



## Legislation Details (With Text)

**File #:** O-351-18      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Agenda Ready  
**File created:** 8/17/2018      **In control:** City Council  
**On agenda:** 8/28/2018      **Final action:** 12/31/2018

**Title:** Granting a Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
8/28/2018	1	City Council		
8/28/2018	1	City Council		
8/28/2018	1	City Council		

Zoning & Planning Committee

**Granting a Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-3003-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 12, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio.

On August 15, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue, City of Toledo, Lucas County, Ohio; and all other 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 a Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue, 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:

Parcel no. 20-31208  
BRENTWOOD HEIGHTS LOT 70 EXC WLY 2 FT

SECTION 2. That the approval of the Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 11 conditions as follows:

The following eleven (11) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

#### Fire Prevention

1. This facility will undergo a change of occupancy per the OBC. Compliance with these requirements for the new use must be followed.
2. Approved building address numbers will be visible from the street or road fronting the property. (Ref. Ohio Fire Code 505.1)
3. According to the OBC a Type A facility is a home where the administrator permanently resides. The plans are not clear regarding this requirement.

#### Plan Commission

4. Applicant shall obtain a waiver to TMC§1107.1202(A)(1 & 2) in order to allow for a parking space within the front yard and a driveway width greater than 24 feet.
5. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot.
6. A detailed site, lighting, sign, fencing and three (3) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A Type B Landscape Buffer is required around the outdoor play areas. A fence, wall, or berm six feet (6') to eight-feet (8') in height may be used and can substitute for shrub requirements; not acceptable as depicted on site plan. Shall be depicted around both outdoor play areas and depicted on a completed landscaping plan.
  - b. 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.
  - c. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; shall be noted on a completed landscaping plan.
  - d. The location, height and materials for any fencing to be installed and maintained; shall be noted

on a completed landscaping plan; and

- e. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties)
7. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.
8. 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.
9. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
10. 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.
11. 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.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio:

Chapter 1107.1200 Location

Sect. 1107.1202 Setbacks

A. Residential Districts

In Residential districts:

1. no parking space may be located within the front yard, except that parking spaces for detached houses, attached houses, and duplexes may be located on a driveway;
2. the paved area of driveways serving detached houses, attached houses, or duplexes may not cover more than 40 percent of the front yard up to a maximum driveway width of 24 feet;

Approve a waiver to allow for a parking space within the front yard and a twelve-foot (12') increase to the maximum driveway width, to allow a thirty-six foot (36') driveway.

SECTION 4. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 5. 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