



Legislation Details (With Text)

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**On agenda:** 2/1/2022      **Final action:**

**Title:** Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1103.1505.G, Lapse of Approval; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: Zoning & Planning Committee 1/5/2022, 3. Audio: Agenda Review 1/11/2022, 4. Audio: City Council1/18/2022, 5. Audio: Agenda Review 1/25/2022

Date	Ver.	Action By	Action	Result
1/18/2022	1	City Council	First Reading	Pass

Zoning & Planning Committee

**Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1103.1505.G, Lapse of Approval; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The request is a study of expiration dates for Warehouse District ARC approvals. Currently, there is no expiration date for when an application has been approved and when work would commence. This study examines whether the lack of current approval period requirements provides the Warehouse District ARC the possible review of projects which could change significantly from the original approval date to when construction starts. Additionally, this study examines the approval periods of other Plan Commission reviews as dictated by the TMC to determine whether all approval periods are the same length of time.

Because design professionals and developers for a project may have changed and may have significantly modified the proposed work, it is recommended to add a time limit on when work could start. Additionally, to assist developers in reapplying for design approval from the Warehouse District ARC, staff recommends the addition of a project start date extension, if there are no material alterations on an application.

*Zoning Code Research*

An analysis of other jurisdiction’s Zoning Codes was completed to determine the most common approval period, as well as whether or not extensions can be requested by applicants. Cincinnati, and Youngstown require construction to begin within two (2) years after application approval, whereas Detroit’s approval lasts for three (3) years. Columbus maintains a one (1) year plan approval, however applicants may request an extension.

*Other Plan Commission Approval Timeframes*

Staff noticed that the Certificates of Appropriateness in Historic Districts and Site Plan Reviews, which

are a Plan Commission application requirement for exterior modifications, have a two (2) year approval period. Additionally, the Historic Commission and Plan Commission may grant an extension of time for good cause shown. As the Plan Commission already allows building permits to be acquired for Certificates of Appropriate and Site Plan Reviews within two (2) years without rereview, applying the same timeframe to Warehouse District ARC Reviews would establish consistency between approvals, and make it easier for developers to maintain construction timelines.

*Conclusion and Recommendation*

After reviewing the zoning regulations of other jurisdictions and the approval periods for other Plan Commission reviews, it is recommended that an appropriate approval period be added and implemented for two (2) years. Additionally, Warehouse District ARC applicants should be given the opportunity to request an approval extension from the Plan Director if the applicant is able to justify an undue hardship.

Staff recommends that the Warehouse District ARC project approval period be created for a period two (2) years. Additionally, applicants may apply for a project Approval Extension via a letter addressed to the Plan Director and Warehouse District ARC describing the need for the extension. NOW, THEREFORE,

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

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1103.1505, be amended to add Subsection G, to read as follows:

**1103.1505.G Lapse of Approval**

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

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