361.10; repeal of § 1309.09; and proposed language for enactment at § 1367.04

SECTION 2. That a new Toledo Municipal Code, Part Thirteen, §1301.02 is enacted to state as follows:

§1301.02 *Administration and enforcement; scope.*

(a) This Part Thirteen-Building Code shall be administered and enforced by Building Inspection, a division in the City's Department of Building and Code Compliance, and as provided by Chapter 1303. The Division of Building Inspection shall be a state-certified building inspection department as defined by the Ohio Board of Building Standards through its Ohio Building Code. The Director of the Department of Building and Code Compliance and the Commissioner of Building Inspection shall direct, supervise and manage all administrative and fiscal operations and matters relating to this Part Thirteen-Building Code as well as those other sections of the Municipal Code identified as Housing Code, Nuisance Abatement, Property Maintenance and Vacant Properties. The Chief Building Official shall be responsible for enforcing the most current editions of the Ohio Building Code, the Residential Code of Ohio, and the associated mechanical and electrical codes adopted by the State of Ohio through the State's Board of Building Standards, and as adopted by this Municipal Code as referenced authorities. In all matters of building code compliance and building code enforcement, the Chief Building Official shall be the City's final authority.

(b) This Part Thirteen-Building Code presumptively provides for matters concerning, affecting or relating to the construction, alteration, repairs, removal, demolition, equipment, use and occupancy, location and maintenance of buildings or structures, erected or to be erected in the City, except insofar as such matters are otherwise provided for in the City Charter, in other statutes or ordinances, or in rules duly promulgated under the provisions of this Part Thirteen-Building Code.

SECTION 4. That a new Toledo Municipal Code, Part Thirteen, §1301.06 is enacted to state as follows:

§1301.06 *Codes applicable.*

(a) Residential. One, two and three-family dwellings shall be constructed, altered or repaired in accordance with the requirements of the most current edition of the Residential Code of Ohio (RCO) For One, Two and Three Family Dwellings adopted by the State of Ohio and as otherwise provided under this Part Thirteen, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards.

(b) Commercial and Residential Structures greater than three dwelling units. Buildings whose occupancy is other than noted in subsection (a) above shall be constructed in accordance with the requirements of the most current edition of the Ohio Building Code (OBC) adopted by

the State of Ohio, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards.

(c) In the event of conflict between the administrative provisions (Article 1) of the Ohio Building Code or the entire Residential Code of Ohio for One, Two and Three Family Dwellings and this Part Thirteen-Building Code, the provisions of the Ohio Building Code or the Residential Code of Ohio shall control.

(d) The most current edition of the following codes, adopted by the State of Ohio, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards is adopted by the City of Toledo and shall be in force for all residential and commercial structures:

- (1) Ohio Building Code,
- (2) Residential Code of Ohio for One Two, and Three Family Dwellings,
- (3) Ohio Plumbing Code,
- (4) Ohio Mechanical Code,
- (5) Ohio Boiler Code,
- (6) Ohio Elevator Code,
- (7) International Energy Codes or ASHRAE 90.1
- (8) Ohio Building Code Accessibility Guidelines and ADAAG,
- (9) National Fire Protection Association Standards as adopted by the referenced Codes herein;
- (10) Ohio Fire Prevention Code, and
- (11) Ohio Existing Building Code

(e) The City of Toledo also adopts the most current edition of the following codes, including such revisions and amendments, for all residential and commercial structures:

- (1) International Property Maintenance Code,
- (2) International Fire Code,
- (3) City of Toledo Fire Prevention Code found in the Toledo Municipal Code, Part 15

SECTION 6. That a new Toledo Municipal Code, Part Thirteen, §1301.13 is enacted to state as follows:

§1301.13 *Disconnecting and re-establishing electrical service.*

(a) The Chief of the Fire and Rescue Operations Department, the Director of Building and Code Compliance, the Commissioner of Building Inspection, or the Chief Building Official, or a competent person designated by them, shall have the power to at once cause the removal of all wires, or the turning off of all electrical currents where the circuits interfere with the work of the Fire and Rescue Operations Department during the progress of a fire.

(b) The Director of Building and Code Compliance, the Commissioner of Building Inspection, or the Chief Building Official are hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus which are deemed to be in unsafe condition or which have not been installed in conformity with the provisions of this chapter.

(c) Electrical supply to such conductors or apparatus shall be re-energized only after the connections have been made and the inspection tag of the Division of Building Inspection attached thereto. No electrical service may be connected by the utility until first having a release from the Division of Building Inspection.

SECTION 8. That a new Toledo Municipal Code, Part Thirteen, §1303.01 is enacted to state as follows:

§1303.01 *Responsibilities Generally.*

(a) The Director of Building and Code Compliance shall generally supervise the activities of the Commissioner of Building Inspection, the Chief Building Official, and the supervisory staff of the Division of Building Inspection.

(b) The Director of Building and Code Compliance shall administer, supervise, and direct the operations of the Division of Code Enforcement. The Director of Building and Code Compliance shall be responsible for scheduling inspections made by City employed general inspectors; and for confirming that their findings are recorded and posted. The Director of Building and Code Compliance shall be the Administrator of the Nuisance Abatement Housing Appeals Board.

(c) The Director of Building and Code Compliance shall ensure the activities of the Department work in coordination with other city departments, such as Environmental Services, Health, Fire Prevention Services, Neighborhoods, Public Service, the various Divisions of the Department of Public Utilities and the Toledo Plan Commission.

SECTION 10. That a new Toledo Municipal Code, Part Thirteen, §1303.02 is enacted to state as follows:

§1303.02 *Commissioner of Building Inspection.*

(a) The Commissioner of Building Inspection (Commissioner) shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor. The Commissioner of Building Inspection shall be accountable to the Mayor through the Director of Building and Code Compliance and is responsible for the effective administration and management of the operations of the Division and its staff on a day-to-day basis.

(b) To provide the most efficient service to the public and to promote the economic interests of the City, the Commissioner of Building Inspection shall monitor and integrate the performance of the Division with other City Departments, such as the Departments of Environmental Services, Health, Fire Prevention Services, Neighborhoods, Public Service, the various Divisions of the Department of Public Utilities and the Toledo Plan Commission.

(c) The Commissioner shall have at least ten (10) years experience in the construction industry, in building design, in construction management, or related construction technologies. He shall have sufficient knowledge of the State's building codes, the International Property

Maintenance Codes, the City's zoning codes identified in Chapter Eleven - Zoning; the City's housing and vacant buildings codes identified in sections of Chapter Seventeen - Health Code of this Municipal Code; the city's permit processing system; the City's contractor and trades licensing procedures; and floodplain management procedures to enable him to perform his duties effectively.

(d) The Commissioner of Building Inspection shall be the Administrator of the Board of Building Appeals, the Board of Zoning Appeals, the Home Improvement and Remodelers' Board of Control, and the various Boards of Control for mechanical and electrical trades as well as contractors and shall report any actions, information and findings of pertinence to these Boards which occur between their meetings.

(e) The Commissioner of Building Inspection shall develop permit application documents in compliance with the provisions set forth by the State's Board of Building Standards. The Commissioner of Building Inspection shall be responsible for receiving construction documents and permit applications and shall forward same to the Chief Building Official for review. The Commissioner of Building Inspection shall supervise the collection, storage, and retrieval of data and public records associated with the Division.

(f) The Commissioner of Building Inspection, in concert with the Chief Building Official, shall render written procedures and policies for processing permits, plan review, inspections, licenses, and registrations in compliance with the State's Board of Building Standards and this Chapter Thirteen. However technical rulings and opinions which are distinctly building code-related shall be created and delivered by the Chief Building Official.

(g) The Commissioner of Building Inspection shall be responsible for scheduling inspections made by City employed, State-certified inspectors and for confirming that their findings are recorded and posted.

(h) The Commissioner of Building Inspection shall assist the Chief Building Official to implement and administer the City's floodplain management policies and procedures.

(i) In the temporary absence of the Commissioner, either the Director or the Chief Building Official will assume the Commissioner's duties and responsibilities.

SECTION 12. That a new Toledo Municipal Code, Part Thirteen, §1303.03 is enacted to state as follows:

§1303.03 *Chief Building Official.*

(a) The City shall have in its employ an official who holds the State certification of Building Official. Said professional shall be designated by the Mayor and approved by City Council as the City's Chief Building Official, commonly referred to as CBO. The Chief Building Official shall report to the Mayor, through the Commissioner of Building Inspection and Director of Building and Code Compliance. The Chief Building Official shall maintain his certification credentials, and that of the Division's, in an active and current status with the State of Ohio.

(b) The Chief Building Official shall be responsible for enforcing and administering the Ohio Building Code, the Residential Code of Ohio, and the associated mechanical and electrical codes currently adopted by the State of Ohio through the State's Board of Building Standards. He shall be generally informed on the quality and strength of building materials, on the prevailing

methods of building construction, on good practice in fire prevention, on the accepted requirements for safe exit facilities and on the proper installation of plumbing, electrical, heating, refrigeration and other installations for the safety and welfare of the occupants, as specified by the State of Ohio Board of Building Standards. In all such matters of code compliance and code enforcement, the Chief Building Official shall be the City's final authority.

(c) The Chief Building Official shall devote his whole time to the duties of his office. He shall be capable of making necessary examinations and inspections of buildings in the course of construction or demolition, or shall direct the City's staff-based, State-certified inspectors to perform such inspections. He shall be responsible for maintaining a log to track the results of such inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction.

(d) The Chief Building Official shall review, or direct the review of, all submitted applications and construction documents and shall issue permitted approvals and certificates of occupancy in compliance with procedures as prescribed by the State Board of Building Standards. He shall render opinions consistent with the compliance and enforcement of the provisions of the existing building, mechanical, electrical, and fire codes adopted by the State of Ohio and the Toledo Municipal Code.

(e) The Chief Building Official (CBO), in concert with the Commissioner of Building Inspection shall develop and render procedural documents which give greater clarity to building code related matters. However rulings which are distinctly building code related shall be delivered by the CBO.

(f) The Chief Building Official shall supervise the fire inspection staff in fire safety plan review and inspections involving pre-occupied new structures or existing structures which are being altered, improved, or remodeled and require building permits and a certificate of occupancy.

(g) The Chief Building Official shall be the City's Floodplain Administrator and shall implement and administer the City's floodplain management policies and procedures. He shall communicate with federal, state, and local agencies as the City's official representative in floodplain management matters. He shall execute all documents related to construction activities in special flood hazard areas. He shall maintain records of Letters of Map Amendments (LOMAs), Letters of Map Revisions (LOMRs), Floodplain Economic and Business Development permits, Community Acknowledgement forms, and other such federally mandated records and certificates associated with the City's involvement in floodplain management. He shall be responsible for the City's participation in the Community Rating System which establishes flood insurance rates for the community. The Chief Building Official shall be assisted by the Commissioner of Building Inspection in matters pertaining to floodplain management.

(h) In the temporary absence of the Chief Building Official (CBO), a person who holds the State certification of Building Official, and has been designated to the State's Board of Building Standards as an alternate, shall assume the CBO's responsibilities.

SECTION 14. That a new Toledo Municipal Code, Part Thirteen, §1303.04 is enacted to state as follows:

§1303.04 *Inspections.*

(a) Certified inspections required by the State Board of Building Standards and by the provisions of this Part Thirteen - Building Code shall be made by, or under the authority of, the Chief Building Official, or duly designated, City staff-based, and State-certified inspectors.

(b) General inspections required under the provisions of Part Eleven - Zoning Code and Part Seventeen - Health Code, shall be made under the authority of the Director of Building and Code Compliance, by inspectors trained to identify property maintenance and nuisance abatement issues.

SECTION 16. That a new Toledo Municipal Code, Part Thirteen, §1303.07 is enacted to state as follows:

§1303.07 *Reports.*

(a) The Director of Building and Code Compliance shall make reports to the Mayor in accordance with Administrative regulations or as requested. Such reports shall include statements of permits and certificates issued and orders propagated by the Department.

SECTION 18. That a new Toledo Municipal Code, Part Thirteen, §1303.08 is enacted to state as follows:

§1303.08 *Cooperation of other Offices.*

(a) The Director of Building and Code Compliance, the Commissioner of Building Inspection, and the Chief Building Official may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the Director of Law in prosecuting violations, and of all other City officials in the enforcement of their duties under this Code.

SECTION 20. That a new Toledo Municipal Code, Part Thirteen, §1303.09 is enacted to state as follows:

§1303.09 *Right of entry.*

(a) The Director of Building and Code Compliance, the Commissioner of Building Inspection, the Chief Building Official or their City-employed staff are authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this code provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the Director of Building and Code Compliance the Commissioner of Building Inspection, the Chief Building Official or their City-employed staff has probable cause to believe that there exists in a structure or upon a premises a

condition which is a serious hazard, the Director of Building and Code Compliance, the Commissioner of Building Inspection, or the Chief Building Official shall have recourse to the remedies provided by law to gain and secure entry.

SECTION 22. That a new Toledo Municipal Code, Part Thirteen, §1305.02 is enacted to state as follows:

§1305.02 *Permits: when not required.*

No permit shall be required for maintenance, work listed below at subsections (a) and (b), or any other work as described in Ohio Building Code 102.10 Work Exempt From Approval and Residential Code of Ohio 102.10 Work Exempt From Approval.. Exemptions from obtaining a permit required by this Building Code shall not be construed as to authorize any work to be performed in violation of any applicable codes or any other provision in this Part Thirteen - Building Code.

(a) For residential properties, provided that the work is done in accordance with all other applicable provisions, approval shall not be required for the following work:

(1) Buildings:

A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred square feet (18.58 m²) and playground structures.

B. Fences not over six feet (1829 mm) high.

C. Retaining walls which are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

D. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons (18 927 L) and the ratio of height to diameter or width does not exceed two to one.

E. Sidewalks and driveways not more than thirty inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

F. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

G. Swings and other playground equipment accessory to a one, two, or three-family dwelling.

H. Window awnings supported by an exterior wall which do not project more than fifty-four inches (1372 mm) from the exterior wall and do not require additional support.

I. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling, and do not serve as the exit door.

J. Above-ground storage tanks as defined in rule 4101:8-2-01 of the Ohio Administrative Code and the associated tank foundations.

K. Battery operated smoke or carbon monoxide alarms installed in existing buildings where no construction is taking place.

(2) Electrical:

- A. Listed cord-and-plug connected temporary decorative lighting.
- B. Reinstallation of attachment plug receptacles but not the outlets thereof.
- C. Replacement of branch circuit overcurrent devices of the required capacity and type in the same location.
- D. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- E. Repairs and Maintenance, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- F. Process equipment and the associated wiring on the load side of the power disconnect to the equipment.
- G. Electrical wiring equipment not connected to building services equipment in and adjacent to natural or artificially made bodies of water as defined in Article 682 of [NFPA 70](#).

(3) Gas:

- A. Portable heating, cooking, or clothes drying appliances.
- B. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- C. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- D. Gas distribution piping owned and maintained by public or municipal utilities and located upstream of the point of delivery.
- E. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.

(4) Mechanical:

- A. Portable heating appliances.
- B. Portable ventilation equipment.
- C. Portable cooling units.
- D. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the Residential Code of Ohio.
- E. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.
- F. Portable evaporative cooler.
- G. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
- H. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- I. Heating and cooling distribution piping owned and maintained by public or municipal utilities.
- J. Process equipment including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.

(4) Plumbing:

A. The repair of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain-pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and an approval shall be obtained and inspection made as provided in the Residential Code of Ohio.

B. The clearance of stoppages or the repair of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement of more than one fixture or rearrangement of valves, pipes or fixtures.

C. Process equipment including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.

(b) For all other properties, provided that the work is done in accordance with all other applicable provisions, approval shall not be required for the following work:

(1) Buildings:

A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²) and playground structures.

B. Fences not over 7 feet (2134 mm) high.

C. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

D. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed two to one.

E. Sidewalks, parking lots and driveways not more than 30 inches (762 mm) above grade, not over any basement or story below, and not part of an accessible route.

F. Finishes not regulated by this code, decorating, or other work defined as maintenance or minor repair.

G. Temporary motion picture, television and theater stage sets and scenery.

H. Window awnings supported by an exterior wall of Group R-3.

I. Tents and membrane structures exempted in Ohio Building Code Section 3103.1.3.

J. Above-ground storage tanks as defined in rule 4101:1-2-01 of the Administrative Code and the associated tank foundations.

K. Battery-operated smoke or carbon monoxide alarms installed in existing buildings where no construction is taking place.

L. Battery-operated smoke or carbon monoxide alarms installed in existing buildings where no construction is taking place.

M. Signs painted directly on building surfaces.

N. Temporary yard signs.

O. Signs not more than 21/2 square feet in area (0.23 m²).

P. Signs required in accordance with the provisions of Ohio Building Code, Chapter 11.

Q. Signs undergoing minor repairs in accordance with Ohio Building Code Section 102.10.2.

S. Temporary or time-limited occupancy of a building used or constructed to respond to conditions directly connected to an emergency declaration issued by the governor or federal government.

(b) Electrical:

A. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

B. Electrical equipment used for radio and television transmissions except equipment and wiring for power supply, and the installations of towers and antennas.

C. The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

D. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, unless specifically addressed in the Ohio Building Code.

E. Process equipment and the associated wiring on the load side of the power disconnect to the equipment.

F. Electrical wiring equipment not connected to building services equipment in and adjacent to natural or artificially made bodies of water as defined in Article 682 of NFPA 70.

(c) Gas:

A. Portable heating appliances.

B. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.

C. Gas distribution piping owned and maintained by public or municipal utilities and located upstream of the point of delivery.

D. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve that separates the process from the building services piping is exempt from approval.

E. When installed by the servicing gas supplier, replacement of existing LP-gas containers by servicing gas supplier of the same capacity in the same location and associated regulators.

(d) Mechanical:

A. Portable heating appliances.

B. Portable ventilation equipment.

C. Portable cooling units.

D. Replacement of any part of an appliance that does not alter its approval or make it unsafe.

E. Portable evaporative cooler.

F. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve that separates the process from the building services piping is exempt from approval.

G. Heating and cooling distribution piping installed and maintained by public or municipal utilities.

H. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

(e) Plumbing:

A. The repair of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work is to be considered as new work and an approval is to be obtained and inspection made as provided in the Ohio Building Code.

B. The clearance of stoppages or the repair of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve the replacement of more than one fixture or rearrangement of valves, pipes or fixtures.

C. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve that separates the process from the building services piping is exempt from approval.

SECTION 24. That a new Toledo Municipal Code, Part Thirteen, §1305.09 is enacted to state as follows:

§1305.09 Permit to remove or demolish.

(a) No permit to remove a building or structure, including partial demolitions, shall be granted until:

(1) notice of application has been given to the owners of lots adjoining the lot from which such building or structure is to be removed;

(2) notice of application has been given to the owners of wires or other impediments, the temporary removal of which will be necessary;

(3) a certificate from the Department of Health is obtained stating that the building or structure either has no rats, pigeons or vermin or that they have been exterminated by a commercial exterminator; and

(4) a certificate of liability insurance is filed with the Chief Building Official when the demolition, including partial demolition, is being performed by contract with the City, or by contract with the property owner.

(b) The certificate of insurance required herein shall provide for bodily injury in the sum of one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000) and property damage in the sum of one hundred thousand dollars (\$100,000). Liability insurance shall not be required if:

(1) Demolition, including partial demolition, is being done by the owner as the prime contractor provided, however, such owner must hold title to the land and buildings thereon.

(2) Demolition, including partial demolition, is being done by a governmental agency of the State.

(c) Partial demolition permits may be issued to authorize the removal or demolition of interior components, partitions, fixtures or systems; provided the structural integrity and exterior walls remain unaffected. Application for such permit must be submitted prior to the submission of any plans for full renovation and/or change of use. Any work that impacts structural integrity, the building envelope, fire-rated assemblies, or life safety systems requires separate review and approval.

(d) In addition to the permitting requirements at subsection (a), to obtain a permit for partial demolition applicant must:

(1) Provide an interior floor plan indicating the limits of demolition;

(2) Provide a written statement, signed by applicant, that the demolition is limited to interior elements; the structure is otherwise code-compliant and/or actively permitted for occupancy; and that such demolition will not affect structural components, fire-rated assemblies or life safety systems, unless separately permitted.

(e) Permits for demolition are subject to the following conditions:

(1) The Chief Building Official reserves the right to require additional documentation or inspections of the premises at any time prior to or during the demolition;

(2) The discovery of any structural, hazardous, or concealed conditions must be reported immediately to the division of Building Inspection and all demolition work must cease immediately until further inspection has occurred; and

(3) The issuance of permit for partial demolition does not constitute approval for reconstruction, change of use, or occupancy unless permission for the same has been separately granted.

(f) No permit to remove a building or structure, including partial demolitions, located within the boundary of a designated historic district shall be issued, or if issued, shall be valid, unless accompanied by the prior written approval of the appropriate historic district commission as evidenced by a Certificate of Appropriateness as countersigned by the chairperson thereof, or if appealed, by the chairman of the Toledo Plan Commission.

(g) Fees for all demolition permits, including partial demolition, shall be established by the Director of Building and Code Compliance and published in the City's fee schedule.

SECTION 26. That a new Toledo Municipal Code, Part Thirteen, §1309.04 is enacted to state as follows:

§1309.04 *Certificate of occupancy contents.*

In addition to the certification as to compliance with the provisions of this Building Code, the certificate of occupancy shall comply with Ohio Building Code Section 111 or Residential Code of Ohio Section 111, as applicable.

SECTION 28. That a new Toledo Municipal Code, Part Thirteen, §1309.08 is enacted to state as follows:

§1309.08 *Change of occupancy.*

(a) A change of occupancy of an existing structure is not permitted, except as specified in Chapter 10 of the Ohio Existing Building Code, current edition as adopted by the Ohio Board of Building Standards. A building or structure hereafter changed, in whole or in part, from one occupancy to another is not to be occupied for the new occupancy until the new certificate of occupancy has been issued by the Building Official reflecting the change to any such portions. Existing occupancy of spaces within the building or structure that are unaffected by the change of occupancy, and/or any related alterations, may be permitted to continue if the Building Official determines the existing spaces can be occupied safely until the completion of the alterations.

(b) In the event of a change of occupancy from an existing automobile service station or automobile filling station to another permitted use in conformance with the provisions of Part Eleven - Planning and Zoning Code, all underground tanks shall be removed prior to the change of occupancy; unless it is determined by the Commissioner of Building Inspection that the new occupancy has a proper use for such underground tanks. In that event, they may remain and be used as long as the occupancy and/or use of the premises is not changed further.

SECTION 29. That the Toledo Municipal Code, Part Thirteen, §1309.09 which states as follows:

§1309.09 *Fire Prevention Bureau approval.*

is repealed.

SECTION 31. That a new Toledo Municipal Code, Part Thirteen, §1313.04 is enacted to state as follows:

§1313.04 *License fees; term.*

(a) Fees. The initial test application fee for both the Certified Remodeler's License and the Limited Remodeler's License shall be two hundred dollars (\$200.00), described further in Section 1313.06 (b). The annual renewal fee for both categories of licenses shall be one hundred forty dollars (\$140.00).

(b) Duplicate - Replacement License. The fee for issuing a duplicate license which replaces one lost, destroyed or mutilated shall be fifty dollars (\$50.00) and shall bear the word "duplicate" stamped on it.

(c) Renewal of licenses.

(1) Expiration. Licenses issued in accordance with this chapter shall expire at 12:00 p.m., local time, on December 31, but may be renewed for the next succeeding year period by the

payment of the annual renewal fee on or before close of business, January 31, of the succeeding year.

(2) Late renewal or renewal after expiration. A person holding a valid license under the provisions of this chapter in any year who fails to renew such license before the annual renewal fee is due, as provided in subsections (a) and (c) hereof, in addition to the annual renewal fee, shall be subject to a \$50.00 penalty.

(3) If a license holder fails to renew his license by December 31st in the year in which the license renewal was due, the contractor shall be considered as a new applicant and before receiving a new license, shall be required to meet all the requirements of a new applicant, including passing the examinations identified in TMC Section 1313.07 and paying the original registration fee in TMC Section 1313.04 (a) (b).

(d) Continuing Education. All home improvement and remodeling contractors licensed with the City of Toledo shall be required to complete ten (10) hours of continuing education yearly, as established by the Board of Control. If the licensee fails to submit proof of the required continuing education for the annual license renewal, the license shall not be renewed and the licensee must reapply as a new applicant subject to the requirements of Chapter 1313.

SECTION 33. That a new Toledo Municipal Code, Part Thirteen, §1313.06 is enacted to state as follows:

§1313.06 Application.

(a) An application for a license, or renewal thereof, shall be made to the Commissioner of Building Inspection on a form prescribed by him. Each applicant for a license shall furnish a sworn statement setting forth his present business and resident addresses and also stating the name of the person, firm, partnership, association or corporation, and the location of the place or places for which such license is desired, and it shall also set forth the period of time, if any, during which the applicant has been engaged in the business. Such application shall be executed by such person, or by any officer or member thereof. The Commissioner of Building Inspection is hereby authorized to require and procure any and all satisfactory proof which he deems necessary with reference to the honesty, truthfulness and reputation of any applicant for a license under this chapter, or of any of the officers or members of any such applicant prior to the issuance of any such license.

(b) The fee for the examination for a license to engage in the business of home improvement and remodeling shall be two hundred dollars (\$200.00), which amount shall accompany the application therefor.

(c) Each application for a license or renewal thereof shall be accompanied with a contractor's agreement, filed with the Commissioner of Building Inspection, acknowledging their knowledge of the requirements of Part Eleven, Sections 1103.0300, 1111.1000, and 1111.1100 of the Toledo Municipal Code requiring the approval of a historic district commission for any environmental changes to property within the historic district, and agreeing to comply with its provisions.

(d) Applicant shall provide a certificate of liability insurance that shall provide for bodily injury in the sum of one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000) and property damage in the sum of one hundred thousand dollars (\$100,000). Applicant shall be responsible for ensuring that all subcontractors utilized have liability insurance in amounts satisfactory to the Applicant.

SECTION 35. That a new Toledo Municipal Code, Part Thirteen, §1361.03 is enacted to state as follows:

§1361.03 Maintenance and removal.

(a) All construction for which a permit is hereafter granted pursuant to the regulations of this chapter, by the Director of Building and Code Compliance, the Commissioner of Building Inspection or the Chief Building Official for projections beyond the property line, or by the Director of Public Service permitting the occupancy or use of public property or public thoroughfares, and any special use granted by Council and all other existing projections or encroachments shall be maintained in a safe condition. Such permit shall be revoked whenever public necessity or public safety so requires when ordered by the Chief Building Official, the Director of Public Service or by resolution of Council or by authorities of the State of Ohio; and such construction shall thereupon be removed at the expense of the abutting property owner and the City shall, by appropriate document or documents executed by such abutting property owner, be indemnified from any and all claims or damages resulting directly or indirectly from such encroachment or the removal thereof.

(b) No change or enlargement shall be made to any such existing projection or encroachment except in conformity with the regulations of this chapter.

SECTION 37. That a new Toledo Municipal Code, Part Thirteen, §1361.10 is enacted to state as follows:

§1361.10 Temporary occupancy of public right of way.

(a) General Regulations. No person shall erect, place or store any material, equipment, shed, roof, fence or temporary walk, guard, device or any other structure on a public right of way without first obtaining a permit from the Commissioner of the Division of Transportation to do so; nor shall any person move any building or structure onto, across or over any public right of way without first obtaining a permit from the Commissioner of the Division of Transportation.

(b) Occupancy of Public Right of Way. Permits for the temporary occupancy of a public right of way and the duration of such permits shall be contingent upon the compliance with the rules and regulations established by the Commissioner of the Division of Transportation.

(1) Such occupancy shall be limited to that part of the public right of way abutting the premises on which construction work is in progress.

(2) Such occupancy, including the temporary sidewalk if one is required, shall not extend into the roadway of a public right of way more than one-third the width of the roadway and in no

case more than twenty feet, and provided further that no such occupancy shall be within six feet of the rail of any railroad track.

(3) Such materials, equipment, temporary buildings or structures shall not be placed, stored or erected within two feet of any standpipe, fire or police alarm box, utility box, catch basin or manhole, nor within fifteen feet of a fire hydrant (measured along the curb line), and shall not obstruct the access to any fire hydrant, fire cistern, standpipe, fire or police alarm box, utility box, catch basin or manhole. Portable equipment may temporarily be secured to trees to prevent theft or damage.

(4) Such materials, equipment, temporary buildings or structures shall not be located within twenty feet of a street intersection, nor so placed, stored or erected as to obstruct normal observation of traffic or traffic control lights, signals or signs, fire hydrants, fire and police alarm boxes or to hinder the use of street car, bus or trolley loading platforms or zones.

(5) The drainage in street gutters shall be maintained at all times.

(6) Persons securing a permit shall be responsible for placing and maintaining lights during darkness and at night in full view of the public at each excavation, pile of material, equipment, fence, temporary walk, shed, enclosure or other obstruction on any public right of way.

(7) Pedestrian traffic shall be maintained at all times, either on the existing sidewalk or on a temporary walkway in the roadway or as otherwise determined by the Commissioner of the Division of Transportation. A fence, railing or other approved guard, if required by the Director of Building and Code Compliance, the Commissioner of Building Inspection or the Chief Building Official, not less than three feet six inches high shall be erected on both sides of the temporary walkway and a fence at least four feet high shall be erected on the building side of the existing sidewalk if an excavation is within ten feet of a public right of way.

(8) Approved canopies shall be erected over street walks, when so determined by the Director of Building and Code Compliance, the Commissioner of Building Inspection or the Chief Building Official, to safeguard the public from any danger from falling material where buildings or structures are being erected, constructed, enlarged, altered, repaired, renovated, painted, cleaned, moved, removed or demolished when such buildings or structures are within ten feet of a public sidewalk.

(9) The permit to occupy a public right of way during construction work is intended only for use in connection with the actual erection, construction, enlargement, alteration, repair, renovation, moving, removal or demolition of buildings or structures and does not permit any sign or advertising device of any kind, except signs as regulated in Part Eleven-Planning and Zoning Code and Part Thirteen-Building Code.

(10) Unless permitted by the Commissioner of the Division of Transportation, earth or rubbish shall not be stored on any public right of way.

(11) The Commissioner of the Division of Transportation may issue permits for the erection of temporary guy lines beyond the area permitted in a street permit provided such guy lines are at least twenty feet above the street.

SECTION 38. That a new section of Toledo Municipal Code, Part Thirteen, is enacted at §1367.04 and states as follows:

§1367.04 *Heat Supply.*

Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 31 to April 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. The following are exceptions to this requirement:

(a) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

(b) In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.



Legislation Text

File #: O-362-25, Version: 1

2025 Mid-Year Budget Adjustments
Department of Finance
Melanie Campbell (x1252)

Authorizing appropriations and budget adjustments within the 2025 Approved Operating and Capital Improvement Budgets; and declaring an emergency.

SUMMARY & BACKGROUND:

This ordinance authorizes various appropriations and budget adjustments to the 2025 approved budget. The attached Schedule A outlines the adjustments, including the impacted funds and departments. Subsequent legislation will be presented to authorize the expenditure of funds authorized in this ordinance.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the appropriations and budget adjustments outlined in the attached Schedule A are authorized to amend the 2025 approved operating and Capital Improvement budgets.

SECTION 2. That this ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that it must be immediately effective to provide accurate budgetary control within the various city funds.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council

2025 Mid-Year Budget Amendment Attachment

Budget Increase/(Decrease)	Fund	Fund Name	Funds Center	Funds Center Name	Amount	Explanation
Decrease Expenditure	1001	General Fund	10900	TMC Clerk of Court	(80,004)	Projected Salary Savings
Decrease Expenditure	1001	General Fund	10900	TMC Clerk of Court	(60,500)	Postage Savings
Increase Expenditure	1001	General Fund	10900	TMC Clerk of Court	15,004	Mailing and Printing Costs (offset by salary savings)
Increase Expenditure	1001	General Fund	10900	TMC Clerk of Court	125,500	Document Scanning, Shredding and Destruction (offset by salary savings)
Decrease Expenditure	1001	General Fund	10800	TMC Judges	(500,000)	Projected Salary Savings
Increase Expenditure	1001	General Fund	10800	TMC Judges	50,000	Court Costs (Judges, offset by salary savings)
Increase Expenditure	1001	General Fund	10800	TMC Judges	100,000	Office Supplies (Court Administrator, offset salary savings)
Increase Expenditure	1001	General Fund	10800	TMC Judges	100,000	Professional Services (Court Administrator, offset by salary savings)
Increase Expenditure	1001	General Fund	10800	TMC Judges	250,000	Contractual Services (Court Administrator, offset by salary savings)
Increase Expenditure	1001	General Fund	27100	Urban Beautification	200,000	Demolition of Riverside Mobile Home Park
Increase Expenditure	1001	General Fund	26100	Facility Operations	40,000	Aunt Flow Contract
Increase Expenditure	1001	General Fund	52000	Police	5,000,000	Wages & Benefits Estimated Increase (completion of TPPA and TPCOA bargaining agreements; retroactive to April 2024)
Increase Expenditure	1001	General Fund	53000	Fire & Rescue	4,400,000	Wages & Benefits Estimated Increase (completion of Local 92 bargaining agreement; retroactive to April 2024)
Increase Expenditure	1001	General Fund	53000	Fire & Rescue	400,000	ALS Medical Supplies
Total					<u>10,040,000</u>	

Capital Improvement Fund

Increase Expenditure	5040	Capital Improvement Fund	40100	Parks, Recreation & Community Enrichment	100,000	Pontiac Preserve (Penn 7 Park)
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Street Construction, Maintenance & Repair Fund

Decrease Expenditure	2014	Street Construction, Maintenance & Repair	23100	Road and Bridge Maintenance	(85,000)	Savings in Parts and Materials
Increase Expenditure	2014	Street Construction, Maintenance & Repair	23100	Road and Bridge Maintenance	85,000	Light repairs on Anthony Wayne Bridge
Total					-	

Water Operating Fund

Increase Expenditure	6060	Water Operating	32000	Water Treatment	1,000,000	Electricity for the Water Treatment Plant/Ozone
Increase Expenditure	6060	Water Operating	32000	Water Treatment	2,000,000	Water Treatment Chemicals (Increased Price Due To Availability Oversees And Tariffs)
Increase Expenditure	6060	Water Operating	32000	Water Treatment	150,000	Contract services Repairs (including Ozone , Ls/Hs Pm Generators , Lsps Transformer Repair -Lightening Strike , Fms05 Flow Meter , Ohio Cat Pm Maintenance)
Increase Expenditure	6060	Water Operating	32000	Water Treatment	100,000	Security Services Contract Price Increase
Total					<u>3,250,000</u>	

Toledo Public Power Fund

Increase Revenue	607U	Toledo Public Power	31000	Utility Administration	232,000	Toledo Public Power Revenue Increase based on YTD Trend
Increase Expenditure	607U	Toledo Public Power	31000	Utility Administration	232,000	Toledo Public Power Revenue Increase based on YTD Trend

2025 Mid-Year Budget Adjustment Amendments B-C							
Amendment	Title	Description	\$ Amount	Fund	Coming From	Department	Contact
B	Urban Agriculture Microgrant Program	In partnership with the Lucas County Land Bank, the Urban Agriculture Microgrant Program would support residents and community groups in establishing food-producing operations within Toledo.	\$15,000	GF	Rainy Day Fund	Finance	Jones, Driscoll
C	Consultant for local landmark designations.	Hire a consultant to begin the work of designating local landmarks from the plan commission recommendations highlighted in resolution 368-24	\$125,000	GF	Rainy Day Fund	Plan Commission	Gadus
		Total General Fund:	\$140,000				



Legislation Text

File #: O-389-25, Version: 1

Repealing Ord. 303-00
Martinez

Repealing Ordinance 303-00 in its entirety, a proposed zone change conditioned upon the recording of an industrial plat for a property located at 606-636 S. Byrne Road and 3550-3636 Angola Road; and declaring an emergency.

SUMMARY & BACKGROUND:

On March 28, 2000, City Council passed Ordinance 303-00, attached hereto as “Exhibit A”, which was a zone change conditioned upon the recording of an industrial plat. Ordinance 303-00 changed the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 606-636 S. Byrne Road and 3550-3636 Angola Road, Toledo, Lucas County, Ohio. Ordinance 303-00 would allow automatic zoning approval from R-2 Single Family and M-1 Restricted Industry to only M-1 Light Industrial. Repeal of Ordinance 303-00 would clarify the proper zoning remains.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1: That Ordinance 303-00, attached and incorporated by reference to “Exhibit A”, is hereby repealed in its entirety.

SECTION 2: That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council

ORD. 303-00 Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 606-636 S. Byrne Road and 3550-3636 Angola Road, Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

WHEREAS, an application (Z-8009-99) for a proposed change in zoning for property located at 606-636 S. Byrne Road and 3550-3636 Angola Road, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation; and

WHEREAS, on February 10, 2000, said matter was considered by the Toledo City Plan Commission and the request for a zone change from "R-2" Single-Family and M-1 Restricted Industry to "M-1" Restricted Industry District for the property located at 606-636 S. Byrne Road, and 3550-3636 Angola Road, Toledo, Ohio, was approved, and all things required by law to be done, have been done; NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised, by changing the zone districts of that part of the City of Toledo more fully described as follows:

LEGAL DESCRIPTION

Parcel 1: The South fifty (50) feet of the East two hundred (200) feet of the North four hundred fifty-eight (458) feet of that part of the North one-half (1/2) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3), in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, that lies South of the South line of Air Line Gardens, an Addition in the City of Toledo, Lucas County, Ohio, excepting therefrom the East fifty (50) feet thereof.

Parcel 2: The Southerly ten (10) feet of the South one hundred ten (110) feet of the North four hundred eight (408) feet of the West one hundred seventy-five and four tenths (175.4) feet of the East two hundred thirty-five and four tenths (235.4) feet of that part of the North one-half (1/2) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3) in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, that lies South of the South line of Air Line Gardens, an Addition in the City of Toledo, Lucas County, Ohio.

Parcel 3: The North one-half (1/2) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3), in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, that lies South of the South line of Air Line Gardens, an Addition

in the City of Toledo Lucas County, Ohio, excepting therefrom the following described property: Beginning at the Northeast corner of said parcel; thence West on the North line of said parcel a distance of two hundred thirty-five and four tenths (235.4) feet; thence South parallel with the East line of said Section a distance of two hundred and eight (208) feet; thence Southeasterly to a point two hundred ninety-eight (298) feet South and one hundred forty (140) feet West of the Northeast corner of said parcel; thence West on a line parallel with the North line of said parcel a distance of ninety-five and four tenths (95.4) feet; thence South parallel with the East line of said Section, one hundred ten (110) feet; thence East parallel with the North line of said parcel a distance of thirty-five and four tenths (35.4) feet; thence South parallel with the East line of said Section a distance of fifty (50) feet; thence East parallel with the North line of said Section a distance of one hundred fifty-five (155) feet; thence South parallel to the East line of said Section to the South line of said parcel; thence East along said South line to the East line of Section Seven (7); thence North along said East line to the place of beginning. Also excepting therefrom the East two hundred (200) feet of the South sixty (60) feet of the North one-half (1/2) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3) in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, except that portion thereof in the legal highway.

Parcel 4: The South one hundred ten (110) feet of the North four hundred eight (408) feet of the West one hundred seventy-five and four tenths (175.4) feet of the East two hundred thirty-five and four tenths (235.4) feet of that part of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), Town Three (3), in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in Lucas County, Ohio, that lies South of the South line of Air Line Gardens, an Addition formerly in Adams Township, now in the City of Toledo, Lucas County, Ohio, excepting therefrom the South ten (10) feet thereof.

Parcel 5: The East two hundred (200) feet of the South sixty (60) feet of the North one-half (1/2) of the Southeast quarter of Section Seven (7), Town Three (3) in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, except that portion thereof in legal highways.

LEGAL DESCRIPTION

Parcel 3: That part of the Southeast quarter (1/4) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3), United States Reserve of twelve (12) miles square in the City of Toledo, Lucas County, Ohio, described more particularly as follows:

Commencing on the South line of said Section to a point fifty-five and one tenth (55.1) feet East of the Southwest corner of said Southeast quarter (1/4) of the Southeast quarter (1/4) and running thence North parallel with the West line of said Southeast quarter (1/4) to the North line of the same; thence East along said line three hundred eighty-six and eight tenths (386.8) feet; thence South to the South line of said Section; thence West along said line three hundred eighty-six and eight tenths (386.8) feet to the place of beginning, excepting therefrom that part appropriated by the City of Toledo in Cause #206072 Common Pleas Court, Lucas County, Ohio.

Subject to legal highways.

Parcel 4: That part of the Southeast quarter (1/4) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3), United States Reserve of twelve (12) miles square in the City of Toledo, Lucas County, Ohio, described more particularly as follows:

Commencing on the South line of said Section at a point four hundred forty-one and nine tenths (441.9) feet East of the Southwest corner of said Southeast quarter (1/4) of the Southeast quarter (1/4) and running thence North parallel with the West line of the same to the North line of the Southeast quarter (1/4) of the Southeast quarter (1/4) of said Section; thence East along the said line four hundred six and four tenths (406.4) feet; thence South parallel with the East line of the Southeast quarter (1/4) of the Southeast quarter (1/4) of said Section to the center of the Old Springfield Plank Road, so called; thence Southwesterly along the centerline of said road to the place of beginning, and containing eleven and eighty-two hundredths (11.82) acres of land, more or less, according to a survey made by C. W. Shoemaker on the 7th, 8th and 9th days of December 1899, excepting therefrom that part thereof appropriated by the City of Toledo in Cause #206072 Common Pleas Court, Lucas County, Ohio.

Subject to legal highways.

**LEGAL DESCRIPTION
SOUTHERLY PARCEL**

A parcel of land being part of the Southeast one-quarter (1/4) of Section Seven (7), Town Three (3), in the United States Reserve of twelve miles square at the foot of the Rapids of the Miami of Lake Erie, City of Toledo, Lucas County, Ohio, and being more particularly described as follows:

Commencing at a monument box found at the intersection of the centerline of Mercer Street with the centerline of Byrne Road;

Thence Northerly along the centerline of Byrne Road, said centerline being the East line of the Southeast one-quarter (1/4) of Section Seven (7), having an assumed bearing of North zero (0)

degrees, zero (00) minutes, and zero (00) seconds East, a distance of fifteen and fifty-nine hundredths (15.59) feet to a point;

Thence Westerly along a line being sixty and zero hundredths (60.00) feet Northerly of and parallel with the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of North eighty-nine (89) degrees, twenty-four (24) minutes, and thirty-seven (37) seconds West, a distance of forty-five and zero hundredths (45.00) feet to an iron pin set on the Westerly right-of-way line of Byrne Road, and set point also being the TRUE POINT OF BEGINNING.

Thence continuing Westerly along the previously described line, a distance of one hundred fifty-five and one hundredths (155.01) feet to an iron pin set;

Thence Southerly along a line being two hundred and zero hundredths (200.00) feet Westerly of and parallel with the East line of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of sixty and zero hundredths (60.00) feet to an iron pin set on the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7);

Thence Westerly along the South line of the North one-half (1/2) of Section Seven (7), having a bearing of North eighty-nine (89) degrees, twenty-four (24) minutes and thirty-seven (37) seconds West, a distance of two hundred forty-eight and forty-nine hundredths (248.49) feet to an iron pin set;

Thence Northerly along a line being parallel with the East line of the Southeast one-quarter (1/4) of Section Seven (7); having a bearing of North zero (0) degrees, zero (00) minutes and zero (00) seconds East, a distance of three hundred fifty and ninety hundredths (350.90) feet to an iron pin set;

Thence Easterly along a line being parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes and thirty (30) seconds East, a distance of two hundred thirteen and eight hundredths (213.08) feet to an iron pin set;

Thence Southerly along a line being two hundred thirty-five and forty hundredths (235.40) feet Westerly of and parallel with the East line of the Southeast one-quarter (1/4) of Section Seven (7); having a bearing of South zero (0) degrees, zero (00) minutes and zero (00) seconds East, a distance of ninety and eighty-three hundredths (90.83) feet to an iron pin set;

Thence Easterly along a line being parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a

bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of one hundred seventy-five and forty-one hundredths (175.41) feet to an iron pin set in the Westerly right-of-way line of Byrne Road;

Thence Southerly along the Westerly right-of-way line of Byrne Road, having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of ten and zero hundredths (10.00) feet to an iron pin set;

Thence Easterly along a line being four hundred eight and zero hundredths (408.00) feet Southerly of and parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of South eight-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of ten and zero hundredths (10.00) feet to an iron pin set on the Westerly right-of-way of Byrne Road;

Thence Southerly along with Westerly right-of-way of Byrne Road, having a bearing of South zero (0) degrees, zero (00) minutes and zero (00) seconds East, a distance of fifty and zero hundredths (50.00) feet to a P.K. nail set;

Thence Easterly along a line being four hundred fifty-eight and zero hundredths (458.00) feet Southerly of and parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes and thirty (30) seconds East, a distance of five and zero hundredths (5.00) feet to a P.K. nail set on the Westerly right-of-way line of Byrne Road;

Thence Southerly along the Westerly right-of-way line of Byrne road, having a bearing of South zero (0) degrees, zero (00) minutes and zero (00) seconds East, a distance of one hundred forty and forty hundredths (140.40) feet to the TRUE POINT OF BEGINNING.

Containing 114,653 square feet, which is equal to two and six hundred thirty-two thousandths (2.632) acres of land, more or less. Subject, however, to all legal highways and easements of record.

This legal description dated October 20, 1998 was prepared by Nicholas F. Ronau, Ohio Registered Surveyor No. 6735, from a survey performed by T.R. Worline & Associates, Inc., under his direction in October of 1998.

"Iron pins set are 1/2" x 30" iron pins.

to be changed from "R-2/M-1" to "M-1" District.

Property included in said zone change is located at 606-636

S. Byrne Road and 3550-3636 Angola Road, Toledo, Ohio.

SECTION 2. That the approval of the zone change from "R-2/M-1" to "M-1" District is subject to the following conditions.

Plan Commission

1. That the zoning not take effect until an industrial plat is approved and recorded;

2. That industrial plat shall have a one hundred (100') foot wide landscape buffer easement along the west side of the site and a seventy-five (75') foot wide landscape buffer easement along the south side of the northwest portion of the site; and

3. The industrial plat submission shall be accompanied with a sign-off by the Federal Emergency Management Administration (FEMA) and/or other agencies responsible for flood plain management.

SECTION 3. That when the conditions contained hereinabove have been complied with, the Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said changes on the original zoning maps.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas 8, nays 0.

Passed: March 28, 2000, as an emergency measure: yeas 8, nays 0.

ATTEST:

MICHAEL J. BEAZLEY

Clerk of Council

President of Council

PETER UJVAGI

Approved: April 3, 2000

CARLETON S. FINKBEINER

Mayor



Legislation Text

File #: R-395-25, Version: 1

Plan Commission Study
Landscaping Requirements
Driscoll

Requesting the Toledo City Plan Commission to conduct a study amending the landscaping requirements, outlined in Toledo Municipal Code Part Eleven, to require the use of native plants; and declaring an emergency.

SUMMARY & BACKGROUND:

Toledo City Council is requesting a study by the Toledo City Plan Commission to research the inclusion and requirement of native plants in the landscaping standards as outlined in Toledo Municipal Code, Part 11, Section 1108.0200, "Landscape standards".

The requested study should include aspects such as environmental sustainability, biodiversity support, erosion control and soil health, climate resistance, and aesthetic value.

The City's Plan Commission is requested to study a possible text amendment to include the requirement of native plants in landscaping standards, allowing time for Council to review the Plan Commission report, and hold appropriate hearings regarding the proposed changes to Part Eleven Planning and Zoning Code.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1: The Toledo City Plan Commission is directed to conduct the requested study and provide its findings and recommendations to council in a timely manner.

SECTION 2: It is found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this Ordinance, being an emergency measure, shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of our native environment in the City of Toledo.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: R-396-25, Version: 1

Plan Commission Study: Conditional zonings
City Council
Councilmember Martinez,

Submitting to the Toledo City Plan Commission a request to conduct a study for the purpose of reviewing past zone changes that may contain conditional terms that would allow for the passage of a zone change years after their initial review; authorizing a public hearing on said locations and publication of said hearing; and declaring an emergency.

WHEREAS, Toledo City Council is initiating a study by the Toledo City Plan Commission to research past zone changes that contain conditional terms that would allow for zone changes to occur years after the initial review.; and

WHEREAS, The City's Plan Commission needs to study and identify those parcels and locations as well as those ordinances that allow for a condition to occur that may change the zoning years after. . New developments may have arisen that a new review should take place before allowing for these conditions to be met years later.

Whereas, there are new owners of identified properties as well as new developments and owners within the boundaries of these locations, the ordinances that pertain to the locations should be reviewed for amendment or repeal to allow for new reviews.

NOW THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. The Plan Commission is hereby directed to conduct a study for the purpose of identifying those parcels that have terms of conditional zonings.

SECTION 2. That the request for proposed text amendments is hereby referred to the Toledo City Plan Commission for its review, recommendation and appropriate hearing date. That a public hearing upon a proposed ordinance to effectuate the above described change shall be held in the Council Chambers at One Government Center and the Clerk of Council is hereby authorized and directed to give notice of the time and place of said hearing in the manner required by the law.

SECTION 3. That this Resolution hereby is declared to be an emergency measure and shall take effect and be in force immediately from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that this Resolution must be immediately effective so that the text amendments, if needed can be expeditiously forwarded to the Toledo City Plan Commission so the proper time may be committed to a full review of the proposed text amendments or repeals.

Vote on emergency clause: yeas _____, nays _____.

Adopted _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-397-25, Version: 1

ScanWorks, LLC File Case File Scanning and Destruction Agreement
Toledo Municipal Court
A. Huguelet (x1011)

Authorizing the Clerk of Toledo Municipal Court to enter into an agreement with ScanWorks LLC for the scanning and destruction of Toledo Municipal Court case files; authorizing the expenditure of \$125,500 from the General Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

In 2024, the Toledo Municipal Court Clerk's Office processed 50,592 cases. Each case is assigned an individual file folder for all documents associated with that case.

The Clerk of Toledo Municipal Court would like to enter into an agreement with ScanWorks LLC to scan and destroy approximately 568 boxes of case files. These cases are eligible for destruction under Ohio Rule of Superintendence 26.05 (E) and Ohio Revised Code 1901.41 (A) (1). The pricing for the agreement is under State Term Contract Number 800839 and will not exceed \$125,500.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Clerk of Toledo Municipal Court is authorized to enter into an agreement, with ScanWorks LLC for the imaging and destruction of Toledo Municipal Court case files for a total not to exceed \$125,500, upon terms and conditions acceptable to the Director of Law.

SECTION 2. That an amount not to exceed \$125,500, is authorized for expenditure from Account Code 1001-10900-3376001STDSTD for the scanning and destruction of case files.

SECTION 3. That the Finance Director is authorized to draw their warrant or warrants against the above-mentioned Account Code in amounts not to exceed \$125,500 in payment of the above-authorized obligations upon presentation of proper voucher or vouchers.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that the Ordinance must be immediately effective in order to provide necessary records management for the efficient and effective operation of the Toledo Municipal Court Clerk's Office.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-398-25, Version: 1

DPU081225NORTHOVERWETLANDMITIGATION

Water Treatment

Jake Goetz (x2309)

Revised

Authorizing the appropriation and expenditure of \$150,000 from the Water Replacement Fund for the purchase of wetland mitigation credits to offset development of the elevated storage tanks on Northover Rd.; authorizing the Mayor to award contracts for wetland mitigation credits; authorizing the Mayor to waive the competitive bidding provisions of TMC Chapter 187 for local watershed wetland mitigation credits; and declaring an emergency.

SUMMARY & BACKGROUND:

The Division of Water Treatment is currently finishing design of the Distribution System Improvements Project which will include the construction of four (4) elevated storage tanks in Toledo. These tanks will give Toledo's water system increased resilience and performance, and the project is being monitored by Ohio EPA.

Strategically selected sites have been identified for construction of the improvements such that interconnections can be made within the distribution system at the best locations to provide optimal hydraulic service. One such site of two (2) proposed elevated storage tanks is located on Northover Rd. This site currently has an area that was delineated as a wetland and in order to construct the proposed elevated storage tanks, wetland mitigation will be required per Ohio Revised Code Chapter 6111. The Division intends to purchase wetland mitigation credits from the single locally available, comparable wetland mitigation bank located at Pearson Metropark and administered through the Stream + Wetlands Foundation. For that, the Division is requesting a waiver of all competitive bidding provisions of TMC Chapter 187.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the appropriation of \$150,000 from the unappropriated balance of the Water Replacement Fund is authorized to Account Code 6063-32000-4UC2525STDSTD for the purchase of wetland mitigation credits for the construction of the Northover Rd. elevated water storage tanks; and the expenditure of the same is authorized.

SECTION 2. That the Mayor is authorized to enter in to contracts for wetland mitigation credits to offset construction of the Northover Rd. elevated water storage tanks, upon terms and conditions approved by the Director of Public Utilities and the Director of Law.

SECTION 3. That this Council finds and determines it is in the best interest of the City to waive all competitive bidding provisions of TMC Chapter 187 for the reason that The Pearson Metropark Wetland Mitigation Bank has been identified as the only wetland mitigation bank currently available within the watershed with the appropriate wetland types available for purchase and is administered by the Stream + Wetland Foundation.

SECTION 4. That the Finance Director is authorized to issue warrant or warrants against the Account Code listed in Section 1 in the amount of \$150,000 in payment of the above authorized obligations upon presentation of the proper voucher or vouchers.

SECTION 5. That the disappropriation of any remaining budget to fund balance is authorized at project closeout.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective in order to facilitate the wetland mitigation credits to offset the construction of the Northover Rd. elevated water storage tanks.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-399-25, Version: 2

DPU090925WTEASEMENTGRANTING

Water Treatment

J. Goetz (x2399)

Revised

Authorizing the Mayor to execute and deliver needed instruments for the granting of an easement and right of access to the City of Oregon, on a portion of city-owned real property located north of Corduroy Rd. and east of Collins Park Ave.; and declaring an emergency.

SUMMARY & BACKGROUND:

This Ordinance authorizes the city's granting of an easement and right of access to the City of Oregon, for the replacement and repair of the Corduroy Rd. bridge over Otter Creek.

This easement granting includes both a permanent easement to encompass the extension of the bridge wingwalls adjacent to Corduroy Rd., giving better hydraulic flow conditions in Otter Creek as well as additional temporary easement to facilitate construction of the bridge replacement and construction of temporary fencing to ensure continuous site security at the adjacent Collins Park Water Treatment Plant. As this granting of easement will facilitate replacement of infrastructure adjacent to the Collins Park Water Treatment Plant without causing harm or conflict to the adjacent lagoon operations and general operation of the Collins Park Water Treatment Plant, it is in the Division of Water Treatment's interests to grant this easement to help ensure safe conveyance of the adjacent Otter Creek stormwater flow.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor, the Law Department and the Water Treatment Division of the Department of Public Utilities are authorized to execute and deliver needed or appropriate instruments for the conveyance of an easement and right of access to the City of Oregon over a portion of city-owned property located north of Corduroy Rd. and east of Collins Park Ave., more fully described in EXHIBIT A - Perpetual Easement and EXHIBIT A - Temporary Easement.

SECTION 2. That it is found and determined that the rights being granted within this easement and right of access area are not needed by the city for any municipal purposes and that it is in the best interest of the city to grant this easement and right of access to aid the City of Oregon in its maintenance duties relative to the bridge abutting City property.

SECTION 3. That it is found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council, and that all deliberations of Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this ordinance must be immediately effective in order to grant an easement.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council

EXHIBIT A

Page 1 of 3

LPA RX 879 CH

Rev. 06/09

Ver. Date 05/08/2025

PID 119725

**PARCEL 10-CH
LUC-CORDUROY ROAD
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A CHANNEL
IN THE NAME AND FOR THE USE OF THE
CITY OF OREGON, LUCAS COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a perpetual watercourse, ditch, channel or other drainage facility upon the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Lucas, City of Oregon, Section 33, Town 9 South, Range 8 East and being part of a tract of land conveyed to City of Toledo, Ohio as recorded in Deed Volume 982, Page 281 and Deed Volume 982, Page 369 in the Lucas County Recorder's Office and being more particularly described as follows:

Commencing at the northwest corner of Lot B of Eastwyck Plat 1 as recorded in Volume 64, Page 39 in the Lucas County Recorder's Office, said corner witnessed by a 1 inch iron pipe found North 89 degrees 29 minutes 27 seconds East, 0.07 feet, said corner being 50.00 feet right of Corduroy Road centerline of right of way and centerline of construction station 99+06.27;

Thence northerly on a line perpendicular to the existing centerline of right of way of Corduroy Road, North 00 degrees 30 minutes 33 seconds West, 50.00 feet, to a point on the existing centerline of right of way of Corduroy Road, also being on the grantor's south property line, said point being Corduroy Road centerline of right of way and centerline of construction station 99+06.27;

Thence easterly on the existing centerline of right of way of Corduroy Road, also being the grantor's south property line, North 89 degrees 29 minutes 27 seconds East, 345.73 feet, to a point on the existing centerline of right of way of Corduroy Road, also being on the grantor's south property line, said point being Corduroy Road centerline of right of way and centerline of construction station 102+52.00;

EXHIBIT A

Thence northerly on a line perpendicular to the existing centerline of right of way of Corduroy Road, **North 00 degrees 30 minutes 33 seconds West, 30.00 feet**, to a point on the existing north standard highway easement line of Corduroy Road, also being on the proposed channel easement line, said point being 30.00 feet left of station 102+52.00 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the proposed channel easement line, **North 00 degrees 30 minutes 33 seconds West, 15.00 feet**, to a point on the proposed channel easement line, said point being 45.00 feet left of station 102+52.00;

Thence easterly continuing on the proposed channel easement line, being a channel easement line 45.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Corduroy Road, **North 89 degrees 29 minutes 27 seconds East, 50.00 feet**, to a point on the proposed channel easement line, said point being 45.00 feet left of station 103+02.00;

Thence southeasterly continuing on the proposed channel easement line, **South 41 degrees 25 minutes 25 seconds East, 19.85 feet**, to a point on the proposed channel easement line, also being on the existing north standard highway easement line of Corduroy Road, said point being 30.00 feet left of station 103+15.00;

Thence westerly on the existing north standard highway easement line of Corduroy Road, being a standard highway easement line 30.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Corduroy Road, **South 89 degrees 29 minutes 27 seconds West, 63.00 feet**, to the **TRUE POINT OF BEGINNING** and containing 0.0195 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0195 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Lucas County Auditor's permanent parcel number 18-00046.

Prior Instrument Reference as of the date this survey was prepared: Deed Volume 982, Page 369 of the Lucas County Recorder's Office.

Description based on a field survey conducted by Fishbeck during the months of October and November 2023 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinate System, North Zone, referenced to NAD83 (2011) and are for this project use only.

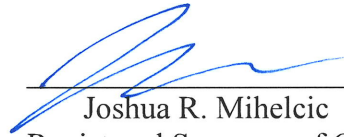
EXHIBIT A

LPA RX 879 CH

Page 3 of 3

Rev. 06/09

This description was prepared on May 8, 2025 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

05-08-2025
Date



EXHIBIT A

Page 1 of 3

LPA RX 887 T

Rev. 07/09

Ver. Date 05/08/2025

PID 119725

**PARCEL 10-T
LUC-CORDUROY ROAD
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING AND TEMPORARY FENCE
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF OREGON, LUCAS COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Lucas, City of Oregon, Section 33, Town 9 South, Range 8 East and being part of a tract of land conveyed to City of Toledo, Ohio as recorded in Deed Volume 982, Page 281 and Deed Volume 982, Page 369 in the Lucas County Recorder's Office and being more particularly described as follows:

Commencing at a point on the existing north standard highway easement line of Corduroy Road, also being on the proposed channel easement line, said point being 30.00 feet left of Corduroy Road centerline of right of way and centerline of construction station 102+52.00 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly on the existing north standard highway easement line of Corduroy Road, being a standard highway easement line 30.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Corduroy Road, **South 89 degrees 29 minutes 27 seconds West, 34.00 feet**, to a point on the existing north standard highway easement line of Corduroy Road, also being on the proposed temporary easement line, said point being 30.00 feet left of station 102+18.00;

Thence northerly on the proposed temporary easement line, **North 00 degrees 30 minutes 33 seconds West, 23.00 feet**, to a point on the proposed temporary easement line, said point being 53.00 feet left of station 102+18.00;

Thence easterly continuing on the proposed temporary easement line, **North 75 degrees 10 minutes 05 seconds East, 48.51 feet**, to a point on the proposed temporary easement line, said point being 65.00 feet left of station 102+65.00;

Thence easterly continuing on the proposed temporary easement line, **South 76 degrees 40 minutes 50 seconds East, 66.94 feet**, to a point on the proposed temporary easement line, said point being 49.00 feet left of station 103+30.00;

EXHIBIT A

Thence southeasterly continuing on the proposed temporary easement line, **South 42 degrees 19 minutes 46 seconds East, 25.50 feet**, to a point on the proposed temporary easement line, also being on the existing north standard highway easement line of Corduroy Road, said point being 30.00 feet left of station 103+47.00;

Thence westerly on the existing north standard highway easement line of Corduroy Road, being a standard highway easement line 30.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Corduroy Road, **South 89 degrees 29 minutes 27 seconds West, 32.00 feet**, to a point on the proposed channel easement line, also being on the existing north standard highway easement line of Corduroy Road, said point being 30.00 feet left of station 103+15.00;

Thence northwesterly on the proposed channel easement line, **North 41 degrees 25 minutes 25 seconds West, 19.85 feet**, to a point on the proposed channel easement line, said point being 45.00 feet left of station 103+02.00;

Thence westerly continuing on the proposed channel easement line, being a channel easement line 45.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Corduroy Road, **South 89 degrees 29 minutes 27 seconds West, 50.00 feet**, to a point on the proposed channel easement line, said point being 45.00 feet left of station 102+52.00;

Thence southerly on the proposed channel easement line, **South 00 degrees 30 minutes 33 seconds East, 15.00 feet**, to the **TRUE POINT OF BEGINNING** and containing 0.0558 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0558 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Lucas County Auditor's permanent parcel number 18-00046.

Prior Instrument Reference as of the date this survey was prepared: Deed Volume 982, Page 369 of the Lucas County Recorder's Office.

Description based on a field survey conducted by Fishbeck during the months of October and November 2023 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinate System, North Zone, referenced to NAD83 (2011) and are for this project use only.

EXHIBIT A

LPA RX 887 T

Page 3 of 3

Rev. 07/09

This description was prepared on May 8, 2025 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

05-08-2025

Date





Legislation Text

File #: O-400-25, Version: 1

DPU09092530”TRANSMISSIONMAINREPAIR

Water Distribution

Todd Saums (x2832)

Authorizing expenditure of an amount not to exceed \$4,820 from the Water Replacement Fund for the replacement of damaged asphalt on the 30” transmission main repair; and declaring an emergency.

SUMMARY & BACKGROUND:

In June 2025, Ordinance 142-25 was passed for the expenditure of no more than \$128,620 from the Water Replacement Fund for the repair of a 30-inch Transmission Main located on Glanzman. Excavation was larger than anticipated to accommodate the repair, because of this fact, additional asphalt repair is required to complete the project. This Ordinance authorizes the additional expenditure of no more than \$4,820 from the Water Replacement Fund for the additional asphalt repair required to complete the project.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the sum of \$4,820 is authorized for the expenditure from the Water Replacement Fund to Account Code 6063-34000-4UC2523STDSTD for the additional cost related to the unforeseen asphalt repair.

SECTION 2. That the Finance Director is authorized to draw their warrant or warrants against the above referenced account code in payment of the obligation authorized in Section 1 herein, and upon presentation of proper voucher or vouchers.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property of the city and for the further reason that this Ordinance must be immediately effective in order to permit the earliest possible repair of critical elements in the City of Toledo’s Water Distribution System.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____
_____ Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-401-25, Version: 1

DPU090925AMENDING305-24
Water Distribution
Todd Saums (x2832)
Revised

Amending Sections 1 and 3 of Ordinance 305-24 for the purpose of including the preparation of plans, specifications, design construction related to the removal and replacement of eight large diameter valves; declaring an emergency.

SUMMARY & BACKGROUND:

Ordinance 305-24 authorized the appropriation funds and purchase of large diameter valves. This Ordinance amendment expands the scope of the processes necessary to facilitate the removal and replacement of the valves.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That Section 1 of Ordinance 305-24 which currently reads as:

SECTION 1. That the mayor is authorized to accept bids and enter into contract for the purchase of large diameter valves for water repairs city wide, upon such terms and conditions as the Public Utilities Director and the Law Director deem requisite and proper.

is repealed.

SECTION 2. That a new Section 1 of Ordinance 305-24 is enacted to read as follows:

SECTION 1. That the Mayor is authorized to prepare plans and specifications, accept bids, and enter into contracts for the design and construction of the removal and replacement of large valves, including professional services for bidding support services, construction services, and post construction services. Contracts shall contain such terms and conditions as the Mayor may deem requisite and proper and shall be subject to approval by the Director of Law and the Director of Public Utilities.

SECTION 3. That Section 3 of Ordinance 305-24 which currently reads as:

SECTION 3. That the Director of Finance is authorized to issue their warrant or warrants against the Account Code listed in Section 2 in the amounts not to exceed those authorized above for the purchase of large diameter valves upon the presentation of the proper voucher or vouchers.

is repealed.

SECTION 4. That new Section 3 of Ordinance 305-24 is enacted to read:

SECTION 3. That the Director of Finance is authorized to issue their warrant or warrants against the Account Code listed in Section 2 in the amounts not to exceed those authorized above and for the purposes authorized in Section 1 upon the presentation of the proper voucher or vouchers.

SECTION 5. That except as amended herein all other provisions of Ord. 305-24 remain in full force and effect.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective in order to permit the earliest possible construction of critical elements in the City of Toledo's water distribution system.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-402-25, Version: 2

Gender Equity Analysis Contract Supplement.
Diversity, Equity, and Inclusion
T. Whitman (x2375)
Revised

Authorizing the Mayor to supplement the existing contract with Keen Independent Research, LLC in an amount not to exceed \$13,000 for the continuation and completion of the Gender Equity Analysis; authorizing the expenditure of funds; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo, through the Department of Diversity, Equity and Inclusion, previously contracted with Keen Independent Research, LLC to conduct a city-wide intersectional Gender Equity Analysis consistent with the intent of Ord. 95-22, which created TMC Ch. 184 to implement locally the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”). Keen Independent specializes in equity research assignments for public entities, including workforce equity, compensation, and belonging, using a combination of qualitative and quantitative research methods. This ordinance would expand the scope of the contract to include additional engagement, finalized presentation materials, reporting activities, and meetings with local officials. The Department requests to supplement the existing agreement. The existing agreement was approved pursuant to Ord. 233-24.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to supplement the existing contract with Keen Independent Research, LLC for the provision of additional services in connection with the City’s Gender Equity Analysis, upon terms and conditions deemed proper and requisite by the Director of Diversity, Equity and Inclusion and the Director of Law.

SECTION 2. That the expenditure of an amount not to exceed \$13,000 is authorized from the General Fund, Account Code 1001-10700-1121003STDSTD for the services authorized in Section 1.

SECTION 3. That the Director of Finance is authorized to draw a warrant or warrants against the above Account Code in payment of obligations authorized above upon presentation of proper voucher or vouchers, in an amount not to exceed \$13,000.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property, and for the further reason that the Ordinance must be immediately effective in order to maintain services as authorized by TMC Ch. 184

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-403-25, Version: 2

Social News Desk Software
Department of Communications
Rachel Hart
Revised

Authorizing the annual expenditure of \$10,799 from the General Fund for Social News Desk Software to enhance the city's online communication and engagement efforts; authorizing the Mayor to enter into a two-year agreement; and declaring an emergency.

SUMMARY & BACKGROUND:

According to Nieman Lab, as of June 2025 social media has displaced television as the top way Americans get news. Over the past few years, the City of Toledo has launched new social media channels to enhance online communication efforts and support operational objectives including enhanced road construction communication, promotion of summer youth programming, and resident engagement.

This Ordinance authorizes the City of Toledo to purchase Social News Desk's social media management software, which provides an alternative to our current platform at a lower price point while delivering comparable capabilities.

Three quotes were obtained for an annual subscription to similar software platforms including Hootsuite, \$35,989.60, Sprout Social, \$28,500.00, and Social News Desk, \$10,799.00. The total cost of the two-year agreement is \$21,598.00, to be paid annually in the amount of \$10,799.00, subject to the availability of funds.

NOW THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into a two-year agreement with Social News Desk for the purchase of social media management software upon such terms and conditions that shall be approved by the Director of Communications, Director of Information Technology, and the Director of Law.

SECTION 2. That, subject to appropriation, an amount not to exceed \$10,799 annually is authorized for expenditure from General Fund Account Code 1001-10202-1143001STDADM for a total of two years, for the purposes identified in Section 1.

SECTION 3. That the Finance Director is authorized to draw their warrant or warrants against the above Account Code in an amount not to exceed \$10,799 annually for the above-authorized expenditures upon presentation of proper vouchers.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the immediate implementation of the new software is necessary to maintain the city's communication and engagement efforts, which are essential for the effective operation of city services and public communication.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-404-25, Version: 1

2025 Annual Audit: Clark Schaefer Hackett
Department of Finance
Thomas Buckley (x1602)
Revised

Authorizing the Mayor to enter into an extension of the contract with Clark, Schaefer, Hackett & Co. for the 2025-2029 annual audits for the City's accounting and financial records; authorizing the annual expenditure of an amount not to exceed \$198,800 from the General Fund; and declaring an emergency.

SUMMARY & BACKGROUND

The City of Toledo is required to have annual audits conducted on their accounting and financial records by the Auditor of State. Section 117.11 of the Ohio Revised Code directs the Auditor of State to provide immediate written notice to any public office where the Auditor of State will be unable to conduct the audit once every two years as required by law. The Auditor of State notified the City of Toledo that the audits for fiscal years 2025-2029 would again be out for bid, or allow for an extension of the City's current independent audit firm, Clark, Schaefer, Hackett & Co. (CSH).

The City has decided to extend the current contract with CSH for an additional five years. In 2020, CSH was the firm selected through the Auditor of State's bidding process to provide audit services for fiscal years 2020-2024 in order to satisfy the applicable statutory and audit requirements.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to extend the contract with Clark Schaefer Hackett for a period of five (5) years for the purpose of the annual audit of the City's accounting and financial records.

SECTION 2. That, subject to available appropriations in future years, an amount not to exceed \$198,800 annually is authorized for expenditure from the General Fund, Account Code 1001-14600-1134001STDSTD, in payment of the 2025-2029 audits of the City's accounting and financial records.

SECTION 3. That the Director of Finance is authorized to draw her warrant or warrants against the above referenced Account Code in payment of the above authorized obligations in amounts not to exceed \$198,800 annually upon presentation of the proper voucher or vouchers.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that the Ordinance must be immediately effective to facilitate the audit of the City's accounting and financial records.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by
Council _____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-405-25, Version: 1

Allen, Administrator v. City of Toledo, et al.
Department of Law
J. Charles x1020

Authorizing the settlement of claims brought in Allen, Administrator v. City of Toledo, et al.; authorizing the expenditure of \$300,000 from the Risk Management Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

The City has reached a settlement with Serena Allen, Individually and as Administrator of the Estate of Travon Cortez Weaver, plaintiff in a wrongful death lawsuit captioned *Allen, Administrator v. City of Toledo dba Toledo Fire and Rescue, et al.*, Case No. CI 2024-01246 in the Court of Common Pleas, Lucas County, Ohio. Plaintiff alleges her son, Travon Weaver, died as a result of the actions taken by paramedics responding to an emergency call on January 29, 2023. In exchange for a full release, the City has agreed to pay \$300,000 total to Plaintiff and her lawyer.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That payment of \$300,000 in settlement of the claims of Serena Allen, Administrator in Case No. CI 2024-01246 captioned *Allen, Administrator v. City of Toledo dba Toledo Fire and Rescue, et al.* pending in the Court of Common Pleas, Lucas County, Ohio, is approved.

SECTION 2. That payment of these claims is contingent upon the execution of proper releases by Plaintiff.

SECTION 3. That the Director of Finance is authorized to draw a warrant or warrants in the amount referenced above to Serena Allen, Administrator and Cooper Elliott, against Account No. 7095-12000-1157001STDSTD upon presentation of the proper voucher.

SECTION 4. That this Ordinance being an emergency measure shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this ordinance must be immediately effective in order to implement the settlement.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____

Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____

Clerk of Council



Legislation Text

File #: O-406-25, Version: 1

Opioid Multi-District Litigation Settlements
Law Department
Steve Spitler 419-245-1020 (office)

Authorizing the Mayor and Director of Law to enter into settlement agreements on behalf of the City of Toledo in multi-district litigation in the prosecution of claims to recover damages related to opioid-related costs; authorizing the Mayor and Director of Law to execute documents necessary to effectuate approving settlements according to terms as recommended by the City's retained legal counsel; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo, along with several other political subdivisions in the State of Ohio, have lawsuits pending against various defendants in the pharmaceutical supply chain related to the devastating impact the opioid epidemic has had on the Toledo community.

Council has approved prior settlements related to the opioid epidemic. At this time, the City administration is seeking authorization to approve future multi-district litigation settlements related to the opioid epidemic. The settlement proceeds received by the City pursuant to such agreements shall be deposited and expended per the terms of the settlement and in accordance with applicable federal, state, and local laws and guidance.

As authorized by Ord. 439-17, the City of Toledo is represented in this litigation by the firms of Napoli Shkolnik, PLLC, and Climaco, Wilcox, Peca & Garofolico, LPA. These proposed settlements come at the recommendation of the City's retained outside legal counsel.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor and Director of Law are authorized to negotiate, approve, and enter into settlement agreements, consent judgments, and related documents in connection with multi-district litigation and related proceedings arising from the opioid epidemic, including but not limited to the National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio).

SECTION 2. That the Mayor and Director of Law are further authorized to execute any necessary documents, releases, allocation agreements, participation forms, or other documents required to effectuate the City's participation in such settlements and to take such other actions as are necessary to carry out the intent of this ordinance.

SECTION 3. That this ordinance, being an emergency measure, shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of public peace, health, safety, and property and for further reason that this ordinance must immediately be effective so that the City can immediately execute documents related to the settlement.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-407-25, Version: 1

DPU090925GLRICOLLINSPARKSTREAMRESTORATION
Environmental Services
Abed Semaan (X3951)
Revised

Authorizing the Mayor to execute all necessary grant award documents with the Environmental Protection Agency (EPA) for the Great Lakes Restoration Initiative (GLRI) Grant; authorizing the Mayor to accept and deposit grant proceeds in the amount of \$1,459,500 into the Operation Grants Fund; authorizing the appropriation and expenditure of said grant proceeds for the Collins Park Stream Restoration Project; authorizing the Mayor to accept bids and execute necessary contracts to administer the grants; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo has been awarded a grant from the Environmental Protection Agency (EPA) entitled the Great Lakes Restoration Initiative (“GLRI”) in the amount of \$1,459,500 to be used for the implementation phase of the Collins Park Stream Restoration Project. This ordinance authorizes the mayor to accept, deposit, appropriate and expend up to \$1,459,500 in grant proceeds from the EPA.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to execute all necessary Great Lakes Restoration Initiative grant documents with the Environmental Protection Agency (EPA) for the Collins Park Stream Restoration Project upon terms and conditions acceptable to the Director of Public Utilities and the Director of Law.

SECTION 2. That the Mayor is authorized to accept and deposit grant proceeds from the EPA’s Great Lakes Restoration Initiative grant in an amount not to exceed \$1,459,500 into the Operation Grants Fund, Account Code 2016-38000-6G00315STDSTD.

SECTION 3. That the appropriation of the amount not to exceed \$1,459,500 is authorized from the unappropriated grant proceeds of the Operations Grants Fund to Account Code 2016-38000-6G00315STDSTD and the expenditure of same is authorized for the Collins Park Stream Restoration Project.

SECTION 4. That the Mayor is authorized to accept bids and execute necessary contracts to perform work under this grant upon such terms and conditions as shall be approved by the Director of Public Utilities and the Director of Law.

SECTION 5. That the Director of Finance is authorized to issue their warrant or warrants against the above Account Code in an amount not to exceed \$1,459,500 in payment of the obligations authorized above upon presentation of proper voucher or vouchers.

SECTION 6. That this Ordinance is declared to be an emergency and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property of the city and for the further reason that this Ordinance must be immediately effective in order to implement this program within the Environmental Protection Agency's designated time schedule.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-408-25, Version: 1

TDOT090925STREETLIGHTINGMATZINGERANDSTICKNEY
Engineering and Construction Management
Lee Schultz (x2756)

Authorizing the improvement to the intersections at Matzinger Road & Stickney Avenue, by installing two(2) street lights; authorizing the annual cost of \$345.00 for said improvement from the General Fund utilities account; authorizing the payment of \$2,200.00 from the General Fund utilities account to Toledo Edison for a one-time installation cost; and declaring an emergency.

SUMMARY & BACKGROUND:

The Street Lighting Section of the Division of Engineering and Construction Management has received numerous complaints regarding the absence of lighting at the intersection of Matzinger Road & Stickney Avenue. The Street Lighting Section surveyed the areas and determined that current street lighting is not adequate. This ordinance proposes installing a streetlight at this location to illuminate the intersection.

The annual cost of this improvement is estimated to be \$345.00 with a one-time installation cost of \$2,200.00. These costs will be paid from the General Fund.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That it is hereby determined to proceed with the improvement of the following lots and lands by installing street lighting, as described below, pursuant to the authority cited below and in accordance with Resolution No. 341-25, adopted on July 15, 2025, and in accordance with plans, specifications, and estimates heretofore approved and on file in the Division of Engineering and Construction Management.

- A. The intersection of Matzinger Road and Stickney Avenue by installing two (2) 130-watt, LED Cobra style streetlights on an existing steel traffic light pole with underground service.

SECTION 2. That the plans, specifications, and cost estimates for this proposed improvement, which are on file in the Division of Engineering and Construction Management, are approved.

SECTION 3. That the annual cost and expense of said improvements, together with damages, if any, awarded to the owner of adjoining lands, with interest thereon, and the costs and expenses of any such award, shall be paid from the General Fund by the City in a manner provided by law.

SECTION 4. That the city's portion of the annual cost and expense of said improvement, together with damages, if any, awarded to the owner of adjoining lands, with interest thereon, and the costs and expenses of any such award, along with the cost of installation shall be paid from the General Fund, Account Code 1001-11200-2424004STDSTD, by the city in a manner provided by law.

SECTION 5. That the remaining costs related to the improvement shall be levied and assessed annually in accordance with the Assessing Ordinance hereafter to be passed by City Council, and said assessments shall be certified to the County Auditor to be placed upon the tax duplicate and collected as other taxes.

SECTION 6. That the Toledo Edison Company is hereby authorized and directed to accomplish the improvements described in Section 1 hereof; such lights to be erected and maintained, and payment, therefore, to be made in accordance with the applicable terms and provisions of the Toledo Edison Street lighting tariff as approved by the Public Utilities Commission of Ohio.

SECTION 7. That the Clerk of Council be and is hereby directed to furnish said Toledo Edison Company with a certified copy and written notice of the passage of the ordinance after publication of the same.

SECTION 8. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that this Ordinance must be immediately effective in order to expedite the installation of street lighting

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____

Clerk of Council
President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council _____.

Attest: _____

Clerk of Council



Legislation Text

File #: R-409-25, Version: 1

TDOT090925APPROPRIATE1525CHERRY
Engineering and Construction Management
Timothy Grosjean (x1344)

Declaring the necessity and intention of appropriating, in fee, a portion of the property owned by HG Toledo LLC, located at 1525 Cherry Street for a safety project; and declaring an emergency.

SUMMARY & BACKGROUND:

The city is proceeding with a safety project at the intersection of Cherry Street and Bancroft Street, which will include a complete realignment of Canton Street at Cherry Street, as well as the addition of a median, signal improvements, resurfacing, and utility improvements, which will better meet the current needs of the public. The project will require the purchase of property totaling 0.001 acres, more or less, across a portion of the property located at 1525 Cherry Street. Negotiations with HG Toledo LLC have been unsuccessful to date and it is now necessary to begin appropriation proceedings to protect the city's interest in the rights-of-way to be acquired and keep the project on schedule.

NOW THEREFORE, Be it resolved that:

SECTION 1. That this City Council declares its intention to appropriate, in fee, a portion of the property owned by HG Toledo LLC located at 1525 Cherry Street (Parcel #1630174), respectively, as collectively more fully described on **Exhibit "A"** attached hereto and incorporated herein by reference.

SECTION 2. That negotiations for the acquisition of the described property interests have been unsuccessful to date and that the acquisition of the property interests described in Section 1 is necessary for the Safety Project at Cherry Street and Bancroft Street.

SECTION 3. That it is ordered and directed that, once adopted, the Clerk of Council shall serve this Resolution as required by law, via certified mail, upon the representative(s) of the owner of the described real estate.

SECTION 4. That this Resolution is hereby declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the acquisition of the property interests from HG Toledo LLC is necessary for the timely construction of the safety project at the intersection of Cherry and Bancroft.

Vote on emergency clause: yeas _____, nays _____.

Adopted _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council

EXHIBIT A

Page 1 of 3

LPA RX 851 WD

Rev. 06/09

Ver. Date 09/25/24

PID 118202

PARCEL 5-WD
LUC-120-18.20
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF TOLEDO, LUCAS COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Lucas, City of Toledo, being part of the Northwest Quarter of Section 36, Town 9 South, Range 7 East, and Lot 8 of Woodruffs Addition, a subdivision of record through Plat Volume 1, Page 71, out of a parcel of land conveyed to HG-Toledo, LLC (as of the date of this survey) through Instrument Number 20150129-0003567, and being on the right side of the centerline of right of way of Cherry Street (State Route 120) and right side of the centerline of right of way of Bancroft Street as shown on a centerline survey plat made in August of 2024, for the City of Toledo titled "LUC-120-18.20 – PID 118202" bounded and described as follows:

Commencing, at a bolt found in a monument box marking the intersection of the centerline of right of way of Bancroft Street with the centerline of right of way of Cherry Street (Station 19+99.09 Bancroft Street and Station 40+06.03 Cherry Street);

Thence Westerly along the centerline of right of way of Bancroft Street, South 89 Degrees 01 Minutes 22 Seconds West a distance of 28.39 feet, to a point (Station 19+70.70 Bancroft Street);

Thence Southerly along a line perpendicular to the centerline of right of way of Bancroft Street, South 00 Degrees 58 Minutes 38 Seconds East a distance of 33.00 feet, to the Northeast corner of said Lot 8, said point being the intersection of the Westerly existing right of way line of Cherry Street with the Southerly existing right of way line of Bancroft Street and the ***True Point of Beginning*** (Station 19+70.70, 33.00 feet right Bancroft Street and Station 40+19.92, 41.25 feet right Cherry Street);

EXHIBIT A

Page 2 of 3

LPA RX 851 WD

Rev. 06/09

1. Thence Southerly along the Easterly line of said Lot 8 and Westerly existing right of way line of Cherry Street, South 31 Degrees 39 Minutes 46 Seconds East a distance of 18.08 feet, to an iron pin set on the Southerly proposed right of way line of Bancroft Street (Station 40+38.00, 41.25 feet right Cherry Street);
2. Thence Northerly along said Southerly proposed right of way line, North 51 Degrees 32 Minutes 09 Seconds West a distance of 15.95 feet, to an iron pin set on the Southerly existing right of way line of Bancroft Street (Station 40+23.00, 46.67 feet right Cherry Street and Station 19+67.61, 38.41 feet right Bancroft Street);
3. Thence Westerly along said Southerly existing right of way line, North 76 Degrees 58 Minutes 33 Seconds West a distance of 6.87 feet, to an iron pin set (Station 19+60.94, 36.75 feet right Bancroft Street);
4. Thence continuing Westerly along said Southerly existing right of way line, South 89 Degrees 01 Minutes 22 Seconds West a distance of 82.11 feet, to an iron pin set on the line common to said Lot 8 and Lot 12 of said Woodruffs Addition (Station 18+78.83, 36.75 feet right Bancroft Street);
5. Thence Northerly along the line common to said Lots 8 and 12, North 01 Degrees 04 Minutes 13 Seconds West a distance of 3.75 feet, to the common corner thereof (Station 18+78.82, 33.00 feet right Bancroft Street);
6. Thence Easterly along the Northerly line of said Lot 8, North 89 Degrees 01 Minutes 22 Seconds East a distance of 91.88 feet, to the *True Point of Beginning*.

The above described parcel contains 0.009 acres of land, more or less, of which the present road occupies 0.008 acres leaving a net take of 0.001 acres, more or less, contained within Lucas County Auditor's Permanent Parcel Number 1630174.

The bearings in this description are for project use only. The portion of the centerline of Cherry Street having a bearing of South 31 Degrees 39 Minutes 46 Seconds East is designated the Basis of Bearing for this description.

All references to records are to the Lucas County Recorder's Office located in the City of Toledo, Ohio.

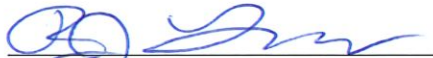
Points referred to as set are 5/8" inch diameter x 30 inch long re-bars with a 1½ inch diameter cap marked "DGL PS #8029".

EXHIBIT A

Page 3 of 3
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LPA RX 851 WD

The above description is based on a land survey performed in September of 2023, by the City of Toledo Engineering Department and prepared by DGL Consulting Engineers, LLC.



Ronald J. Lumbrezer, P.S. #8029
DGL Consulting Engineers, LLC
3455 Briarfield Blvd - Suite E
Maumee, Ohio 43537
5-WD

Date: 11-1-24





Legislation Text

File #: R-410-25, Version: 1

TDOT090925APPROPRIATE1615CHERRY
Engineering and Construction Management
Timothy Grosjean (x1344)

Declaring the necessity and intention of appropriating, in fee, a portion of the property owned by Zubha Props, located at 1615 Cherry Street for a safety project; and declaring an emergency.

SUMMARY & BACKGROUND:

The city is proceeding with a safety project at the intersection of Cherry Street and Bancroft Street, which will include a complete realignment of Canton Street at Cherry Street, as well as the addition of a median, signal improvements, resurfacing, and utility improvements, which will better meet the current needs of the public. The project will require the purchase of property totaling 0.012 acres, more or less, across a portion of the property located at 1615 Cherry Street. Negotiations with Zubha Props have been unsuccessful to date and it is now necessary to begin appropriation proceedings to protect the city's interest in the rights-of-way to be acquired and keep the project on schedule.

NOW THEREFORE, Be it resolved that:

SECTION 1: That this City Council declares its intention to appropriate, in fee, a portion of the property owned by Zubha Props located at 1615 Cherry Street (Parcel #0355066), respectively, as collectively more fully described on **Exhibit "A"** attached hereto and incorporated herein by reference.

SECTION 2. That negotiations for the acquisition of the described property interests have been unsuccessful to date and that the acquisition of the property interests described in Section 1 is necessary for the Safety Project at Cherry Street and Bancroft Street.

SECTION 3. That it is ordered and directed that, once adopted, the Clerk of Council shall serve this Resolution as required by law, via certified mail, upon the representative(s) of the owner of the described real estate.

SECTION 4. That this Resolution is hereby declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the acquisition of the property interests from Zubha Props is necessary for the timely construction of the safety project at the intersection of Cherry and Bancroft.

Vote on emergency clause: yeas _____, nays _____.

Adopted _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council

EXHIBIT A

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 09/25/24

PID 118202

PARCEL 2-WD
LUC-120-18.20
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF TOLEDO, LUCAS COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Lucas, City of Toledo, being part of the Southwest Quarter of Section 25, Town 9 South, Range 7 East, and Lot 2 of the Replat of Lot 72 through 94 of Cherry Place, a subdivision of record through Plat Volume 151, Page 46, out of a parcel of land conveyed to Zubha Props RE, LP (as of the date of this survey) through Instrument Number 20210701-0033221, and being on the right side of the centerline of right of way of Cherry Street (State Route 120) and left side of the centerline of right of way of Bancroft Street as shown on a centerline survey plat made in August of 2024, for the City of Toledo titled "LUC-120-18.20 – PID 118202" bounded and described as follows:

Commencing, at a bolt found in a monument box marking the intersection of the centerline of right of way of Bancroft Street with the centerline of right of way of Cherry Street (Station 19+99.09 Bancroft Street and Station 40+06.03 Cherry Street);

Thence Northerly along the centerline of right of way of Cherry Street, North 31 Degrees 39 Minutes 52 Seconds West a distance of 62.85 feet, to a point (Station 39+43.18 Cherry Street);

Thence Westerly along a line perpendicular to the centerline of right of way of Cherry Street, South 58 Degrees 20 Minutes 08 Seconds West a distance of 41.25 feet, to the Southeast corner of said Lot 2, said point being the intersection of the Westerly existing right of way line of Cherry Street with the Northerly existing right of way line of Bancroft Street and the **True Point of Beginning** (Station 39+43.18, 41.25 feet right Cherry Street and 19+31.54, 33.00 feet left Bancroft Street), reference a MAG nail found (Station 19+31.52, 32.98 feet left Bancroft Street and Station 39+43.18, 41.24 feet right Cherry Street);

EXHIBIT A

Page 2 of 2

LPA RX 851 WD

Rev. 06/09

1. Thence Westerly along the Northerly existing right of way line of Bancroft Street, South 89 Degrees 01 Minutes 22 Seconds West a distance of 41.54 feet, to an iron pin set on the Northerly proposed right of way line of Bancroft Street and Westerly proposed right of way line of Cherry Street (Station 18+90.00, 33.00 feet left Bancroft Street and Station 39+21.98, 76.97 feet right Cherry Street);
2. Thence Northerly along said proposed right of way line, North 45 Degrees 45 Minutes 06 Seconds East a distance of 36.60 feet, to an iron pin set on the Westerly existing right of way line of Cherry Street (Station 39+14.00, 41.25 feet right Cherry Street);
3. Thence Southerly along said Westerly existing right of way line, South 31 Degrees 39 Minutes 52 Seconds East a distance of 29.17 feet, to the *True Point of Beginning*.


The above described parcel contains 0.012 acres of land, more or less, of which the present road occupies 0.000 acres leaving a net take of 0.012 acres, more or less, contained within Lucas County Auditor's Permanent Parcel Number 0355066.

The bearings in this description are for project use only. The portion of the centerline of Cherry Street having a bearing of South 31 Degrees 39 Minutes 46 Seconds East is designated the Basis of Bearing for this description.

All references to records are to the Lucas County Recorder's Office located in the City of Toledo, Ohio.

Points referred to as set are 5/8" inch diameter x 30 inch long re-bars with a 1½ inch diameter cap marked "DGL PS #8029".

The above description is based on a land survey performed in September of 2023, by the City of Toledo Engineering Department and prepared by DGL Consulting Engineers, LLC.


 Ronald J. Lumbrezer, P.S. #8029
 DGL Consulting Engineers, LLC
 3455 Briarfield Blvd - Suite E
 Maumee, Ohio 43537
 2-WD

Date: 11-1-24





Legislation Text

File #: O-411-25, Version: 1

Cemetery Management Contract
DPS/ Urban Beautification
Megan Robson (936-2306)/Sara Stacy (936-2305)
Revised

Authorizing the Mayor to enter into a five-year contract with the option for a five-year renewal with Woodlawn Cemetery Historical Association, Inc. (dba Woodlawn Cemetery and Arboretum) for the management and operation of the city's five municipal cemeteries; waiving the competitive provisions of TMC 187; authorizing the annual expenditure of an amount not to exceed \$615,000 for contractual payments; and declaring an emergency.

SUMMARY & BACKGROUND:

Currently, The City of Toledo owns and contracts out daily operations at five (5) municipal cemeteries throughout the city:

- Forest Cemetery located at 1704 Mulberry Rd.
- Collingwood Cemetery located at 703 Phillips Ave.
- Maplewood Cemetery located at 3429 Airport Hwy.
- Haughton Cemetery located at 3214 Central Ave.
- State Line Cemetery located at 6252 Benore Rd.

Only two of these properties continue to have plots available, (Forest Cemetery and Maplewood Cemetery).

In the Summer of 2020, the city awarded Woodlawn Cemetery and Arboretum a three year contract (three year renewal) to develop, manage, and sell cemetery property rights, merchandise, and services at all the cemeteries. Woodlawn administers the internments, disinternments, monument installations, lot services, site maintenance, record management, genealogy inquiries, and all sales processes since contracting with the City of Toledo. Woodlawn Cemetery and Arboretum also administers the City's Indigent Burial Program including the management of payments and reimbursements in accordance with City's guidelines and the Ohio Board of Embalmers and Funeral Directors.

As the current partnership has only improved the quality of service delivery for both residents and visitors, the city would like to proceed with entering into a new contract with Woodlawn Cemetery and Arboretum for five years with the option for a five-year renewal. The annual expenditure as part of the agreement is as follows:

- Year 1 - \$525,000
- Year 2 - \$535,000
- Year 3 - \$545,000
- Year 4 - \$555,000
- Year 5 - \$565,000

Year 6 - \$575,000
Year 7 - \$585,000
Year 8 - \$595,000
Year 9 - \$605,000
Year 10 - \$615,000

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into a five-year contract with an option for a five-year renewal with the Woodlawn Cemetery and Arboretum for the management and operation of the city's five municipal cemeteries, upon terms and conditions acceptable to the Director of Public Service and the Director of Law.

SECTION 2. That this Council finds and determines that it is in the best interest of the City to waive the competitive procurement requirements of Toledo Municipal Code Chapter 187 for the reason that the Toledo-based vendor is uniquely qualified and has demonstrated familiarity and exceptional experience with cemetery operations and management.

SECTION 3. That, subject to available appropriation in future years, an annual expenditure in an amount not to exceed \$615,000 is authorized for expenditure from the General Fund, Account Code 1001-27100-6241001STDSTD, for the management and operation of the city's five municipal cemeteries.

SECTION 4. That the Director of Finance is authorized to draw warrant or warrants against the above Account Code in payment of the above authorized obligations in an amount not to exceed \$615,000 annually upon presentation of the proper voucher or vouchers.

SECTION 5. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety, and property, and for the further reason of continuing contractual management of the city's municipal cemeteries.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council

Woodlawn Cemetery and Arboretum Proposal



City of Toledo Professional Services

Cemetery Management

Purchase Requisition Number 10003942

Lawrence F Sloane
Director
Woodlawn Cemetery and Arboretum
1502 W. Central Avenue
Toledo, OH 43606
(419) 472-2186

City of Toledo
Division of Purchases and Supplies
One Government Center
640 Jackson Street, Suite 1970
Toledo, Ohio 43604

January 27, 2020

Enclosed is Woodlawn Cemetery and Arboretum's proposal to the City of Toledo to manage the city's five cemeteries. As both an active cemetery, operating since 1876 and a community institution within the City of Toledo, Woodlawn is well-positioned to directly manage the cemeteries.

Woodlawn has seen firsthand the challenges inherent to cemeteries, which have been amplified over the last several decades, as the industry has been in a state of transition. This is poised to continue with the increase in cremation, further diluting the traditional role of the cemetery along with the growth of cities, changing the landscape of formerly rural or suburban cemeteries. Woodlawn has regularly worked with our community members, cemetery staff, and Board of Trustees to ensure that as a community resource, we are responsive to these changing trends while maintaining the historic character that makes the cemetery what it is.

We believe that by managing the city's historic cemeteries we can bring the best practices we have acquired over many years of operation. As a non-profit organization, we will strive to manage the cemeteries with long-term view, yet with an eye toward providing a high level of service from day one.

The following proposal is good for 90 days. If you have any questions during that time please don't hesitate to reach out. Thank you for your consideration.

Sincerely,



Lawrence F Sloane
Director
Woodlawn Cemetery and Arboretum

Scope of Work

As an active cemetery with experienced administrative and ground teams, Woodlawn is well positioned to operate all aspects of the five City Cemeteries. Upon award of this contract we would immediately work with the city to understand the current records and records processes at each cemetery. We would bring our depth of administrative experience to ensure the records are as efficient as possible and accessible virtually to allow staff to help customers directly at each of the locations. We would also carefully inspect all maps, utilizing our grounds manager to ensure that we are capable of providing a high level of service at our very first burial at each cemetery.

We have a mobile grounds staff that would work at each of the cemeteries. Upon award of this contract, the grounds staff would spend significant time at each cemetery, inspecting and learning about each section of the sites. We would expect to perform interments, disinterments, monument installations and lot services at all the locations with this staff. Our staff would also be responsible for maintaining the physical sites, including inspecting the cemeteries regularly and performing work orders in an efficient manner to ensure families feel prioritized. As is a common practice at Woodlawn today, the crew would also be responsible for maintaining all the equipment and facilities, including regular inspections and maintenance.

The administrative staff would be housed at Woodlawn and responsible for all records, genealogy and sales processes. They would be the primary face for any family that has chosen one of the City Cemeteries or is interested in purchasing something today. Everyone on staff is experienced and capable of providing families with an empathetic yet knowledgeable source for their cemetery needs. We would work with the other stakeholders in the cemetery industry to ensure the City Cemeteries are positioned appropriately and work to market products and services where opportunities exist. Today the cemeteries provide an important public service and we hope to continue this long into the future.

We are also prepared to administer the City's Indigent Program. As we are in the funeral industry within Toledo, we work with many of the funeral homes that are often the first point of contact for this program and we would ensure all aspects of the program are run professionally and with care.

Organization

Woodlawn Historical Association, Inc
1502 W. Central Avenue
Toledo, OH 43606
(419) 472-2186

Woodlawn Cemetery and Arboretum is a non-profit organization that was founded in 1876, it is a classic example of the type of rural cemetery that urban planners began to favor in the mid-1800s. Its original 160 acres were situated well outside the city limits. The beauty of nature and the work of accomplished artists and architects coalesced in its stunning park-like setting.

Over the years, leaders from every facet of Toledo society were laid to rest at Woodlawn. Their families erected elaborate family mausoleums and stunning statuary to commemorate their lives. And the city of Toledo grew up to surround the cemetery grounds—creating an urban gem for generations to enjoy. In 1998, Woodlawn Cemetery was recognized as a National Historic Site. Today, the cemetery’s board of trustees is dedicated to preserving both the exquisite beauty and historic significance of the site.

Trustees

Walter Krueger – President
Mike Young – Vice President
John Lewis – Treasurer
Dee Talmage
J.B. Leboutillier
Nil Gallagher
Percy Rankins

Management

The cemetery director is Lawrence Sloane, who has served in that capacity for nine years. Larry has worked in the cemetery industry since 1981 and has worked in 41 states with well over 500 cemeteries, specializing in all aspects of cemetery management. He is currently directly managing four historic non-profit cemeteries in three states. Larry is certified as an expert in the operations, administration, and finance of cemeteries in both state and federal courts throughout the United States.

Staff

Woodlawn has eight full-time staff members, all of which would be involved in this project. We would also hire additional staff to ensure a high level of service.

Employee Manual

Below are the two sections of the Woodlawn Handbook that directly applies to our commitment to employment and promotion without consideration as to race, religion, national origin or sex.

Equal Employment Opportunity

The Historic Woodlawn Cemetery provides Equal Employment Opportunity consistent with applicable law to all qualified persons without regard to race, religion, color, creed, sex, age, national origin, handicap, disability, military status, status as a veteran of the Vietnam Conflict, or any other protected characteristic and will promote equal opportunity for all qualified persons. The scope of Equal Opportunity includes, but is not limited to, recruitment, hiring, placement, training, rates of pay, benefits, promotion, demotion and discipline, transfer, layoff, termination, and all cemetery sponsored activities. All employees share responsibility for successfully implementing Equal Employment Opportunity.

Any employee with a question or concern about discrimination in the workplace is encouraged to bring the concern to the attention of his or her immediate supervisor, to any supervisor in the company's employ or the or to the Office Manager. No reprisal will be permitted for, in good faith, raising concerns or make a report. Anyone determined to have engaged in retaliation for a report of discrimination will be subject to disciplinary action, up to and including termination of employment.

Affirmative Action Policy

The Woodlawn Cemetery assures equal employment opportunity in all of its policies regarding recruiting, compensation, hiring, other benefits, transfers, training, promotions, layoffs, and recall practices.

These will be administered without regard to race, color, creed, ancestry, military status, national origin, age, handicap, marital status, affection or sexual preference, or political or union affiliations, except where gender is a bona fide occupational qualification. The Cemetery will give full consideration to the employment of qualified disabled or handicapped persons. The Cemetery believes that special measures and effort are required to prevent discrimination and eliminate discrimination within the organization. We pledge ourselves to a determined and sustained effort of this belief and the policies outlined in the affirmative action program.

The Cemetery encourages initiative and personal leadership by individuals as the best means to ensure success of the program. We want to meet this challenge in a positive and constructive spirit. Violations of this affirmative action program will be met with appropriate actions. The Cemetery will work cooperatively with, and seek the assistance of appropriate minority groups and agencies, government agencies, educational institutions, civic organizations, study groups, and its suppliers.

It is the responsibility of each member of management from the Executive Director to first-line supervisor, to give this nondiscrimination policy full support through inspirational leadership and personal example. In addition, it is the duty of every employee of the organization to create a job environment which is conducive to our nondiscrimination policies. Overall responsibility for the direction of equal opportunity policy, programs, and practices have been assigned to the Office Manager, who will serve as the Equal Employment Opportunity Coordinator.

Regulatory Assurance

Woodlawn is in excellent regulatory standing and not in violation of any regulatory agency rules.

Conflict of Interest

We do not intend to engage, either as an employee or independent contractor, in performing the services contemplated by the proposal, any employee of the city, or any person who has been an officer or employee of the city, or any entity as to which such an officer or employee

Compensation

The cost for this project would be \$450,000 in year one. We would propose the following schedule for a three-year cost inflation over the first five years and the potential five-year extension period.

Year 1 – \$450,000
Year 2 – \$450,000
Year 3 – \$450,000
Year 4 – \$470,000
Year 5 – \$470,000
Year 6 – \$470,000
Year 7 – \$490,000
Year 8 – \$490,000
Year 9 – \$490,000
Year 10 – \$505,000

We would bill the city equal amounts monthly and would work with the city on major capital projects to determine the best course to ensure the cemetery can be maintained. As per the RFP, Woodlawn would also retain revenues from lot and niche sales, interment services performed, memorial sales, memorial installation sales, floral sales and other miscellaneous revenues.

As part of this fee, Woodlawn would administer the indigent program, including making payments as per the rules set out by city. Woodlawn would pay for this program with an annual cap of \$42,000 in distributions. Distributions over the cap will be reimbursed by the city.



Legislation Text

File #: O-412-25, Version: 1

Electric Lawn Mower Equipment
DPS/ Urban Beautification
Megan Robson (x9306), Sara Stacy (x2305)
Revised

Authorizing the Mayor to enter into a contract utilizing a purchasing cooperative for the purchase of electric, commercial grade lawn equipment; authorizing the expenditure of an amount not to exceed \$70,000 from the 1% for the Environment funding; and declaring an emergency.

SUMMARY & BACKGROUND:

Traditional lawn care practices are characterized by use of gas-powered lawn mowers and other fossil fuel-dependent equipment; these come with a significant environmental footprint. Furthermore, the routine maintenance of gas-powered lawn mowers requires the storage and handling of gasoline, which poses risks to both human health and the environment. Spills and leaks can contaminate soil and water sources, leading to long-term environmental damage. These factors highlight the urgent need for more sustainable alternatives in lawn care practices.

In 2024, City Council passed a RES. 583-24 declaring the intent of the Toledo City Council to replace the City Fleet's oldest, least efficient vehicles with efficient and cost-effective Electric Vehicles. There are a myriad of reasons why Electric Vehicles are beneficial from financial, environmental, and public health lenses.

Electric lawn mowers, particularly battery-powered ones, often have a higher initial purchase price than gas mowers due to the cost of the battery and its components. While gas mowers can seem more affordable upfront, especially in the entry-level range, they tend to have higher lifetime ownership costs due to the need for fuel, oil, and regular maintenance. Electric mowers, on the other hand, generally have lower running costs and require less maintenance.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into a contract utilizing a purchasing cooperative for the purchase of electric, commercial grade lawn equipment, upon terms and conditions acceptable to the Director of Public Service and the Director of Law.

SECTION 2. That the expenditure of an amount not to exceed \$70,000 is authorized from the 1% for the Environment funding, Account Code 1001-24500-6232003ENVONE for the purchase of electric, commercial grade lawn equipment.

SECTION 3. That the Finance Director is authorized to draw their warrant or warrants against the above Account Code in payment of the above authorized obligations in an amount not to exceed \$70,000 upon

presentation of proper voucher or vouchers.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety, and property, and for the further reason of improving our sustainability commitment made to protect and steward the shared environment and natural resources.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-413-25, Version: 1

Zone Change
5414 301st St.

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5414 301st Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

An application (Z25-0015) for a proposed change in zoning for the property located at 5414 301st Street, in Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 12, 2024, the Toledo City Plan Commission recommended approval of the request for a zone change from “RS6” Single-Dwelling Residential and “CR” Regional Commercial to “RS6” Single-Dwelling Residential for the property located at 5414 301st Street, in Toledo, Ohio.

On October 15, 2024, the Toledo City Council Zoning and Planning Committee referred as approved the request for a zone change from “RS6” Single-Dwelling Residential and “CR” Regional Commercial to “RS6” Single-Dwelling Residential for the property located at 5414 301st Street, in Toledo, Ohio.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised by changing the zoning district of that part of the City of Toledo more fully described as follows:

VIRGINIA PLACE LOT 17 W 2 FT & 18 TO 20 ...S 23.33 FT & LOT 21

SECTION 2. The Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-414-25, Version: 1

Zone Change
313 Morris St.

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 313 Morris Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

An application (Z25-0016) for a proposed change in zoning for the property located at 313 Morris Street, in Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 3, 2025, the Toledo City Plan Commission recommended approval of the request for a zone change from “IG” General Industrial to “IL” Limited Industrial for the property located at 313 Morris Street, in Toledo, Ohio.

On August 13, 2025, the Toledo City Council Zoning and Planning Committee referred as approved the request for a zone change from “IG” General Industrial to “IL” Limited Industrial for the property located at 313 Morris Street, in Toledo, Ohio.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised by changing the zoning district of that part of the City of Toledo more fully described as follows:

Lots 43, 44, 45, 46, 47, 48, 49 and 50 in Oliver’s Division in the City of Toledo, Lucas County, Ohio, in accordance with Volume 2A of Plats, page 11. Parcel nos. 11-56644 and 11-56617

Lots Numbered 667, 668, 669 and 670 in Oliver's Division in the City of Toledo, Lucas County, Ohio, in accordance with Volume 2A of Plats, page 11, together with the Northwesterly 1/2 of the vacated alley adjoining said Lots 667 through 670. Tax Parcel No. 11-59937 and 11-59954

Lots Numbered 671,672,673 and 674 in Oliver's Division in the City of Toledo, Lucas County, Ohio, in accordance with Volume 2A of Plats, page 11, together with the Northwesterly 1/2 of the vacated alley adjoining Lots Numbered 671 and 672. Tax Parcel Nos. 11-59957, 1159961 and 11-59964

SECTION 2. The Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-415-25, Version: 1

Zoning & Planning
SUP Day Care Center
2800 W. Central Ave.

Granting a Special Use Permit for a Day Care Center for the property located at 2800 West Central Avenue, in the City of Toledo, Lucas County, Ohio, subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP25-0018) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Day Care Center for the property located at 2800 West Central Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 3, the Toledo City Plan Commission recommended approval for the request for granting a Special Use Permit for a Day Care Center for the property located at 2800 West Central Avenue, in the City of Toledo, Lucas County, Ohio.

On August 13, 2025, the Toledo City Council Zoning and Planning Committee recommended approval for the request for granting a Special Use Permit for a Day Care Center for the property located at 2800 West Central Avenue, in the City of Toledo, Lucas County, Ohio.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That granting a Special Use Permit for a Day Care Center for the property located at 2800 West Central Avenue, in the City of Toledo, Lucas County, Ohio. in the City of Toledo, Lucas County, Ohio; be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

NEW ENGLAND LANES LOT 93 & S 10 FT LOT 92

SECTION 2. That the approval of the granting of a Special Use Permit for a Day Care Center for the property located at 2800 West Central Avenue, in the City of Toledo, Lucas County, Ohio. in the City of Toledo, Lucas County, Ohio, be subject to compliance with the eighteen conditions (18) conditions as follows:

The following eighteen (18) conditions listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions:

Division of Environmental Services

1. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in

the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.

2. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
3. Applicant is strongly encouraged to install permanent inlet filters with oil absorbent pillow in parking lot catch basins to treat stormwater.
4. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
5. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf <https://www.oipc.info/uploads/5/8/6/5/58652481/%20alternatives_to_ohio_invasive_plant_species.pdf>
6. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Fire Prevention

7. Approved Premises identification is required.
8. Key box(es) for access to buildings and areas restricted by fences, gates, etc. are required.

Division of Transportation

No comment nor concern.

Plan Commission

9. Per **TMC§1107.1906** All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
10. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available to the Type A Day Care. **Acceptable as depicted on site plan.**
11. Sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at any one time. **Acceptable as depicted on site plan.**
12. A Day Care Center is required to have one (1) parking space per four-hundred (400) square feet of floor area. Six (6) parking spaces, one (1) two-slotted bicycle parking rack, and one (1) assessable van parking space shall be provided. **Acceptable as depicted on site plan.**
13. A paved off-street area for dropping off and picking up persons in care at the facility must be provided and approved by the Division of Transportation; **Acceptable as depicted on site plan.**

14. A detailed site, lighting, fencing and landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
- a. Per **TMC§1108.0203(F)**, a Type B landscape buffer shall be provided around the outdoor play area. This buffer shall be a minimum of ten-feet (10') in width and consist of four (4) canopy trees and fifteen (15) shrubs installed every 100 linear feet. Pursuant to **TMC§1108.0203(D)(2)**, a fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for the shrub requirements. Applicant has the option to request credit for the existing tree under **TMC§1108.0407(B)**. **A revised landscape plan showing detail of existing and proposed plants shall be submitted;**
 - b. Fences shall not exceed three and one-half (3 ½') feet in the front yard. **Not acceptable as depicted;**
 - c. A frontage greenbelt shall be provided along all public rights-of-way pursuant to **TMC§1108.0202**. Frontage greenbelts shall be a minimum width of fifteen (15') feet and have at least one (1) tree for every thirty (30') feet of lot frontage. **Not depicted on site plan, shall be submitted on revised landscape plan;**
 - d. The fence along the northern boundary of the site shall be maintained indefinitely.
 - e. Per **TMC§1108.0203(G)**, dumpsters and trash receptacles shall be screened on all four sides with materials of evergreen plantings, fencing, a wall, or a combination thereof with a minimum height of six (6') feet. Dumpsters shall not be located within the required setbacks or Residential zoned districts. **Acceptable as depicted;**
 - f. A perimeter landscape buffer including a minimum of one (1) canopy tree for each thirty (30') linear feet, plus a continuous shrub with a minimum height of 18 inches when installed shall be provided abutting the parking area to visually screen all off-street loading facilities from view of Residential districts and public rights-of-way per **TMC§1108.0204**. **Shall be depicted on a revised landscape plan;**
 - g. One (1) two-inch caliper tree for every 1,000 square feet of building coverage, foundation plantings along all portions of the building that are visible from the right-of-way, and landscaping at all major entrances shall be provided. **Not acceptable as depicted. A revised landscape plan shall be submitted to reflect interior site landscaping;**
 - h. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage;
 - i. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
 - j. All site lighting shall be fully directed downward, recessed, or adequately shielded to direct light away from adjacent properties, rights of way, or the sky above the fixtures per **TMC 1107.1908**; and

k. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained. **Not acceptable as depicted. Applicant shall provide a landscape plan showing detail of existing and proposed plants.**

- 15. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
- 16. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
- 17. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
- 18. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-416-25, Version: 1

Zoning & Planning
SUP Tobacco Shop
229 Main Street

Granting a Special Use Permit for a Tobacco Shop for the property located at 229 Main Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP25-0015) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Tobacco Shop for the property located at 229 Main Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 3, the Toledo City Plan Commission recommended disapproval for the request for granting a Special Use Permit for a Tobacco Shop for the property located at 229 Main Street, in the City of Toledo, Lucas County, Ohio.

On August 13, 2025, the Toledo City Council Zoning and Planning Committee recommended disapproval for the request for granting a Special Use Permit for a Tobacco Shop for the property located at 229 Main Street, in the City of Toledo, Lucas County, Ohio.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That granting a Special Use Permit for a Tobacco Shop for the property located at 229 Main Street, in the City of Toledo, Lucas County, Ohio; be and the same is hereby approved, as to the property more fully described as follows:

YONDOTA NEW PLAT LOTS 114-124 & 147-155 & 17 6 & SE 10 FT 175 & ALL VAC ALLEY
ADJ LOTS 116-124 & 1 /2 VAC ALLEY ADJ LOTS 114- 115 & ALL VAC PLATT ST ADJ

SECTION 2. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-417-25, Version: 1

TMC Amendments re: Part 11 - Planning and Zoning Code
Plan Commission
L.Cottrell (x2342)

Amending Toledo Municipal Code Part Eleven - Planning and Zoning Code by enacting §1103.1414 entitled Demolition Hearing Procedures (Cherry Street Overlay District); and enacting §1103.1415 Demolition Appeals; and declaring an emergency.

SUMMARY & BACKGROUND:

This ordinance enacts a new section of the Toledo Municipal Code (“TMC”) as a result of a study to establish demolition criteria for the Cherry Street Overlay District. The change establishes demolition criteria that protect the history of the area while encouraging rehabilitation of buildings. This appeal process and criteria are similar to demolition regulations in other UNO districts of the City. The proposed text amendment is consistent with the stated purpose of the Zoning Code.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, §1103.1414 is enacted to state as follows:

§1103.1414 Demolition Hearing Procedures (Cherry Street Urban Overlay District)

A. The Chery Street Development Organization (CSDO) has review and approval authority for demolition review under this section after seeking comment from the Plan Commission. A Major Site Plan application shall be required for all demolition requests.

B. When application is made for demolishing a structure within the Cherry Street Urban Overlay District, the Cherry Street Development Organization must grant the application when one or both of the following conditions are found to exist:

1. The structure for which demolition is sought contains no feature so architectural or historical significance, and it does not contribute to maintaining the character of the Cherry Street Urban Overlay District; or
2. There is no reasonable economic return for the structure as it exists and there is no feasibly alternative to demotion submitted to the applicant by concerned organizations of individuals who wish to preserve the structure.

C. Economic Hardship Standards and Criteria

The Cherry Street Development Organization in making a determination of economic hardship, may consider any relevant information, including but not limited to the following standards and criteria:

1. Alternative uses and the economic return they will earn in relation to all the following:
 - a. estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an

estimate of any additional cost that would be incurred to comply with the recommendation of the Cherry Street Development Organization for changes necessary for the continued use of the building;

b. a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures on the property and their suitability for rehabilitation, including any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical;

c. estimated market value of the property in its current condition, based on an independent MAI-certified appraiser; after completion of the proposed redevelopment, alteration, demolition or removal; and after changes recommended by Cherry Street Development Organization for the renovation of the existing property for continued use; and

d. testimony from a third party architect, developer, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property, taking into consideration any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical.

2. The current economic return on the property in relation to all the following:

a. the amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased;

b. if the property is income-producing, the annual gross income from the property for the previous 2 years; itemized operating and maintenance expenses for the previous 2 years; and depreciation deduction and annual cash flow after debt service, if any, during the same period;

c. real estate taxes for the previous 2 years and assessed value of the property according to the most recent assessed valuation; and

d. all appraisals obtained within the previous 2 years by the owner or applicant in connection with the purchase, financing or ownership of the property.

3. The property is not able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous 2 years, including testimony and relevant documents regarding:

a. any real estate broker or firm engaged to sell or lease the property;

b. reasonableness of the price or rent sought by the applicant; and

c. any advertisements placed for the sale or rent of the property.

4. Economic incentives and/or funding available to the applicant through federal, state, city of private programs.

5. Other information considered by the respective Cherry Street Development Organization to be significant in determining whether the property does yield or may yield a reasonable return to the owner.

D. Alternatives to Demolition Submitted by Others

In deciding on the feasibility of an alternative to demolition, the Cherry Street Development Organization must find that the alternative plan meets the following requirements:

1. It contains a credible short-term and long-term program for the protection and use of the building;

2. It contains financial and architectural plans prepared by architects, engineers, real estate professionals, and other persons experienced in the rehabilitation and reuse of historic buildings; and

3. It has been submitted to the applicant as a good faith proposal containing an offer to enter into a contract at a price that reflects the fair market value of the property based upon three independent MAI-certified appraisers.

E. Additional Application Requirements

An applicant must meet with the Cherry Street Development Organization or the Plan Commission staff, and

the applicant must then submit evidence on the following standards and criteria:

1. For a demolition application to be considered by the Cherry Street Development Organization the application must contain sufficient information so that the Cherry Street Development Organization may adequately analyze the application in relation to its standards and criteria and then make a factual decision on the application.
2. The application shall include photographs and a written description of the present condition of the structure for which demolition is sought. The applicant shall include information about any changes in the condition of the structure during the previous 2 years.
3. At the initial meeting with the applicant, the Cherry Street Development Organization or the staff must indicate the information the Cherry Street Development Organization will need for a valid application.
4. For applications based on a lack of reasonable economic return, the applicant has the burden of showing that the property in question is incapable of earning a reasonable economic return in the absence of the proposed demolition. The showing must be made in accordance with the standards and criteria set forth in Economic Hardships Standards and Criteria.
5. The Planning Director must notify the applicant of any deficiencies in the documentation or other evidence provided.
6. Failure of the applicant to submit the required documentation and/or other evidence will be construed as a failure on the part of the applicant to meet the standard for which the documentation and/or evidence is lacking.
7. After receipt of a completed application in which all required information is attached, the Cherry Street Development Organization must make a determination on the applicant's submission in accordance with the time frames set forth herein.

F. The Plan Commission staff must evaluate each application in accordance with the standards and criteria contained in Demolition Hearing Procedures and Economic Hardship Standards and Criteria and must provide a written evaluation and report. The report must be presented to the respective Cherry Street Development Organization on or before the Cherry Street Development Organization's hearing.

G. The respective Cherry Street Development Organization must hold a hearing on the application. The Cherry Street Development Organization, at the hearing, may delay a determination on the application and may impose a waiting period of at least 30 days and not longer than 9 months upon a finding that the structure is of value to the Cherry Street Urban Overlay District and that alternatives to demolition may be feasible and should be actively pursued by both the Cherry Street Development Organization and the applicant. This finding may include written recommendations to the applicant.

H. Upon the imposition of waiting period, the Cherry Street Development Organization must undertake meaningful and continuing discussion during the waiting period in order to find a means of preserving the structure.

1. The Cherry Street Development Organization and applicant must investigate the feasibility of all means of preserving the structure. During this period the Cherry Street Development Organization and the applicant must make every reasonable effort to find a demolition alternative for the structure.
2. If the Cherry Street Development Organization and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussion at least every 30 days after the initial meeting. During these meetings the Cherry Street Development Organization must give written notice to the applicant when the Cherry Street Development Organization believes that the structure may be saved if the applicant agrees to a longer waiting period.

I. The Cherry Street Development Organization may develop its own information on the Economic Hardship Standards and Criteria, and this information must be made part of the record on the application.

J. The Cherry Street Development Organization must announce at the initial public hearing that further evidence or documentation from any interested party may be made part of the record by submitting such information to the Planning Director by a date certain. These materials may include one or more plans for an alternative to demolition prepared by concerned organizations or individuals. The Planning Director must transmit any such information received to the Cherry Street Development Organization and the applicant.

K. When the demolition application is first received, the Cherry Street Development Organization must seek the help of neighborhood leaders to suggest that they and the Cherry Street Development Organization work together on developing an alternative to demolition. The Cherry Street Development Organization shall arrange one or more meetings between the applicant and any organizations and individuals working on an alternative to demolition.

L. The Cherry Street Development Organization may cause to be established a three-person economic review panel. The review panel will be comprised of three real estate and redevelopment experts knowledgeable in the economics of renovation, redevelopment and other aspects of rehabilitation.

1. The panel will consist of one person selected by the Cherry Street Development Organization, one person selected by the applicant and one person selected by the first two appointments. If the first two appointments cannot agree on a third person, the third appointment will be selected by the Planning Director.

2. Within 60 days after the economic review panel is established and before the end of the 6th month of the waiting period, the panel must review the evidence and complete an evaluation of the economic return issue, applying the standards and criteria set forth in the Economic Hardship Standards and Criteria. It must forward a written report on this evaluation to the Cherry Street Development Organization

M. If, after reviewing all of the evidence, the Cherry Street Development Organization finds as follows below, then the Cherry Street Development Organization must approve the request, conditionally or otherwise. If the Cherry Street Development Organization finds that the standards, criteria, and requirements are not satisfied, the request will be denied. The Cherry Street Development Organization must find that:

1. The standards and criteria set forth in the Economic Hardship Standards and Criteria are satisfied;

2. And there is no feasible alternative to demolition, per the requirements of paragraph C above.

N. If the applicant or a representative fails to meet with the Cherry Street Development Organization at the times specified, or to participate in a meeting arranged by the Cherry Street Development Organization, then the Plan Commission may deny the request.

O. During the waiting period, the owner of such structure must maintain or mothball the structure to prevent further deterioration. If the request of a demolition is denied, the applicant must develop a program for continuing maintenance for the structure to ensure that the deterioration of the structure is not caused by the neglect of the structure by its owner or by a tenant. Such program must address the condition of the structure, the money currently available for repairs and maintenance, and any funds or in-kind assistance that may be available from interested third parties.

P. After holding good faith meetings pursuant to paragraph G above for 6 months into the waiting period specified by the Cherry Street Development Organization, or at any time thereafter, the applicant may appeal to the Plan Commission for a determination pursuant to Section B through Section F.

Q. After each demolition of a landmarked structure or within a historic district, the Cherry Street Development Organization must prepare a brief report on that structure giving the reasons why the demolition took place. The report must be given to interested neighborhood organizations. At the end of each year the Cherry Street Development Organization must prepare a report summarizing the demolitions that year and the reasons for these demolitions. These summaries must be given to the Mayor, City Council, and interested neighborhood organizations.

SECTION 2. That Toledo Municipal Code, §1103.1415 is enacted to state as follows:

§1103.1415 Demolition Appeals.

A. Decisions concerning demolitions by the Plan Commission may be appealed by the applicant or any other interested person to the City Council Planning and Zoning Committee, in writing, within 7 days of the Plan Commission hearing. Applications must be accompanied by the fee amount that has been established by the City Council.

B. The City Council Planning and Zoning Committee will consider an appeal filed pursuant to this Section within 30 days of receipt of notice of appeal, and must utilize the written findings of that Plan Commission to review economic, historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its cultural importance to the City. A majority vote of the City Council Planning and Zoning Committee is required to overturn a decision of the Plan Commission.

C. In cases involving denial of an application for demolition pursuant to Demolition Hearing Procedures, the Plan Commission and the applicant must present such evidence as will be relevant to the conditions set forth in Demolition Hearing Procedures and Economic Hardship Standards and Criteria and must further present evidence upon the efforts made, if any, to find a feasible and prudent alternative to demolition during the pendency of the appeal.

1. In such cases, the City Council Planning and Zoning Committee may, in its discretion, and to facilitate the production of the evidence contemplated herein, defer its final decision to a date no later than 9 months from the initial Plan Commission hearing.

2. The City Council Planning and Zoning Committee may direct the applicant and the Plan Commission to continue discussions as provided for in Demolition Hearing Procedures (G) for the balance of the waiting period.

D. Decisions by the City Council Planning and Zoning Committee will be deemed final administrative orders for appellate purposes and will be thereafter regulated by Revised Code Chapter 2506.

E. No building permit, or other permit necessary for the activity applied for, including environmental changes, may be issued, or if issued will be valid, during the appeal time provided in Section A, during the pendency of a timely-filed appeal before the City Council Planning and Zoning Committee, or during the time prescribed in Revised Code Chapter 2506 for an appeal of a decision of the Plan Commission.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide accurate and complete standards for use by property owners.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-418-25, Version: 1

TMC Amendments re: Part 11 - Planning and Zoning Code
Plan Commission
L.Cottrell (x2342)

Amending Toledo Municipal Code Part Eleven - Planning and Zoning Code by enacting Subsection 1104.2700 entitled Scrap and Salvage Operations; and Section 1104.2701 entitled Setbacks; and amending the Use Table found at Subpart 1104.0100 to include the respective changes enacted in Section 1104.2701; and declaring an emergency.

SUMMARY & BACKGROUND:

This ordinance updates and enacts a new section of the Toledo Municipal Code (“TMC”) to as a result of a study on scrap and salvage operations that take place adjacent to residential zoning districts. The change will limit the setback and storage of scrap and salvage materials from any adjacent residential land units and further protect residents from excess dust, noise, and negative secondary effects. The proposed text amendment is consistent with the Forward Toledo Comprehensive Land Use Plan and stated purpose of the Zoning Code.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1104.2700 and §1104.2701 is enacted to state as follows:

1104.2700 Scrap and Salvage Operations

§1104.2701 Setbacks.

Any new or future expansion of Scrap and Salvage Operations shall be set back no less than 100 feet from any residential district or use and shall be screened to obscure the materials from the view of the right-of-way.

SECTION 2. That the Toledo Municipal Code Subsection 1104.0100 Use Table, displayed in **Exhibit A** to this ordinance is repealed.

SECTION 3. That a new Toledo Municipal Code Subsection 1104.0100 Use Table is enacted as displayed in **Exhibit B** to this ordinance and Table Note [35] is enacted as follows:

[35] Subject to the standards of Sec. 1104.2700 Scrap and Salvage Operations

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide accurate and complete standards for use by property owners.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Residential																	
Household Living																	
Detached House	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Detached House, Zero Lot Line	-	-	P [1]	P [1]	P [1]	-	P [1]	-	-	-	-	-	-	-	-	-	-
Attached House	-	-	-	P [2]	P [2]	-	P [2]	-	P [2]	-	-	P [2]	-	-	-	-	-
Duplex	-	-	-	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Cluster Housing	S [3]	S [3]	S [3]	S [3]	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Housing Park	-	-	-	-	-	P [4]	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Multi-Dwelling Structure	-	-	-	-	P [5]	-	P [5, 6]	P [5, 6]	P [5, 7]	P [5, 6]	P [5, 6]	P [5]	-	-	-	-	P
Adult Foster Home	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Certified Foster Home	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Group Living																	
Adult Family Home	P [8]	P [8]	P [8]	P [8]	S [8]	S [8]	S	-	S	-	-	-	-	-	-	-	-
Residential Facility, Small	P [8]	P [8]	P [8]	P [8]	S [8]	P [8]	-	-	-	-	-	-	-	-	-	-	-

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Group Living (Cont.)																	
Residential Facility, Large	-	-	-	-	S [8]	-	-	-	-	-	-	-	-	-	-	-	-
Drug and Alcohol Residential Facility	-	-	-	-	S [8]	-	-	-	-	-	P [8]	-	-	-	-	-	-
Halfway House	-	-	-	-	-	-	-	-	S [8, 27]	-	S [8, 27]	S [8, 27]	-	-	-	-	-
Nursing Home	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Rest Home	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Home for the Aging	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Group Rental	P [9], [10]	P [9], [10]	P [9], [10]	P [9], [10]	P [9], [10]	-	P [10]	P [10]	P [10]	P [10]	P [10]	P [10]	-	-	-	-	-
Homeless Shelter	-	-	-	-	-	-	-	-	S [8]	S [8]	S [8]	S [8]	-	-	-	-	-
Other Group Living	-	-	-	-	S	-	-	-	-	-	S	S	-	-	-	-	P
Public and Civic																	
Colleges and Universities	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	P
Community Recreation																	
Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Active	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Community Recreation (Cont.)																	
Marinas	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	-
Cultural Exhibits and Libraries	S	S	S	S	S	-	P	P	P	P	P	P	-	-	-	S	P
Day Care																	
Type A Family Day Care Home	S [8], [12]	S [8], [12]	S [8], [12]	S [8], [12]	S [8], [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	-	-	-	-
Type B Family Day Care Home	P [12]	P [12]	P [12]	P [12]	P [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	-	-	-	-
Day Care Center	S [12]	S [12]	S [12]	S [12]	S [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	P [12]
Hospital	-	-	-	-	-	-	-	S	-	-	S	S	-	-	-	-	P
Lodge, Fraternal and Civic Assembly	-	-	-	-	S	-	P	P	P	P	P	P	P	-	-	-	-
Postal Service	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-
Public Safety	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	S	P
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Schools	S	S	S	S	S	S	S	S	S	S	S	S	-	-	-	-	P
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities and Services, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	P
Commercial Use Types																	
Animal Services																	
Sales and Grooming	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Animal Services (Cont.)																	
Kennels	-	-	-	-	-	-	-	-	-	-	P [14]	-	P [14]	P [14]	-	-	-
Animal Shelters	-	-	-	-	-	-	-	-	-	-	P [14]	P [14]	P [14]	P [14]	-	-	-
Fully Enclosed Animal Shelters/ Kennels	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-
Veterinary	-	-	-	-	-	-	P [13]	P	-	P	P	P	P	P	-	-	-
Building Maintenance Services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-
Business Equipment Sales and Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	P	P	-	-
Business Support Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	-	P	-	-
Communications Service Establishments	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Construction Sales and Services	-	-	-	-	-	-	-	-	-	-	P [15]	-	P	P	P	-	-
Eating and Drinking Establishments																	
Tavern	-	-	-	-	-	-	P [13]	-	P	P	P	P	P	P	-	-	-
Fast Order Food	-	-	-	-	-	-	P [13]	P [16]	P	P	P	P	-	-	-	-	-
Fast Order Food, Drive-through	-	-	-	-	-	-	-	-	-	S [17]	P [9], [17]	-	-	-	-	-	-
Restaurant, Sit-down	-	-	-	-	-	-	P [13]	P [16]	P	P	P	P	-	-	-	-	-

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Entertainment and Spectator Sports																	
Limited	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	P
General	-	-	-	-	-	-	-	-	-	S	P	P	-	-	-	-	P
Financial, Insurance and Real Estate Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Short-term Lender	-	-	-	-	-	-	P [29]	P [29]	P [29]	P [29]	P [29]	P [29]	-	-	-	-	-
Food and Beverage Retail Sales																	
Large Stores	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Convenience Stores	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Funeral and Interment Services																	
Cremating	-	-	-	-	-	-	-	-	-	-	S [9] [28]	-	P [28]	P [28]	-	-	-
Interring	S	S	S	S	S	-	S [13]	S	S	S	S	S	-	-	-	P	-
Undertaking	S (9)	S (9)	S (9)	S (9)	S (9)	-	P [13]	-	P	P	P	P	P	P	-	-	-
Cemeteries	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	P	-
Gasoline and Fuel Sales	-	-	-	-	-	-	S [13], [19]	-	-	S [19]	S [19]	S [19]	-	-	-	-	-
Medical Services																	
Drug and Alcohol Treatment Center, Nonresidential	-	-	-	-	-	-	-	P [8]	P [8]	P [8]	P [8]	-	-	-	-	-	P

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Medical Services (Cont.)																	
All other Medical Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	P
Office, Administrative and Professional	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	-	P	-	P
Parking, Commercial	-	-	-	-	-	-	-	-	-	S	P	S	-	-	-	-	P
Personal Convenience Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Personal Improvement Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Rental Halls	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-
Repair Services, Consumer	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Retail Sales, General	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Sexually-Oriented Business Establishment	-	-	-	-	-	-	-	-	-	-	P [20]	P [20]	P [20]	P [20]	-	-	-
Sports and Recreation, Participant																	
Indoor	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Outdoor	S	S	S	S	S	-	-	-	-	-	P	P	-	-	-	-	-
Sweepstake Terminal Cafes	-	-	-	-	-	-	-	-	-	-	S [32]	-	-	-	-	-	-
Tobacco Shop	-	-	-	-	-	-	S [13], [21]	-	S [21]	S [21]	S [21]	S [21]	-	-	-	-	-
Transient Habitation																	
Bed and Breakfast	S [22]	S [22]	S [22]	S [22]	S [22]	-	P [13]	P	P	P	P	P	-	-	-	-	-

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Transient Habitation (Cont.)																	
Lodging	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	P
Rooming House	-	-	-	-	S [9]	-	P [9], [13]	-	-	P	P	P	-	-	-	-	-
Vehicle Sales and Service																	
Cleaning/Washing	-	-	-	-	-	-	-	-	-	S [9], [17]	P [9], [17]	P [9], [17]	P [9], [17]	-	-	-	-
Fleet Storage	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Heavy Equipment Repairs	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Light Equipment Repairs	-	-	-	-	-	-	-	-	-	S	P	P	P	P	-	-	-
Heavy Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Auto and RV Sales/Rental	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Auto and RV Sales, used only	-	-	-	-	-	-	-	-	-	-	S [23]	S [23]	-	-	-	-	-
Storage of Towaway Vehicles	-	-	-	-	-	-	-	-	-	-	S [24]	-	S [24]	S [24]	-	-	-
Storage of Recreational Vehicles	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Industrial Use Types																	
Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Freight Terminal	-	-	-	-	-	-	-	-	-	-	-	-	P [26]	P [26]	-	-	-

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Industrial Use Types (Cont.)																	
Industrial, General	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Laundry Service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Manufacturing and Production, Limited	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-
Manufacturing and Production, Technological	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-
Scrap and Salvage Operations	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Wholesale, Storage and Distribution																	
Mini-Warehouse	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Light	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Other Use Types																	
Solar Energy Systems																	
Accessory	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]
Primary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Urban Agriculture																	
Major Urban Agriculture	S [31]	S [31]	S [31]	S [31]	S [31]	S [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]
Minor Urban Agriculture	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC	
Other Use Types (Cont.)																		
Marijuana Facility																		
Cultivator	-	-	-	-	-	-	-	-	-	-	-	-	P [30]	P [30]	P [30]	-	-	
Dispensary	-	-	-	-	-	-	S [30]	-	-	-	S [30]	-	-	-	-	-	-	
Processor	-	-	-	-	-	-	-	-	-	-	-	-	P [30]	P [30]	P [30]	-	-	
Testing Laboratory	-	-	-	-	-	-	-	P [30]	-	-	P [30]	P [30]	P [30]	P [30]	P [30]	-	-	
Mining	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
Recycling Facilities																		
Large Collection Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Small Collection Facilities	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-
Processing Center	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
Wireless Telecommunications Facilities																		
Co-Located	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]
Freestanding	S [25]	S [25]	S [25]	S [25]	S [25]	S [25]	P [25]	P [25]	S [25]	S [25]	P [25]	P [25]	P [25]	P [25]	P [25]	S [25]	P [25]	
Radio/TV Towers	-	-	-	-	-	-	-	-	-	-	S [25]	S [25]	S [25]	S [25]	S [25]	-	-	

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Residential																	
Household Living																	
Detached House	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Detached House, Zero Lot Line	-	-	P [1]	P [1]	P [1]	-	P [1]	-	-	-	-	-	-	-	-	-	-
Attached House	-	-	-	P [2]	P [2]	-	P [2]	-	P [2]	-	-	P [2]	-	-	-	-	-
Duplex	-	-	-	P	P	-	P	-	-	-	-	-	-	-	-	-	-
Cluster Housing	S [3]	S [3]	S [3]	S [3]	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Housing Park	-	-	-	-	-	P [4]	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Multi-Dwelling Structure	-	-	-	-	P [5]	-	P [5, 6]	P [5, 6]	P [5, 7]	P [5, 6]	P [5, 6]	P [5]	-	-	-	-	P
Adult Foster Home	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Certified Foster Home	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Group Living																	
Adult Family Home	P [8]	P [8]	P [8]	P [8]	S [8]	S [8]	S	-	S	-	-	-	-	-	-	-	-
Residential Facility, Small	P [8]	P [8]	P [8]	P [8]	S [8]	P [8]	-	-	-	-	-	-	-	-	-	-	-

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Group Living (Cont.)																	
Residential Facility, Large	-	-	-	-	S [8]	-	-	-	-	-	-	-	-	-	-	-	-
Drug and Alcohol Residential Facility	-	-	-	-	S [8]	-	-	-	-	-	P [8]	-	-	-	-	-	-
Halfway House	-	-	-	-	-	-	-	-	S [8, 27]	-	S [8, 27]	S [8, 27]	-	-	-	-	-
Nursing Home	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Rest Home	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Home for the Aging	-	S [9]	S [9]	S [9]	S [9]	-	P [9]	-	P [9]	P [9]	P [9]	P [9]	-	-	-	-	-
Group Rental	P [9], [10]	P [9], [10]	P [9], [10]	P [9], [10]	P [9], [10]	-	P [10]	P [10]	P [10]	P [10]	P [10]	P [10]	-	-	-	-	-
Homeless Shelter	-	-	-	-	-	-	-	-	S [8]	S [8]	S [8]	S [8]	-	-	-	-	-
Other Group Living	-	-	-	-	S	-	-	-	-	-	S	S	-	-	-	-	P
Public and Civic																	
Colleges and Universities	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	P
Community Recreation																	
Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Active	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Community Recreation (Cont.)																	
Marinas	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	S [11]	-
Cultural Exhibits and Libraries	S	S	S	S	S	-	P	P	P	P	P	P	-	-	-	S	P
Day Care																	
Type A Family Day Care Home	S [8], [12]	S [8], [12]	S [8], [12]	S [8], [12]	S [8], [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	-	-	-	-
Type B Family Day Care Home	P [12]	P [12]	P [12]	P [12]	P [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	-	-	-	-
Day Care Center	S [12]	S [12]	S [12]	S [12]	S [12]	-	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	-	P [12]
Hospital	-	-	-	-	-	-	-	S	-	-	S	S	-	-	-	-	P
Lodge, Fraternal and Civic Assembly	-	-	-	-	S	-	P	P	P	P	P	P	P	-	-	-	-
Postal Service	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-
Public Safety	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	S	P
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Schools	S	S	S	S	S	S	S	S	S	S	S	S	-	-	-	-	P
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities and Services, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	P
Commercial Use Types																	
Animal Services																	
Sales and Grooming	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Animal Services (Cont.)																	
Kennels	-	-	-	-	-	-	-	-	-	-	P [14]	-	P [14]	P [14]	-	-	-
Animal Shelters	-	-	-	-	-	-	-	-	-	-	P [14]	P [14]	P [14]	P [14]	-	-	-
Fully Enclosed Animal Shelters/ Kennels	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-
Veterinary	-	-	-	-	-	-	P [13]	P	-	P	P	P	P	P	-	-	-
Building Maintenance Services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-
Business Equipment Sales and Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	P	P	-	-
Business Support Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	-	P	-	-
Communications Service Establishments	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Construction Sales and Services	-	-	-	-	-	-	-	-	-	-	P [15]	-	P	P	P	-	-
Eating and Drinking Establishments																	
Tavern	-	-	-	-	-	-	P [13]	-	P	P	P	P	P	P	-	-	-
Fast Order Food	-	-	-	-	-	-	P [13]	P [16]	P	P	P	P	-	-	-	-	-
Fast Order Food, Drive-through	-	-	-	-	-	-	-	-	-	S [17]	P [9], [17]	-	-	-	-	-	-
Restaurant, Sit-down	-	-	-	-	-	-	P [13]	P [16]	P	P	P	P	-	-	-	-	-

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Entertainment and Spectator Sports																	
Limited	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	P
General	-	-	-	-	-	-	-	-	-	S	P	P	-	-	-	-	P
Financial, Insurance and Real Estate Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Short-term Lender	-	-	-	-	-	-	P [29]	P [29]	P [29]	P [29]	P [29]	P [29]	-	-	-	-	-
Food and Beverage Retail Sales																	
Large Stores	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Convenience Stores	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Funeral and Interment Services																	
Cremating	-	-	-	-	-	-	-	-	-	-	S [9] [28]	-	P [28]	P [28]	-	-	-
Interring	S	S	S	S	S	-	S [13]	S	S	S	S	S	-	-	-	P	-
Undertaking	S (9)	S (9)	S (9)	S (9)	S (9)	-	P [13]	-	P	P	P	P	P	P	-	-	-
Cemeteries	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	P	-
Gasoline and Fuel Sales	-	-	-	-	-	-	S [13], [19]	-	-	S [19]	S [19]	S [19]	-	-	-	-	-
Medical Services																	
Drug and Alcohol Treatment Center, Nonresidential	-	-	-	-	-	-	-	P [8]	P [8]	P [8]	P [8]	-	-	-	-	-	P

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Medical Services (Cont.)																	
All other Medical Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	P
Office, Administrative and Professional	-	-	-	-	-	-	P [13]	P	P	P	P	P	P	-	P	-	P
Parking, Commercial	-	-	-	-	-	-	-	-	-	S	P	S	-	-	-	-	P
Personal Convenience Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Personal Improvement Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Rental Halls	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-
Repair Services, Consumer	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Retail Sales, General	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Sexually-Oriented Business Establishment	-	-	-	-	-	-	-	-	-	-	P [20]	P [20]	P [20]	P [20]	-	-	-
Sports and Recreation, Participant																	
Indoor	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Outdoor	S	S	S	S	S	-	-	-	-	-	P	P	-	-	-	-	-
Sweepstake Terminal Cafes	-	-	-	-	-	-	-	-	-	-	S [32]	-	-	-	-	-	-
Tobacco Shop	-	-	-	-	-	-	S [13], [21]	-	S [21]	S [21]	S [21]	S [21]	-	-	-	-	-
Transient Habitation																	
Bed and Breakfast	S [22]	S [22]	S [22]	S [22]	S [22]	-	P [13]	P	P	P	P	P	-	-	-	-	-

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Transient Habitation (Cont.)																	
Lodging	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	P
Rooming House	-	-	-	-	S [9]	-	P [9], [13]	-	-	P	P	P	-	-	-	-	-
Vehicle Sales and Service																	
Cleaning/Washing	-	-	-	-	-	-	-	-	-	S [9], [17]	P [9], [17]	P [9], [17]	P [9], [17]	-	-	-	-
Fleet Storage	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Heavy Equipment Repairs	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Light Equipment Repairs	-	-	-	-	-	-	-	-	-	S	P	P	P	P	-	-	-
Heavy Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Auto and RV Sales/Rental	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Auto and RV Sales, used only	-	-	-	-	-	-	-	-	-	-	S [23]	S [23]	-	-	-	-	-
Storage of Towaway Vehicles	-	-	-	-	-	-	-	-	-	-	S [24]	-	S [24]	S [24]	-	-	-
Storage of Recreational Vehicles	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Industrial Use Types																	
Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Freight Terminal	-	-	-	-	-	-	-	-	-	-	-	-	P [26]	P [26]	-	-	-

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Industrial Use Types (Cont.)																	
Industrial, General	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Laundry Service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Manufacturing and Production, Limited	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-
Manufacturing and Production, Technological	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-
Scrap and Salvage Operations	-	-	-	-	-	-	-	-	-	-	-	-	-	S [35]	-	-	-
Wholesale, Storage and Distribution																	
Mini-Warehouse	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Light	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Other Use Types																	
Solar Energy Systems																	
Accessory	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]	P [33]
Primary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Urban Agriculture																	
Major Urban Agriculture	S [31]	S [31]	S [31]	S [31]	S [31]	S [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]
Minor Urban Agriculture	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]	P [31]

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Other Use Types (Cont.)																	
Marijuana Facility																	
Cultivator	-	-	-	-	-	-	-	-	-	-	-	-	P [30]	P [30]	P [30]	-	-
Dispensary	-	-	-	-	-	-	S [30]	-	-	-	S [30]	-	-	-	-	-	-
Processor	-	-	-	-	-	-	-	-	-	-	-	-	P [30]	P [30]	P [30]	-	-
Testing Laboratory	-	-	-	-	-	-	-	P [30]	-	-	P [30]	P [30]	P [30]	P [30]	P [30]	-	-
Mining	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Recycling Facilities																	
Large Collection Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Small Collection Facilities	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Processing Center	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Wireless Telecommunications Facilities																	
Co-Located	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]	P [25]
Freestanding	S [25]	S [25]	S [25]	S [25]	S [25]	S [25]	P [25]	P [25]	S [25]	S [25]	P [25]	P [25]	P [25]	P [25]	P [25]	S [25]	P [25]
Radio/TV Towers	-	-	-	-	-	-	-	-	-	-	S [25]	S [25]	S [25]	S [25]	S [25]	-	-



Legislation Text

File #: O-419-25, Version: 1

TMC Amendments re: Part 11 - Planning and Zoning Code
Zoning/Planning

Amending Toledo Municipal Code Part Eleven - Planning and Zoning Code by repealing §§ 1103.0610 and 1103.1008; and §§ 1107.0102, 1107.0103, 1107.0104, 1107.0200, 1107.0204, 1107.0205, 1107.0300, 1107.0301, 1107.0302, 1107.0303, 1107.0304, 1107.0400, 1107.0500, 1107.0601, 1107.0700, 1107.0701, 1107.1101, 1107.1102, 1107.1401, 1107.1402, 1107.1407; and enacting new versions of the aforementioned sections; and declaring an emergency.

SUMMARY & BACKGROUND:

This ordinance updates various sections of the Toledo Municipal Code (“TMC”) as a result of a study on the elimination of off-street parking requirements. This change does not eliminate the need or allowance for new off-street parking but removes the minimum number of off-street parking required by Zoning Code. The change will allow individual developments to propose appropriate amounts of off-street parking necessary for their specific project. The specific changes proposed to each section are shown in Exhibit A. The proposed text amendment is consistent with the Forward Toledo Comprehensive Land Use Plan and stated purpose of the Zoning Code.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, §1103.0610 which states as follows:

§1103.610 Parking.

- A. Non-residential uses are exempt from off-street parking minimums.
- B. No off-street parking spaces are required for residential developments of 10 units or less. For larger residential uses, the minimum number of off-street parking spaces required is one space per residential unit, plus one space per 10 dwelling units for visitor parking.
- C. For non-residential and residential uses in the Pedestrian-Oriented Overlay, the maximum number of parking spaces permitted is the number listed as the minimum number of off-street parking spaces in Sec. 1107.0300, 1107.0400, or 1107.0500 for the subject use.
- D. Parking, stacking, and circulation aisles between a street right-of-way and a building are not permitted.
- E. Additional curb cuts are prohibited along streets identified in the Street and Highway Plan unless the Division of Transportation determines that a new curb cut is the only means available to provide vehicular access to the site and that the new location of the curb cut meets the requirements of the Division of Transportation.
- F. Parking lots and parking facilities that front on street rights-of-way shall be screened as provided in Sec. 1108.0305.
- G. Bicycle parking is still required. The minimum number of bicycle parking slots is listed in Sec.

1107.0300.

H. See also the parking area setback standards of Sec. 1103.0606B.

Is repealed.

SECTION 2. That a new Toledo Municipal Code, §1103.0610 is enacted to state as follows:

§1103.610 Parking.

A. Non-residential uses are exempt from off-street parking minimums.

B. No off-street parking spaces are required for residential developments of 10 units or less. For larger residential uses, the minimum number of off-street parking spaces required is one space per residential unit, plus one space per 10 dwelling units for visitor parking.

C. For non-residential and residential uses in the Pedestrian-Oriented Overlay, the maximum number of parking spaces permitted is the number listed as the maximum number of off-street parking spaces in Sec. 1107.0300, 1107.0400, or 1107.0500 for the subject use.

D. Parking, stacking, and circulation aisles between a street right-of-way and a building are not permitted.

E. Additional curb cuts are prohibited along streets identified in the Street and Highway Plan unless the Division of Transportation determines that a new curb cut is the only means available to provide vehicular access to the site and that the new location of the curb cut meets the requirements of the Division of Transportation.

F. Parking lots and parking facilities that front on street rights-of-way shall be screened as provided in Sec. 1108.0305.

G. Bicycle parking is still required. The minimum number of bicycle parking slots is listed in Sec. 1107.0300.

H. See also the parking area setback standards of Sec. 1103.0606(B).

SECTION 3. That Toledo Municipal Code, §1103.1008 which states as follows:

§1103.1008 Commercial.

A. Commercial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Sec. 1107.0300, Off-Street Parking Loading, and the number of spaces required shall be determined by each specific use within the Planned Unit Development. Parking and lighting shall be screened in accordance with Chapter 1108 - Landscaping and Screening.

B. An open space area void of buildings, structures, parking areas, or other above ground improvements except fencing shall be maintained on all perimeter property lines (except frontage) of the Planned Unit Development:

1. A minimum open space depth of 30 feet shall be provided unless a greater setback is required as listed in the underlying zoning district;

2. A minimum open space of 60 feet shall be provided when abutting a Residential District;

C. No less than 10 percent of the gross site acreage, none of which shall be a part of any required yard or perimeter open space, shall be allocated to usable, accessible and consolidated common open space (one-third of the required common open space may be a lake or pond or storm detention or retention area). Commercial development must include some noncommercial amenities within required common open space areas, such as open or closed plazas or mall areas, benches, tables, statuary, fountains, kiosks, pergolas and areas for public enjoyment.

D. No more than 70 percent of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement.

E. There shall be no minimum lot size, lot-width or building or structure setback requirements except as provided in Sec. 1103.1008 (B).

F. Telephone, electrical, cable and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.

Is repealed.

SECTION 4. That a new Toledo Municipal Code, §1103.1008 is enacted to state as follows:
§1103.1008 Commercial.

A. Commercial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Sec. 1107.0300, Off-Street Parking Loading, and the number of spaces shall be determined by each specific use within the Planned Unit Development. Parking and lighting shall be screened in accordance with Chapter 1108 - Landscaping and Screening.

B. An open space area void of buildings, structures, parking areas, or other above ground improvements except fencing shall be maintained on all perimeter property lines (except frontage) of the Planned Unit Development:

1. A minimum open space depth of 30 feet shall be provided unless a greater setback is required as listed in the underlying zoning district;
2. A minimum open space of 60 feet shall be provided when abutting a Residential District;

C. No less than 10 percent of the gross site acreage, none of which shall be a part of any required yard or perimeter open space, shall be allocated to usable, accessible and consolidated common open space (one-third of the required common open space may be a lake or pond or storm detention or retention area). Commercial development must include some noncommercial amenities within required common open space areas, such as open or closed plazas or mall areas, benches, tables, statuary, fountains, kiosks, pergolas and areas for public enjoyment.

D. No more than 70 percent of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement.

E. There shall be no minimum lot size, lot-width or building or structure setback requirements except as provided in Sec. 1103.1008 (B).

F. Telephone, electrical, cable and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.

SECTION 5. That Toledo Municipal Code, §1107.0102 which states as follows:
§1107.0102 Applicability.

A. New Development. The parking, loading and access standards of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.

B. Expansions and Substantial Modifications. The parking, loading and access standards of this chapter apply when an existing structure or use is expanded or enlarged, whether through the addition of dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements.

1. Additional off-street parking and loading spaces to meet minimum ratios are required only to serve the enlarged or expanded area, not the entire building or use.
2. If the number of parking spaces on a site at the time of expansion or substantial modification exceeds the maximum ratios of this chapter, no Alternative Parking Plan approval will be required, but no additional spaces will be allowed, except through the Alternative Parking Plan provisions of Section 1107.1400.

C. Requirements for Change in Use. If a change in use causes an increase in the required number of parking, stacking, or loading spaces, 80 percent of such additional spaces shall be provided in accordance with the requirements of this Zoning Code; except that if the change in use would require an increase of less than 50 percent in the required number of parking spaces or fewer than five parking spaces, no additional parking shall be required.

D. Applicability in the Event of Damage or Destruction of Existing Use.

1. When a conforming or nonconforming building or use that does not comply with current off-street parking and/or loading regulations is damaged and the cost of reconstruction does not exceed 75 percent of the assessed value at the time such damage occurred, the building may be constructed with the same number of parking and loading spaces that existed at the time of damage or destruction. However, when the cost of reconstruction exceeds 75 percent of the assessed value at the time such damage occurred, off-street parking and loading spaces must be provided in the amount required for new construction on the date the application for reconstruction is approved.

2. Notwithstanding the preceding, within a Historic (-HO) or Pedestrian-Oriented (-PO) Overlay Zoning District, any damaged building or use of 5,000 square feet or less that is nonconforming only in the amount of off-street parking and/or loading space that is provided, may be reconstructed (if authorized by Sections 1114.0205C. or 1114.0305B., without providing additional off-street parking and/or loading.

Is repealed.

SECTION 6. That a new Toledo Municipal Code, §1107.0102 is enacted to state as follows:
§1107.0102 Applicability.

A. New Development. The parking, loading and access standards of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.

B. Expansions and Substantial Modifications. The parking, loading and access standards of this chapter apply when an existing structure or use is expanded or enlarged, whether through the addition of dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements.

1. Additional off-street parking and loading spaces to meet maximum ratios are allowed only to serve the entire building or use.

2. If the number of parking spaces on a site at the time of expansion or substantial modification exceeds the maximum ratios of this chapter, no additional spaces will be allowed, except through the Alternative Parking Plan provisions of Section 1107.1400.

C. Requirements for Change in Use. If a change in use causes an increase in the allowed number of parking, stacking, or loading spaces, 100 percent of such additional spaces may be provided in accordance with the requirements of this Zoning Code; except as required in the provision of Sec. 1107.1000, Sec. 1107.1600 and Sec. 1107.1700.

D. Applicability in the Event of Damage or Destruction of Existing Use.

1. When a conforming or nonconforming building or use that does not comply with current off-street parking and/or loading regulations is damaged and the cost of reconstruction does not exceed 75 percent of the assessed value at the time such damage occurred, the building may be constructed with the same number of parking and loading spaces that existed at the time of damage or destruction. However, when the cost of reconstruction exceeds 75 percent of the assessed value at the time such damage occurred, off-street parking and loading spaces may be provided in the amount allowed for new construction on the date the application for reconstruction is approved.

2. Notwithstanding the preceding, within a Historic (-HO) or Pedestrian-Oriented (-PO) Overlay Zoning District, any damaged building or use of 5,000 square feet or less that is nonconforming only in the amount of off-street parking and/or loading space that is provided, may be reconstructed (if authorized by Sections 1114.0205C. or 1114.0305B., without providing additional off-street parking and/or loading.

SECTION 7. That Toledo Municipal Code, §1107.0103 which states as follows:
§1107.0103 No Reduction Below Minimums or Additions Above Maximums.

The number of parking and loading spaces existing on a site may not be reduced below the minimum requirements of this chapter or increased above the maximum requirements of this chapter except by an Alternative Access and Parking Plan in Section 1107.1400.

Is repealed.

SECTION 8. That a new Toledo Municipal Code, §1107.0103 is enacted to state as follows:
§1107.0103 No Additions Above Maximums.

The number of parking and loading spaces existing on a site may not be above the maximum requirements of this chapter except by an Alternative Access and Parking Plan in Section 1107.1400.

SECTION 9. That Toledo Municipal Code, §1107.0104 which states as follows:
§1107.0104 Effect on Nonconforming Status.

A building or use that was legally established is not deemed nonconforming solely as a result of providing fewer than the minimum number or more than the maximum number of off-street parking or loading spaces specified in this chapter.

Is repealed.

SECTION 10. That a new Toledo Municipal Code, §1107.0104 is enacted to state as follows:
§1107.0104 Effect on Nonconforming Status.

A building or use that was legally established is not deemed nonconforming solely as a result of providing more than the maximum number of off-street parking or loading spaces specified in this chapter.

SECTION 11. That Toledo Municipal Code, §1107.0202 which states as follows:
§1107.0202 Central-City Special Parking District.

Within the Central-City Special Parking District, which includes all of Census Tracts 16, 21, 22, 23, 27, 28, 29, 30, 34 and 37, the minimum off-street parking requirement for multi-dwelling units created through rehabilitation or conversion of an existing structure will be one space per dwelling unit, plus one space per 10 dwelling units for visitor parking.

Is repealed.

SECTION 12. That a new Toledo Municipal Code, §1107.0202 is enacted to state as follows:
§1107.0202 Central-City Special Parking District.

Within the Central-City Special Parking District, which includes all of Census Tracts 16, 21, 22, 23, 27, 28, 29, 30, 34 and 37, the maximum off-street parking requirement for multi-dwelling units created through rehabilitation or conversion of an existing structure will be one space per dwelling unit, plus one space per 10 dwelling units for visitor parking.

SECTION 13. That Toledo Municipal Code, §1107.0204 which states as follows:
§1107.0204 Locally Designated Historic Districts.

No additional off-street parking or loading spaces are required for rehabilitation or reuse of existing structures within locally designated historic districts. For new construction within locally designated historic districts, minimum off-street parking ratios are reduced by 50 percent from the otherwise applicable standards of this Chapter.

Is repealed.

SECTION 14. That a new Toledo Municipal Code, §1107.0204 is enacted to state as follows:
§1107.0204 Locally Designated Historic Districts.

No additional off-street parking or loading spaces are required for rehabilitation or reuse of existing structures within locally designated historic districts. For new construction within locally designated historic districts, maximum off-street parking ratios are reduced by 50 percent from the otherwise applicable standards of this Chapter.

SECTION 15. That Toledo Municipal Code, §1107.0205 which states as follows:
§1107.0205 -PO, Pedestrian-Oriented Overlay District.

A. Non-residential Parking.

Due to increased pedestrian connectivity and a lesser need for parking, non-residential uses in the PO zoning overlay district are exempt from providing off-street parking spaces.

B. Residential Parking.

The minimum number of off-street parking spaces required is one space per residential unit, plus one space per 10 dwelling units for visitor parking.

C. Residential Parking Exception

No off-street parking spaces are required for residential building projects of 10 units or less.

D. For non-residential and residential uses in the Pedestrian-Oriented Overlay, the maximum number of parking spaces permitted is the number listed as the minimum number of off-street parking spaces in Sec. 1107.0300, 1107.0400, or 1107.0500 for the subject use.

Is repealed.

SECTION 16. That a new Toledo Municipal Code, §1107.0205 is enacted to state as follows:
§1107.0205 -PO, Pedestrian-Oriented Overlay District.

A. Non-residential Parking. Due to increased pedestrian connectivity and a lesser need for parking, non-residential uses in the PO zoning overlay district are exempt from providing off-street parking spaces.

B. Residential Parking. The maximum number of off-street parking spaces allowed is one space per residential unit, plus one space per 10 dwelling units for visitor parking.

C. Residential Parking Exception. No off-street parking spaces are required for residential building projects of 10 units or less.

D. For non-residential and residential uses in the Pedestrian-Oriented Overlay, the maximum number of parking spaces permitted is the number listed as the maximum number of off-street parking spaces in Sec. 1107.0300, 1107.0400, or 1107.0500 for the subject use.

SECTION 17. That Toledo Municipal Code, §1107.0301 which states as follows:
§1107.0301 Minimums.

Off-street parking spaces must be provided in accordance with the minimum ratios of the following, Schedule A. In lieu of complying with the minimum standards of Schedule A, an applicant may request approval of an Alternative Parking Plan, pursuant to Section 1107.1400.

Is repealed.

SECTION 18. That a new Toledo Municipal Code, §1107.0301 is enacted to state as follows:
§1107.0301 Applicability.

Off-street parking spaces must be provided in accordance with the maximum ratios of the following, Schedule A. In lieu of complying with the maximum standards of Schedule A, an applicant may request approval of an Alternative Parking Plan, pursuant to Section 1107.1400.

SECTION 19. That Toledo Municipal Code, §1107.0302 which states as follows:
§1107.0302 Maximums.

No use may provide more than 150 percent of any of the minimum off-street parking ratios of Schedule A, except through approval of an Alternative Parking Plan pursuant to Section 1104.0100. This provision notwithstanding, Alternative Parking Plan approval is not required for four or fewer parking spaces. This provision is not to be interpreted as requiring Alternative Parking Plan approval for, or the removal of, parking spaces that legally exist on a site.

Is repealed.

SECTION 20. That a new Toledo Municipal Code, §1107.0302 is enacted to state as follows:
§1107.0302 Maximums.

No use may provide more than any of the maximum off-street parking ratios of Schedule A, except through approval of an Alternative Parking Plan pursuant to Section 1104.0100. This provision notwithstanding, Alternative Parking Plan approval is not required for four or fewer parking spaces. This provision is not to be interpreted as requiring Alternative Parking Plan approval for, or the removal of, parking spaces that legally exist on a site.

SECTION 21. That Toledo Municipal Code, §1107.0303 which states as follows:
§1107.0303 How to use Off-Street Parking Schedules A, B, C and D.

Look up the use category in Schedule A to find the number of parking spaces required. Schedule A mirrors the uses found in the Use Table of Section 1104.0100. Some uses in Schedule A utilize a formula to determine the number of required parking spaces. These formulas are given in Schedule B for selected commercial uses and Schedule C for selected industrial uses. Schedule D gives the procedure to use when a study must be used to determine parking needs.

Is repealed.

SECTION 22. That a new Toledo Municipal Code, §1107.0303 is enacted to state as follows:
§1107.0303 How to use Off-Street Parking Schedules A, B, C and D.

Look up the use category in Schedule A to find the maximum number of parking spaces allowed. Schedule A mirrors the uses found in the Use Table of Section 1104.0100. Some uses in Schedule A utilize a formula to determine the number of allowed parking spaces. These formulas are given in Schedule B for selected commercial uses and Schedule C for selected industrial uses. Schedule D gives the procedure to use when a study must be used to determine parking needs.

SECTION 23. That Toledo Municipal Code, §1107.0304 which states as follows:
§1107.0304 Schedule A.

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required (See Sec. 1107.0900 Below)
Residential		
Detached House	2 per dwelling unit	None
Detached House (Zero Lot Line)	2 per dwelling unit	None

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Attached House	2 per dwelling unit	None
Duplex	2 per dwelling unit	None
Cluster Housing	2 per dwelling unit	None
Manufactured Home within a RMH district	2 per dwelling unit	None
Multi-Dwelling Structure [1]	1.5 per dwelling unit plus 1 space per 10 units for visitor parking	1 per 10 parking spaces
Adult Foster Home	2 per dwelling unit	None
Certified Foster Home	2 per dwelling unit	None
Elderly and Disabled	See Sec. .1107.0700	1 per 10 parking spaces
Group Living		
Adult Family Home	1 per 2 employees	1 per 10 parking spaces
Residential Facility, Small	1 per 2 employees	1 per 10 parking spaces
Residential Facility, Large	1 per 2 employees	1 per 10 parking spaces
Drug/Alcohol Residential Facility	1 per 2 employees	1 per 10 parking spaces
Halfway House	1 per 8 residents plus 1 per 2 employees	None
Nursing Home	1 per 4 residents/beds	1 per 10 parking spaces
Rest Home	1 per 4 residents/beds	1 per 10 parking spaces
Home for the Aging	1 per 3 residents/beds	1 per 10 parking spaces
Group Rental	1 per sleeping quarter	1 per 10 parking spaces
Homeless Shelter	1 per 4 residents/beds	1 per 10 parking spaces
Other Group Living	per Schedule D (§ 1107.0600)	1 per 10 parking spaces
Public and Civic		
Colleges and Universities	per Schedule D (§ 1107.0600)	1 per 4 students, faculty, and staff
Community Recreation	per Schedule D (§ 1107.0600)	1 per 10 parking spaces
Marinas	1 per boat space, plus spaces for other associated uses	1 per 10 parking spaces
Cultural Exhibits and Libraries	1 per 1,000 square feet	1 per 10 parking spaces
Day Care		
Type A Family Day Care Home	1 space in addition to requirement for dwelling unit	None
Type B Family Day Care Home	1 space in addition to requirement for dwelling unit	None
Day Care Center	1 per 6 person-capacity or 1 per 400 square feet, whichever is greater	1 per 10 parking spaces
Hospital	1 per 4 beds	1 per 10 parking spaces
Lodge, Fraternal and Civic Assembly	1 per 250 square feet	1 per 10 parking spaces
Postal Service	per Schedule D (§ 1107.0600)	1 per 10 parking spaces
Public Safety	per Schedule D (§ 1107.0600)	1 per 10 parking spaces
Religious Assembly	1 per 6 seats or 1 per 100 square feet of seating area, whichever is greater	1 per 10 parking spaces
Schools, Elementary and Middle	1 per faculty member plus 1 per 3 staff members plus 1 space per 50 students for student drop-off and pick-up	1 per 3 students plus 1 per 10 parking spaces for faculty and staff

Schools, High	1 per 10 students plus 1 per faculty member plus 1 per 3 staff members plus 1 space per 50 students for student drop-off and pick-up	1 per 3 students plus 1 per 10 parking spaces for faculty and staff
Utilities and Services, Minor	None	None
Utilities and Services, Major	per Schedule D (§1107.0600)	None
Commercial Use Types		
Animal Services		
Sales and Grooming	per Schedule B (§1107.0400)	None
Kennels	per Schedule B (§1107.0400)	None
Veterinary	1 per 300 square feet	None
Building Maintenance Services	1 per vehicle used in business, plus 1 per 750 square feet	1 per 10 parking spaces
Business Equipment Sales and Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Business Support Services	1 per vehicle used in business, plus 1 per 400 square feet	1 per 10 parking spaces
Communications Service Establishments	1 per 400 square feet	1 per 10 parking spaces
Construction Sales and Services	1 per 500 square feet	1 per 10 parking spaces
Eating and Drinking Establishments		
Tavern	1 per 3 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Fast Order Food	1 per 3 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Fast Order Food, Drive-through	1 per 3 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Restaurant, Sit-Down	1 per 3 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Entertainment and Spectator Sports		
Limited	1 per 50 square feet	1 per 10 parking spaces
General	per Schedule D (§1107.0600)	1 per 10 parking spaces
Financial, Insurance and Real Estate Services	1 per 400 square feet	1 per 10 parking spaces
Food and Beverage Retail Sales	per Schedule B (§1107.0400)	1 per 10 parking spaces
Funeral and Interment Services		
Cremating	1 per vehicle used in the business	None
Interring	1 per vehicle used in the business	None
Undertaking	1 per 200 square feet	None
Cemeteries	per Schedule D (§1107.0600)	None
Gasoline and Fuel Sales	1 per pump (count as if parked at pump) + 1 per 300 square feet	None
Hair Salon	1 per 100 square feet	1 per 10 parking spaces
Marijuana Facilities		
Cultivator	per Schedule C (§1107.0500)	None

Dispensary	per Schedule B (§1107.0400)	1 per 10 parking spaces
Processor	per Schedule C (§1107.0500)	None
Testing Laboratory	per Schedule B (§1107.0400)	1 per 10 parking spaces
Medical Services		
Drug and Alcohol Treatment Center, Nonresidential	1 per 300 square feet	1 per 10 parking spaces
Other Medical Services	1 per 200 square feet	1 per 10 parking spaces
Office, Administrative and Professional	1 per 300 square feet	1 per 10 parking spaces
Parking, Commercial	None	Per Sec. 1107.0903
Personal Convenience Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Personal Improvement Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Rental Halls	1 per 3 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Repair Services, Consumer	per Schedule B (§1107.0400)	1 per 10 parking spaces
Retail Sales, General	per Schedule B (§1107.0400)	1 per 10 parking spaces
Sexually Oriented Business Establishment	1 per 100 square feet	1 per 10 parking spaces
Sports and Recreation, Participant		
Indoor	1 per 150 square feet	1 per 10 parking spaces
Outdoor	1 per 500 square feet of customer/activity area	1 per 10 parking spaces
Sweepstake Terminal Cafes	1 per 300 square feet	1 per 10 parking spaces
Tattoo and Body Piercing	per Schedule B (§1107.0400)	1 per 10 parking spaces
Tobacco Shop	per Schedule B (§1107.0400)	1 per 10 parking spaces
Transient Habitation		
Bed and Breakfast	0.5 per sleeping room	1 per 10 parking spaces
Lodging	1 per room, plus spaces required for associated uses	1 per 10 parking spaces
Rooming House	0.5 per rooming unit	1 per 10 parking spaces
Vehicle Sales and Service		
Cleaning/Washing	2	None
Fleet Storage	1 per 2 employees	None
Heavy Equipment Repairs	1.5 per service bay	None
Light Equipment Repairs	1.5 per service bay	None
Heavy Equipment Sales/Rental	1 per 7,500 square feet of open sales area, plus 1 per 750 square feet of enclosed sales area, plus 1.5 per service bay	None
Auto and RV Sales/Rental	1 per 5,000 square feet of open sales area, plus 1 per 500 square feet of enclosed sales area, plus 1.5 per service bay	None
Storage of Nonoperating Vehicles	1 per 2 employees	None
Storage of Recreational Vehicles	1 per 2 employees	None
Industrial Use Types		

Explosive Storage	per Schedule C (§1107.0500)	1 per 10 parking spaces
Freight Terminal	per Schedule C (§1107.0500)	1 per 10 parking spaces
Industrial, General	per Schedule C (§1107.0500)	1 per 10 parking spaces
Industrial, Intensive	per Schedule C (§1107.0500)	1 per 10 parking spaces
Laundry Service	per Schedule C (§1107.0500)	1 per 10 parking spaces
Manufacturing and Production, Limited	per Schedule C (§1107.0500)	1 per 10 parking spaces
Manufacturing and Production, Technological	per Schedule C (§1107.0500)	1 per 10 parking spaces
Scrap and Salvage Operations	1 per acre	1 per 10 parking spaces
Wholesale, Storage and Distribution	per Schedule C (§1107.0500)	1 per 10 parking spaces
Mini-Warehouse	4 + 1 per 250 rental spaces	1 per 10 parking spaces
Light	per Schedule C (§1107.0500)	1 per 10 parking spaces
Heavy	per Schedule C (§1107.0500)	1 per 10 parking spaces
Other Use Types		
Agriculture		
Major	per Schedule D (§1107.0600)	None
Minor	None	None
Mining	per Schedule D (§1107.0600)	None
Recycling Facilities		
Large Collection Facilities	per Schedule C (§1107.0500)	None
Small Collection Facilities	per Schedule C (§1107.0500)	None
Processing Center	per Schedule C (§1107.0500)	None
Wireless Telecommunications Facilities		
Co-located Facility	None	None
Freestanding Facility	None	None

Table Notes

[1] Check Sec. 1107.0200 for special parking districts, such as the Central-City Parking District, for applicable parking reductions.

Is repealed.

SECTION 24. That a new Toledo Municipal Code, §1107.0304 is enacted to state as follows:
 §1107.0304 Schedule A.

Use Category	Maximum Number of Off-Street Parking Spaces Allowed	Minimum Number of Bicycle Parking Slots Required (See Sec. 1107.0900 Below)
Residential		
Detached House	No maximum	None
Detached House (Zero Lot Line)	No maximum	None
Attached House	No maximum	None
Duplex	No maximum	None
Cluster Housing	No maximum	None

Manufactured Home within a RMH district	No maximum	None
Multi-Dwelling Structure [1]	2 per dwelling unit plus 1 space per 10 units for visitor parking	1 per 10 parking spaces
Adult Foster Home	3 per dwelling unit	None
Certified Foster Home	3 per dwelling unit	None
Elderly and Disabled	See Sec. 1107.0700	1 per 10 parking spaces
Group Living		
Adult Family Home	1 per employee	1 per 10 parking spaces
Residential Facility, Small	1 per employee	1 per 10 parking spaces
Residential Facility, Large	1 per employee	1 per 10 parking spaces
Drug/Alcohol Residential Facility	1 per employee	1 per 10 parking spaces
Halfway House	1 per 4 residents plus 1 per employee	None
Nursing Home	1 per 2 residents/beds	1 per 10 parking spaces
Rest Home	1 per 2 residents/beds	1 per 10 parking spaces
Home for the Aging	1 per 2 residents/beds	1 per 10 parking spaces
Group Rental	2 per sleeping quarter	1 per 10 parking spaces
Homeless Shelter	1 per 2 residents/beds	1 per 10 parking spaces
Other Group Living	per Schedule D (§1107.0600)	1 per 10 parking spaces
Public and Civic		
Colleges and Universities	per Schedule D (§1107.0600)	1 per 4 students, faculty, and staff
Community Recreation	per Schedule D (§1107.0600)	1 per 10 parking spaces
Marinas	2 per boat space, plus spaces for other associated uses	1 per 10 parking spaces
Cultural Exhibits and Libraries	1 per 500 square feet	1 per 10 parking spaces
Day Care		
Type A Family Day Care Home	No maximum	None
Type B Family Day Care Home	No maximum	None
Day Care Center	1 per 3 person-capacity or 1 per 200 square feet, whichever is greater	1 per 10 parking spaces
Hospital	1 per 2 beds	1 per 10 parking spaces
Lodge, Fraternal and Civic Assembly	1 per 200 square feet	1 per 10 parking spaces
Postal Service	per Schedule D (§1107.0600)	1 per 10 parking spaces
Public Safety	per Schedule D (§1107.0600)	1 per 10 parking spaces
Religious Assembly	1 per 3 seats or 1 per 50 square feet of seating area, whichever is greater	1 per 10 parking spaces
Schools, Elementary and Middle	1 per faculty member plus 1 per 2 staff members plus 1 space per 25 students for student drop-off and pick-up	1 per 3 students plus 1 per 10 parking spaces for faculty and staff
Schools, High	1 per 5 students plus 1 per faculty member plus 1 per 2 staff members plus 1 space per 25 students for student drop-off and pick-up	1 per 3 students plus 1 per 10 parking spaces for faculty and staff
Utilities and Services, Minor	per Schedule D (§1107.0600)	None

Utilities and Services, Major	per Schedule D (§1107.0600)	None
Commercial Use Types		
Animal Services		
Sales and Grooming	per Schedule B (§1107.0400)	None
Kennels	per Schedule B (§1107.0400)	None
Veterinary	1 per 200 square feet	None
Building Maintenance Services	1 per vehicle used in business, plus 1 per 500 square feet	1 per 10 parking spaces
Business Equipment Sales and Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Business Support Services	1 per vehicle used in business, plus 1 per 250 square feet	1 per 10 parking spaces
Communications Service Establishments	1 per 250 square feet	1 per 10 parking spaces
Construction Sales and Services	1 per 250 square feet	1 per 10 parking spaces
Eating and Drinking Establishments		
Tavern	1 per 2 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Fast Order Food	1 per 2 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Fast Order Food, Drive-through	1 per 2 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Restaurant, Sit-Down	1 per 2 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Entertainment and Spectator Sports		
Limited	1 per 25 square feet	1 per 10 parking spaces
General	per Schedule D (§1107.0600)	1 per 10 parking spaces
Financial, Insurance and Real Estate Services	1 per 250 square feet	1 per 10 parking spaces
Food and Beverage Retail Sales	per Schedule B (§1107.0400)	1 per 10 parking spaces
Funeral and Interment Services		
Cremating	1 per vehicle used in the business	None
Interring	1 per vehicle used in the business	None
Undertaking	1 per 100 square feet	None
Cemeteries	per Schedule D (§1107.0600)	None
Gasoline and Fuel Sales	1 per pump (count as if parked at pump) + 1 per 200 square feet	None
Hair Salon	1 per 75 square feet	1 per 10 parking spaces
Marijuana Facilities		
Cultivator	per Schedule C (§1107.0500)	None
Dispensary	per Schedule B (§1107.0400)	1 per 10 parking spaces
Processor	per Schedule C (§1107.0500)	None
Testing Laboratory	per Schedule B (§1107.0400)	1 per 10 parking spaces
Medical Services		
Drug and Alcohol Treatment Center, Nonresidential	1 per 200 square feet	1 per 10 parking spaces

Other Medical Services	1 per 100 square feet	1 per 10 parking spaces
Office, Administrative and Professional	1 per 200square feet	1 per 10 parking spaces
Parking, Commercial	No maximum	Per Sec. 1107.0903
Personal Convenience Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Personal Improvement Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Rental Halls	1 per 2 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Repair Services, Consumer	per Schedule B (§1107.0400)	1 per 10 parking spaces
Retail Sales, General	per Schedule B (§1107.0400)	1 per 10 parking spaces
Sexually Oriented Business Establishment	1 per 75 square feet	1 per 10 parking spaces
Sports and Recreation, Participant		
Indoor	1 per 100 square feet	1 per 10 parking spaces
Outdoor	1 per 300 square feet of customer/activity area	1 per 10 parking spaces
Sweepstake Terminal Cafes	1 per 200 square feet	1 per 10 parking spaces
Tattoo and Body Piercing	per Schedule B (§1107.0400)	1 per 10 parking spaces
Tobacco Shop	per Schedule B (§1107.0400)	1 per 10 parking spaces
Transient Habitation		
Bed and Breakfast	1 per sleeping room	1 per 10 parking spaces
Lodging	2 per room, plus spaces allowed for associated uses	1 per 10 parking spaces
Rooming House	1 per rooming unit	1 per 10 parking spaces
Vehicle Sales and Service		
Cleaning/Washing	4	None
Fleet Storage	1 per employee	None
Heavy Equipment Repairs	3 per service bay	None
Light Equipment Repairs	3 per service bay	None
Heavy Equipment Sales/Rental	1 per 5,000 square feet of open sales area, plus 1 per 500 square feet of enclosed sales area, plus 2 per service bay	None
Auto and RV Sales/Rental	1 per 5,000 square feet of open sales area, plus 1 per 500 square feet of enclosed sales area, plus 2 per service bay	None
Storage of Nonoperating Vehicles	1 per employee	None
Storage of Recreational Vehicles	1 per employee	None
Industrial Use Types		
Explosive Storage	per Schedule C (§.1107.0500)	1 per 10 parking spaces
Freight Terminal	per Schedule C (§1107.0500)	1 per 10 parking spaces
Industrial, General	per Schedule C (§1107.0500)	1 per 10 parking spaces
Industrial, Intensive	per Schedule C (§1107.0500)	1 per 10 parking spaces
Laundry Service	per Schedule C (§1107.0500)	1 per 10 parking spaces
Manufacturing and Production, Limited	per Schedule C (§1107.0500)	1 per 10 parking spaces

Limited		
Manufacturing and Production, Technological	per Schedule C (§1107.0500)	1 per 10 parking spaces
Scrap and Salvage Operations	2 per acre	1 per 10 parking spaces
Wholesale, Storage and Distribution	per Schedule C (§1107.0500)	1 per 10 parking spaces
Mini-Warehouse	5 + 1 per 250 rental spaces	1 per 10 parking spaces
Light	per Schedule C (§1107.0500)	1 per 10 parking spaces
Heavy	per Schedule C (§1107.0500)	1 per 10 parking spaces
Other Use Types		
Agriculture		
Major	per Schedule D (§1107.0600)	None
Minor	per Schedule D (§1107.0600)	None
Mining	per Schedule D (§1107.0600)	None
Recycling Facilities		
Large Collection Facilities	per Schedule C (§1107.0500)	None
Small Collection Facilities	per Schedule C (§1107.0500)	None
Processing Center	per Schedule C (§1107.0500)	None
Wireless Telecommunications Facilities		
Co-located Facility	per Schedule D (§1007.0600)	None
Freestanding Facility	per Schedule D (§1107.0600)	None

Table Notes

[1] Check Sec. 1107.0200 for special parking districts, such as the Central-City Parking District, for applicable parking reductions.

SECTION 25. That Toledo Municipal Code, §1107.0400 which states as follows:

§1107.0400 Off-street parking Schedule "B" additional commercial standards.

Off-street parking spaces for Schedule B uses must be provided in accordance with the following standards. This schedule is to be read cumulatively using each increment. For example, to determine the total required spaces for a 100,000 square foot building calculate the number of spaces required for the first 50,000 square feet at 1 per 300 square feet (167 spaces) and for the next 50,000 square feet at 1 per 375 square feet (134 spaces) for a total of 301 parking spaces.

Floor Area (sq. ft.)	Off-Street Parking Spaces Required
First 50,000	1 per 300 square feet
50,000+	1 per 375 square feet

Is repealed.

SECTION 26. That a new Toledo Municipal Code, §1107.0400 is enacted to state as follows:

§1107.0400 Off-street parking Schedule "B" additional commercial standards.

Off-street parking spaces for Schedule B uses must be provided in accordance with the following standards. This schedule is to be read cumulatively using each increment. For example, to determine the total allowed spaces for a 100,000 square foot building calculate the number of spaces allowed for the first 50,000 square feet at 1 per 200 square feet (250 spaces) and for the next 50,000 square feet at 1 per 300 square feet (167 spaces) for a total of 417 parking spaces.

Floor Area (sq. ft.)	Off-Street Parking Spaces Allowed
First 50,000	1 per 200 square feet
50,000+	1 per 300 square feet

SECTION 27. That Toledo Municipal Code, §1107.0500 which states as follows:
 §1107.0500 Off-Street Parking Schedule “C” Additional Industrial Standards

Off-street parking spaces for Schedule C uses must be provided in accordance with the following standards. This schedule is to be read cumulatively using each increment.

Floor Area (sq. ft.)	Off-Street Parking Required		
		Warehousing Floor Area	Manufacturing or Other Floor Area
1-20,000	1 per vehicle used in the business +	1 per 1,000 sq. ft. +	1 per 750 sq. ft.
20,001- 120,000		1 per 5,000 sq. ft. +	1 per 1,500 sq. ft.
120,001+		1 per 10,000 sq. ft. +	1 per 3,000 sq. ft.

Is repealed.

SECTION 28. That a new Toledo Municipal Code, §1107.0500 is enacted to state as follows:
 §1107.0500 Off-Street Parking Schedule “C” Additional Industrial Standards

Off-street parking spaces for Schedule C uses must be provided in accordance with the following standards. This schedule is to be read cumulatively using each increment.

Floor Area (sq. ft.)	Off-Street Parking Allowed		
		Warehousing Floor Area	Manufacturing or Other Floor Area
1-20,000	1 per vehicle used in the business +	1 per 1,000 sq. ft. +	1 per 750 sq. ft.
20,001- 120,000		1 per 5,000 sq. ft. +	1 per 1,500 sq. ft.
120,001+		1 per 10,000 sq. ft. +	1 per 3,000 sq. ft.

SECTION 29. That Toledo Municipal Code, §1107.0601 which states as follows:
 §1107.0601

Upon receiving a development application for a use subject to "Schedule D" standards, the Planning Director must apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking study prepared by the applicant.

Is repealed.

SECTION 30. That a new Toledo Municipal Code, §1107.0601 is enacted to state as follows:
§1107.0601

Upon receiving a development application for a use subject to "Schedule D" standards, the Planning Director must apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish maximum off-street parking requirements on the basis of a parking study prepared by the applicant.

SECTION 31. That Toledo Municipal Code, §1107.0700 which states as follows:
§1107.0700 Elderly and disabled housing parking reduction.

These provisions are intended only for new developments and projects that involve major remodeling.

Is repealed.

SECTION 32. That a new Toledo Municipal Code, §1107.0700 is enacted to state as follows:
§1107.0700 Elderly and disabled housing parking.

These provisions are intended only for new developments and projects that involve major remodeling.

SECTION 33. That Toledo Municipal Code, §1107.0701 which states as follows:
§1107.0701 Parking Reduction.

The minimum parking for units restricted pursuant to Section 1107.0703 is one space for every two units plus an area on the site reserved for future parking to accommodate one parking space per dwelling unit. All other parking provisions of Chapter 1107 shall apply.

Is repealed.

SECTION 34. That a new Toledo Municipal Code, §1107.0701 is enacted to state as follows:
§1107.0701 Parking Reservation.

The maximum parking for units restricted pursuant to Section 1107.0703 is one space for every two units plus an area on the site reserved for future parking to accommodate one parking space per dwelling unit. All other parking provisions of Chapter 1107 shall apply.

SECTION 35. That Toledo Municipal Code, §1107.1101 which states as follows:
§1107.1101 Multiple Uses.

Unless otherwise approved, lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

Is repealed.

SECTION 36. That a new Toledo Municipal Code, §1107.1101 is enacted to state as follows:
§1107.1101 Multiple Uses.

Unless otherwise approved, lots containing more than one use may provide parking and loading in an amount equal to the total of the maximums for all uses.

SECTION 37. That Toledo Municipal Code, §1107.1102 which states as follows:
§1107.1102 Rounding of Fractions.

In computing the number of required spaces any fractional number must be rounded to the next highest whole number.

Is repealed.

SECTION 38. That a new Toledo Municipal Code, §1107.1101 is enacted to state as follows:
§1107.1102 Rounding of Fractions.

In computing the number of allowed spaces any fractional number may be rounded to the next highest whole number.

SECTION 39. That Toledo Municipal Code, §1107.1401 which states as follows:
§1107.1401 Scope.

An Alternative Access and Parking Plan represents a proposal to:

- A. Meet minimum vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established in the parking schedules of this chapter; or
- B. Provide off-street parking spaces in excess of allowed maximums.

Is repealed.

SECTION 40. That a new Toledo Municipal Code, §1107.1401 is enacted to state as follows:
§1107.1401 Scope.

An Alternative Access and Parking Plan represents a proposal to provide off-street parking spaces in excess of allowed maximums established in the parking schedules of this Chapter.

SECTION 41. That Toledo Municipal Code, §1107.1402 which states as follows:
§1107.1402 Applicability.

Applicants who wish to provide a fewer or greater number of off-street parking spaces than required or allowed in the off-street parking schedules of this Chapter (Secs. 1107.0201(B), 1107.0300, 1107.0400 or 1107.0500) must secure approval of an Alternative Access and Parking Plan, in accordance with the standards of this Section.

Is repealed.

SECTION 42. That a new Toledo Municipal Code, §1107.1402 is enacted to state as follows:
§1107.1402 Applicability.

Applicants who wish to provide a greater number of off-street parking spaces than allowed in the off-street parking schedules of this Chapter (Secs. 1107.0201(B), 1107.0300, 1107.0400 or 1107.0500) must secure

approval of an Alternative Access and Parking Plan, in accordance with the standards of this Section.

SECTION 43. That Toledo Municipal Code, §1107.1407 which states as follows:
§1107.1407 Eligible Alternatives.

A. General. The Planning Director is authorized to approve off-street parking spaces in excess of allowed maximums or any of the parking reductions and access alternatives in this subsection if the applicant demonstrates to the satisfaction of the Planning Director that the proposed plan:

1. Will not adversely affect surrounding neighborhoods;
2. Will not adversely affect traffic congestion and circulation; and
3. Will have a positive effect on the economic viability or appearance of the project or on the environment.

B. Shared Parking. It is the City's stated intention to encourage efficient use of land and resources by allowing users to share off-street parking facilities whenever feasible. The Planning Director may authorize a reduction in the number of required off-street parking spaces for multiple use developments or for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking arrangements are subject to the following standards.

1. Location. Shared off-street parking spaces may be located no further than 1,320 feet from the buildings and uses they are intended to serve, measured along the shortest legal, practical walking route. The Planning Director may waive this distance limitation if adequate assurances are offered that adequate van or shuttle service will be operated between the shared lot and the principal use. If the shared parking spaces are located off-site, they must comply with the off-site provisions of Section 1107.1407C.

2. Zoning Classification. Shared parking areas are accessory to the principal uses that the parking spaces serve. Shared parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area, unless approved as a Special Use pursuant to Section 1111.0700.

3. Required Study and Analysis. The applicant must submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4. Shared Parking Agreement. A shared parking plan, assuring the retention of shared parking spaces, must be enforced through written agreement among the owners of record. The agreement must be properly drawn and executed by the parties concerned and approved as to form and execution by the Law Department. The agreement must be recorded as required in Section 1107.1405. The parties to the agreement may revoke the shared parking agreement only if the otherwise required off-street parking spaces are provided on-site or if an Alternative Access and Parking Plan is approved by the Planning Director.

C. Off-Site Parking. The Planning Director may permit all or a portion of the required off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of this section.

1. Location. No off-site parking space may be located more than 1,320 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the Planning Director if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the principal use.

2. Zoning Classification. Off-site parking areas are accessory to the principal uses that the parking spaces serve. Off-site parking areas require the same or a more intensive zoning classification than that required

for the most intensive of the uses served by the shared parking area, unless approved as a Special Use pursuant to Section 1111.0700.

3. Off-Site Parking Agreement. An off-site parking plan, assuring the retention of off-site parking spaces, must be enforced through written agreement among the owners of record. The agreement must be properly drawn and executed by the parties concerned and approved as to form and execution by the Law Department. The agreement must be recorded as required in Section 1107.1405. The parties to the agreement may revoke the agreement only if the otherwise required off-street parking spaces are or if an Alternative Access and Parking Plan is approved by the Planning Director.

D. Bicycle Parking. The Planning Director may authorize a reduction in the number of required offstreet parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of accommodations include enclosed bicycle lockers, employee shower facilities and dressing areas for employees. A reduction in parking may not be granted merely for providing outdoor bicycle spaces.

E. Transit Stops. The Planning Director may authorize up to a 20 percent reduction in the number of required off-street parking spaces for developments that provide transit stops if the following conditions are met:

1. The transit stop must be designed to be a waiting area for transit riders, clearly identified as such, and open to the public at large;
2. The transit stop must be designed as an integral part of the development project, with direct access to the waiting area from the development site; and
3. The transit waiting area must be designed to accommodate passengers in a covered waiting area, with a capacity of at least five persons and must include internal lighting and other features that encourage use of the facility, such as temperature control within the waiting area.
4. The transit stop shall be owned and/or maintained as part of the project unless other arrangements are made to the satisfaction of TARTA.

F. Pervious Parking. The Planning Director may authorize all or a portion of required off-street parking spaces (not to include drive aisles) to be provided on permeable/porous surfaces, subject to the following criteria.

1. The findings of the Planning Director shall indicate what number or percentage of required parking spaces may be so provided.
2. The permeable/porous surface shall meet the approval of the Division of Engineering Services, Division of Environmental Services, Fire Prevention Bureau and Division of Transportation.
3. Parking spaces, aisles, etc. shall be marked by flags, biodegradable dyes or paints, or some other method that does not kill grass or plants.
4. Permeable/porous surfaces shall be adequately drained.
5. Permeable/porous parking areas shall be maintained by the property owner for their intended function for the duration of its life.

Is repealed.

SECTION 44. That a new Toledo Municipal Code, §1107.1407 is enacted to state as follows:
§1107.1407 Eligible Alternatives.

A. General. The Planning Director is authorized to approve off-street parking spaces in excess of allowed maximums or any of the parking increases and access alternatives in this subsection if the applicant demonstrates to the satisfaction of the Planning Director that the proposed plan:

1. Will not adversely affect surrounding neighborhoods;
2. Will not adversely affect traffic congestion and circulation; and
3. Will have a positive effect on the economic viability or appearance of the project or on the environment.

B. Shared Parking. It is the City's stated intention to encourage efficient use of land and resources by allowing users to share off-street parking facilities whenever feasible. The Planning Director may authorize an increase in the number of allowed off-street parking spaces for multiple use developments or for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking arrangements are subject to the following standards.

1. Location. Shared off-street parking spaces may be located no further than 1,320 feet from the buildings and uses they are intended to serve, measured along the shortest legal, practical walking route. The Planning Director may waive this distance limitation if adequate assurances are offered that adequate van or shuttle service will be operated between the shared lot and the principal use. If the shared parking spaces are located off-site, they must comply with the off-site provisions of Section 1107.1407C.

2. Zoning Classification. Shared parking areas are accessory to the principal uses that the parking spaces serve. Shared parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area, unless approved as a Special Use pursuant to Section 1111.0700.

3. Required Study and Analysis. The applicant must submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4. Shared Parking Agreement. A shared parking plan, assuring the retention of shared parking spaces, must be enforced through written agreement among the owners of record. The agreement must be properly drawn and executed by the parties concerned and approved as to form and execution by the Law Department. The agreement must be recorded as required in Section 1107.1405. The parties to the agreement may revoke the shared parking agreement only if the otherwise required off-street parking spaces are provided on-site or if an Alternative Access and Parking Plan is approved by the Planning Director.

C. Off-Site Parking. The Planning Director may permit all or a portion of the allowed off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of this section.

1. Location. No off-site parking space may be located more than 1,320 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the Planning Director if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the principal use.

2. Zoning Classification. Off-site parking areas are accessory to the principal uses that the parking spaces serve. Off-site parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area, unless approved as a Special Use pursuant to Section 1111.0700.

3. Off-Site Parking Agreement. An off-site parking plan, assuring the retention of off-site parking spaces, must be enforced through written agreement among the owners of record. The agreement must be properly drawn and executed by the parties concerned and approved as to form and execution by the Law Department. The agreement must be recorded as required in Section 1107.1405. The parties to the agreement may revoke the agreement only if the otherwise required off-street parking spaces are or if an Alternative Access and Parking Plan is approved by the Planning Director.

D. Bicycle Parking. The Planning Director may authorize an increase in the number of allowed offstreet parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of accommodations include enclosed bicycle lockers, employee shower facilities and dressing areas for employees. A reduction in parking may not be granted merely for providing outdoor bicycle spaces.

E. Transit Stops. The Planning Director may authorize up to a 20 percent increase in the number of allowed off-street parking spaces for developments that provide transit stops if the following conditions are met:

1. The transit stop must be designed to be a waiting area for transit riders, clearly identified as such, and open to the public at large;
2. The transit stop must be designed as an integral part of the development project, with direct access to the waiting area from the development site; and
3. The transit waiting area must be designed to accommodate passengers in a covered waiting area, with a capacity of at least five persons and must include internal lighting and other features that encourage use of the facility, such as temperature control within the waiting area.
4. The transit stop shall be owned and/or maintained as part of the project unless other arrangements are made to the satisfaction of TARTA.

F. Pervious Parking. The Planning Director may authorize all or a portion of allowed off-street parking spaces (not to include drive aisles) to be provided on permeable/porous surfaces, subject to the following criteria.

1. The findings of the Planning Director shall indicate what number or percentage of allowed parking spaces may be so provided.
2. The permeable/porous surface shall meet the approval of the Division of Engineering Services, Division of Environmental Services, Fire Prevention Bureau and Division of Transportation.
3. Parking spaces, aisles, etc. shall be marked by flags, biodegradable dyes or paints, or some other method that does not kill grass or plants.
4. Permeable/porous surfaces shall be adequately drained.
5. Permeable/porous parking areas shall be maintained by the property owner for their intended function for the duration of its life.

SECTION 45. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide accurate and complete standards for use by property owners.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

File #: O-419-25, Version: 1

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____

Clerk of Council

Exhibit A

Redlines showing proposed changes to TMC §§ 1103.0610 and 1103.1008; and §§ 1107.0102, 1107.0103, 1107.0104, 1107.0200, 1107.0204, 1107.0205, 1107.0300, 1107.0301, 1107.0302, 1107.0303, 1107.0304, 1107.0400, 1107.0500, 1107.0601, 1107.0700, 1107.0701, 1107.1101, 1107.1102, 1107.1401, 1107.1402, 1107.1407

SECTION 2. That a new Toledo Municipal Code, §1103.0610 is enacted to state as follows:

§1103.610 Parking.

- A. Non-residential uses are exempt from off-street parking minimums.
- B. No off-street parking spaces are required for residential developments of 10 units or less. For larger residential uses, the minimum number of off-street parking spaces required is one space per residential unit, plus one space per 10 dwelling units for visitor parking.
- C. For non-residential and residential uses in the Pedestrian-Oriented Overlay, the maximum number of parking spaces permitted is the number listed as the maximum number of off-street parking spaces in Sec. 1107.0300, 1107.0400, or 1107.0500 for the subject use.
- D. Parking, stacking, and circulation aisles between a street right-of-way and a building are not permitted.
- E. Additional curb cuts are prohibited along streets identified in the Street and Highway Plan unless the Division of Transportation determines that a new curb cut is the only means available to provide vehicular access to the site and that the new location of the curb cut meets the requirements of the Division of Transportation.
- F. Parking lots and parking facilities that front on street rights-of-way shall be screened as provided in Sec. 1108.0305.
- G. Bicycle parking is still required. The minimum number of bicycle parking slots is listed in Sec. 1107.0300.
- H. See also the parking area setback standards of Sec. 1103.0606(B).

SECTION 4. That a new Toledo Municipal Code, §1103.1008 is enacted to state as follows:

§1103.1008 Commercial.

- A. Commercial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Sec. 1107.0300, Off-Street Parking Loading, and the number of spaces shall be determined by each specific use within the Planned Unit Development. Parking and lighting shall be screened in accordance with Chapter 1108 - Landscaping and Screening.

B. An open space area void of buildings, structures, parking areas, or other above ground improvements except fencing shall be maintained on all perimeter property lines (except frontage) of the Planned Unit Development:

1. A minimum open space depth of 30 feet shall be provided unless a greater setback is required as listed in the underlying zoning district;

2. A minimum open space of 60 feet shall be provided when abutting a Residential District;

C. No less than 10 percent of the gross site acreage, none of which shall be a part of any required yard or perimeter open space, shall be allocated to usable, accessible and consolidated common open space (one-third of the required common open space may be a lake or pond or storm detention or retention area). Commercial development must include some noncommercial amenities within required common open space areas, such as open or closed plazas or mall areas, benches, tables, statuary, fountains, kiosks, pergolas and areas for public enjoyment.

D. No more than 70 percent of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement.

E. There shall be no minimum lot size, lot-width or building or structure setback requirements except as provided in Sec. 1103.1008 (B).

F. Telephone, electrical, cable and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.

SECTION 6. That a new Toledo Municipal Code, §1107.0102 is enacted to state as follows:

§1107.0102 Applicability.

A. New Development. The parking, loading and access standards of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.

B. Expansions and Substantial Modifications. The parking, loading and access standards of this chapter apply when an existing structure or use is expanded or enlarged, whether through the addition of dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements.

1. Additional off-street parking and loading spaces to meet maximum ratios are allowed only to serve the entire building or use.

2. If the number of parking spaces on a site at the time of expansion or substantial modification exceeds the maximum ratios of this chapter, no additional spaces will be allowed, except through the Alternative Parking Plan provisions of Section 1107.1400.

C. Requirements for Change in Use. If a change in use causes an increase in the allowed number of parking, stacking, or loading spaces, 100 percent of such additional spaces may be provided in accordance with the requirements of this Zoning Code; except as required in the provision of Sec. 1107.1000, Sec. 1107.1600 and Sec. 1107.1700.

D. Applicability in the Event of Damage or Destruction of Existing Use.

1. When a conforming or nonconforming building or use that does not comply with current off-street parking and/or loading regulations is damaged and the cost of reconstruction does not exceed 75 percent of the assessed value at the time such damage occurred, the building may be constructed with the same number of parking and loading spaces that existed at the time of damage or destruction. However, when the cost of reconstruction exceeds 75 percent of the assessed value at the time such damage occurred, off-street parking and loading spaces may be provided in the amount allowed for new construction on the date the application for reconstruction is approved.

2. Notwithstanding the preceding, within a Historic (-HO) or Pedestrian-Oriented (-PO) Overlay Zoning District, any damaged building or use of 5,000 square feet or less that is nonconforming only in the amount of off-street parking and/or loading space that is provided, may be reconstructed (if authorized by Sections 1114.0205C. or 1114.0305B., without providing additional off-street parking and/or loading.

SECTION 8. That a new Toledo Municipal Code, §1107.0103 is enacted to state as follows:

§1107.0103 No Additions Above Maximums.

The number of parking and loading spaces existing on a site may not be above the maximum requirements of this chapter except by an Alternative Access and Parking Plan in Section 1107.1400.

SECTION 10. That a new Toledo Municipal Code, §1107.0104 is enacted to state as follows:

§1107.0104 Effect on Nonconforming Status.

A building or use that was legally established is not deemed nonconforming solely as a result of providing more than the maximum number of off-street parking or loading spaces specified in this chapter.

SECTION 12. That a new Toledo Municipal Code, §1107.0202 is enacted to state as follows:

§1107.0202 Central-City Special Parking District.

Within the Central-City Special Parking District, which includes all of Census Tracts 16, 21, 22, 23, 27, 28, 29, 30, 34 and 37, the maximum off-street parking requirement for multi-dwelling units created through rehabilitation or conversion of an existing structure will be one space per dwelling unit, plus one space per 10 dwelling units for visitor parking.

SECTION 14. That a new Toledo Municipal Code, §1107.0204 is enacted to state as follows:

§1107.0204 Locally Designated Historic Districts.

No additional off-street parking or loading spaces are required for rehabilitation or reuse of existing structures within locally designated historic districts. For new construction within locally designated historic districts, maximum off-street parking ratios are reduced by 50 percent from the otherwise applicable standards of this Chapter.

SECTION 16. That a new Toledo Municipal Code, §1107.0205 is enacted to state as follows:

§1107.0205 -PO, Pedestrian-Oriented Overlay District.

A. Non-residential Parking. Due to increased pedestrian connectivity and a lesser need for parking, non-residential uses in the PO zoning overlay district are exempt from providing off-street parking spaces.

B. Residential Parking. The maximum number of off-street parking spaces allowed is one space per residential unit, plus one space per 10 dwelling units for visitor parking.

C. Residential Parking Exception. No off-street parking spaces are required for residential building projects of 10 units or less.

D. For non-residential and residential uses in the Pedestrian-Oriented Overlay, the maximum number of parking spaces permitted is the number listed as the maximum number of off-street parking spaces in Sec. 1107.0300, 1107.0400, or 1107.0500 for the subject use.

SECTION 18. That a new Toledo Municipal Code, §1107.0301 is enacted to state as follows:

§1107.0301 Applicability.

Off-street parking spaces must be provided in accordance with the maximum ratios of the following, Schedule A. In lieu of complying with the maximum standards of Schedule A, an applicant may request approval of an Alternative Parking Plan, pursuant to Section 1107.1400.

SECTION 20. That a new Toledo Municipal Code, §1107.0302 is enacted to state as follows:

§1107.0302 Maximums.

No use may provide more than any of the maximum off-street parking ratios of Schedule A, except through approval of an Alternative Parking Plan pursuant to Section 1104.0100. This provision notwithstanding, Alternative Parking Plan approval is not required for four or fewer parking spaces. This provision is not to be interpreted as requiring Alternative Parking Plan approval for, or the removal of, parking spaces that legally exist on a site.

SECTION 22. That a new Toledo Municipal Code, §1107.0303 is enacted to state as follows:

§1107.0303 How to use Off-Street Parking Schedules A, B, C and D.

Look up the use category in Schedule A to find the maximum number of parking spaces allowed. Schedule A mirrors the uses found in the Use Table of Section 1104.0100. Some uses in Schedule A utilize a formula to determine the number of allowed parking spaces. These formulas are given in Schedule B for selected commercial uses and Schedule C for selected industrial uses. Schedule D gives the procedure to use when a study must be used to determine parking needs.

SECTION 24. That a new Toledo Municipal Code, §1107.0304 is enacted to state as follows:

§1107.0304 Schedule A.

Use Category	Maximum Number of Off-Street Parking Spaces Allowed	Minimum Number of Bicycle Parking Slots Required (See Sec. 1107.0900 Below)
Residential		
Detached House	No maximum	None
Detached House (Zero Lot Line)	No maximum	None
Attached House	No maximum	None
Duplex	No maximum	None
Cluster Housing	No maximum	None
Manufactured Home within a RMH district	No maximum	None
Multi-Dwelling Structure [1]	2 per dwelling unit plus 1 space per 10 units for visitor parking	1 per 10 parking spaces
Adult Foster Home	3 per dwelling unit	None
Certified Foster Home	3 per dwelling unit	None
Elderly and Disabled	See Sec. 1107.0700	1 per 10 parking spaces
Group Living		
Adult Family Home	1 per employee	1 per 10 parking spaces
Residential Facility, Small	1 per employee	1 per 10 parking spaces
Residential Facility, Large	1 per employee	1 per 10 parking spaces
Drug/Alcohol Residential Facility	1 per employee	1 per 10 parking spaces
Halfway House	1 per 4 residents plus 1 per employee	None
Nursing Home	1 per 2 residents/beds	1 per 10 parking spaces
Rest Home	1 per 2 residents/beds	1 per 10 parking spaces
Home for the Aging	1 per 2 residents/beds	1 per 10 parking spaces

Group Rental	2 per sleeping quarter	1 per 10 parking spaces
Homeless Shelter	1 per 2 residents/beds	1 per 10 parking spaces
Other Group Living	per Schedule D (§1107.0600)	1 per 10 parking spaces
Public and Civic		
Colleges and Universities	per Schedule D (§1107.0600)	1 per 4 students, faculty, and staff
Community Recreation	per Schedule D (§1107.0600)	1 per 10 parking spaces
Marinas	2 per boat space, plus spaces for other associated uses	1 per 10 parking spaces
Cultural Exhibits and Libraries	1 per 500 square feet	1 per 10 parking spaces
Day Care		
Type A Family Day Care Home	No maximum	None
Type B Family Day Care Home	No maximum	None
Day Care Center	1 per 3 person-capacity or 1 per 200 square feet, whichever is greater	1 per 10 parking spaces
Hospital	1 per 2 beds	1 per 10 parking spaces
Lodge, Fraternal and Civic Assembly	1 per 200 square feet	1 per 10 parking spaces
Postal Service	per Schedule D (§1107.0600)	1 per 10 parking spaces
Public Safety	per Schedule D (§1107.0600)	1 per 10 parking spaces
Religious Assembly	1 per 3 seats or 1 per 50 square feet of seating area, whichever is greater	1 per 10 parking spaces
Schools, Elementary and Middle	1 per faculty member plus 1 per 2 staff members plus 1 space per 25 students for student drop-off and pick-up	1 per 3 students plus 1 per 10 parking spaces for faculty and staff
Schools, High	1 per 5 students plus 1 per faculty member plus 1 per 2 staff members plus 1 space per 25 students for student drop-off and pick-up	1 per 3 students plus 1 per 10 parking spaces for faculty and staff
Utilities and Services, Minor	per Schedule D (§1107.0600)	None
Utilities and Services, Major	per Schedule D (§1107.0600)	None
Commercial Use Types		
Animal Services		
Sales and Grooming	per Schedule B (§1107.0400)	None
Kennels	per Schedule B (§1107.0400)	None
Veterinary	1 per 200 square feet	None
Building Maintenance Services	1 per vehicle used in business, plus 1 per 500 square feet	1 per 10 parking spaces

Business Equipment Sales and Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Business Support Services	1 per vehicle used in business, plus 1 per 250 square feet	1 per 10 parking spaces
Communications Service Establishments	1 per 250 square feet	1 per 10 parking spaces
Construction Sales and Services	1 per 250 square feet	1 per 10 parking spaces
Eating and Drinking Establishments		
Tavern	1 per 2 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Fast Order Food	1 per 2 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Fast Order Food, Drive-through	1 per 2 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Restaurant, Sit-Down	1 per 2 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Entertainment and Spectator Sports		
Limited	1 per 25 square feet	1 per 10 parking spaces
General	per Schedule D (§1107.0600)	1 per 10 parking spaces
Financial, Insurance and Real Estate Services	1 per 250 square feet	1 per 10 parking spaces
Food and Beverage Retail Sales	per Schedule B (§1107.0400)	1 per 10 parking spaces
Funeral and Interment Services		
Cremating	1 per vehicle used in the business	None
Interring	1 per vehicle used in the business	None
Undertaking	1 per 100 square feet	None
Cemeteries	per Schedule D (§1107.0600)	None
Gasoline and Fuel Sales	1 per pump (count as if parked at pump) + 1 per 200 square feet	None
Hair Salon	1 per 75 square feet	1 per 10 parking spaces
Marijuana Facilities		
Cultivator	per Schedule C (§1107.0500)	None
Dispensary	per Schedule B (§1107.0400)	1 per 10 parking spaces
Processor	per Schedule C (§1107.0500)	None
Testing Laboratory	per Schedule B (§1107.0400)	1 per 10 parking spaces
Medical Services		
Drug and Alcohol Treatment Center, Nonresidential	1 per 200 square feet	1 per 10 parking spaces
Other Medical Services	1 per 100 square feet	1 per 10 parking spaces
Office, Administrative and Professional	1 per 200 square feet	1 per 10 parking spaces

Parking, Commercial	No maximum	Per Sec. 1107.0903
Personal Convenience Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Personal Improvement Services	per Schedule B (§1107.0400)	1 per 10 parking spaces
Rental Halls	1 per 2 employees plus 1 per 75 square feet of customer area	1 per 10 parking spaces
Repair Services, Consumer	per Schedule B (§1107.0400)	1 per 10 parking spaces
Retail Sales, General	per Schedule B (§1107.0400)	1 per 10 parking spaces
Sexually Oriented Business Establishment	1 per 75 square feet	1 per 10 parking spaces
Sports and Recreation, Participant		
Indoor	1 per 100 square feet	1 per 10 parking spaces
Outdoor	1 per 300 square feet of customer/activity area	1 per 10 parking spaces
Sweepstake Terminal Cafes	1 per 200 square feet	1 per 10 parking spaces
Tattoo and Body Piercing	per Schedule B (§1107.0400)	1 per 10 parking spaces
Tobacco Shop	per Schedule B (§1107.0400)	1 per 10 parking spaces
Transient Habitation		
Bed and Breakfast	1 per sleeping room	1 per 10 parking spaces
Lodging	2 per room, plus spaces allowed for associated uses	1 per 10 parking spaces
Rooming House	1 per rooming unit	1 per 10 parking spaces
Vehicle Sales and Service		
Cleaning/Washing	4	None
Fleet Storage	1 per employee	None
Heavy Equipment Repairs	3 per service bay	None
Light Equipment Repairs	3 per service bay	None
Heavy Equipment Sales/Rental	1 per 5,000 square feet of open sales area, plus 1 per 500 square feet of enclosed sales area, plus 2 per service bay	None
Auto and RV Sales/Rental	1 per 5,000 square feet of open sales area, plus 1 per 500 square feet of enclosed sales area, plus 2 per service bay	None
Storage of Nonoperating Vehicles	1 per employee	None
Storage of Recreational Vehicles	1 per employee	None
Industrial Use Types		
Explosive Storage	per Schedule C (§1107.0500)	1 per 10 parking spaces

Freight Terminal	per Schedule C (§1107.0500)	1 per 10 parking spaces
Industrial, General	per Schedule C (§1107.0500)	1 per 10 parking spaces
Industrial, Intensive	per Schedule C (§1107.0500)	1 per 10 parking spaces
Laundry Service	per Schedule C (§1107.0500)	1 per 10 parking spaces
Manufacturing and Production, Limited	per Schedule C (§1107.0500)	1 per 10 parking spaces
Manufacturing and Production, Technological	per Schedule C (§1107.0500)	1 per 10 parking spaces
Scrap and Salvage Operations	2 per acre	1 per 10 parking spaces
Wholesale, Storage and Distribution	per Schedule C (§1107.0500)	1 per 10 parking spaces
Mini-Warehouse	5 + 1 per 250 rental spaces	1 per 10 parking spaces
Light	per Schedule C (§1107.0500)	1 per 10 parking spaces
Heavy	per Schedule C (§1107.0500)	1 per 10 parking spaces
Other Use Types		
Agriculture		
Major	per Schedule D (§1107.0600)	None
Minor	per Schedule D (§1107.0600)	None
Mining	per Schedule D (§1107.0600)	None
Recycling Facilities		
Large Collection Facilities	per Schedule C (§1107.0500)	None
Small Collection Facilities	per Schedule C (§1107.0500)	None
Processing Center	per Schedule C (§1107.0500)	None
Wireless Telecommunications Facilities		
Co-located Facility	per Schedule D (§1107.0600)	None
Freestanding Facility	per Schedule D (§1107.0600)	None

Table Notes

[1] Check Sec. 1107.0200 for special parking districts, such as the Central-City Parking District, for applicable parking reductions.

SECTION 26. That a new Toledo Municipal Code, §1107.0400 is enacted to state as follows:

§1107.0400 Off-street parking Schedule "B" additional commercial standards.

Off-street parking spaces for Schedule B uses must be provided in accordance with the following standards. This schedule is to be read cumulatively using each increment. For example, to determine the total allowed spaces for a 100,000 square foot building calculate the number of spaces allowed for the first 50,000 square feet at 1 per 200 square feet (250 spaces) and for the next 50,000 square feet at 1 per 300 square feet (167 spaces) for a total of 417 parking spaces.

Floor Area (sq. ft.)	Off-Street Parking Spaces Allowed
First 50,000	1 per 200 square feet
50,000+	1 per 300 square feet

SECTION 28. That a new Toledo Municipal Code, §1107.0500 is enacted to state as follows:

§1107.0500 Off-Street Parking Schedule “C” Additional Industrial Standards

Off-street parking spaces for Schedule C uses must be provided in accordance with the following standards. This schedule is to be read cumulatively using each increment.

Floor Area (sq. ft.)	Off-Street Parking Allowed		
		Warehousing Floor Area	Manufacturing or Other Floor Area
1-20,000	1 per vehicle used in the business +	1 per 1,000 sq. ft. +	1 per 750 sq. ft.
20,001-120,000		1 per 5,000 sq. ft. +	1 per 1,500 sq. ft.
120,001+		1 per 10,000 sq. ft. +	1 per 3,000 sq. ft.

SECTION 30. That a new Toledo Municipal Code, §1107.0601 is enacted to state as follows:

§1107.0601

Upon receiving a development application for a use subject to "Schedule D" standards, the Planning Director must apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish maximum off-street parking requirements on the basis of a parking study prepared by the applicant.

SECTION 32. That a new Toledo Municipal Code, §1107.0700 is enacted to state as follows:

§1107.0700 Elderly and disabled housing parking.

These provisions are intended only for new developments and projects that involve major remodeling.

SECTION 34. That a new Toledo Municipal Code, §1107.0701 is enacted to state as follows:

§1107.0701 Parking Reservation.

The maximum parking for units restricted pursuant to Section 1107.0703 is one space for every two units plus an area on the site reserved for future parking to accommodate one parking space per dwelling unit. All other parking provisions of Chapter 1107 shall apply.

SECTION 36. That a new Toledo Municipal Code, §1107.1101 is enacted to state as follows:

§1107.1101 Multiple Uses.

Unless otherwise approved, lots containing more than one use may provide parking and loading in an amount equal to the total of the maximums for all uses.

SECTION 38. That a new Toledo Municipal Code, §1107.1101 is enacted to state as follows:

§1107.1102 Rounding of Fractions.

In computing the number of allowed spaces any fractional number may be rounded to the next highest whole number.

SECTION 40. That a new Toledo Municipal Code, §1107.1401 is enacted to state as follows:

§1107.1401 Scope.

An Alternative Access and Parking Plan represents a proposal to provide off-street parking spaces in excess of allowed maximums established in the parking schedules of this Chapter.

SECTION 42. That a new Toledo Municipal Code, §1107.1402 is enacted to state as follows:

§1107.1402 Applicability.

Applicants who wish to provide a greater number of off-street parking spaces than allowed in the off-street parking schedules of this Chapter (Secs. 1107.0201(B), 1107.0300,

1107.0400 or 1107.0500) must secure approval of an Alternative Access and Parking Plan, in accordance with the standards of this Section.

SECTION 44. That a new Toledo Municipal Code, §1107.1407 is enacted to state as follows:

§1107.1407 Eligible Alternatives.

A. General. The Planning Director is authorized to approve off-street parking spaces in excess of allowed maximums or any of the parking increases and access alternatives in this subsection if the applicant demonstrates to the satisfaction of the Planning Director that the proposed plan:

1. Will not adversely affect surrounding neighborhoods;
2. Will not adversely affect traffic congestion and circulation; and
3. Will have a positive effect on the economic viability or appearance of the project or on the environment.

B. Shared Parking. It is the City's stated intention to encourage efficient use of land and resources by allowing users to share off-street parking facilities whenever feasible. The Planning Director may authorize an increase in the number of allowed off-street parking spaces for multiple use developments or for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking arrangements are subject to the following standards.

1. Location. Shared off-street parking spaces may be located no further than 1,320 feet from the buildings and uses they are intended to serve, measured along the shortest legal, practical walking route. The Planning Director may waive this distance limitation if adequate assurances are offered that adequate van or shuttle service will be operated between the shared lot and the principal use. If the shared parking spaces are located off-site, they must comply with the off-site provisions of Section 1107.1407C.

2. Zoning Classification. Shared parking areas are accessory to the principal uses that the parking spaces serve. Shared parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area, unless approved as a Special Use pursuant to Section 1111.0700.

3. Required Study and Analysis. The applicant must submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4. Shared Parking Agreement. A shared parking plan, assuring the retention of shared parking spaces, must be enforced through written agreement among the owners of record. The agreement must be properly drawn and executed by the parties concerned and approved as to form and execution by the Law Department. The agreement must be recorded as required in Section 1107.1405. The parties to the agreement may revoke the shared parking agreement only if the otherwise required off-street parking spaces are provided on-site or if an Alternative Access and Parking Plan is approved by the Planning Director.

C. Off-Site Parking. The Planning Director may permit all or a portion of the allowed off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of this section.

1. Location. No off-site parking space may be located more than 1,320 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the Planning Director if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the principal use.

2. Zoning Classification. Off-site parking areas are accessory to the principal uses that the parking spaces serve. Off-site parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area, unless approved as a Special Use pursuant to Section 1111.0700.

3. Off-Site Parking Agreement. An off-site parking plan, assuring the retention of off-site parking spaces, must be enforced through written agreement among the owners of record. The agreement must be properly drawn and executed by the parties concerned and approved as to form and execution by the Law Department. The agreement must be recorded as required in Section 1107.1405. The parties to the agreement may revoke the agreement only if the otherwise required off-street parking spaces are or if an Alternative Access and Parking Plan is approved by the Planning Director.

D. Bicycle Parking. The Planning Director may authorize an increase in the number of allowed offstreet parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of accommodations include enclosed bicycle lockers, employee shower facilities and dressing areas for employees. A reduction in parking may not be granted merely for providing outdoor bicycle spaces.

E. Transit Stops. The Planning Director may authorize up to a 20 percent increase in the number of allowed off-street parking spaces for developments that provide transit stops if the following conditions are met:

1. The transit stop must be designed to be a waiting area for transit riders, clearly identified as such, and open to the public at large;

2. The transit stop must be designed as an integral part of the development project, with direct access to the waiting area from the development site; and

3. The transit waiting area must be designed to accommodate passengers in a covered waiting area, with a capacity of at least five persons and must include internal lighting and other features that encourage use of the facility, such as temperature control within the waiting area.

4. The transit stop shall be owned and/or maintained as part of the project unless other arrangements are made to the satisfaction of TARTA.

F. Pervious Parking. The Planning Director may authorize all or a portion of allowed off-street parking spaces (not to include drive aisles) to be provided on permeable/porous surfaces, subject to the following criteria.

1. The findings of the Planning Director shall indicate what number or percentage of allowed parking spaces may be so provided.

2. The permeable/porous surface shall meet the approval of the Division of Engineering Services, Division of Environmental Services, Fire Prevention Bureau and Division of Transportation.

3. Parking spaces, aisles, etc. shall be marked by flags, biodegradable dyes or paints, or some other method that does not kill grass or plants.
4. Permeable/porous surfaces shall be adequately drained.
5. Permeable/porous parking areas shall be maintained by the property owner for their intended function for the duration of its life.



Legislation Text

File #: O-420-25, Version: 1

TMC Amendments re: Part 11 - Planning and Zoning Code
Plan Commission
L.Cottrell (x2342)

Amending Toledo Municipal Code Part Eleven - Planning and Zoning Code by repealing §1105.0205 and enacting a new version of §1105.0205 entitled Appearance; and enacting a new §1105.0206 entitled Business Use; and declaring an emergency.

SUMMARY & BACKGROUND:

This ordinance repeals and enacts a new section of the Toledo Municipal Code (“TMC”) to as a result of a study on Accessory Uses. The change establishes design standards for accessory structures in all Zoning Districts. The proposed text amendment is consistent with the stated purpose of the Zoning Code.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, §1105.0205 which states as follows:

§1105.0205 Business Use.

No business may be conducted from an accessory building in a Residential District.

Is repealed

SECTION 2. That a new Toledo Municipal Code §1105.0205 is enacted to state as follows:
§1105.0205 Appearance.

A. The design and building materials of any accessory building shall generally be consistent with the character of the principal building on the property (e.g. material, color), as approved by the Planning Director.

B. No accessory structure shall be constructed or used of discarded materials in a state of disrepair including but not limited to: pallets, doors, tires, corrugated metal, or other similar materials.

SECTION 3. That a new Toledo Municipal Code §1105.0206 is enacted to state as follows:
§1105.0206 Business Use.

No business may be conducted from an accessory building in a Residential District.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide accurate and complete standards for use by property owners.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council



Legislation Text

File #: O-421-25, Version: 1

Vacation Whittlesey's Addition
Zoning & Planning

Vacation of a portion of property within Whittlesey's Addition located in the City of Toledo, Lucas County, Ohio, subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 403-24 adopted on September 11, 2024 declaring its intent to vacate a portion of property within Whittlesey's Addition, located in the City of Toledo, Lucas County, Ohio.

On December 5, 2024, the Toledo City Plan Commission recommended approval of the request for the vacation of a portion of property within Whittlesey's Addition, all within the City of Toledo, Lucas County, Ohio.

The City Council Zoning and Planning Committee on January 8, 2025, sent as approved the request for the vacation of a portion of property within Whittlesey's Addition, all within the City of Toledo, Lucas County Ohio.

The Board of Revision met on February 7, 2025 and approved the request for vacation of a portion of property within Whittlesey's Addition, all within the City of Toledo, Lucas County Ohio.

All of the preliminary steps have been taken as required by law, the Charter of the City of Toledo, and the Toledo Plan Commission has made reports regarding the proposed vacations; and all things required by law to be done, have been done. Fees totaling \$1,390.19 have been paid.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Council of the City of Toledo does hereby vacate a portion of property within Whittlesey's Addition, located in the City of Toledo, Lucas County Ohio, and more fully described as follows:

Beginning at the SW'erly property corner of Lot 8.

Thence NW'erly on Northerly R/W of Hamilton St. to a point on the Easterly R/W of I-75.

Thence Northerly on said Easterly R/W of I-75 to a point on NW'erly R/W of Hunt St.

Thence NE'erly on said NW'erly R/w of Hunt St. to a point of intersection with a line.

Said line being the rear property line of Lots 9 thru 18 extended NW'erly.

Thence SE'erly on said extended rear property line to point on the NW'erly property line of lot 9.

Thence SW'erly on said NW'erly property line of Lot 9 to the intersection of NW'erly lot line of Lot 8.

Thence SW'erly on said NW'erly property line of Lot 8 to the POINT of BEGINNING.

SECTION 2. That the vacation(s) herein shall be subject to compliance of the following three (3) condition(s):

The following conditions are listed by agency of origin. Applicants are encouraged to contact the agency to address compliance with their conditions.

Bureau of Fire Inspection

1. **Approval** will be granted to vacate the portion of property as shown above, only under the **Condition** that fire department access as required by the Ohio Fire Code Section 503 be maintained.

Transportation Services

2. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

Plan Commission

3. A Site Plan Review may be required for future developments within the vacated area in accordance with the provisions of the Toledo Municipal Code.

SECTION 3. That fees totaling \$1,390.19 have been paid.

SECTION 4. That the Real Estate Section of the Department of Economic Development is hereby directed to cause a copy of this Ordinance to be recorded in the records of the office of Lucas County Recorder.

SECTION 5. That it is hereby found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council, and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective so that the vacations can be expeditiously completed to enable the property owner(s) to obtain the resulting benefits at the earliest time.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____
_____ Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council