



# TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604    PHONE 419-245-1200    FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: February 19, 2020

REF: M-19-19

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

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

SUBJECT: Text Amendment to modify TMC 1379.0 and 1387.05, and to create a new 1393.7 for Off-Premises Poster Panels in the Downtown Overlay District

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, February 13 at 1:00 P.M.

## GENERAL INFORMATION

### Subject

Request - Text Amendment to modify TMC 1379.0 and 1387.05, and to create a new 1393.7 for Off-Premises Poster Panels in the Downtown Overlay District

Applicant - Toledo City Council

### Applicable Plans and Regulations

- Toledo Municipal Code, Part Thirteen, Title Nine: Sign Code
- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Downtown Toledo Master Plan

## STAFF ANALYSIS

The proposed text amendment to TMC§1379.0 *Definitions* and TMC§1387.05 *Construction of Signs* and the creation of a new TMC§1393.17 *Off-Premises Poster Panels in the Downtown Overlay District* is designed to allow for a limited number of off-premise signs to be added to blank walls in the downtown business and entertainment district, according to the proposed legislation.

## STAFF ANALYSIS (Cont'd)

The intent of the proposed text amendment is to allow off-premise signs to be constructed in the Downtown Overlay Districts in order to cover up blank walls and to create a more colorful look. Currently, there exist many blank walls that were formerly masked by adjacent buildings. When an adjacent building was torn down, a lower-quality wall with no windows or architectural details was left. Other cities, including Columbus, have used "Ad Murals" with the intention of covering up these blank walls and creating a more lively commercial streetscape.

Currently, the Sign Code expressly prohibits off-premise signs within the Downtown Overlay District, per TMC§1387.05(K)(20). In addition to existing sign code limitations, the Downtown Overlay guidelines require that each building within the -DOD is limited to one building identification sign per façade, and that additional building signs, including projecting, marquee, fascia or monument shall be limited to tenants and/or occupants located in the building. This is intended to preserve the historic architectural character of downtown buildings and prevent visual clutter. The proposed text amendment is in direct conflict with these requirements.

### Feedback from relevant stakeholders

On January 3, 2020, the Downtown Toledo Improvement District (DTID) submitted a letter to the Director of the Plan Commission regarding this proposed legislation. The DTID Board of Directors voted unanimously in disapproval of the proposed legislation, with one abstention. The reasons for disapproval were as follows: the original design of Toledo's most historic portion should be preserved; property owners should be accountable to repair blighted buildings and not merely cover them up; downtown residents have already been consistently outspoken against existing and future outdoor advertising because of light pollution; future billboard messages cannot be controlled and may be contradictory to the family-friendly downtown we are pursuing; and billboards already exist downtown that give parties the opportunity to advertise.

Following this letter, on January 10, 2020 the Toledo Design Collective (TDC) also submitted a letter to the Director voicing their opinion of the proposed legislation. The TDC board also voted unanimously in disapproval of the proposed legislation and stated the following reasons: the proposed legislation has the potential to de-incentivize investment downtown by allowing unproductive uses to generate revenue; there is no clear expiration term for the permit; proposed signage above existing unimproved lots would de-incentivize infill of these lots, First Amendment Rights prevent the city to regulate the content of the advertising; and the permitting process does not provide adequate protections to preserve façade features of architectural or historic distinction.

The Uptown District Architectural Review Commission (UDARC) reviewed the proposed legislation and provided further feedback. Feedback was negative; commission members were cautious to provide a source of revenue to downtown building owners who are already failing to maintain their buildings. Commissioners were also concerned that infill development, which is needed, may be discouraged if it would cover up a new profitable billboard. Commissioners were opposed to the proposed legislation.

### STAFF ANALYSIS (Cont'd)

The Toledo Warehouse District Architectural Review Commission (TWDARC) also provided their thoughts on the proposed legislation. The commission was concerned that the proposed billboards would advertise products which were not a part of the community, and that the legislation represented a step backwards by deterring the development of lots adjacent to the proposed billboards. They also stated that the existing billboards downtown are already a problem because they create light pollution which disturbs neighbors. At the conclusion of the conversation, the TWDARC voted unanimously in opposition to the proposed legislation.

Lastly, the Toledo City Historic Commission weighed in on the issue. Commissioners had many concerns, including that the proposed poster panels could damage the walls of historic buildings downtown. Masonry, including brick, should not be covered up because this allows for the collection of moisture, leading to the deteriorating of the masonry. Commissioners referenced the National Park Service's Preservation Brief 25, which outlines "New Signs in Historic Buildings." New signs should respect the size and design of the building and neighboring buildings, sign materials should be compatible with surrounding materials, and the new signs should be mounted to ensure that damage is not done to the historic building. The proposed legislation is in conflict with the National Park Service's objectives for the preservation of historic buildings. The Toledo City Historic Commission voted unanimously, with one abstention, in opposition of the proposed legislation.

#### Historic and existing signage within the Downtown Overlay District

Large-scale signage, similar to what is proposed in this text amendment, was once a common sight in downtown Toledo. The image to the right shows Summit Street in 1909. The most visible sign on the right side of the street advertises the Kobacker Furniture Company, which sold furniture out of this building at 324-326 Summit St. This type of on-premise signage helped to promote the identity of Toledo and its businesses. The difference between this signage and the proposed off-premise poster panels is that the historic signage generally advertised the tenants of the building. The proposed off-premise signage, however, is designed to advertise unrelated companies and to promote their corporate identity instead of our own.



**STAFF ANALYSIS (Cont'd)**



Even though off-premise signs are currently prohibited within the Downtown Overlay District, some billboards have been grandfathered in as existing non-conformities. These existing billboards obstruct views of local businesses as well as overshadow and distract from their signage. Large-scale off-premise billboards are costly to utilize and may only be affordable to national brands, such as the distributor in the example to the left. These off-premise billboards then over-shadow local businesses, who are subject to stricter limitations in sign size. In the image to the left, the permitted on-premise advertisement for Continental

the sign still struggles to compete for visibility with the large billboard on the adjacent property.

*Relevant Case Law*

The best-known relevant case in this conversation is *Reed v. Town of Gilbert, Arizona*. The town of Gilbert, Arizona had a sign code which limited some temporary signs more strictly than others based solely on the message of the sign. This led to the Good News Community Church and its pastor, Clyde Reed, being unfairly discriminated against, and having multiple signs confiscated. The case was taken to the Supreme Court in 2015, and the Town lost the case because they imposed content-based restrictions on speech, limiting the church's first amendment rights. Case law shows that cities have no right to control who may advertise with a sign, nor what message that sign can display.

Future sign regulations must offer only content-neutral restrictions, limiting the time, place, and manner of speech, but not the content. Were additional off-premise billboards to be permitted downtown, the City of Toledo would have no power to limit the content. Examples of potential billboards that could arise as a result of this proposed text amendment are shown in Exhibit "B."

**STAFF ANALYSIS (Cont'd)**

Research of other Cities

Other cities have proposed similar legislation with the intent of energizing their commercial districts. Plan Commission staff has received one correspondence in support of the legislation, which shared an article published by Out-Of-Home Today, a publisher and advocacy group for off-premise advertising, which highlighted Atlanta's goal to become "The Times Square of the South." According to the December, 2019 article, the Atlanta Downtown Improvement District and Central Atlanta progress were hoping to use off-premise advertising to help energize and boost foot traffic in the city's central commercial corridor. The Denver Theatre District has also agreed to allow off-premise signage downtown, under the condition that the Theatre District receives a share of the advertising revenue. The long-term impact of this recent legislation has yet to be seen.

Columbus enacted similar legislation to allow a limited number of "Ad Murals" downtown in 2004. The design guidelines for ad murals stated that "the visual effect of the ad mural should be to emphasize the picture, art, vision, or artistic impression of the graphic and reduce the advertising element to an incidental status." Plan Commission staff has reached out to City of Columbus Planning Staff for professional feedback on the legislation. According to Columbus Planners, early ad murals were successful in meeting these guidelines, offering creative and whimsical images including multi-dimensional elements to create a fun and interactive streetscape. However, case law such as *Reed v. Gilbert* has proven that it is unconstitutional for cities to regulate the content of signage, including the level of creativity. The Columbus Downtown Commission is now unable to regulate content of ad murals, and advertising companies have "taken advantage of the situation" according to Columbus planners. Advertising in downtown Columbus now looks similar to billboards you would see along the interstate; some recent billboards have gone so far as to slander Columbus and to advertise competing cities. Columbus planners stated that "the Downtown Commission is now very reluctant to allow new locations," and that "if the Commission knew that the ad murals would digress into billboards, they would not have been as receptive to the idea in the first place." This case study shows what could happen in Toledo if similar legislation is approved.

Relevant Scholarly Reports

Other studies and reports have already been published which document the negative impacts of billboards and make recommendations on effective legislation. In his 2011 report "Beyond Aesthetic: How Billboards Affect Economic Prosperity," Philadelphia urban planner Jonathan Snyder combined US Census data and local home price data with Geographic Information Systems (GIS) information on billboard locations across the United States, with a focus in Philadelphia. Here, Snyder found that properties located within 500 feet of a billboard had a decreased real estate value of \$30,826. Snyder also found that properties that were further than 500 feet from a billboard, but still within the same census tract, saw an average decrease of \$947 for every billboard within that census tract. Staff understands that although a property which is overshadowed by a billboard and/or whose windows directly face a billboard may be less desirable and less valuable, billboards are one of many factors that can lead to lower property values.

## STAFF ANALYSIS (Cont'd)

The study also examined the sign codes of 20 mid-sized cities across the United States, including Columbus, Indianapolis, and Detroit to see if there was a link between stricter sign control and the cities' median income, poverty rates, and vacancy rates. Sign codes of these 20 cities were simplified to "Strict Sign Control" and "Not Strict Sign Control." It was found that cities with "Strict Sign Control" had a higher median income, a lower poverty rate, and a lower home vacancy rate.

In his 2006 report "Property in the Horizon: The Theory and Practice of Sign and Billboard Regulation," Jacob Loshin addresses the land use issues of signs and billboards, and how to best regulate them. Loshin points out that billboards are unique in that they gain nearly all of their value from the land surrounding them. A downtown restaurant, for example, benefits from its location but relies on a significant amount of square footage to operate, and needs this customer area to make a profit. The property owner must pay taxes on this area. A billboard, however, occupies very little land area. It relies on the public right-of-way as well as the investments of its neighbors to make an attractive district, while paying taxes on minimal area. For these reasons, Loshin recommends light zoning to keep billboards away from highly attractive areas, such as downtown, and higher taxation on other billboards to assess their true value and discourage the proliferation of unnecessary signage.

### Regulatory Options

The proposed text amendment is designed to encourage more billboards within the Downtown Overlay. Feedback from downtown stakeholders has been negative. The Toledo Downtown Improvement District, the Toledo Design Collective, and all relevant Architectural Review Commissions within the city have voiced clear opposition to additional off-premise signage downtown. Research has shown that billboards are linked to lowering adjacent property values and other negative secondary effects. As Toledo is working to revitalize its downtown, allowing more billboards is not recommended.

Another option is to simply retain the existing ban on new billboards downtown, and to allow existing billboards to continue operating under the same conditions. This would mean a disapproval of the proposed text amendment and no change. Through this study, staff has found that billboards are associated with decreasing property values, and that the existing billboards create nuisance conditions and light pollution, harming neighboring properties. With the ongoing revitalization of downtown, staff recommends requiring improvements to existing non-conforming billboards.

There are a variety of options to regulate off-premise signage. Communities across the country have forcibly removed billboards for the benefit of the general public. This is considered a "taking" through eminent domain, and requires the City to pay for the billboards. This would be a significant legal liability and may not be financially feasible for the City of Toledo, given the significant number of existing billboards.

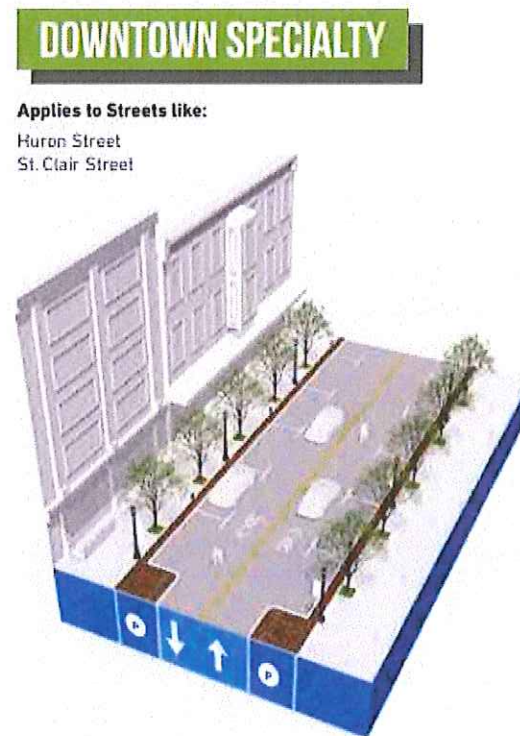
## STAFF ANALYSIS (Cont'd)

Instead of placing the burden on the City to pay a fair price to purchase billboards, staff recommends following the recommendations of “Property in the Horizon, The Theory and Practice of Sign and Billboard Regulation.” Staff recommends taxing billboards at a fair rate that is relative to the revenue that billboards earn as well as the values of the surrounding downtown properties that billboards take advantage of in the neighborhood. A tax increase on downtown off-premise signs will encourage owners to be more selective about which billboards are worth keeping.

Case Law shows that municipalities cannot regulate the content of signage, but that we can regulate the “time, place, and manner” in which the billboard is presented. Like there is a ban on off-premise signage downtown, there is also a ban on surface parking lots downtown, and the City of Toledo has recently been successful in requiring aesthetic improvements for existing parking lots. Now, parking areas must be surrounded by a decorative fence with brick columns; existing parking lots must be brought into compliance within the next three or five years depending on their location. In order to improve the aesthetics of billboards and reduce the negative impact that they have on their surroundings, staff recommends similar legislation to enhance billboards without taking them away. Possible improvements could include lowering the height of off-premise signs, upgrading the materials that support and surround them, and eliminating the use of electronic message centers (EMC). This of course would require additional study.

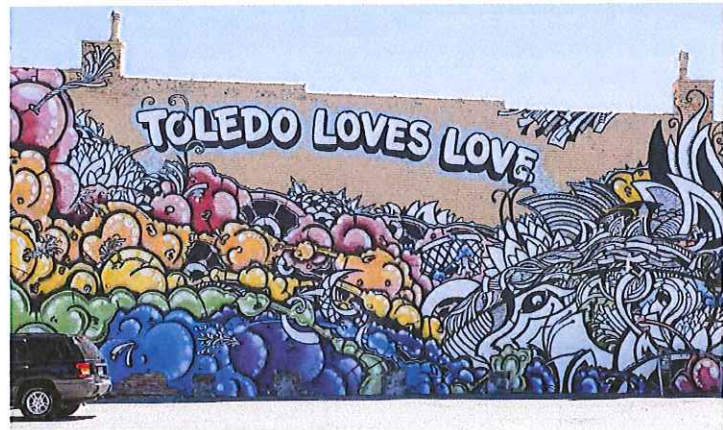
Staff understands that the intent of the proposed text amendment is to remediate blight downtown and to liven up existing blank walls. Although best practices and research show that billboards may not be the most effective way, there are many other ways to achieve these goals.

Another way to remediate blight downtown and liven up the aesthetics of the area is to improve the appearance and safety of the streetscape. The Downtown Toledo Master Plan calls for specific street typologies that include landscaped medians, street trees, seating, and decorative lighting. The “Downtown Specialty” typology to the right is a perfect example. Improvements like these are already underway for Summit Street. Following the Downtown Master Plan and fast-tracking similar upgrades for other downtown streets would be a sustainable way to make downtown Toledo more colorful, lively, and attractive.



### STAFF ANALYSIS (Cont'd)

Again, the goal of the proposed text amendment is to cover up blank walls downtown. However, one concern with the proposal is that by offering our building walls to off-premise advertisers, we are giving away the character of our city and selling out our local identity. Instead of using downtown's blank walls for off-premise advertising, staff recommends following mural practices that have been successful in other parts of Toledo. As shown below, murals have been used along the Broadway Corridor to showcase the diverse cultural heritage of the area. Murals have also been successful in Uptown, communicating values while promoting local businesses. Instead of using off-premise billboards to advertising the products of national chains, Plan Commission staff recommends using murals painted by local artists to advertise the culture and values of our community.



Staff understands the need to remediate blight and decorate blank walls in downtown Toledo. However, researching other cities shows that billboards are not the best way to do so. Toledo has a Downtown Master Plan in place and local best practices which should be followed.

### Conclusion and Recommendation

The proposed text amendment is intended to allow more billboards to be installed in downtown Toledo. However, staff has found that similar legislation in other cities has provided undesirable results. Billboards are linked to a decrease in surrounding property values and a generally unattractive appearance. The population of Downtown Toledo and its stakeholders are currently negatively impacted by existing billboards. For these reasons, staff recommends disapproval of the proposed text amendment. Additionally, following recent legislation designed to improve downtown Toledo, staff recommends a study to require aesthetic enhancements and fair taxation of existing downtown billboards and billboards across the City of Toledo.



## PLAN COMMISSION RECOMMENDATION

The Plan Commission recommends that the Toledo City Council disapprove of the text amendment to TMC§1379.0 *Definitions* and TMC§1387.05 *Construction of Signs* and the creation of a new TMC§1393.17 *Off-Premises Poster Panels in the Downtown Overlay District* in the Toledo Sign code as shown in Exhibit "A," to the Toledo City Council for the following reason.

1. The proposed text amendment is not consistent with the Downtown Master Plan and is in conflict with the stated purpose of this Zoning Code (TMC§1111.0506);
2. The proposed text amendment is not compatible with adjacent uses in terms of scale, design, and operating characteristics;
3. The proposed billboards may negatively impact the property values and development potential in the neighborhood in which they are to be located;
4. The proposed billboards may have adverse structural and environmental impacts; and
5. There are other proven methods to remediate blight and create a vibrant look, such as streetscape enhancements and murals, as outlined in this report.

In addition, staff recommends further study to require improved aesthetics and fair taxation of existing off-premise signage within the Downtown Overlay District and across the City.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

ML  
Exhibit "A" follows  
Exhibit "B" follows

CC: Lisa Cottrell, Administrator  
Matt Lascheid, Associate Planner

**Exhibit "A"**  
Legislation Text

**Amending Toledo Municipal Code ("TMC"), Part 13, Building Code, Chapter 1379, Subsection 1379.01, Definitions; Part 13, Building Code, Chapter 1387, Subsection 1387.05, Construction of Signs; and creating a new TMC, Part 13, Building Code, Subsection 1393.17, Off-Premises Poster Panels in the Downtown Overlay District; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

This is a Text Amendment to Toledo Municipal Code, Part 13, Building Code, Chapter 1379, Subsection 1379.01, Definitions; Part 13, Building Code, Chapter 1387, Subsection 1387.05, Construction of Signs; and creating a new TMC, Part 13, Building Code, Subsection 1393.17, Off-Premises Poster Panels in the Downtown Overlay District. The redevelopment of Downtown into a bustling business and entertainment district is ongoing. However, there remain unsightly walls on buildings in the downtown area for various reasons. The purpose of this Text Amendment is to allow for a limited number of Off-Premises Poster Panels in the Downtown Overlay District, in order to cover such unsightly walls and create a vibrant, colorful look to the downtown business and entertainment district.

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

SECTION 1. That TMC, Part Thirteen, Subsection 1379.01(74)(a), which reads as follows:

1379.01(74)(a) Poster panels or bulletins normally mounted on a building wall, roof or free-standing structure with advertising copy in the form of pasted paper.

Is hereby repealed.

A new TMC, Part Thirteen, Subsection 1379.01(74)(a), is hereby enacted, to read as follows:  
1379.01(74)(a) Poster panels or bulletins normally mounted on a building wall, roof or free-standing structure with advertising copy.

SECTION 2. That TMC, Part Thirteen, Subsection 1387.05(k)(20), which reads as follows:

1387.05(k)(20) Off-premise signs are prohibited within the Downtown Overlay District, the Monroe Street Corridor UNO District, Summit Street Corridor Redevelopment (SSCR) UNO District, and the Main Street/Starr Avenue UNO District.

Is hereby repealed.

A new TMC, Part Thirteen, Subsection 1387.05(k)(20), is hereby enacted, to read as follows:

**Exhibit "A" (Cont'd)**  
Legislation Text

1387.05(k)(20) Off-premise signs are prohibited within the Downtown Overlay District, the Monroe Street Corridor UNO District, Summit Street Corridor Redevelopment (SSCR) UNO District, and the Main Street/Starr Avenue UNO District; with the exception that, in the Downtown Overlay District, Off-Premises Poster Panels as defined in TMC Subsection 1379.01(74)(a) are permitted subject to the regulations of TMC Subsection 1393.17 of this Code. SECTION 3. That TMC, Part Thirteen, Chapter 1393, Prohibited Signs, shall be amended to add Subsection 1393.17, to read as follows:

1393.17 Off-Premises Poster Panels Permitted in Downtown Overlay District; Permits Required; Penalties.

(a) Definitions.

- (1) "Off-Premises Poster Panel" as used in this Section shall have the same meaning as the definition set forth in TMC Subsection 1379.01(74)(a).
- (2) "Display" shall be that portion of the Off-Premises Poster Panel which contains the advertisement copy.
- (3) "Downtown Overlay District" as used in this Section shall have the same meaning as the definition set forth in TMC Subsection 1103.0200 et seq.
- (4) "Owner," "Operator," and "Premises" shall have the same meaning as definitions set forth in TMC Subsections 1726.01 (b), (c), and (d), respectively.
- (5) "Permit Holder" shall be the person, firm, corporation, or association that has applied for and been granted a Permit pursuant to this Section.
- (6) "Property" is defined as any public or private property which is observable from the public right of way or from a public space.

(b) Permit required

- (1) Any person, firm, corporation, or association desiring to erect or replace an Off-Premises Poster Panel on any Property in the Downtown Overlay District shall first obtain a Permit from the Sign Inspector.
- (2) Application for such permit shall be made upon a form provided by the Division of Building Inspection. The Division of Building Inspection is hereby authorized to charge reasonable fees for evaluating such Applications and enforcing the provisions herein. Such Application shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City of Toledo, including but not limited to the following:
  - (A) Name and address of the owner of the Off-Premises Poster Panel;
  - (B) Name and address of the Owner or person in possession of the Premises where the Off-Premises Poster Panel is located or is proposed to be located;
  - (C) Clear and legible drawings with description definitively showing the location of the Off-Premises Poster Panel which is the subject of the Permit;

**Exhibit "A" (Cont'd)**  
Legislation Text

- (D) For new Off-Premises Poster Panel locations, a full-color photograph or digital image of the proposed wall location in the context of adjoining properties, depicting such wall location with the proposed Off-Premises Poster Panel in place to represent with general accuracy the appearance of the wall with the addition of the Off-Premises Poster Panel;
  - (E) The street address of the building upon which the Off-Premises Poster Panel is located or is proposed to be located;
  - (F) A list of streets and other vehicular rights of way to which the Off-Premises Poster Panel is or is proposed to be principally oriented;
  - (G) A calculation of the area upon which the Off-Premises Poster Panel is or is proposed to be located and a calculation of the area of the Off-Premises Poster Panel;
  - (H) If the area of the Off-Premises Poster Panel is or is proposed to be less than 80% of the wall area, the reasons for the smaller Off-Premises Poster Panel;
  - (I) A description of the medium used or to be used for the Off-Premises Poster Panel, and, if vinyl or other high-resolution material, a description of its grade and a calibration of the dots-per-inch ("DPI") of the resolution of the Off-Premises Poster Panel;
  - (J) A list of the buildings within the Downtown Overlay District where existing Off-Premises Poster Panels are on display at the time of the filing of the Application for Permit, including the approximate distance(s) from each such building to the site of the proposed Off-Premises Poster Panel; and
  - (K) A statement as to whether the Owner or person in possession of the wall has consented to erection of the Off-Premises Poster Panel.
- (3) Standards for determining whether to issue Permit for Off-Premises Poster Panel
- (A) An application for a Permit to erect or replace an Off-Premises Poster Panel shall be granted if the Off-Premises Poster Panel as proposed on the Permit Application satisfies the criteria of this Section. Such criteria are in lieu of the prohibitions and/or the standards and guidelines prescribed and authorized elsewhere in TMC for a permit, certificate of appropriateness, or other approval by any agency or official of the City of Toledo, except those set forth in the Building Code addressing structures and materials for signs.
  - (B) Contents of Display not subject to approval. No agency or official of the City of Toledo shall prescribe or otherwise require approval of the color, graphic design, words, message, or any other element of the content of a display before granting a Permit or other approval required or authorized under TMC.
  - (C) No administrative authority to establish other criteria. No agency or official of the City of Toledo is authorized to establish criteria, standards, or guidelines that add restrictions, conditions, or requirements to those set forth in this Section.

**Exhibit "A" (Cont'd)**  
Legislation Text

- (4) Time for granting or denying Application for Permit.
- (A) Within 30 days of receipt of Application for Permit, or up to an additional 30 days if requested by the Applicant, the Sign Inspector shall grant or deny the Application for Permit, and shall notify the Applicant, the Commissioner of Building Inspection, and the Director of Zoning and Planning in writing of such decision.
  - (B) An Application for Permit shall be deemed denied only by written notification to the Applicant, identifying each ordinal provision that was not satisfied and the reason it was not satisfied.
  - (C) The Application shall be deemed granted if not denied in accordance with the provisions of this Section.
  - (D) An Applicant who has been denied a Permit under this Section may appeal such decision to the Board of Zoning Appeals as set forth in TMC Subsection 1381.05.
- (5) Permit Terms.
- (A) All approvals required for the erection or placement of Off-Premises Poster Panels shall be documented by notation on the Permit Application during its evaluation, or by issuance of a separate legal instrument reciting such approval. No Permit shall be issued if such approvals have not been obtained.
  - (B) A Permit issued in accordance with this Section shall be construed to be a license to proceed during the life of such Permit with the erection or replacement of the Off-Premises Poster Panel as described in the approved Permit Application so long as fewer than 5 Off-Premises Poster Panels are on display simultaneously within the Downtown Overlay District, exclusive of legal non-conforming Off-Premises Poster Panels or wall signs. All Permits and Permit Applications authorized by this Section shall be in the name of the person in control of the Off-Premises Poster Panel, and all Permits approved under the provisions of this Section shall be in the name of the Permit Applicant (the "Permit Holder"). Such Permits shall convey to the Permit Holder all rights and privileges prescribed by this Section, which rights and privileges may be assigned; and impose on the Permit Holder all duties prescribed by this Section, which duties may be delegated. The Permit Holder, including all assignees and delegees, shall place a nameplate on the Off-Premises Poster Panel when erected or replaced which identifies the Permit Holder, including any assignees and delegees, and shall notify the Sign Inspector of the identity and mailing address of such Permit Holder, and any and all assignees and delegees.

**Exhibit "A" (Cont'd)**  
Legislation Text

- (C) Nothing in this Section shall be construed as authorizing the erection or placement of an Off-Premises Poster Panel without the consent of the Owner or person in possession of the wall where the Off-Premises Poster Panel is or is proposed to be located.
- (D) Expiration. A Permit to erect or replace any Off-Premises Poster Panel shall expire if the Off-Premises Poster Panel is not erected and bearing an Off-Premises Poster Panel within 1 year after the date of the issuance of such Permit.
- (E) Permit holders authorized pursuant to this Section to erect or replace Off-Premises Poster Panels shall have priority over all other holders based on the date and time of issuance of each Permit, with the earlier date and time having priority.
- (F) Any Off-Premises Poster Panel must be removed if it has no display for a continuous period of 6 months. It shall not be re-erected or replaced without first obtaining a new Permit pursuant to this Section.
- (G) The Division of Building Inspection shall keep a permanent record of all Permits issued for Off- Premises Poster Panels, including dates and times of issuance, which shall be available for public inspection and copying.
- (H) Change or replacement of Off-Premises Poster Panel display. A change or replacement of an Off-Premises Poster Panel display shall not require a Permit or any other approval by the Division of Building Inspection. However, a change of material of method of attachment to the building or wall shall be deemed a replacement of the Off-Premises Poster Panel, requiring a new Permit.

(6) Enforcement.

Whenever the Sign Inspector finds that an existing Off-Premises Poster Panel is not in conformity with this Section, or that the structure of the Off-Premises Poster Panel or its attachment to the building is in hazardous condition, they shall notify the Permit Holder for such Off-Premises Poster Panel a written notice of such violation by certified mail, such notice to state the defects and requiring the Permit Holder to correct or abate such defects within 30 days. The Sign Inspector shall otherwise follow the procedures set forth in TMC.

**Exhibit "A" (Cont'd)**  
Legislation Text

(c) Design Standards for Off-Premises Poster Panel.

(1) Primarily pictorial. The Off-Premises Poster Panel shall display non-verbal graphic or nonverbal photographic images, and may display words. The aggregate area of all words on a static Off -Premises Poster Panel, exclusive of the Off-Premises Poster Panel nameplate and trademarks, service marks, or other distinct product or company logos, if any, shall not comprise more than 20% of the area of the Off-Premises Poster Panel.

(2) Medium. The medium for the Off-Premises Poster Panel shall be electronic as a static or moving image or a combination of each, or as a static image upon a single sheet of vinyl or other material which presents a high-resolution image ("high-resolution material"). A display is "electronic" if its images, while being displayed on the Off-Premises Poster Panel, are generated by computer or otherwise by the controlled conduction of electrons or other electric charge carriers.

(3) If the Medium is vinyl or other high-resolution material, it shall comply with all of the following:

- (A) The resolution of the Off-Premises Poster Panel shall be a minimum of 300 dots-per-inch ("DPI");
- (B) If vinyl, the grade of vinyl shall be a minimum of 12-ounce flex vinyl, 12 ounce mesh vinyl, or 12-ounce sailcloth vinyl;
- (C) The Off-Premises Poster Panel may be changed up to 6 times within any 12-month period in addition to any change needed to repair or restore the Off-Premises Poster Panel if the structure or medium is defaced, damaged, or destroyed; and
- (D) The structure to which the vinyl or other high-resolution material Off-Premises Poster Panel is attached shall not appear from line of sight in front of the Off-Premises Poster Panel as a distinct frame surrounding the exterior of the Off-Premises Poster Panel.

(4) Size. The total area of the Off-Premises Poster Panel shall be no less than 80% of the total area of the wall on which the Off-Premises Poster Panel is located, except where:

- (A) A smaller Off-Premises Poster Panel is required to avoid covering a distinctive architectural or historic feature of the building;
- (B) A smaller Off-Premises Poster Panel is required to avoid interference with line-of-sight visibility of the Off-Premises Poster Panel to vehicular traffic to which the Off-Premises Poster Panel is oriented by structures, other buildings, trees, or other obstacles;
- (C) A smaller Off-Premises Poster Panel is required to ensure safety in erecting, changing, or maintaining the Off-Premises Poster Panel or structure to which it is affixed; or
- (D) A smaller Off-Premises Poster Panel is required because the structure of the building or wall will not support or otherwise accommodate the structure necessary for the Off-Premises Poster Panel to cover 80% of the wall area.

**Exhibit "A" (Cont'd)**  
Legislation Text

(5) Maximum number of Off-Premises Poster Panels.

Exclusive of legal nonconforming Off-Premises Poster Panel or wall signs, no more than 5 Off-Premises Poster Panel authorized and permitted under this Section may be displayed simultaneously within the Downtown Overlay District.

(6) Spacing requirements.

No Off-Premises Poster Panel permitted under this Section shall be located within a 750-foot radius of any existing Off-Premises Poster Panel permitted under this Section, exclusive of legal nonconforming Off-Premises Poster Panels or wall signs.

(7) Standards for wall placement.

- (A) The Off-Premises Poster Panel shall be displayed on an exterior wall in a manner parallel with the wall surface.
- (B) The Off-Premises Poster Panel shall not project more than 16 inches from the wall surface if the medium is vinyl or other high-resolution material, and not more than 28 inches if the medium is electronic.
- (C) The Off-Premises Poster Panel shall be set back from each horizontal and vertical edge of the wall a minimum of 6 inches.
- (D) The Off-Premises Poster Panel's size and placement shall be appropriate to achieve the objective a beautifying the unsightly wall.
- (E) The Off-Premises Poster Panel shall not cover, destroy, or materially alter an architectural feature distinct from a generally flat, unornamented wall surface.
- (F) The Off-Premises Poster Panel shall not cover, destroy, or materially alter a distinctive architectural or historic feature of a building unless the Sign Inspector permits the Off-Premises Poster Panel to cover such feature.
- (G) Finishes, textures, construction techniques, designs, colors, craftsmanship, and materials that characterize a distinctive historic or architectural feature of a building shall be preserved. To prevent material alteration:
  - (i) Off-Premises Poster Panels adjacent to a distinctive historic or architectural feature of a building shall be secured in a manner that, if removed in the future, would not impair the form or integrity of such feature;
  - (ii) Chemical or physical treatments, such a sandblasting, that may cause damage to any distinctive historic or architectural features shall not be used; and
  - (iii) All surface cleaning of the portion of the Off-Premises Poster Panel or underlying wall adjacent to the distinctive historic or architectural feature shall use a means which will not disturb such feature's color, texture, or other visual qualities, accelerate deterioration, or otherwise impair the structure of such feature.



**Exhibit "A" (Cont'd)**  
Legislation Text

(8) Illumination.

Except for displays which are electronic, the displays of Off-Premises Poster Panels shall be illuminated from an external light source onto the display. No such illumination shall be directly connected to the electrical system of the building unless an electrical permit has first been obtained from the Division of Building Inspection.

(9) Repair and removal.

Each Off-Premises Poster Panel shall be secured in a manner which will require minimal repair after removal. The Permit holder, or the Owner of the wall on which the Off-Premises Poster Panel is affixed, shall repair all damage caused to the wall by securing or removing the Off-Premises Poster Panel. Upon removal, if required by the Sign Inspector, the entire wall face shall be painted by the Owner or person in possession of the wall with a high-quality exterior paint guaranteed by the manufacturer to last at least 10 years before weather causes the paint to deteriorate. The paint shall be a solid color that is consistent with the color of the building and in compliance with all provisions of TMC.

SECTION 4. 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 that this Ordinance must be effective immediately in order to provide for the orderly development of the area and to protect the land values of the area.

Vote on emergency clause: yeas 12, nays 0.

Passed: October 29, 2019, as an emergency measure: yeas 12, nays 0.

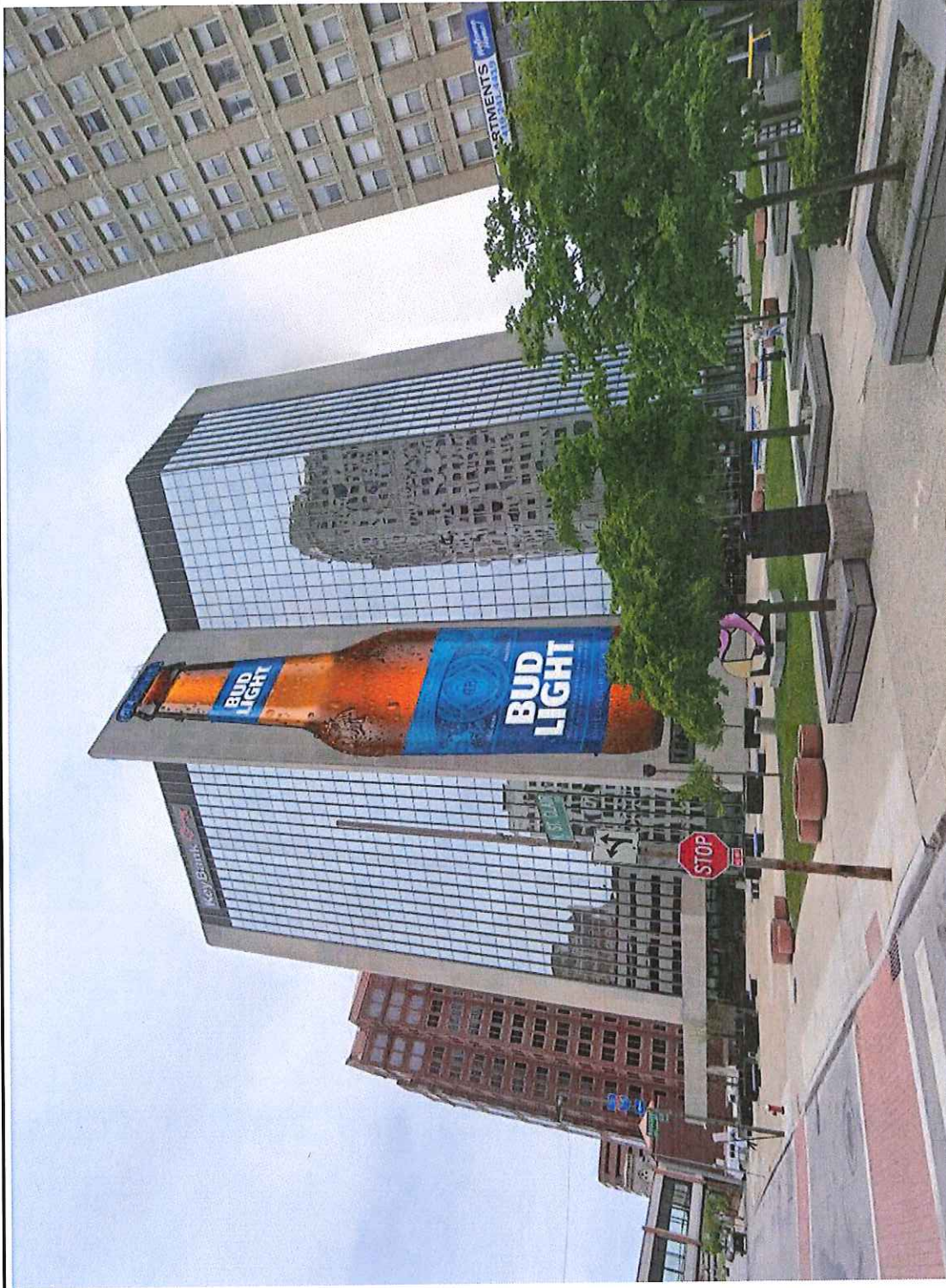
**EXHIBIT "B" – POSSIBLE SCENARIOS**

**M-19-19**



**EXHIBIT "B" – POSSIBLE SCENARIOS**

**M-19-19**



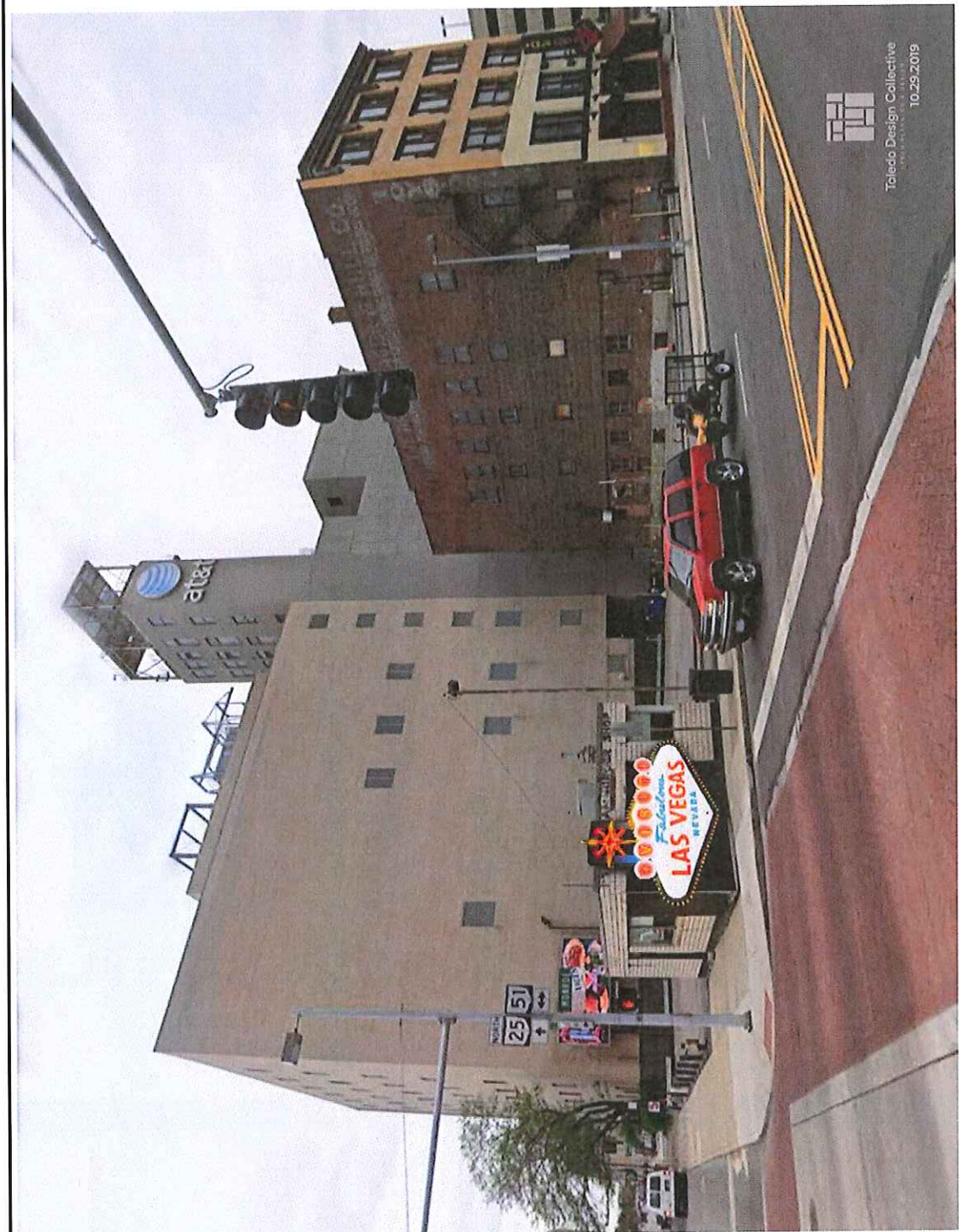
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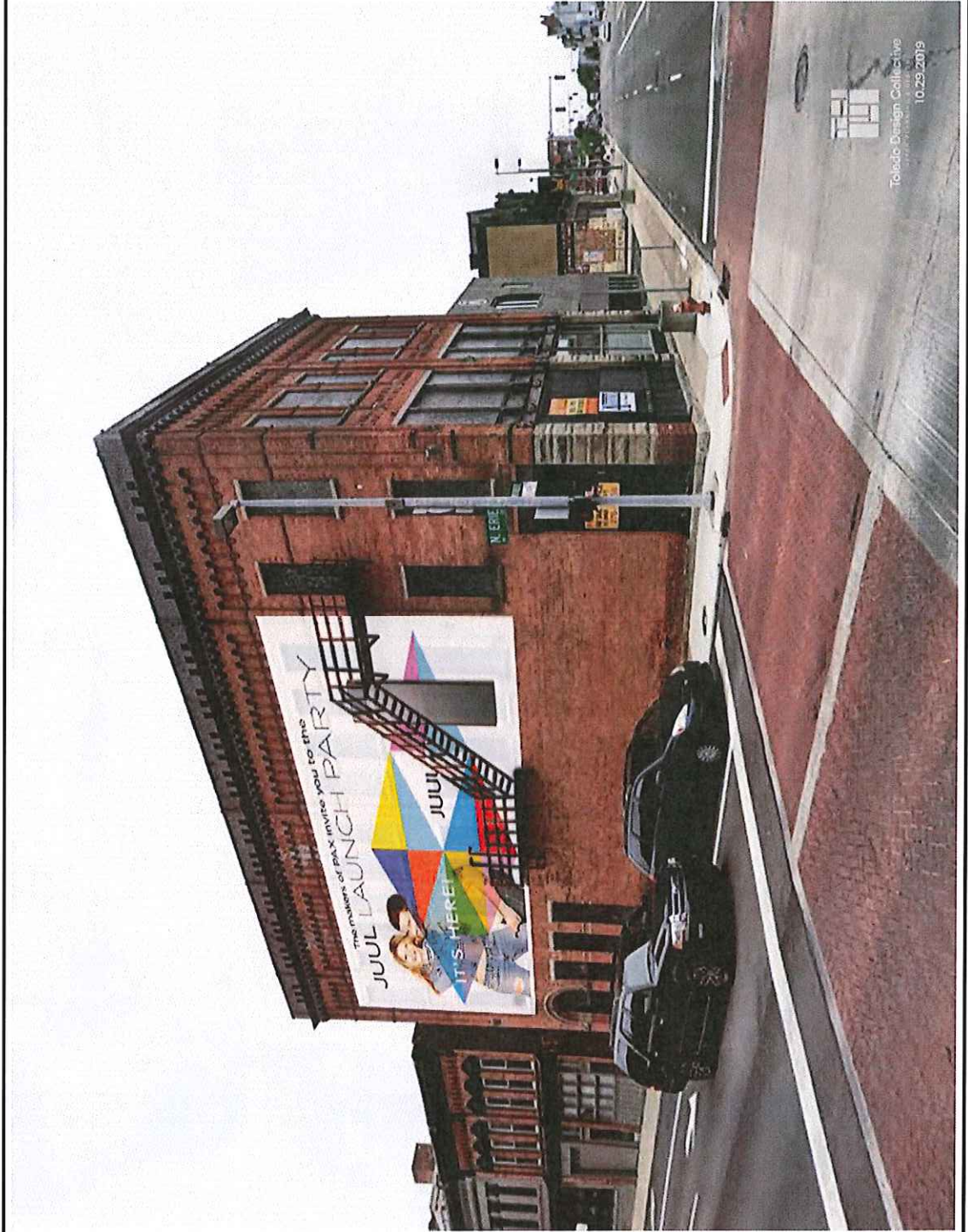
**EXHIBIT "B" – POSSIBLE SCENARIOS**

**M-19-19**



# EXHIBIT "B" – POSSIBLE SCENARIOS

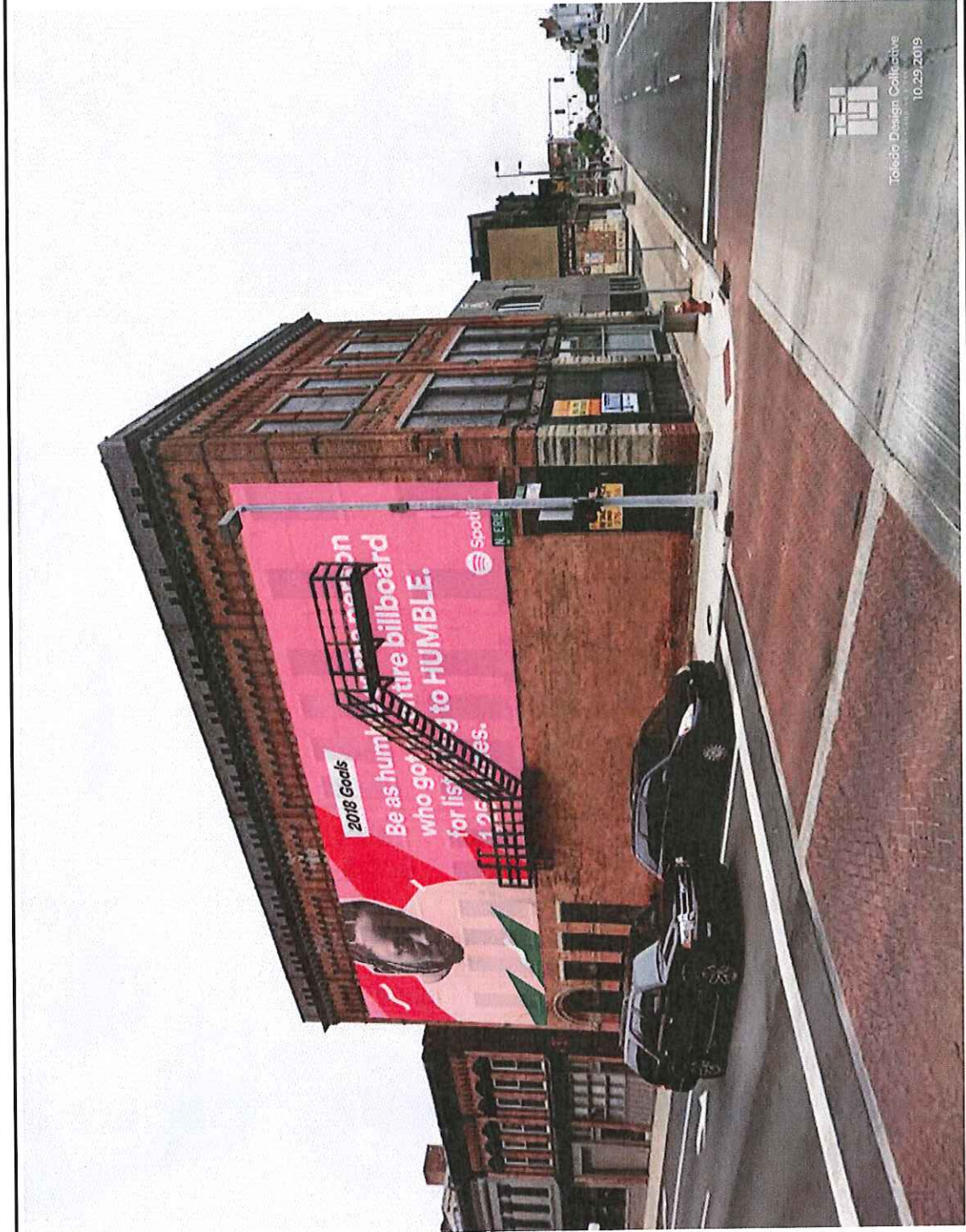
M-19-19





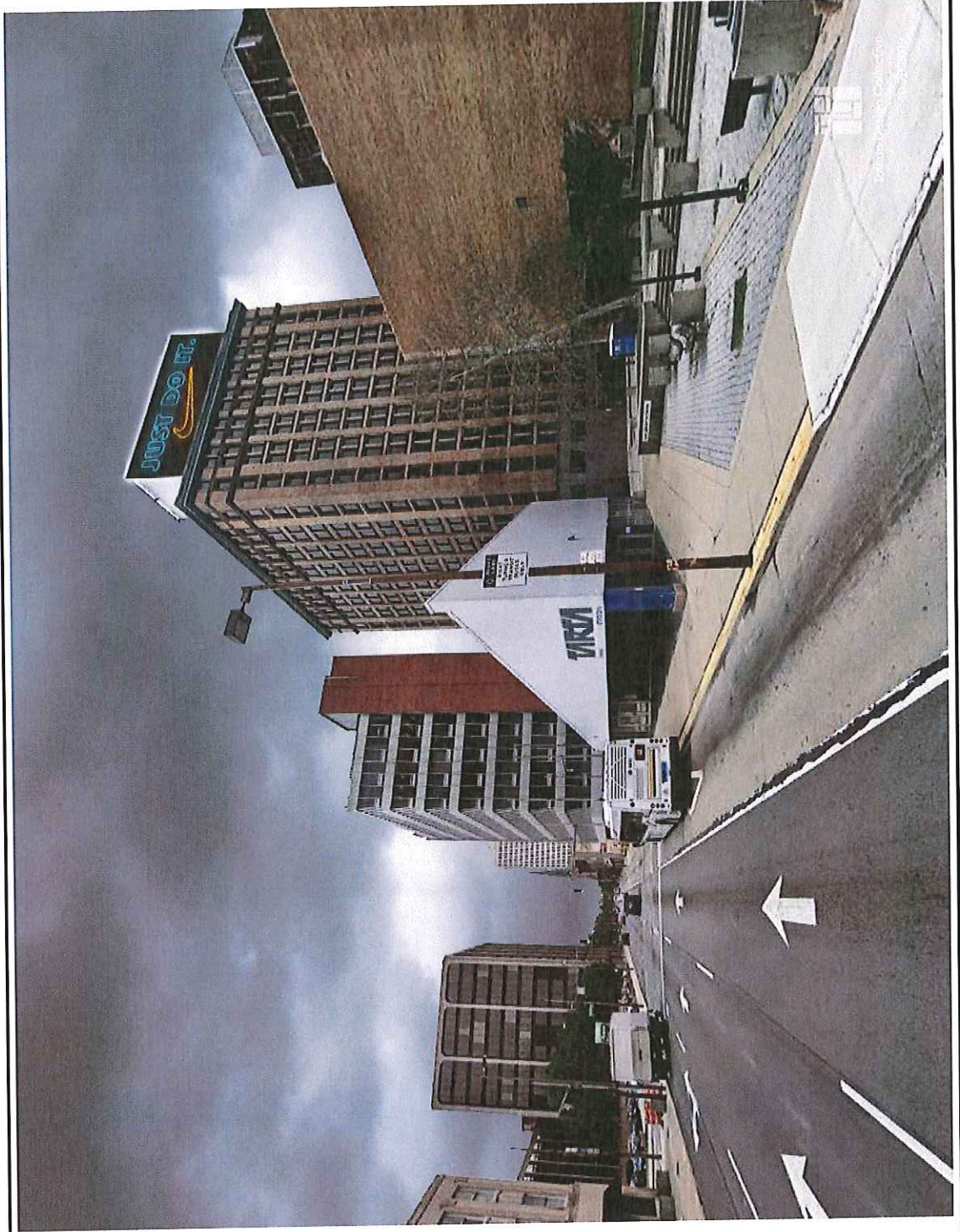
# EXHIBIT "B" – POSSIBLE SCENARIOS

M-19-19



**EXHIBIT "B" – POSSIBLE SCENARIOS**

**M-19-19**





**Toledo Design Collective**  
URBAN PLANNING & DESIGN

January 10, 2020

Tom Gibbons  
Director  
Toledo-Lucas County Plan Commission  
One Government Center, Suite #1620  
Toledo, Ohio 43606

Dear Tom,

On behalf of Toledo Design Collective (TDC), I am writing to you regarding the proposed changes to the Toledo Municipal Code Chapter 1113, Signs. After reviewing the amendment and discussing the issue the TDC board voted unanimously in disapproval of the proposed change.

The following reasons are given for disapproval:

1. The proposal has the potential to de-incentivize investment in the property to which signage is affixed. Similar to cell tower leases this will allow owners of vacant property to generate revenue through unproductive uses, providing enough financial cover to hold on to property that if otherwise sold, could become productive. Only minimal investment in the property would be required to keep it from meeting the 'hazardous structure' requirement of the amendment.
2. There is no expiration term for the permit. This creates the potential for long-term lease periods which could hinder redevelopment opportunities of a site for many years even if ownership of a building were to change hands.
3. The downtown has a large surplus of private off street parking that are widely recognized as a redevelopment issue. These lots will likely provide the viewsheds for the proposed wall signage. Signage revenue would further de-incentivize infill development of these lots.
4. Due to First Amendment rights amendment rights, there will be no ability for the city to regulate the quality or content of the advertising. No recourse would be available for unsightly or distasteful messaging that could detract from the downtown environment.
5. The permitting process does not provide adequate protections to preserve façade features of architectural or historical distinction. While there is language on protection of such features, the features to be protected are not well defined and no documentation of existing features is required in the permitting process. Enforcement action would be limited to revoking the permit after the damage has already been done and may still be difficult to carry out based on lack of prior condition documentation.

Thank you for considering our comments and you have any questions or desire further conversation, please let us know.

Sincerely,

Michael T. Limburg  
Executive Board, Secretary

cc: Paul Hollenbeck  
Jennifer VanHorn

January 3, 2020

Tom Gibbons  
Director  
Toledo-Lucas County Plan Commission  
One Government Center, Suite #1620  
Toledo, Ohio 43604

Dear Tom,


On behalf of the Downtown Toledo Improvement District, I am writing to you regarding the proposed changes to Toledo Municipal Code Chapter 1113, Signs. The Board of Directors recently voted unanimously in disapproval with one abstention from Councilwoman Harper due to her role on Toledo City Council.

The following reasons are given for the disapproval:

1. The Downtown Overlay covers the most historic portion of the city of Toledo. The integrity of the original design and aesthetic of the buildings should be maintained without covering a significant amount of surface space. The proposal allows up to 80% coverage of the surface.
2. Property owners should be accountable to repairing blighted surface space of their buildings with the result being harmonious to the original building and the surrounding structures. Covering the blight with the proposed boards is not an appropriate solution.
3. Downtown residents have been consistently outspoken against proposals for electronic message boards that allow outside advertising due to light pollution at night.
4. Because of First Amendments rights, once the boards are installed the messaging cannot be controlled. Advertised services and products could be the opposite of a desired family friendly downtown.
5. Beautification efforts through murals are already permitted. The Toledo Arts Commission has demonstrated itself to be a trusted voice for these endeavors.
6. Existing billboards allow for advertising within the Downtown Overlay thereby allowing interested parties the opportunity to have their message visible.

If you have any questions or desire further conversation, please let me know.

Sincerely,



Cindy S. Kerr  
Vice President

cc: Jim Kniep  
Paul Toth  
Matt Lascheid



**THE ARTS COMMISSION**  
INSPIRING A VIBRANT TOLEDO

1838 Parkwood Avenue, Suite 120  
Toledo, Ohio 43604  
419-254-ARTS (2787)  
theartscommission.org

February 17, 2020

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Tom Gibbons, Director  
Toledo-Lucas County Plan Commission  
One Government Center, Suite #1620  
Toledo, Ohio 43604

Dear Tom,

On behalf of The Arts Commission of Greater Toledo, I am writing to you regarding the Text Amendment to modify TMC Section 1379, 1387 and 1393 of the Sign Code to allow for off-premise poster panels in the Downtown Overlay District. The Executive Committee has unanimously voted to oppose the proposed changes for the following reasons:

1. Art in Public Places Coordinator, Nathan Mattimoe, has recently been working with former Councilperson Sandy Spang, Planning Commission staff and Signage Department staff to address the troubling issue of signage in the guise of murals. We believe this activity has been increasing throughout the City and the proposed changes would only exacerbate the problem.
2. The Arts Commission has a long history of investing in and supporting the beautification of Downtown Toledo. We welcome any conversation to discuss ideas for improvement that include art and artists. We do not feel advertising on the scale proposed in the code changes would positively contribute to beautification efforts.
3. The Arts Commission, in partnership with the City, has an established process for identifying aesthetic needs and solutions to blight. We feel this proposal would compromise our efforts and bypass the existing process.
4. We believe approval of these changes will incentivize delinquent building owners in the proposed zones to generate revenue streams through the sale of advertisements while continuing to defer the necessary repairs and improvements that are contributing to blight in the central business district.

If you have any questions or would like to discuss this topic further, please do not hesitate to contact me.

Sincerely,

Marc D. Folk  
Executive Director, The Arts Commission

CC: John Eikost, Board President, The Arts Commission  
Nathan Mattimoe, Art in Public Places Coordinator