



## Legislation Text

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**File #:** O-346-21, **Version:** 1

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### Zoning & Planning Committee

#### **Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1111.0814 Site Plan Review; Lapse of Approval, and declaring an emergency.**

##### **SUMMARY & BACKGROUND:**

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

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

##### *Zoning Code Research*

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

##### *Other Plan Commission Approval Timeframes*

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

*Conclusion and Recommendation*

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

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

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1111.0800, which reads as follows:

**1111.0800 Site Plan Review**

**1111.0814 Lapse of Approval**

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

Is hereby repealed.

SECTION 2. That Toledo Municipal Code, Part Eleven, Subsection 1111.0800 be amended to read as follows:

**1111.0800 Site Plan Review**

**1111.0814 Lapse of Approval**

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

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 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