

TOLEDO CITY PLAN COMMISSION

REPORT

May 8, 2025



From the Rudolph Gartner Collection, a photo of two Toledo firemen as they drive a horse-drawn fire engine in the Memorial Day parade in Downtown Toledo. Circa May 1912.

Photograph Retrieved from the Toledo-Lucas County Public Library Digital Collections.

Toledo-Lucas County Plan Commissions
One Government Center, Suite 1620, Toledo, OH 43604
Phone 419-245-1200, FAX 419-936-3730

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TOLEDO CITY PLAN COMMISSION

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(Vice Chairman)

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LISA COTTRELL, ADMINISTRATOR

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS
APPLICATION DEADLINE, AGENDA, STAFF REPORT AND HEARING
SCHEDULE - 2025

APPLICATION DEADLINE*	AGENDA SET	STAFF REPORT DISTRIBUTED	HEARING DATE
CITY PLAN COMMISSION (HEARINGS BEGIN AT 2PM)			
December 2	December 30	January 3	January 16
December 30	January 27	January 31	February 13
January 27	February 24	February 28	March 13
February 24	March 24	March 28	April 10
March 24	April 21	April 25	May 8
April 28	May 27*	May 30	June 12
May 19	June 18	June 20	July 3**
June 30	July 28	August 1	August 14
July 28	August 25	August 29	September 11
August 25	September 22	September 26	October 9
September 22	October 20	October 24	November 6**
October 20	November 17	November 21	December 4**
COUNTY PLANNING COMMISSION (HEARINGS BEGIN AT 9AM)			
December 9	January 8	January 10	January 22
January 13	February 10	February 14	February 26
February 10	March 10	March 14	March 26
March 10	April 7	April 11	April 23
April 14	May 12	May 16	May 28
May 12	June 9	June 13	June 25
June 9	July 7	July 11	July 23
July 14	August 11	August 15	August 27
August 11	September 8	September 12	September 24
September 8	October 6	October 10	October 22
October 6	November 3	November 7	November 19**
November 3	December 1	December 5	December 17**

* County deadlines are for Preliminary Drawings

** Date shifts are due to holidays

Conversion Table
Toledo Zoning Code Update - Zoning District Designations

Existing District	New District Effective June 6, 2004
R-A, Single Family	RS12, Single Dwelling
R-B, Single Family	
R-1, Single Family	RS9, Single Dwelling
R-2, Single Family	RS6, Single Dwelling
R-3, Two Family	RD6, Duplex
R-2A, Restricted Multi Family	RM12, Multi Dwelling
None	RM24, Multi Dwelling
R-4, Multi Family	
R-4A, Multi Family	RM36, Multi Dwelling
R-5, Multi Family	
R-MH, Manufactured Home	RMH, Manufactured Housing Park
Commercial Districts	
C-1, Neighborhood	
N-MX, Neighborhood Mixed Use	CN, Neighborhood
C-2, Restricted Office	
C-7, Office Park	CO, Office
C-6-HS Redevelopment - Heritage South*	
C-6-LA, Redevelopment - Lagrange*	CS, Storefront
C-MX, Community Mixed Use	CM, Mixed Use
C-3, Commercial	CR, Regional
C-4, Shopping Center	CR-SO, Regional - Shopping Ctr. Sign Overlay
C-5, Central Business District	CD, Downtown
Industrial District	
M-1, Restricted Industrial	IL, Limited Industrial
M-2, Industrial	
M-4, Warehouse	IG, General Industrial
M-3, Planned Industrial	IP, Planned Industrial/Business Park
Special Purpose District	
P, Parks	POS, Park & Open Space
None	IC, Institutional Campus
Overlay Districts	
CUP, Community Unit Plan	None
D.O.D, Downtown	-DO, Downtown
HD, Historic District	-HO, Historic District
MR-O, Maumee River	-MRO, Maumee River
None	-UNO, Urban Neighborhood
None	-PO, Pedestrian
None	-SO, Shopping Center Sign

***The Heritage South and Lagrange C-6 Standards remain unless repealed**

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

May 8, 2024

2:00 P.M.

PUBLIC HEARING WILL BE HELD AT ONE GOVERNMENT CENTER
AT JACKSON BOULEVARD AND ERIE STREET
IN COUNCIL CHAMBERS
ON THE FOLLOWING CASES

AGENDA

ROLL CALL – Toledo City Plan Commission

PROOF OF NOTICE

MINUTES

FINAL PLATS

NO.

- ◆ 1. SPR25-0013: Major Site Plan Review for Site Modifications at 0 St Lawrence Drive (av)
- ◆ 2. MRO-2-25: Maumee River Overlay Review Site Modifications at 0 St Lawrence Drive (av)
- 3. V-59-25: Vacation of the Northern Section of the North-South Alley Abutting Lots 1,2 and 44 in the block bounded by Delaware, Collingwood, Machen and Fulton Street (av)
- 4. SPR24-00117: Major Site Plan Review for Building Demolition in the Main-Front-Starr Overlay, located at 414 Main Street (as)
- ◆ 5. SPR-29-24: Major Site Plan Review for a Building Demolition and Site Improvements at 428 N. 10th Street (as)
- ◆ 6. DOD-4-24: Downtown Overlay District Review for Building Demolition and Site Improvements at 428 N. 10th Street (as)
- 7. M-15-24: Study of Tobacco Shops and Potential Locational Criteria (av)
- 8. M-4-25: Modifications to Various Sections of TMC, Changing Commissioner of Inspection to Plan Director (rs)
- 9. M-1-25: Amendment to TMC 736 and TMC 1104 to Add Licensing Requirements to Sweepstakes Terminal Cafes (as)

10. M-4-23: Amending TMC Chapters 743, 1103, 1104, 1107, & 1116 Relating to the Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC) and Surface Parking Lots in the Downtown and Warehouse Districts (as)

CHAIRMAN'S REPORT

DIRECTOR'S REPORT

ADJOURNMENT

GENERAL INFORMATION

Subject

Request - Major Site Plan Review for new industrial building

Location - 0 St. Lawrence Drive

Applicant - Brian Perz
Toledo-Lucas County Port Authority
One Maritime Plaza #701
Toledo, OH 43604

Engineer - Stephen Way
Fishbeck
28366 Kensington Lane, Suite 3
Perrysburg, OH 43551

Site Description

Zoning - IG / General Industrial

Area - ± 3.5 acres

Frontage - ± 719.5' along St. Lawrence Drive

Existing Use - Industrial outdoor storage / distribution

Proposed use - Industrial storage building /distribution

Area Description

North - Maumee River

South - St. Lawrence Dr., Industrial storage / IG

East - Industrial storage / IG

West - Rail line, Industrial storage / IG

Parcel History

SPR-4-19 - Major Site Plan Review for new industrial buildings at 3270 St. Lawrence Drive.

SPR-34-20 - Minor Site Plan Review for site improvements at 3518 St. Lawrence Drive.

SPR-1-23 - Minor Site Plan Review for two (2) new buildings, new access drives, and tank area at 3518 St. Lawrence Drive.

GENERAL INFORMATION (cont'd)

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan
- Toledo Vacant Industrial Land Use Report
- Maumee Riverfront Plan 1981

STAFF ANALYSIS

The applicant is requesting a Major Site Plan Review for a new industrial storage building at 0 St. Lawrence Drive. The ±3.5-acre site is located on (4) parcels that are currently zoned IG General Industrial with frontage on St. Lawrence Drive and abut the Maumee River. The proposed industrial building is setback ±413 feet from the Maumee River. The proposed building extends over two (2) parcels that shall be combined into one (1) and is a condition of approval. The additional parcels will encapsulate the heavy-duty asphalt and concrete drive areas. Public access to the site is restricted from St. Lawrence Drive and internal workings of the site are private roads maintained by the Toledo-Lucas County Port Authority. Adjacent land uses surrounding the subject site include solely industrial storage and processing operations. The Toledo-Lucas County Port Authority is restricted from public access, and the proposed storage building is located on a small portion in the north western area of the greater port authority complex which is not visible from any public right of way.

The applicant is proposing to construct an industrial storage building on the site. The site plan submitted depicts a 60,000 sq. ft. building with a new heavy duty asphalt driveway and concrete loading area. Pursuant to TMC§1111.0802(B)(1), a Major Site Plan Review is required for all nonresidential developments with a floor area of more than 50,000 square feet. Additionally, the subject site is located within the Maumee Riverfront Overlay District and is being reviewed by companion case MRO-2-25.

Parking and Circulation

Per TMC§1107.0500 – *Off-Street Parking Schedule “C” Additional Industrial Standards*, the number of spaces required for industrial warehouse uses is one (1) space per vehicle used in the business plus one (1) parking space per 1,000 square feet of floor area for the first 20,000 square feet of floor area. Additionally, the number of spaces required for the subsequent 20,001 – 120,000 square feet of floor area is one (1) parking space per 5,000 square feet of floor area.

In addition to the required off-street parking, loading zones are also required. Per TMC§1107.1000 *Off-street Loading Schedule*, three (3) loading spaces are required for industrial uses with a floor area between 30,000 and 89,999 square feet. The site plan submitted depicts a concrete truck docking area that meets the minimum standards of the required loading spaces.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

The site plan submitted does not depict any off-street parking spaces however, as stated in TMC§1107.1400 – *Alternative Access and Parking Plans*, the Planning Director is authorized to approve parking reductions if the applicant demonstrates the proposed plan will not adversely affect surrounding neighborhoods, traffic congestion and circulation, and will have a positive effect on the economic viability of the project. The Toledo-Lucas County Port Authority uses a designated parking area for employees however, an alternative parking plan shall be submitted to the Planning Director to justify the absence of off-street parking spaces and is listed as a condition of approval.

Landscaping

Per TMC§1108.0202 – *Frontage Greenbelt*; an extensively landscaped frontage greenbelt shall be provided along public rights-of-way. The subject site of the proposed storage building is situated along a private drive and is not viewable from any public right of way. Buffer and Screening requirements of TMC§1108.0203 are intended to reduce noncompatible land uses of abutting properties. The site is a smaller portion of the greater Toledo-Lucas County Port Authority and is surrounded by industrial land uses; therefore, buffers and screening are not required. Lastly, all developments and redevelopments must provide interior site landscaping except for IG General Industrial zoning districts unless abutting a residential use as stated in TMC§1108.0205. The proposed site is zoned General Industrial, surrounded by General Industrial land uses, and does not abut any residential use.

Building Design & Materials

The building designs shall meet the requirements of TMC§1109.0400 *Industrial Building Design Standards*. Along major street frontages buildings shall be sited so that at least 30 percent of the building frontage shall not consist of a blank wall. Façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, subject to the approval of the Planning Director. The building façade includes six (6) 20 sq. ft. access openings made of translucent materials. The proposed building color is “artic white”, matching adjacent buildings located at the Toledo-Lucas Port Authority.

As stated in TMC§1109.0404 – *Façade Materials*, no tent or air-supported structure shall be permitted with a vinyl coated polyester membrane (golf dome) or similar pliable material. All structures shall utilize durable building materials such as brick, stone, metal, or concrete. The proposed materials of the building are metal with a four foot (4') concrete base. The proposed materials and building color are in conformance with Industrial Building Design Standards.

STAFF ANALYSIS (cont'd)

Forward Toward Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan targets this site for High Impact Industrial land uses. The High Impact Industrial designation is intended to accommodate large-scale industrial operations such as manufacturing, warehousing, distribution, and specialized industrial operations requiring good transportation access and public facilities and services. Additionally, the Toledo Vacant Industrial Land Use Report recommends the parcels in the “Front Street Corridor” to be used for industrial purposes due to the industrial nature and transportation advantages of the area (road, rail & water). The Maumee Riverfront Plan also recommends retainment of industrial uses in the “Port Segment” area of the study. The proposed use of this site is in compliance with the Forward Toledo Comprehensive Land Use Plan, the Toledo Vacant Industrial Land Use Report, and the Maumee Riverfront Plan.

Staff recommends approval of the proposed site plan because the use is permitted in the IG General Industrial zoning district in which it is located; and the proposed use complies with all the standards of the Toledo Municipal Code.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve SPR25-0013, a Major Site Plan Review for a new industrial building at 0 St. Lawrence Drive for the following two (2) reasons:

1. The plan complies with all standards of the Toledo Municipal Code (TMC§1111.0809(A) - *Review and Decision-Making Criteria*); and
2. The proposed use is permitted in the Zoning District in which it is located; (TMC§1111.0809(B) – *Review and Decision-Making Criteria*).

The staff further recommends that the Toledo City Plan Commission approve SPR25-0013, a Major Site Plan Review for a new industrial building at 0 St. Lawrence Drive, subject to the following **twenty-four (24)** conditions:

The conditions of approval are as follows and listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

STAFF RECOMMENDATION (cont'd)

Division of Engineering Services

1. The stormwater planning is adequate for the site plan, but a full stormwater review for comments requires an engineering submittal of multiple items, listed as items 1.a. - 1.g. on the SWP3 submittal coversheet provided to applicant's engineer. The cover sheet includes a web link to Toledo's 2014 Infrastructure Requirements document.
2. Following the stormwater review process, the following will be needed for a construction permit:
 - a. Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
 - b. Items listed on the stormwater submittal cover sheet for the stage of SWP3 finalization, except: The standard expectation for a stormwater covenant to operate and maintain stormwater controls does not apply for the Port Authority, as they instead work from an organized inventory of multiple properties' storm water operations and maintenance activities.
3. City of Toledo does not have a complete record for the existing storm sewer system on site and per the City's MS4 permit all storm sewers must be mapped. The Developer/Owner/Consultant shall verify the location and outlet of the storm system and provide that information to the City. A copy of the City of Toledo's current records of the private storm sewer can be provided for reference.
4. At the time of approval of stormwater plans, the applicant will likely be eligible for a percent reduction in the property's storm water utility fee through the Stormwater Credit Program. Information on the application process can be found at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>

Sewer & Drainage Services

5. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
6. S&DS requires that the existing private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

STAFF RECOMMENDATION (cont'd)

Fire Prevention

7. The proposed new building will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
8. Proper fire protection for the commodities being stored in the building will be required and submitted to the building department. Plan approval and permits are required before the installation of any fire protection systems.
9. Private and or public hydrants are required in a location approved by the Fire Prevention Bureau.
10. Approved Premises identification is required.

Division of Environmental Services

11. Applicant shall add the Post Construction Stormwater Control Measure (SCM) required for this specific site development to the Port Authority's Institutional Stormwater Management Plan
12. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
 - a. Notification shall be made to the Division of Environmental Services ([419-936-3015](#)) no later than three days prior to commencement of construction activities.
 - b. Construction BMPs shall be in place prior to the start of construction activities
 - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
13. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
14. Applicant is strongly encouraged to install permanent inlet filters with oil absorbent pillow in parking lot catch basins to treat stormwater.
15. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.

STAFF RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

16. 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
17. 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.

Division of Transportation

No comments nor concern.

Plan Commission

18. The building design shall meet the requirements of TMC§1109.0404 – *Façade Materials*. No tent or air-supported structure shall be permitted with a vinyl coated polyester membrane (golf dome) or similar pliable material. All structures shall utilize durable building materials such as brick, stone, metal, or concrete. **Acceptable as depicted**.
19. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors (i.e. gray, brown, tan). **Acceptable as depicted**.
20. Parcels numbered 1879739 and 1879777 shall be combined into one parcel.
21. An alternative parking plan shall be submitted to the Planning Director that demonstrates the proposed plan will not adversely affect surrounding neighborhoods, traffic congestion and circulation, and will have a positive effect on the economic viability of the project
22. 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.
23. 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.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

24. 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.

MAJOR SITE PLAN REVIEW
TOLEDO CITY PLAN COMMISSION
REF: SPR25-0013
DATE: May 8, 2025
TIME: 2:00 P.M.

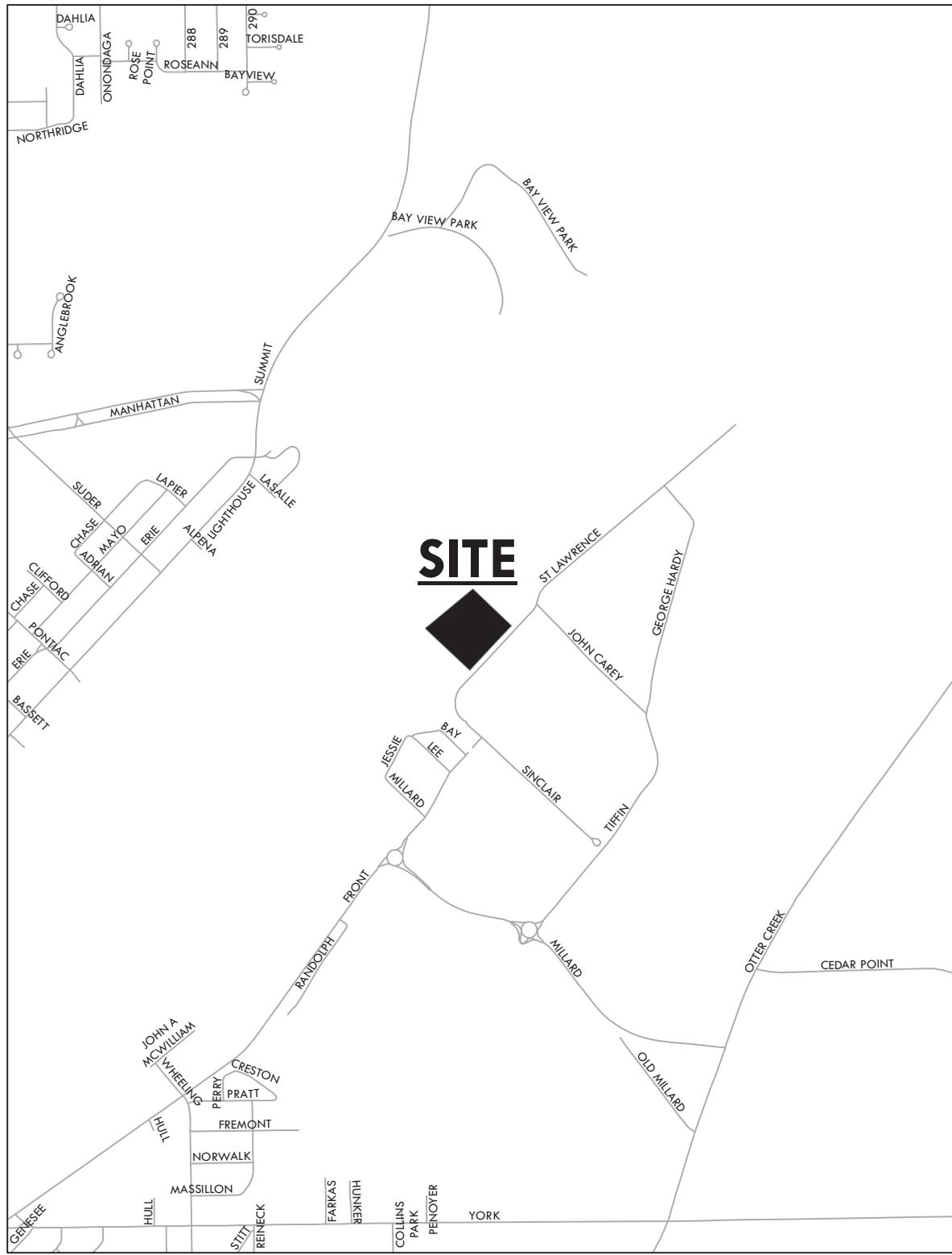
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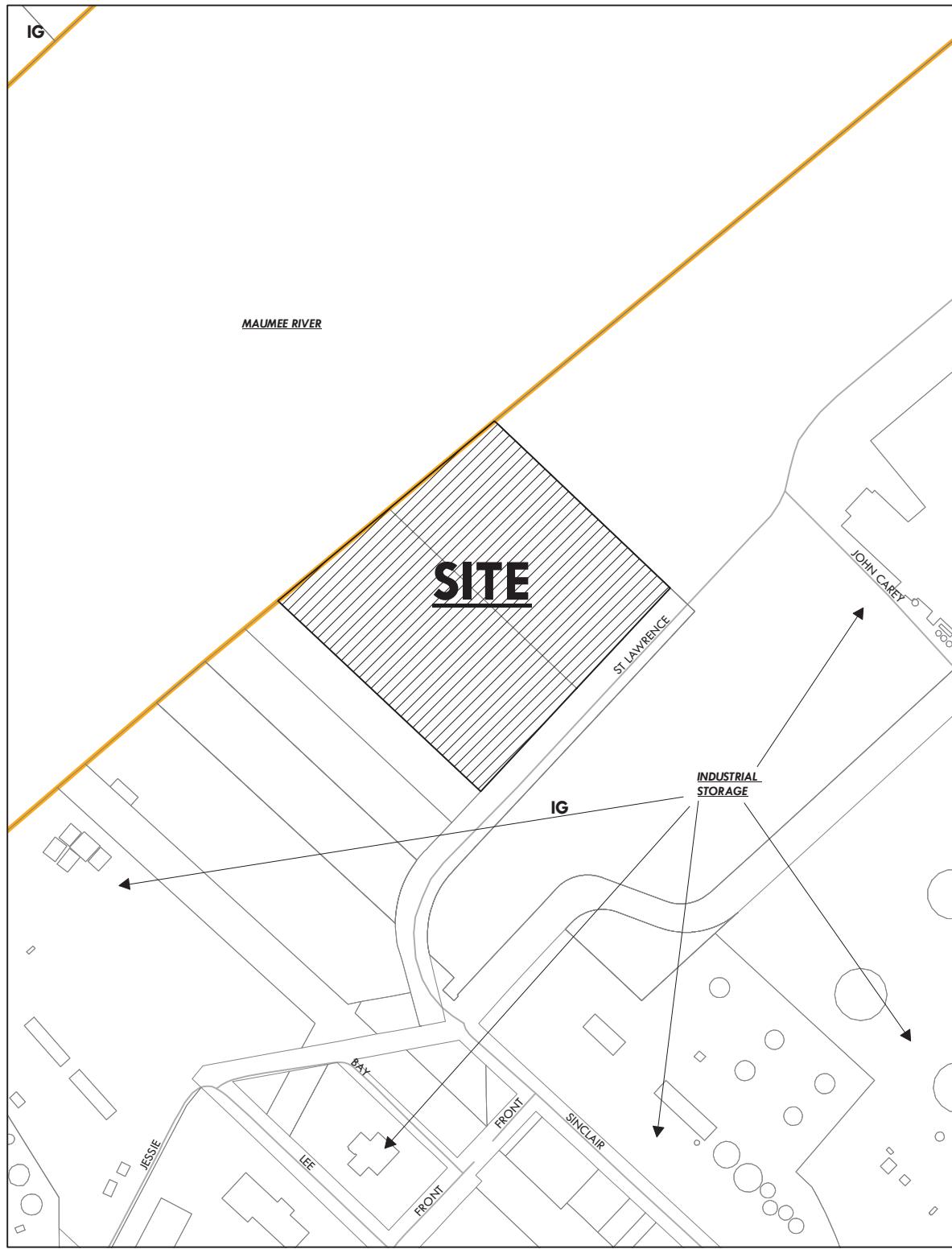
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GENERAL LOCATION

SPR25-0013
ID 22

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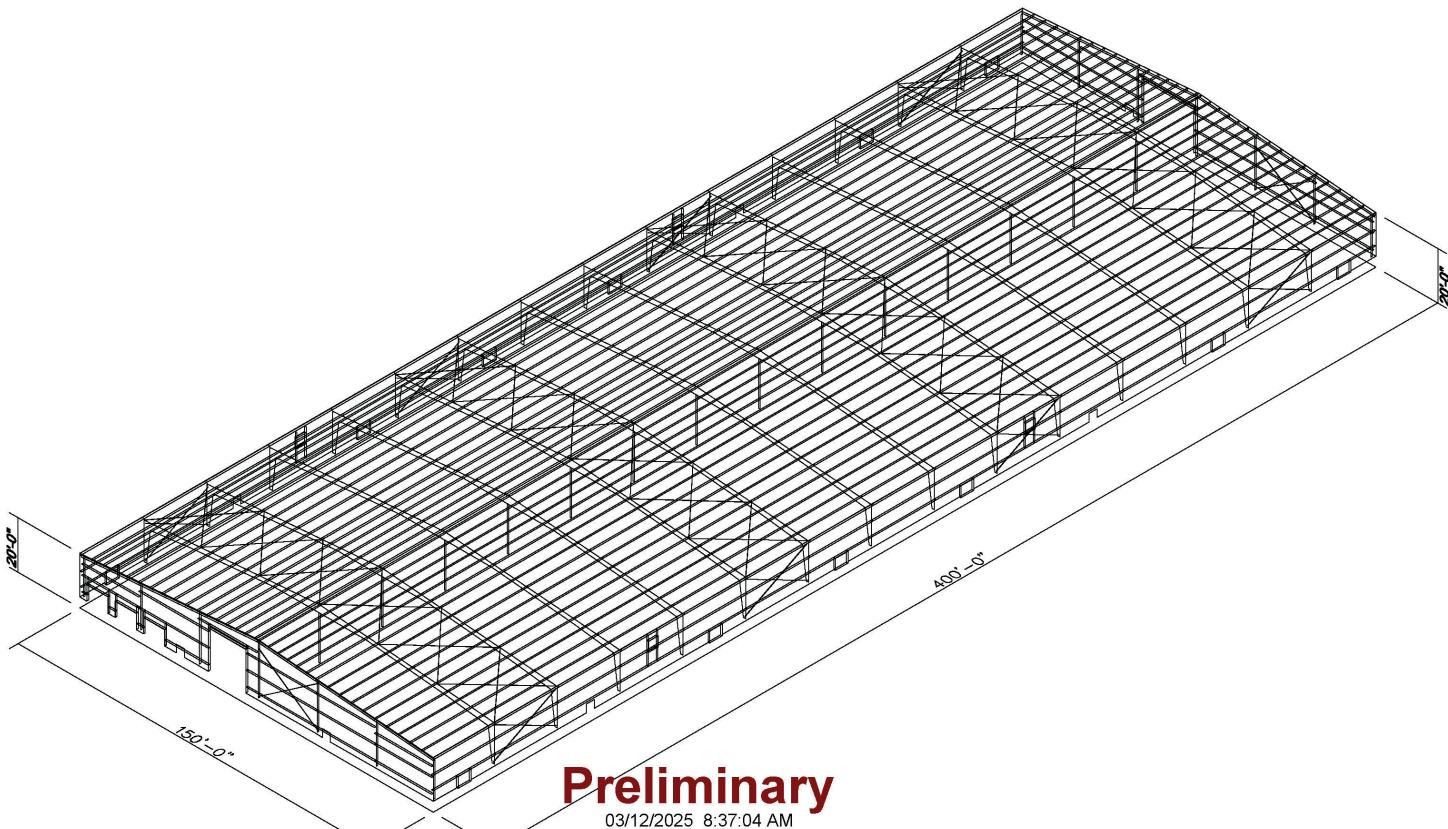




PRELIMINARY DRAWING

SPR25-0013
ID 22

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REF: MRO-2-25
DATE: May 8, 2025

GENERAL INFORMATION

Subject

Request - Major Site Plan Review for new industrial building

Location - 0 St. Lawrence Drive

Applicant - Brian Perz
Toledo-Lucas County Port Authority
One Maritime Plaza #701
Toledo, OH 43604

Engineer - Stephen Way
Fishbeck
28366 Kensington Lane, Suite 3
Perrysburg, OH 43551

Site Description

Zoning - IG / General Industrial

Area - ± 3.5 acres

Frontage - ± 719.5' along St. Lawrence Drive

Existing Use - Industrial outdoor storage / distribution

Proposed use - Industrial storage building /distribution

Area Description

North - Maumee River

South - St. Lawrence Dr., Industrial storage / IG

East - Industrial storage / IG

West - Rail line, Industrial storage / IG

Parcel History

SPR-4-19 - Major Site Plan Review for new industrial buildings at 3270 St. Lawrence Drive.

SPR-34-20 - Minor Site Plan Review for site improvements at 3518 St. Lawrence Drive.

SPR-1-23 - Minor Site Plan Review for two (2) new buildings, new access drives, and tank area at 3518 St. Lawrence Drive.

GENERAL INFORMATION (cont'd)

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan
- Maumee Riverfront Plan 1981

STAFF ANALYSIS

This request is a Maumee Riverfront Overlay District (MRO) review for a new industrial storage building at 0 St. Lawrence Drive. The site is ± 3.5 -acre in the Toledo-Lucas County Port Authority with frontage on St. Lawrence Drive and abuts the Maumee River. The proposed industrial building is setback ± 413 feet from the Maumee River. Public access to the site is restricted from St. Lawrence Drive and internal workings of the site are private roads maintained by the Toledo-Lucas County Port Authority. Adjacent land uses surrounding the subject site include solely industrial storage and processing operations. The Toledo-Lucas County Port Authority is restricted from public access, and the proposed storage building is located on a small portion in the north western area of the greater port authority complex which is not viewable from any public right of way.

The applicant is proposing to construct an industrial storage building on the site. The site plan submitted depicts a 60,000 sq. ft. building with a new heavy duty asphalt driveway and concrete loading area and is being reviewed in companion case SPR25-0013 pursuant to TMC§1111.0802(B)(1), a Major Site Plan Review is required for all nonresidential developments with a floor area of more than 50,000 square feet.

Maumee Riverfront Plan

The MRO was enacted in the 1970s as redevelopment interests increased along the Maumee River. The overlay attempts to balance development while maximizing recreational and residential opportunities along a significant citywide asset. The overlay recommends the arrangement of land uses into three subcategories along the river and established a review for any redevelopment. This site is located within the Port Segment area of the Maumee Riverfront Plan. The Port Segment is intended to encourage water-oriented industrial uses. The proposed site developments are supported by the MRO.

STAFF ANALYSIS (cont'd)

Forward Toward Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan targets this site for High Impact Industrial land uses. The High Impact Industrial designation is intended to accommodate large-scale industrial operations such as manufacturing, warehousing, distribution, and specialized industrial operations requiring good transportation access and public facilities and services. Additionally, the Toledo Vacant Industrial Land Use Report recommends the parcels in the "Front Street Corridor" to be used for industrial purposes due to the industrial nature and transportation advantages of the area (road, rail & water). The Maumee Riverfront Plan also recommends retainment of industrial uses in the "Port Segment" area of the study.

Staff recommends approval of the proposed site plan because the use is permitted in the IG General Industrial zoning district in which it is located; and the proposed use complies with all the standards of the Toledo Municipal Code, and the proposed use of this site is in compliance with the Forward Toledo Comprehensive Land Use Plan, and the Maumee Riverfront Plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve MRO-2-25, a Maumee River Overlay review for a new industrial building at 0 St. Lawrence Drive for the following reason:

1. The proposed development conforms to the goals of the Maumee Riverfront Overlay District, as presented in the 1981 Maumee Riverfront Plan and the Toledo Municipal Code as outlined in TMC 1103.0400 and TMC 1111.1400.

MAUMEE RIVER OVERLAY REVIEW
TOLEDO PLAN COMMISSION
REF: MRO-2-25
DATE: May 8, 2025
TIME: 2:00 P.M.

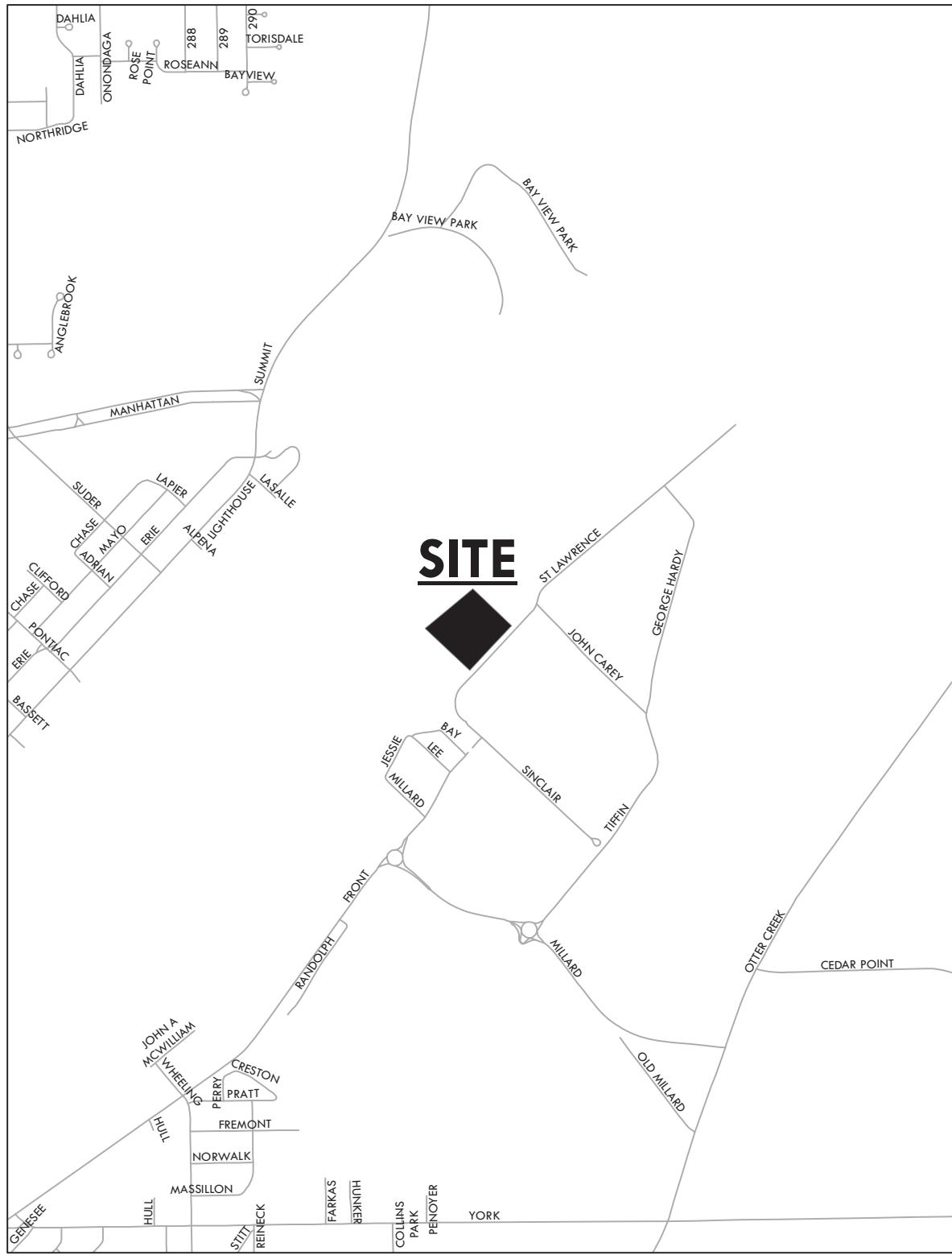
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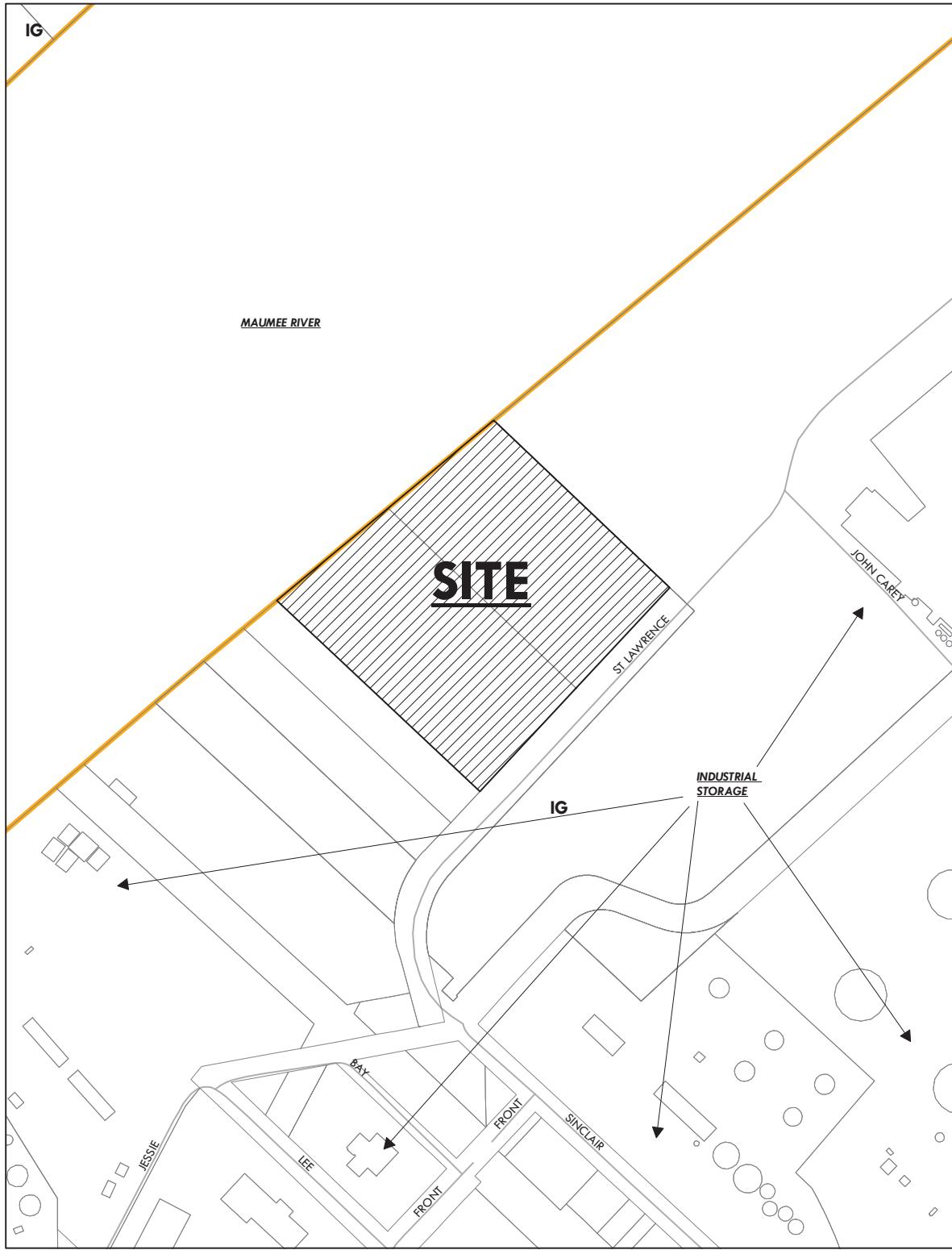
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GENERAL LOCATION

MRO-2-25
ID 22

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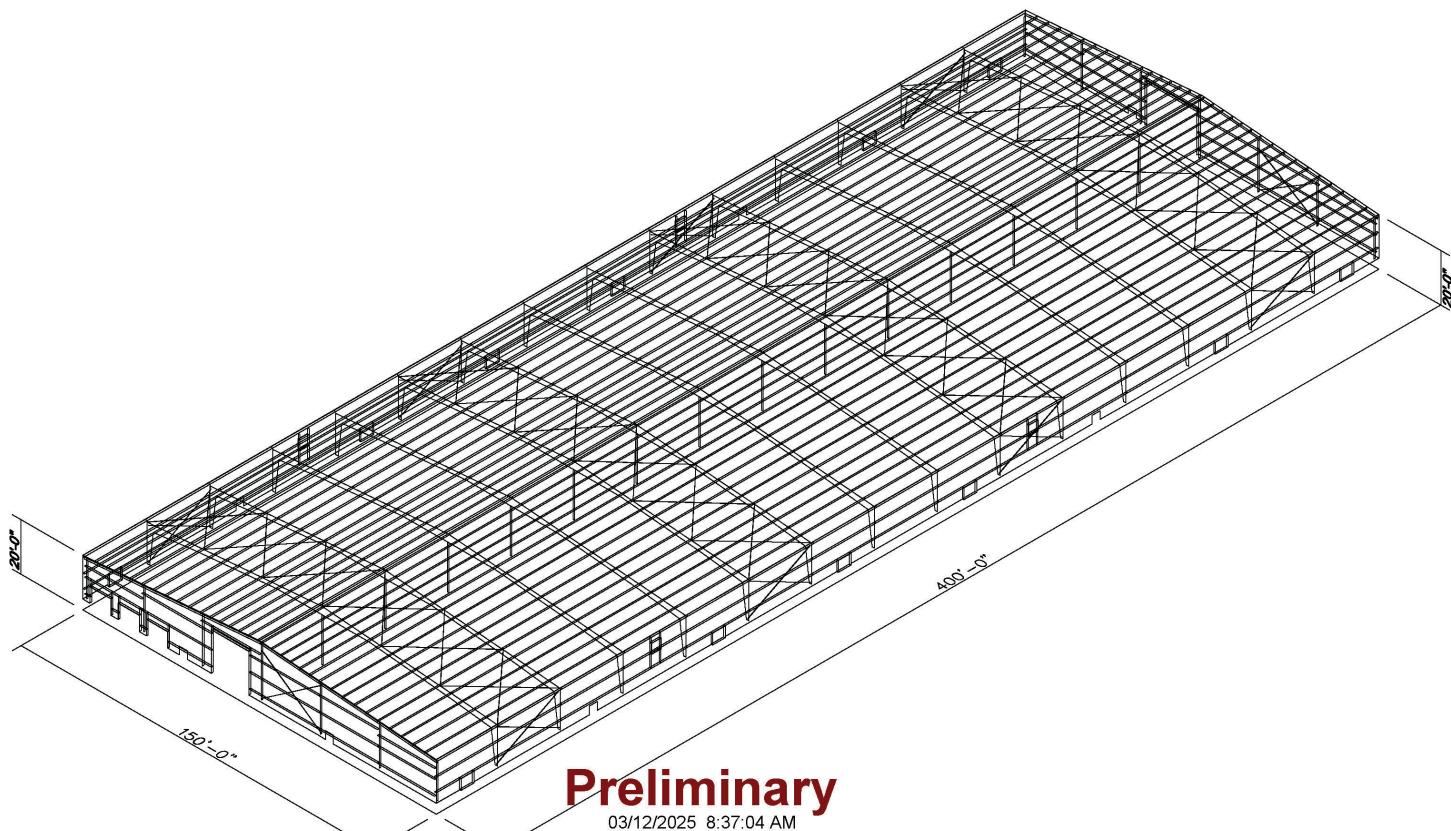




PRELIMINARY DRAWING

MRO-2-25
ID 22

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REF: V-59-25
DATE: May 8, 2025

GENERAL INFORMATION

Subject

Request - Vacation of a 16' wide alley running north-south 178' adjacent to Lots 1, 2, and 44 in the Replat part of Machen's Second Addition.

Location - The North-west alley between 439 & 433 W. Delaware Ave. in block bounded by Collingwood Blvd., W. Delaware Ave., Fulton, and Machen streets.

Applicant(s) - Paul Walker Jr. & Cheryl Walker
158 Austin Street
Toledo, OH 43608

Site Description

Zoning - Neighborhood Commercial & Single-Family Residential / CN & RS6

Area - ± 0.065 acres

Dimensions - ± 178' x 16'

Existing Use - Alley

Proposed Use - Consolidated land

Area Description

North - Vacant building, Sparrow's Nest Shelter, Our Lady Holy Rosary Cathedral / CN

South - Community Garden, Multi-Family Dwellings, Scott High School Campus / CN & RM36

West - Commercial businesses, Restaurants, Multi-Family Dwellings, Counseling Center / CN, CO, & RM36

East - Single-Family Dwellings, Grace Community Center / RS6 & RM36

GENERAL INFORMATION (cont'd)Parcel History

Z-54-57	- Rezoning of Lot 44 of Machen's Second addition from "B" use and "B" height and area to "C" use and "D" height and area. (PC disapproved 04/14/1957)
V-310-80	- Request to vacate the northern section of the north-south alley abutting Lots 1, 2 and 44 in block bounded by Delaware, Collingwood, Machen and Fulton. (PC recommended deferral of the vacation and approved a temporary closure of the alley 3/18/1981, CC approved deferral and temporary closure of the alley (3/24/81) via Ord. 168-81.)
Z-93-82	- Rezoning of property located on the east and west sides of Collingwood Blvd between Melrose Avenue and Machen Street from C-3 commercial district to C-1 Neighborhood shopping district (PC approved 8/5/82, CC approved 8/24/82 via. Ord. 527-82)

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan

STAFF ANALYSIS

The applicant is requesting the vacation of a 16' wide alley running north-south 178' adjacent to Lots 1, 2, and 44 in the Replat part of Machen's Second Addition. The alley is located east of and parallel to Collingwood Blvd., and exits onto Delaware Ave and Machen St. To the north of the site is a vacant building, Sparrow's nest shelter, and Our lady Holy Rosary Cathedral. To the south is Scott High School and residential dwellings. To the east are residential dwellings and Grace Community center, and to the west are businesses including Black Kite Café and Olive restaurant, multi-family dwellings, and a counseling center. The applicant owns Lots 1, 2, and 44 of Machen's Second Addition, in which they operate an automotive repair shop. Lot 1 consists of a muffler shop and a warehouse building used for auto repairs. The extent of work within the warehouse is unknown, and the entrance for this facility is located in the alleyway. Lot 2 also contains a warehouse building; the use of this structure is unknown. Lot 44 is a vacant lot zoned residential on which numerous automobiles are parked illegally. The subject alley is also packed with illegally parked vehicles.

STAFF ANALYSIS

In 1957, a request for zone change from residential to commercial at 439 Delaware, case Z-54-57, highlighted concern of detrimental impacts to the abutting residential district. The applicant of the time requested the zone change in order to build a garage for vehicle storage to support the property located west of the alley, which functioned as a non-conforming light-industrial use. The Plan Commission denied the Zone change request as it would have supported encroachment of an industrial use into the residential district.

In 1980 a request to vacate the alley, case V-310-80, resulted in a temporary closure of the alley and the construction of a fence. The temporary closure does not have a defined expiration date and is still in effect. Lots number 1, and 2 of Machen's Second addition, west of the alley, were identified as a potential "market" concept as a part of Collingwood-Delaware revitalization efforts. The Staff report discusses an illustrative plan for a "market" and the development of a parking lot in the proposed vacated alley. The plans of a market concept did not come to fruition, and a parking lot never constructed. The request to vacate the alley in 1980 was stated in the Staff report as an intention to "prevent harassment of the customers of the wholesale grocery and juvenile disturbances in the parking lot". The alley remains closed and access is restricted by illegally parked vehicles, inoperable vehicles, vehicle parts, debris, and a fence.

The department of Housing and Community Development's code enforcement team have received calls for nuisances directly relating to the use of this site. Code enforcement has issued violations for broke down inoperable and non-plated vehicles. Among the inoperable vehicles are automotive parts in disrepair. Code enforcement issued the violation January 6, 2025 to have the property cleaned up in a timely manner. Plan Commission Staff conducted a site visit on March 20, 2025 and confirms that cleanup of the site has not been attempted.

The automotive shops west of the subject alley are legal non-conforming with "grandfather" status. The alley and abutting residential property to the east appear to be used as an illegal scrap and salvage operation, and/or used to park vehicles. TMC1116.0245 *Scrap and Salvage Operations* are defined as "storage, sale, dismantling, or other processing of used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include motor vehicle salvage dealers, wrecking yards, junk yards, and salvage yards, but not including Recycling Facilities". Scrap and Salvage operations are only permitted within General Industrial zoning districts with an approved Special Use Permit. There are numerous vehicles parked in the alley and on parcel #1007081 or Lot 44, which is zoned Single-Dwelling Residential (RS6). Vehicle storage is permitted only within General Industrial and Limited Industrial zoning districts. The storing of vehicles and the operations of a Scrap and Salvage yard are both prohibited in CN and RS6 zoning districts. The use of parcel #1007081, or Lot 44, as an area to park vehicles is illegal, non-conforming, and does not have grandfathered status. The applicant has requested to vacate the alley to continue the use of storing automobiles in the alley.

STAFF ANALYSIS

Staff recommends disapproval of the vacation and requests all vehicles and debris be removed from the alley and the residential zoned property, the temporary closure be expired, and the alley reopened for public use. A vacation of the alley would encourage the continued use of an illegal scrap and salvage operation and improper storage of vehicles. The site has contributed to the diminishing economic viability of the area; and has impacted the quality of life for abutting residents and Scott High School students. Furthermore, the Division of Fire prevention has objected to the proposed vacation.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan targets this site and the surrounding area for Neighborhood Mixed-Use and Neighborhood Residential land uses. Neighborhood Mixed-Use is intended to accommodate pedestrian-oriented commercial, mixed-use residential and commercial, middle and high-density residential dwellings, institutional campuses, parks, offices, and minimally obtrusive industrial uses. Auto-oriented uses are not compatible with the Neighborhood Mixed-Use land designation. The Neighborhood Residential land use designation is intended to accommodate single-to-multi-family residential dwellings along with low-impact commercial uses that are not obtrusive to the neighborhood.

Staff recommends disapproval because the proposed vacation would encourage the encroachment of an illegal scrap and salvage operation further into a residential district. The site has diminished the quality of life for abutting residents. The proposed use of the alley does not align with the goals of the Forward Toledo Comprehensive land use plan. Additionally, the Division of Fire prevention has objected to the proposed vacation as the current status of the site could prevent fire operations. Review agencies conditions are attached as EXHIBIT "A" for informational purposes.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of V-59-25, the request for the vacation of a 16' wide alley running north-south 178' adjacent to Lots 1, 2, and 44 in the Replat part of Machen's Second Addition., to Toledo City Council for the following three (3) reasons:

1. The proposed alley vacation will encourage the continued use of an illegal scrap and salvage operation, and the storage of vehicles in a residential district.
2. The location of the proposed alley vacation has active code enforcement case; and
3. The Division of Fire Prevention objects to the proposed alley vacation.

REF: V-59-25... May 8, 2025

ALLEY VACATION
TOLEDO CITY PLAN COMMISSION
REF: V-59-25
DATE: May 8, 2025
TIME: 2:00 PM

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: June 11, 2025
TIME: 4:00 P.M.

AV

Two (2) sketches follow
Exhibit "A" & "B" follow

GENERAL LOCATION

V-59-25
ID 15

N
↑



ZONING & LAND USE

V-59-25
ID 15

N
↑

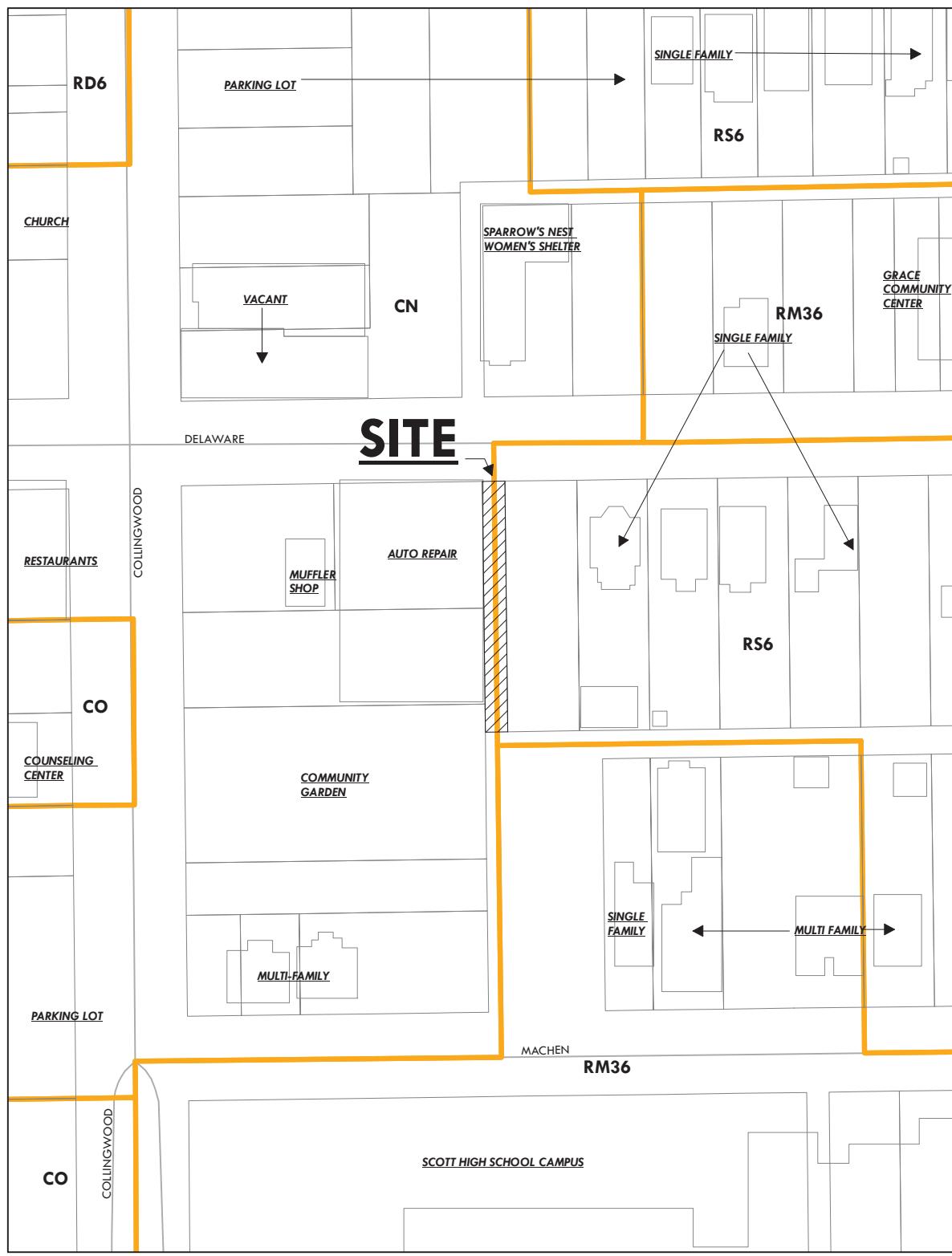


Exhibit "A"

The following **six (6)** conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering & Construction Management

At least one catch basin exists within the area proposed to be vacated. Others may exist but cannot be seen due to parked cars. The catch basin, and any others that may exist, and the underground drainage pipe, will become owned by the private property owner through passage of the ordinance to vacate the alley.

Law Department

1. 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. That a full width easement in favor of the City of Toledo is retained across, under and through said vacated area as described in Section 1 herein for the purpose of the City of Toledo's maintaining, operating, renewing, reconstructing, and removing utility facilities. All City of Toledo facilities located within said vacated area are hereby dedicated to the City of Toledo for exclusive City of Toledo utility use only and shall not be combined with easements or rights for other utilities. The easement retained by the City of Toledo shall be primary to any other utilities located therein, and any easement retained by any other utility shall be subordinate to and subject to the easement rights of the City of Toledo. Said easement shall be permanent in nature for each utility and shall run with the land. Said easement also includes reasonable rights of egress and ingress over and through the vacated area. No fence, wall, building foundation, roof overhang, or other barrier which would impede access to the easement shall be constructed or maintained. Driveways, parking lots, walkways and other similar improvements are permitted subject to the prior written consent of the City of Toledo. The City of Toledo shall be released and held harmless for any liability, responsibility costs, or damages resulting from the City of Toledo's removal of any barriers which impede the City of Toledo ingress or egress from the easement or which obstruct access to the utilities located within the vacated area. The City of Toledo shall have no obligation or duty to restore or compensate the barrier owner for any barrier removed in whole or in part by the City of Toledo. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained separately from each utility, as to their interest(s) only, by separate recordable instrument.

Exhibit "A" (cont'd)Law Department (cont'd)

Further, the Owner's' of the vacated area shall be responsible for the relocation of any utility facilities or equipment, whether owned by a public or private utility within the vacated area or preserving access to such utility facilities. Utility facilities include conduits, cables, wires, towers, poles, sewer lines, pipelines, gas and water lines, or other equipment of any railroad or public utility, located on, over or under the portion of the vacated area. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance and operation of Ohio law shall be obtained separately from each utility, as to their interest(s) only. The City of Toledo shall be released and held harmless for any liability, responsibility, costs, or damages resulting from Owner's' construction or activities in the vacated area, that interferes with any utility easement retained as a matter of law in accord with Section 723.041 of the Ohio Revised Code.

Toledo Edison

2. Toledo Edison requests a 10' easement in order to maintain access to its existing aerial electrical cables on the pole line in the alley.

Fire Prevention

Upon reviewing the submitted request to vacate the above mentioned alley, we have determined that by vacating this section of alley the fire dept. would loose access to the rear of the adjoining bussiness which would greatly deminish fire operation in the time of an emergency. It would be our recommendation not to vacate this alley at this time.

Division of Traffic Management

3. 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 the evidence 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.

The Division of Traffic Management does not object to the approval of the vacation by the Plan Commission provided the previously mentioned conditions are address to the satisfaction of this division.

Division of Streets, Bridges and Harbor

Does not object to the approval of this vacation.

Exhibit "A" (cont'd)

Columbia Gas

No comments at the time of publication.

Lucas County Solid Waste Management District

No comments at the time of publication.

Plan Commission

4. The proposed vacation cannot result in the loss of access for any abutting properties.
5. Pursuant to TMC1104.0107 – *Use Categories*; Scrap and Salvage operations are only permitted within General Industrial (IG) zoned districts with an approved special use permit. TMC1116.0245 - *Scrap and Salvage Operations* are defined as “storage, sale, dismantling, or other processing of used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include motor vehicle salvage dealers, wrecking yards, junk yards, and salvage yards, but not including Recycling Facilities” **Not acceptable as existing on site. The owner shall cease operations of an illegal Scrap and Salvage, unless a Zone Change to IG and Special Use Permit are approved.**
6. Pursuant to TMC1104.0107 – *Use Categories*; Vehicle storage is only permitted within Limited Industrial (IL) and General Industrial (IG) zoning districts. **The owner shall remove all vehicles and storage from the alley and parcel # 1007081. Unless a Zone Change to IL or IG is approved; and is subjected to TMC1111.0802- Minor Site Plan Review.**

Exhibit “B”

Aerial images were obtained from the Plan Commissions archive and Google Earth.



1998



2001

Exhibit “B”



2003

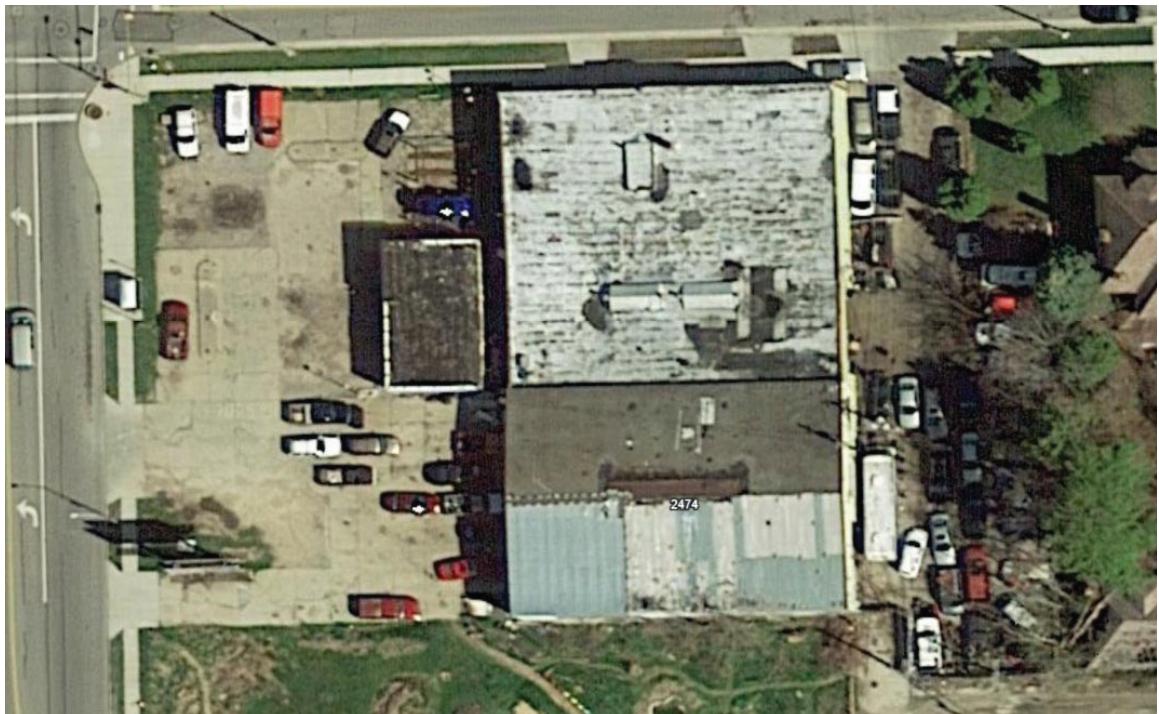


2006

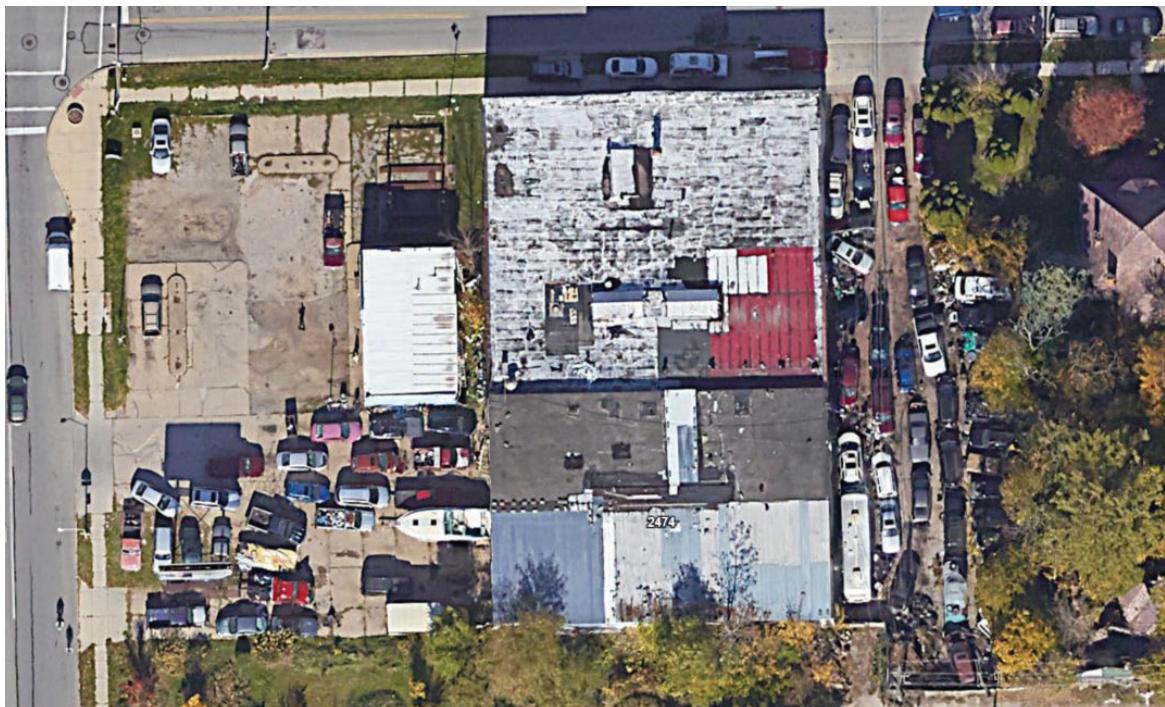
Exhibit “B”



Exhibit “B”

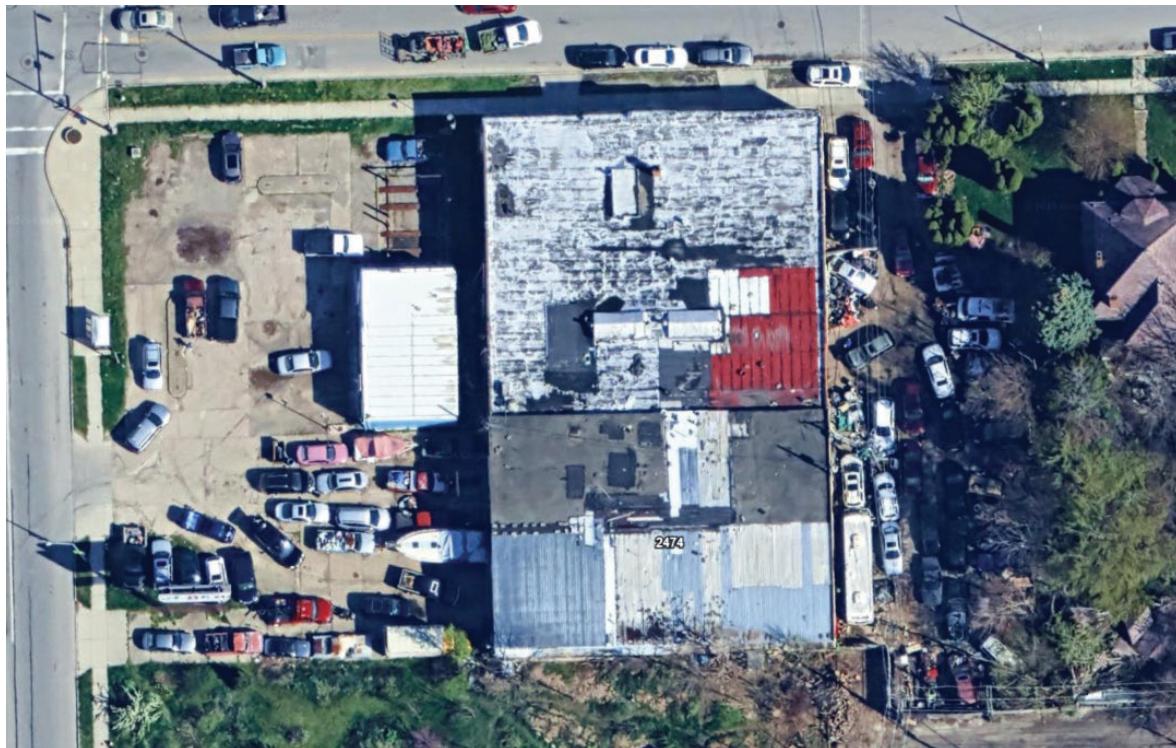


2018



2022

Exhibit “B”



2024

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GENERAL INFORMATION

Subject

Request	-	Major Site Plan Review of Building Demolition in Main Starr Front Overlay District
Location	-	414 Main Street
Applicant & Owner	-	Lucas County Land Reutilization Corporation One Government Center, Suite 580 Toledo, OH 43604

Site Description

Zoning	-	CS / Storefront Commercial
Area	-	±2,158 Square Feet
Frontage	-	±22' along Main Street
Existing Use	-	Vacant Commercial Building
Proposed Use	-	Vacant Commercial Lot

Area Description

North	-	CS & CM / Vacant Commercial, Shopping Center
South	-	CS & RD6 / Vacant Commercial, Car Wash, Duplexes, Single Dwelling Homes
East	-	CS / Laundry, Offices, Retail
West	-	CS, RD6, RM12 / Vacant Commercial, Multi Dwelling Homes

Parcel History

Z-298-77	-	Main St./Starr Ave. C-6 District Designation (P.C. approved 10/4/77; Council approved 11/16/77, Ord. 872-77)
M-23-09	-	Main St./Starr Ave. Urban Neighborhood Overlay District Designation (P.C approved 1/14/10; Council approved 3/2/10, Ord. 95-10)
M-8-23	-	Main St./Starr Ave. UNO Amendment to expand boundaries and add demolition criteria (P.C. approved 3/14/24; Council approved 4/24/24, Ord. 199-24)

GENERAL INFORMATION (cont'd)Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Forward Toledo Comprehensive Land Use Plan
- Garfield Neighborhood Plan

STAFF ANALYSIS

The applicant, the Lucas County Land Bank, has requested approval to demolish the building located at 414 Main Street within the Main/Starr/Front Urban Neighborhood Overlay. The site is zoned CS (Storefront Commercial), and is surrounded by vacant commercial and a shopping center to the north; vacant commercial, a car wash, duplexes, and single-dwelling homes to the south; a laundry, office and retail to the east; and vacant commercial and multi-dwelling homes to the west. Pursuant to TMC§1103.1314 the Plan Commission has authority for demolition review within the Main/Starr/Front Urban Neighborhood Overlay District.

This site is occupied by a 2,090 square foot commercial building which was constructed in 1917. The building has been vacant and abandoned for many years. According to the Land Bank, the building was in extremely distressed condition when it transferred to them following tax foreclosure in May 2023. After conducting a full assessment of the property, including an internal inspection and an independent appraisal through Martin + Wood Appraisers, the Land Bank has determined that there is no reasonable economic return and therefore has applied to demolish the structure. The Plan Commission may grant the demolition if one or both of the following are found to exist: the structure contains no features of architectural or historical significance and it does not contribute to the character of the Main/Starr/Front District; or there is no reasonable economic return for the structure as it exists and there is no feasible alternative to demolition. The Land Bank is making the application solely under the “economic hardship” standard – that there is no reasonable economic return at this time.

Economic Hardship Standards and Criteria

TMC§1103.1314(C) outlines standards and criteria the Plan Commission may consider when making a determination of economic hardship. The Land Bank attached the aforementioned Martin + Wood Appraisal Report and a Land Bank Inspection report to prove economic hardship.

The Martin + Wood Appraisal Report used a sales comparison approach, which compared the structure to other similar structures that were recently sold to determine its value-if-renovated then subtracted that value with an estimated cost of the structure's renovation. The report determined that the building's value as renovated is \$100,100 and estimated the cost of renovation to be \$125,400. The report concludes that the estimated “As Is” value of the structure is \$0.00.

The Land Bank Inspection Report estimates the cost of the structure's renovation to be roughly \$187,000, which is more than the Martin + Wood Appraisal Report's estimate. The right

STAFF ANALYSIS (cont'd)**Economic Hardship Standards and Criteria (cont'd)**

foundation along the alley needs replaced and complete upgrades are required for gutter, HVAC, electrical, and plumbing systems. The roof and one of the floors has failed and requires repair and/or replacement.

In keeping with TMC§1103.1314(C), staff requested further evidence showing the practicality of rehabilitating the structure as assessed by a structural engineer and the saleability of the property as determined by a licensed realtor. The applicant included letters from LKL Engineers, ltd. and Signature Associates.

The LKL Engineer's letter stated that they performed a structural inspection of the property and determined that, in their opinion, prolonged exposure to weather and lack of maintenance has made the entire structure unsound and un-repairable. The only feasible restoration of the structure in their opinion is a complete rebuild of the structure. Otherwise, the structure should be demolished.

The Signature Associates letter stated that they do not believe a new purchaser would invest resources into renovating the property, because it would require more to renovate the property than it would be worth afterwards. It is their opinion that the only way to render the property saleable for redevelopment is to demolish the distressed structure.

Neighborhood Meeting / One Voice for East Toledo

One Voice for East Toledo is a neighborhood organization covering the East Side. TMC§1103.1314(K) compels the Plan Commission to arrange a meeting with the applicant and neighborhood leaders when a demolition application is received. Staff notified One Voice for East Toledo when the application was received and gave the applicant their contact information. The applicant will be presenting the proposed demolition at One Voice for East Toledo's May 5th, 2025 meeting.

Connecting the Pieces Plan

The Connecting the Pieces Plan identifies 68 buildings within the code of the Main/Starr Business district and suggests that most of them are in substantially good condition only requiring moderate renovation and improvement. However, it identifies three to four of these buildings which are historically insignificant and which are recommended for demolition. The subject building is one of these identified buildings recommended for demolition. The proposed demolition is consistent with the Connecting the Pieces Plan.

Garfield Community Plan

The Garfield Community Plan recommends mothballing architecturally significant vacant structures in the Main/Starr Business District so they can be preserved; however, this structure was not identified by the plan as architecturally significant. The plan instead lists this structure as a "possible loss," stating that it will most likely be demolished within the next couple of years. The proposed demolition is consistent with the Garfield Community Plan.

STAFF ANALYSIS (cont'd)**Forward Toledo Comprehensive Land Use Plan**

The Forward Toledo Comprehensive Land Use Plan targets this site for neighborhood mixed-use land uses. The Neighborhood Mixed-Use land use designation preserves and promotes pedestrian-oriented commercial and mixed-use areas. These are a core component of neighborhoods and provide the highest density of commercial and housing opportunities. The structure which is proposed to be demolished is a pedestrian-oriented single-story commercial building built in 1917 containing 3,135 square feet of space. Forward Toledo's Building Preservation Goal seeks to preserve these older buildings which supports architectural/cultural heritage and provides unique business options. The goal understands that not all structures can be saved, especially one in such a condition as this, but asks that in these cases deconstruction is considered rather than demolition. Deconstruction is the act of taking a building apart without damaging the raw materials and offers an alternative that enables building materials to be reused rather than being sent to landfills or buried. Staff asks the applicant to consider deconstruction of this structure as a condition of approval. It should be noted that deconstruction pilot programs in Wayne County, Michigan found deconstruction to be 50% more cost-effective than traditional demolition, due to the value of the reclaimed building materials.

Staff recommends approval of the demolition as there is no reasonable economic return for the structure as it exists and there is no feasible alternative to demolition submitted to the applicant by concerned organizations or individuals.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve of SPR24-00117, a Major Site Plan Review of a Building Demolition at 414 Main Street, for the following two (2) reasons:

1. There is no reasonable economic use or return for the structure as it exists (TMC§1103.1314(B)(2)); and
2. There is no feasible alternative to demolition submitted to the applicant by concerned organizations or individuals (TMC§1103.1314(B)(2)).

The staff further recommends that the Toledo City Plan Commission recommend approval of SPR24-00117, a Major Site Plan Review of a Building Demolition at 414 Main Street, subject to the following **three (3)** conditions:

Plan Commission

1. Any necessary demolition permits shall be obtained through the City of Toledo Division of Building Inspections.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

2. The applicant shall consider deconstruction of this structure rather than demolition to the extent that it is practicable.
3. 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.

MAJOR SITE PLAN REVIEW
TOLEDO CITY PLAN COMMISSION
REF: SPR24-00117
DATE: May 8, 2025
TIME: 2:00 P.M.

AS

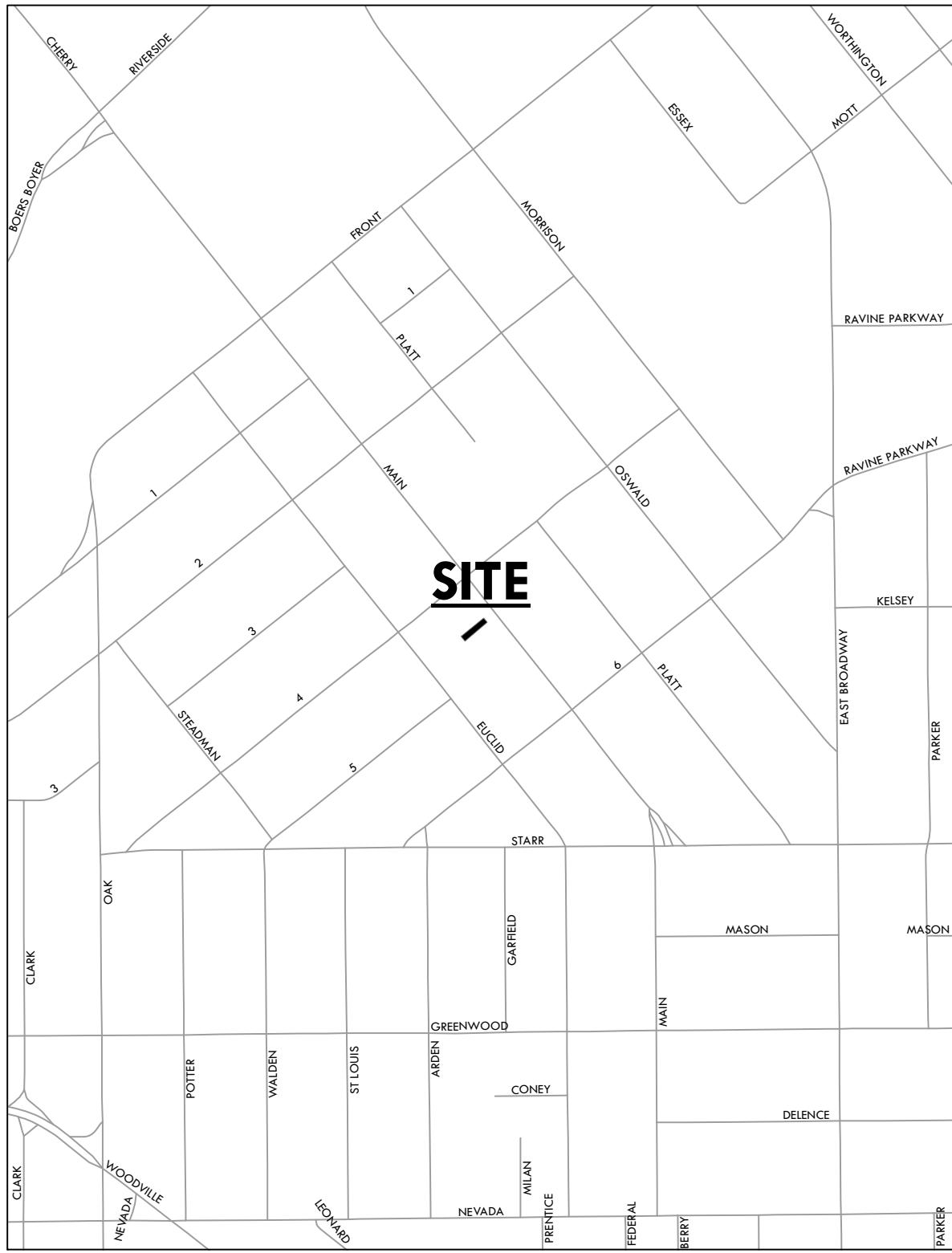
Two (2) sketches follow

Three (3) exhibits follow

GENERAL LOCATION

SPR24-00117
ID 28

N
↑



ZONING & LAND USE

SPR24-00117
ID 28

N
↑



EXHIBIT "A"

1

**At the Request Of:
Ms. Stephanie Shackelford
Senior Vice President
Lucas County Land Bank
1 Government Center, Suite 580
Toledo, Ohio 43604**

**Appraisal Report of the
Commercial Building Property
Located at
414 Main Street,
Toledo, Ohio 43605**

**Date of Value:
August 11, 2024**

**Prepared By:
Martin + Wood Appraisal Group Ltd.
43 S. St. Clair Street
Toledo, Ohio 43604
File #2024-08-139**

**Prepared On:
August 14, 2024**

EXHIBIT "A"

2

August 14, 2024



Ms. Stephanie Shackelford
Senior Vice President
Lucas County Land Bank
1 Government Center, Suite 580
Toledo, Ohio 43604

Dear Ms. Shackelford:

RE: Real Estate Appraisal of the Commercial Building Property, located at 414 Main Street, Toledo, Ohio.

In response to your request for an estimate of the value of the fee simple estate in the above referenced property, we have conducted an appraisal to determine the market value. We have personally viewed the exterior of the subject property and have carefully considered all factors pertinent to the determination of value. The accompanying Restricted Appraisal Report contains the results of our investigation and analysis.

In our opinion, the "As Is" fee simple estate market value of the subject property (Building Only), as of August 11, 2024 is estimated to be:

ZERO DOLLARS
\$0.00

In addition to the standard general assumptions and limiting conditions listed within the report, this appraisal is also subject to the following extraordinary assumption, special limiting conditions and considerations.

1. **Our estimated market value takes into account the fact that we only did an exterior viewing of the subject property and did not go inside the building. We were provided with additional photos of the interior and exterior of the building. We were not provided any estimated renovation cost estimates. This is considered to be an Extraordinary Assumption.**

Extraordinary assumption. An assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions. Comment: Uncertain information might include physical, legal, or economic characteristics of the subject property, or conditions external to the property, such as market conditions or trends, or about the integrity of data used in an analysis. (USPAP, 2020-2021 ed.).¹

¹Appraisal Institute, The Dictionary of Real Estate Appraisal, 7th Edition, (Chicago: Appraisal Institute, 2022) "extraordinary assumption" p. 68, PDF e-book.

EXHIBIT "A"

3

Letter of Transmittal (continued)

2. Our opinion of value is for the structure only and since the subject is in poor condition due to neglect, vandalism, etc., it is not financially feasible to renovate the subject property and should be razed based upon the \$0 or negative value.
3. The estimated values set forth above are for real property only and does not include the value of any equipment, furniture or fixtures that would be considered personal property and would likely be removed if the property were sold.
4. This appraisal has been prepared in compliance with Uniform Standards of Professional Appraisal Practice (USPAP), FIRREA and standards established by the Appraisal Institute.

The following Restricted Appraisal Report should provide an adequate outline of the appraised property's description, as well as the valuation procedures employed to arrive at the final estimates of market value. However, if you have any questions, or if we may be of further service, please let us know. Thank you.

Respectfully submitted,



Brian J. Fischer, Appraiser
Ohio General Certified Appraiser No. 2007006521
Michigan General Certified Appraiser No. 1205073903



Kenneth P. Wood
Ohio General Certified Appraiser No. 408942
Michigan General Certified Appraiser No. 1205008336
MARTIN + WOOD APPRAISAL GROUP, LTD

EXHIBIT "A"



EXHIBIT "A"



EXHIBIT "A"



EXHIBIT "A"



EXHIBIT "A"

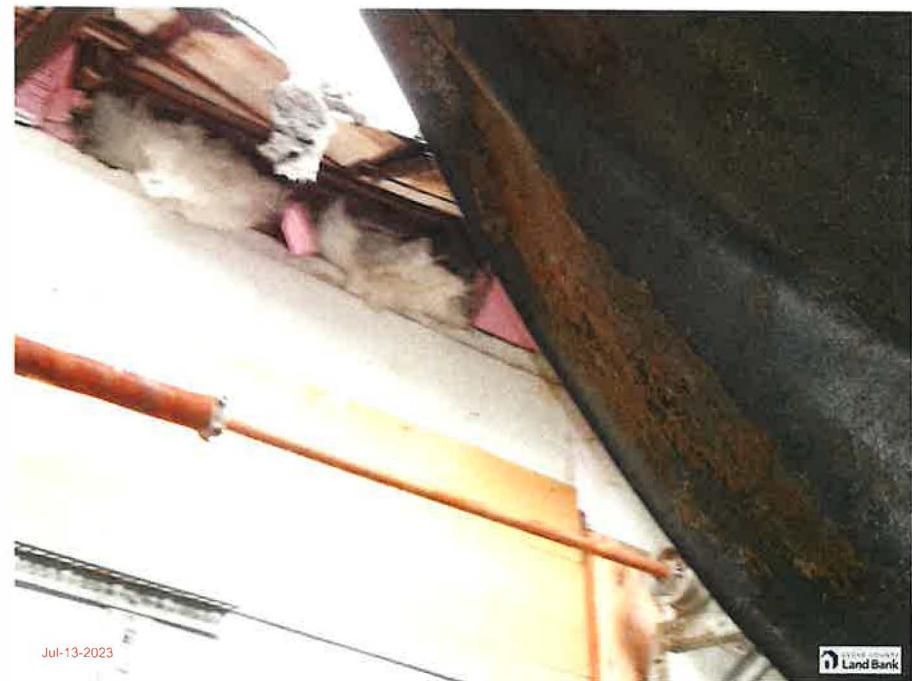


EXHIBIT "A"



EXHIBIT "B"

Joshua Murnen
Lucas County Land Bank
1 Government Center Suite 580
Toledo, OH 43604

January 24, 2025

Dear Joshua,

At your request I performed a structural inspection of the property located at 414 Main Street in Toledo. The structure is a single story commercial building built in 1917 over a concrete masonry basement that contains 3135 square feet of space. The property has been abandoned for a number of years and has deteriorated due to damage and neglect such that its structural integrity is now extremely compromised.

The roof over the south end of the building has collapsed with the interior exposed to weather. Two other of the main roof beams have fractured but are shored to prevent collapse.

The main floor is framed with 2x8 sawn lumber supported by a built up wood beam with posts. There is evidence of widespread wood rot caused by insect infestation on the joists and the main beam. The south end of the floor has collapsed due to failure of the main beam. There is significant bowing of the west basement wall and pilasters due to exterior water pressure.

The exterior walls are in fair condition. The wall appears to be plumb but there are numerous cracks in the masonry joints due to foundation settlement.

It is our opinion that prolonged exposure to weather and lack of maintenance has made the entire structure unsound and un-repairable. The only feasible restoration in our opinion is a complete rebuild of the structure. Otherwise the structure should be demolished.

I hope this information will satisfy your needs and if there are any questions or concerns please do not hesitate to call me.

Thank you,

Wellington Lee, P.E.



EXHIBIT "C"



**SIGNATURE
ASSOCIATES**

Four SeaGate, Suite 608
Toledo, OH 43604

1 (419) 249 7070
www.signatureassociates.com

March 10, 2025

Thomas Gibbons, Director
Toledo Plan Commission
One Government Center, Ste. 1620
Toledo, Ohio 43604

Re: 414 Main Street, Toledo, Ohio 43605 / Parcel # 17-03061

Dear Mr. Gibbons,

I am writing on behalf of Signature Associates regarding the property described above. Signature is a full service commercial real estate broker with decades of experience in the Toledo market.

The Lucas County Land Bank, the owner of this property, approached Signature for a broker's opinion on whether this property is salable. Signature has thoroughly reviewed the property in the context of its condition and the broader real estate market.

The property is in extremely distressed condition and is structurally unsound. Based on its level of deterioration it seems to have been this way for some time. We do not believe that a new purchaser would invest resources into renovating the property, because it would require more to renovate the property than it would be worth afterwards. The only feasible way the property would be salable for redevelopment is as vacant land.

Based on this review and for the reasons stated above, Signature does not believe that the property is salable with the structure.

It is Signature Associates' opinion that the only way to render this property salable for redevelopment is to demolish this distressed structure.

Yours truly,

SIGNATURE ASSOCIATES

Rob Keleghan, SIOR
rkeleghan@signatureassociates.com
419.249.6323

RK/mj

REF: SPR-29-24
DATE: May 8, 2025

GENERAL INFORMATION

Subject

Request	-	Major Site Plan Review Builing Demolition and Site Improvements
Location	-	428 N. 10 th Street
Applicant + Owner	-	Board of Lucas County Commissioners 429 N. Michigan Street Toledo, OH 43604
Project Manager	-	Michael J. Momenee The Mannik & Smith Group 1800 Indian Wood Circle Maumee, OH 43537
Engineer	-	Richard Spino The Mannik & Smith Group 1800 Indian Wood Circle Maumee, OH 43537

Site Description

Zoning	-	CO / Office Commercial
Area	-	±1.21 acres
Frontage	-	±280' along 10 th Street ±200' along Jackson Street ±259' along N. Michigan Street
Existing Use	-	Lucas County Child Study Institute (vacant)
Proposed Use	-	Greenspace and private parking lot for Domestic Relations Court

Area Description

North	-	CD / Offices, parking
South	-	CD, CO / Offices, parking, Main Library
East	-	CO / Lucas County Common Pleas Court
West	-	IL, CD / Offices, parking

Parcel History

No parcel history on record.

GENERAL INFORMATION (cont'd)

Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Forward Toledo Comprehensive Land Use Plan
- Downtown Master Plan 2017 & 2023 Update

STAFF ANALYSIS

The applicant, the Board of Lucas County Commissioners, has requested approval to demolish the Lucas County Child Study Institute (CSI) Building, which is located at 428 N. 10th Street within the Downtown Overlay District (companion case DOD-4-24). Repairs to the building have been deemed unfeasable, and the applicant has determined that demolition of the building and site improvements including installation of a private parking lot and greenspace will turn the current unoccupied building into usable space for the adjacent Domestic Relations Court. The submitted site plan shows the construction steps to be taken for demolition, as well as the layout of the parking lot. Landscaping details have yet to be determined and shall be provided in a revised plan before final approval for the site plan is granted.

Parking and Circulation

The proposed parking lot will be subsurface and accessed via a single ingress/egress drive on Jackson Street, where there will be a gate with keycard entry for the Family Court staff. The parking lot will consist of twenty-six (26) parking spaces, including three (3) handicap-accessible parking spaces placed closest to the proposed anchored tunnel that will provide entry to the Family Court building. Sidewalks are provided from the proposed lot to the building entrance. A minimum of three (3) bicycle parking spaces will be required and are listed as a condition of approval. Such bicycle parking spaces may be located within the right-of-way subject to an encroachment permit reviewed through the Division of Traffic Management. They are preferred along Michigan Street.

Landscaping

The applicant is proposing a fenced-in landscaped area where the Child Study Institute building currently sits. The space would undergo engineered fill post-demolition (if DOD-4-24 is approved), and a greenspace will be created for visitors of the Family Court building. The Plan Director requests that this area be graded and filled with grass, in addition to other plantings. The landscape plan will be subject to final approval from the Plan Director. This plan will include all proposed plantings, as well as a heavy-gauge aluminum tube fence around the perimeter of the greenspace and parking lot along Jackson and 10th Streets. The preserved Michigan Street façade would remain as a wall between the greenspace and Michigan Street.

Fencing

TMC§1105.0302 prohibits fences from exceeding three and a half feet (3½') in the front yard and ten feet (10') on any other location on a lot. Fencing / walls along Michigan and Jackson streets will be at or behind the front building plane of the Domestic Relations / Family Court building and therefore will be permitted to exceed three and a half feet (3½'). Fencing along 10th Street may not exceed three and a half feet (3½') unless a Board of Zoning Appeals (BZA) variance is granted.

STAFF ANALYSIS (cont'd)

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan targets this site for Public Space land uses. Designations in the plan have three components which must be evaluated for compatibility: physical design, land uses, and geographic characteristics. The Public Space land use designation provides spaces for civic, public, and quasi-public uses. Public Space uses are community-focused uses such as police and fire stations, libraries, community centers, and other government owned civic buildings. Historic structures in public spaces should be reused with opportunities for expansions and renovations, meanwhile parking for individual uses in the Downtown area are discouraged and should be provided by consolidated structures serving multiple users. Large scale public uses should integrate pedestrian connectivity through sites. The proposed private parking lot, which was historically used as parking, and greenspace for the exclusive use of employees and patrons of the Domestic Relations Court is not consistent with the Forward Toledo Plan.

Despite the plan's nonconsistency with the plan, the site plan complies with all standards of the Toledo Municipal Code and Zoning Code. It also provides for safe vehicular ingress and egress to and from the site for Domestic Relations Court judges and staff, whom have raised safety concerns with parking off site. Staff recommends approval of the site plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve of SPR-29-24, a Major Site Plan Review for builing demolition and site improvements at 428 N. 10th Street, to Toledo City Council for the following **two (2)** reasons:

1. The plan complies with all standards of the Toledo Municipal Code, this Zoning Code, and other adopted City policies (**TMC§1111.0809.A**); and
2. The plan provides for safe vehicular ingress and egress to and from the site (**TMC§1111.0809.C**)

The staff further recommends that the Toledo City Plan Commission approve SPR-29-24, a Major Site Plan Review for greenspace and a parking lot at 428 N. 10th Street, subject to the following **thirty-one (31)** conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Division

1. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.

STAFF RECOMMENDATION (cont'd)

Engineering Division (cont'd)

2. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop/opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. The existing catch basins' connection point(s) to the public sewer in the roadway needs determined by the design team's research and reporting on original construction plans, or by using a sewer locating service. This is necessary so that the connection(s) can be re-used or properly abandoned. A new connection point would require a new manhole on the existing brick sewer and structural reinforcement of the existing brick sewer by installation of a liner there.
5. The stormwater proposal showing underground detention (UD) is adequate for site plan purposes. All grading of the demolished area will need directed to internal drainage. If the engineered fill will not be topped with vegetation, it needs treated as impervious in the calculations for managing the site's drainage.
6. For a full review, submit items according to the SWP3 submittal cover sheet which has been provided to the designer (items 1.a. - 1.g). The O&M manual (1.g) would only pertain if the UD needs special periodic maintenance to function. Oversize pipe would not require special maintenance; use of an isolation row would. An isolation row for water quality treatment is not required due to this project's runoff draining to the wastewater treatment plant.
7. Following the plan review, submit additional items according to the 2nd step on the submittal cover sheet, and provide the permit fee and name of the Toledo Licensed Sewer Contractor for the stormwater construction permit.
8. The underground detention can be provided in the form of oversize pipe to the specifications of the City's Infrastructure Requirements, otherwise it will be considered a proprietary system that falls outside of the scope of the City's construction monitoring. If a proprietary is proposed, include on the construction drawings the special notes for construction coordination, monitoring, and acceptance, which have been provided to the designer for use in such a case. The licensed sewer contractor and the manufacturer shall coordinate and install the system to specifications according to these plan notes, shop drawings, manufacturer's instructions, and stormwater construction permit.

STAFF RECOMMENDATION (cont'd)

Engineering Division (cont'd)

9. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
10. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
11. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developers cost.

Environmental Services

12. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
13. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
14. Applicant is strongly encouraged to install permanent inlet filters with oil absorbent pillow in parking lot catch basins to treat stormwater.
15. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
16. 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
17. 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.

Division of Sewer and Drainage

18. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.

STAFF RECOMMENDATION (cont'd)

Division of Sewer and Drainage (cont'd)

19. S&DS requires that the existing private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Division of Transportation

20. Accessible parking signage is required per TMC 1107.1704.
21. Wheel stops are required at all parking spots abutting sidewalks, property lines, planting areas and buildings per TMC 1107.1907.
22. A 25' wide driveway is required for two-way traffic per TMC 1107.1911.
23. Move gate with key card so vehicles are not blocking sidewalk and hanging in street.

Fire Prevention

No comments.

Water Distribution

No comments.

Plan Commission

24. Subject to the approval of companion case DOD-4-24, Downtown Overlay District Review of Building Demolition at 428 N. 10th Street.
25. Three (3) bicycle parking spaces are required. A revised site plan depicting three (3) bicycle parking spaces shall be submitted to the Plan Director for review and approval.
26. A landscaping plan meeting the requirements of TMC §§ 1108.0300 and 1108.0400 shall be submitted to the Plan Director for review and approval.
27. Irrigation is required. Irrigation plans meeting the requirements of TMC§1108.0604 shall be submitted to the Plan Director for review and approval.
28. A fencing / wall plan shall be submitted to the Plan Director for review and approval. Fences / walls may exceed the height requirements of TMC§1105.0302 upon the granting of a variance by the Board of Zoning Appeals (BZA).

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

29. 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.
30. Approval of the Site Plan will lapse after two (2) years.
31. 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.

MAJOR SITE PLAN REVIEW
TOLEDO CITY PLAN COMMISSION
REF: SPR-29-24
DATE: May 8, 2025
TIME: 2:00 P.M.

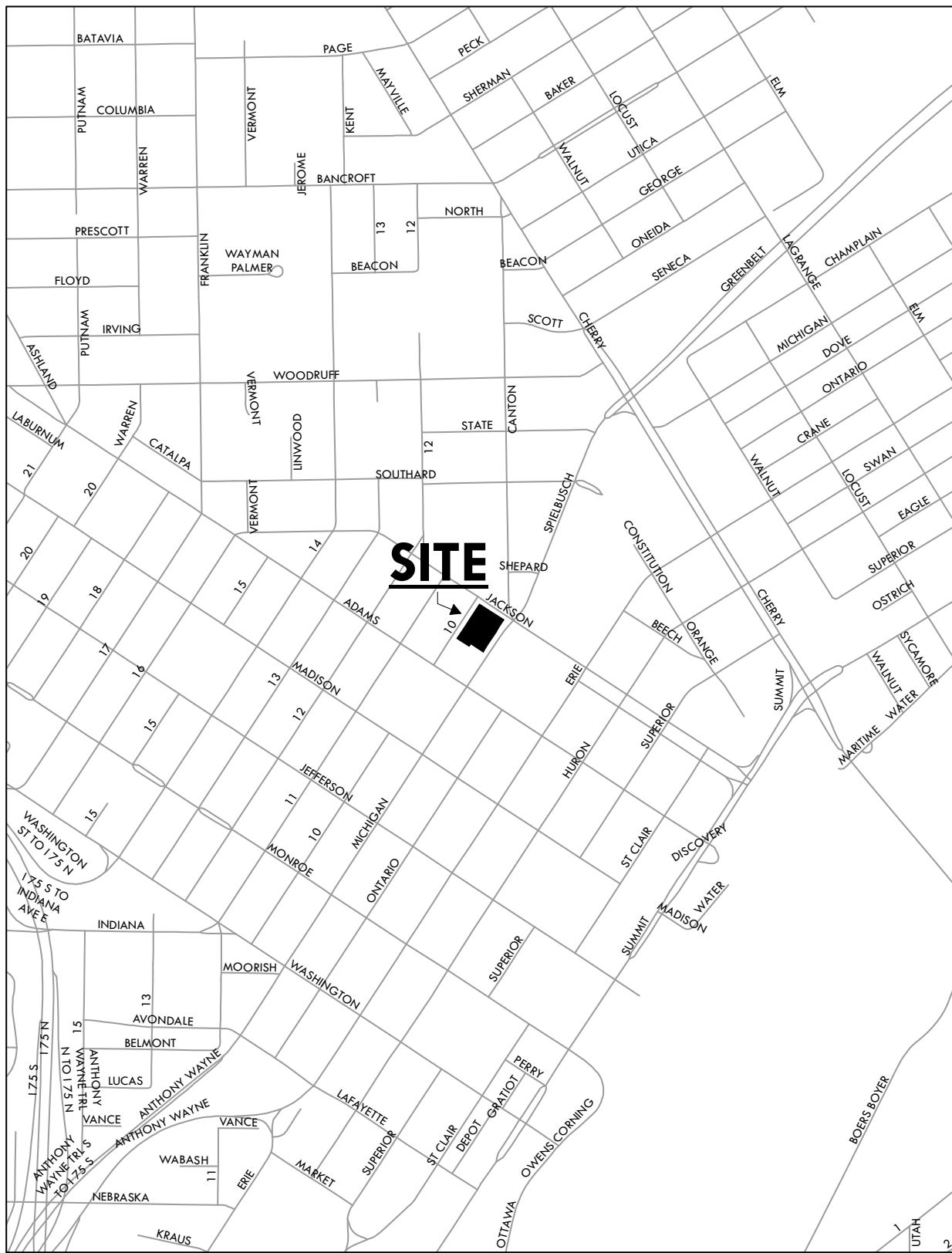
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Six (6) sketches follow

GENERAL LOCATION

SPR-29-24
ID 9

N
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ZONING & LAND USE

SPR-29-24
ID 9

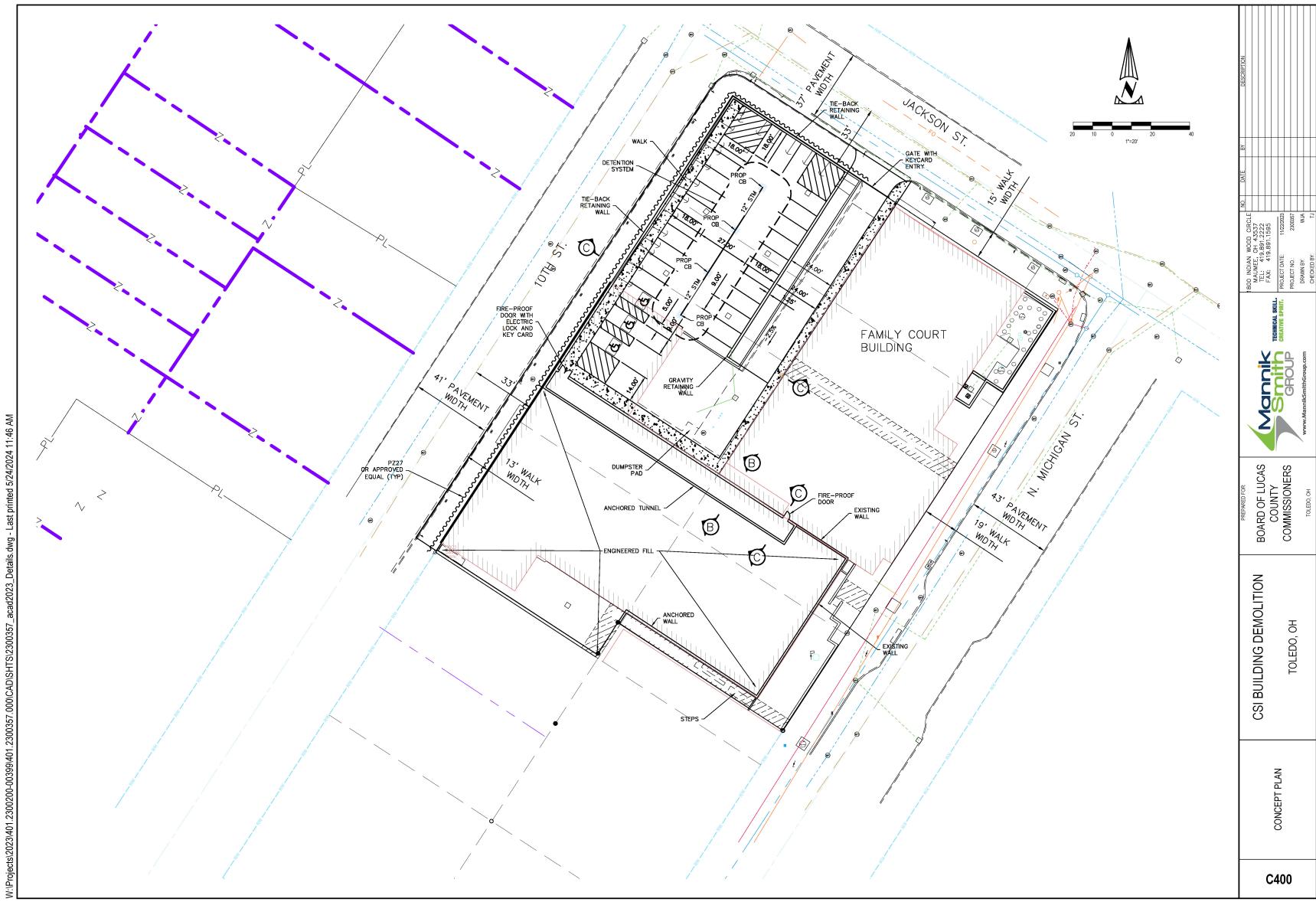
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CONCEPT PLAN

SPR-29-24
ID 9

N
→



RENDERING

SPR-29-24
ID 9

N
↑



CSI BUILDING DEMOLITION
CONCEPT RENDERINGS

RENDERING

SPR-29-24
ID 9

N
↑



5 - 12

CSI BUILDING DEMOLITION
CONCEPT RENDERINGS

RENDERING

SPR-29-24
ID 9

N
↑



5 - 13

CSI BUILDING DEMOLITION
CONCEPT RENDERINGS

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GENERAL INFORMATION

Subject

Request	-	Downtown Overlay District Review of Building Demolition
Location	-	428 N. 10 th Street
Applicant + Owner	-	Board of Lucas County Commissioners 1 Government Center, Suite 800 Toledo, OH 43604
Project Manager	-	Michael J. Momenee The Mannik & Smith Group 1800 Indian Wood Circle Maumee, OH 43537
Engineer	-	Richard Spino The Mannik & Smith Group 1800 Indian Wood Circle Maumee, OH 43537

Site Description

Zoning	-	CO / Office Commercial
Area	-	±1.21 acres
Frontage	-	±280' along 10 th Street ±200' along Jackson Street ±259' along N. Michigan Street
Existing Use	-	Lucas County Child Study Institute (vacant)
Proposed Use	-	Greenspace and Parking for Family Court Center

Area Description

North	-	CD / Offices, parking
South	-	CD, CO / Offices, parking, Main Library
East	-	CO / Lucas County Common Pleas Court
West	-	IL, CD / Offices, parking

Parcel History

No parcel history on record.

GENERAL INFORMATION (cont'd)Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Forward Toledo Comprehensive Land Use Plan
- Downtown Master Plan 2017 & 2023 Update
- 1986 Central Business District Architectural Survey

STAFF ANALYSIS

The applicant, the Board of Lucas County Commissioners, has requested approval to demolish the Lucas County Child Study Institute (CSI) Building, which is located at 428 N. 10th Street within the Downtown Overlay District. The subject building is attached to the Family Court Building, located at 429 N. Michigan Street (shared parcel #1549610). The subject site is zoned CO (Office Commercial), and is surrounded by offices and parking to the north; offices, parking, and the Main Library to the south; the Lucas County Common Pleas Court to the east; and offices and parking to the west. The demolition is requested in conjunction with site improvements, including the addition of a private parking lot and green space for the Family Court Building, which will be reviewed in companion case SPR-29-24. Approval from the Plan Commission is required for any demolition within the Downtown Overlay District.

Existing Conditions

The 55,000 square foot office and institutional building was built in phases, the first phase completed in 1953. This original building was comprised of three stories on 10th Street and one story on Michigan Street. The second phase, completed in 1962, altered this original design with the addition of a gymnasium and more office space. In the late 1980s, the building's original façade on Michigan Street was modified with the construction of the current Family Court Building. The subject structure operated as the Lucas County Child Study Institute until 2001, when it was closed and replaced by the Lucas County Juvenile Justice Center on Spielbusch Avenue.

Architecturally, the building's 10th Street façade can be characterized as "international style," with its flat roof, smooth wall surfaces, and absence of ornament. This elevation is built on brick foundation and has blonde brick veneer wall treatment with blue granite details. The building's Michigan façade (post modifications) is "brutalist style" to match the current Family Court building. This style, popular in the 1980s, is characterized by broad wall surfaces and contrasting vertical elements. The altered Michigan façade was designed to provide overall symmetry with the new Family Court. While the structures share a wall, it is important to note that the Family Court is not dependent on the wall for structural purposes; therefore, the Child Study Institute building can be demolished without permanent damage to the remaining facility.

Economic Feasibility of Restoring the Structure

In deciding demolitions in the Downtown Overlay District, the Plan Commission must consider the economic feasibility of restoring the structure. The applicant has submitted an Appraisal Report (dated February 5, 2024), which utilizes a sales comparison approach to deter-

STAFF ANALYSIS (cont'd)**Economic Feasibility or Restoring the Structure (cont'd)**

-ine the potential value of the building based on the sale of like properties in the current market. The report estimates renovation to cost approximately \$80/sqft, for a total renovation cost of \$4,400,000. Using the sales comparison approach, the building is estimated to have a post-renovation land and building value of \$60/sqft, or \$3,300,000. After subtracting the estimated land value of \$110,000, the renovation would result in a net loss of \$1,210,000. Based on this data, the appraised value of the building is \$0 and the applicant holds there is no feasible economic return if it were to be renovated. The full appraisal report is available for review in the Plan Commission offices. Portions of the report have been included as exhibits at the end of this report.

After receiving the Appraisal Report, staff requested that the applicant also provide an architectural survey from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the building and its suitability for rehabilitation. This assessment, completed by the Buehrer Group, involved inspection of the architectural, mechanical, plumbing, and electrical aspects of the building, providing a more detailed breakdown of both exterior and interior conditions and recommendations for repairs necessary to make the building safe and operable. This report offers a much higher estimate of over \$35 million to rehabilitate the structure. While restoration and compliance with Ohio Building Code is possible, the report's conclusion is that the needed repairs are too costly to consider restoration an economically feasible option. Portions of this report are included as exhibits, with the full report available for review in the Plan Commission offices.

Toledo City Historic District Commission

Pursuant to TMC§1111.0904(B) the Plan Commission must first seek comment from the Toledo City Historic District Commission (TCHDC) prior to taking any action on demolitions in the downtown. The application was first presented to the TCHDC on July 22, 2024. During this first meeting, the TCHDC levied concerns that the county had allowed the building to deteriorate to its current state without proper maintenance. Certain members also believed that, while the cost to bring the building up to code was certainly a lot, the building is able to be rehabilitated. It was stated that this is not the worst building they have ever seen. The TCHDC's chief concern was that of losing the Michigan Street façade, considering there aren't that many brutalist-style buildings left. Some members requested that the applicant attempt to save that portion of the building. Considering the TCHDC is a recommending body, they ultimately decided to nominate one of their own to present their concerns to the Toledo Plan Commission. The next day the applicant requested a deferral of their application so they could consider saving the Michigan Street portion of the building.

This deferral lasted until March 24, 2025 when the case was again presented to the TCHDC. The applicant had considered the cost of saving the Michigan Street portion of the building, but determined that it would still be prohibitively expensive. Using estimate costs in the Buehrer Group Assessment Report, discussed above, the applicant estimated that the cost of renovating just the Michigan Street portion of the building would be over \$12 million. The applicant instead proposed to keep a portion of the existing wall along Michigan Street. They pr-

STAFF ANALYSIS (cont'd)Toledo City Historic District Commission (cont'd)

-posed to save the wall from grade to the bottom of the windows to form a base for a decorative fence, which would be placed on top. The TCHDC agreed that the cost would be cost-prohibitive and appreciated the saving of a portion of the wall, but requested that they save more of the wall along Michigan Street. It was proposed that the applicant save the wall from grade to the top of the colored portions of the wall. The areas where windows are currently placed could then be filled in with fencing or some other barrier, leaving a solid wall instead of a fence with a wall base. The TCHDC generally agreed that this would be an acceptable compromise. The preservation of this wall has been included as a condition of approval.

National Register of Historic Places – Uptown Toledo Historic District

After the March 24, 2025 TCHDC meeting, it was discovered that the subject structure was listed as contributing to the Uptown Toledo Historic District. The Uptown Toledo Historic District was listed on the National Register of Historic Places on June 20, 2023. The listing describes the subject structure, along with the adjacent Domestic Relations Court, as follows:

The five-story building, which occupies almost half the block between Michigan, 10th, Jackson, and Adams streets, comprises of an original building, constructed as the Juvenile Court and Detention Center with additions. The original building, which faced 10th street, is a T-shaped brick building with several bays of metal-frame, horizontal and vertical grouped windows. Large sections of this original façade remain visible when viewed from 10th Street. The main entrance to the building is from its addition on Michigan Street, set in a curtain wall framed by massive stone-clad walls. On either side of this central entrance are four vertical strip windows on a granite and concrete panel clad façade. A set-back upper floor level at the corner of Michigan and Jackson streets has concrete and glass curtain walls. A parking garage and side entrance are accessible from Jackson Street. The property includes an associated parking lot facing 10th Street, separated from the sidewalk by a concrete wall. Located across the street from the Lucas County Courthouse, this building was constructed to serve the complementary functions of a Juvenile Court and Detention Center. The facility includes a law library and was renamed Family Court Center in 1962 after initial additions were made to the Jackson Street and Michigan Avenue facades. Later additions and modifications to the building were made during 1980-1990, resulting in the new, Michigan Street façade and the parking garage facing Jackson Street. While the building has undergone major new additions, prominent sections of the original building are retained and its mid-century modern elements, materials, and construction are visible from 10th Street, retaining their integrity. Significantly, the building retains an association with the county courthouse and with its own historic uses, and this its integrity, and contributes to the district.

The building's contributing status to a historic district listed on the National Register does not prohibit or restrict the demolition of the structure. Instead, it restricts the use of federal or state dollars in the demolition or rehabilitation of the structure. In cases where federal or state dollars

STAFF ANALYSIS (cont'd)National Register of Historic Places – Uptown Toledo Historic District (cont'd)

are used, the State Historic Preservation Office (SHPO) must be consulted. The applicant is pursuing this demolition after receiving a grant through the Ohio Department of Development's Building Demolition and Site Revitalization Program. Staff reached out to SHPO and discovered that they had not reviewed the proposed demolition. According to a SHPO representative, the applicant will need to have a waiver signed by SHPO to use the grant funds.

1986 CBD Architectural Survey

The purpose of the CBD Architectural survey is to provide an objective analysis of the architectural and historic value of the buildings constructed in the downtown area before 1945. The findings are a local evaluation as to a building's potential eligibility for listing on the National Register of Historic Places. It is intended to serve as a resource report in the review of alterations and demolitions under the Downtown Overlay District of the Toledo Municipal Zoning Code. The plan utilized rating criteria to determine the significance and contribution of buildings to the history and character of downtown. According to this report, the structure proposed for demolition is not considered significant nor contributing to the downtown fabric. However, one should note that this survey contemplated the value and significance of structures built forty (40) or more years prior to the time of its completion and that the survey itself is now nearly forty (40) years old. Meanwhile, the subject structure is over seventy (70) years old.

Downtown Toledo Master Plan 2017 & 2023 Update

The Downtown Toledo Master Plan identifies the site as being just between the Civic Center area of downtown and the Uptown District. It is not within any of the Plan's focus areas, but it is identified within the Uptown Historic District. The Plan states that "The recent addition of the Uptown Historic District will expand the availability of grant dollars and State Historic Tax Credits that can be used to renovate and rehabilitate historic structures throughout downtown."

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan targets this site for Public Space land uses. The Public Space land use designation provides spaces for civic, public, and quasi-public uses. Public Space uses are community-focused uses such as police and fire stations, libraries, community centers, and other government owned civic buildings. The structure which is proposed to be demolished is a civic owned building which was historically used for a civic purpose. Forward Toledo's Building Preservation Goal seeks to preserve these older buildings which supports architectural/cultural heritage and provides unique business options. The goal understands that not all structures can be saved, but asks that in these cases deconstruction is considered rather than demolition. Deconstruction is the act of taking a building apart without damaging the raw materials and offers an alternative that enables building materials to be reused rather than being sent to landfills or buried. Staff asks the applicant to consider deconstruction of this structure as a condition of approval. It should be noted that deconstruction pilot programs in Wayne County, Michigan found deconstruction to be 50% more cost-effective than traditional demolition, due to the value of the reclaimed building materials.

STAFF ANALYSIS (cont'd)

Recommendation

Pursuant to TMC§1111.0904 *Demolition* Review, The Plan Commission must approve the demolition of a structure in the Downtown Overlay District when it finds that an economic hardship exists in that: 1) There is no reasonable economic use or return for the structure as it exists; 2) Deterioration has progressed to the extent that rehabilitation is not economically sound; or 3) The structure is of no reasonable value to the Downtown Overlay District. Staff recommends approval of the demolition as there is no reasonable economic use or return for the structure as it exists.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve of DOD-4-24, a Downtown Overlay District Review of Building Demolition at 428 N. 10th Street for the following reason:

1. There is no reasonable economic use or return for the structure as it exists (TMC§1111.0904(C)(1)).

The staff further recommends that the Toledo City Plan Commission recommend approval of DOD-4-24, a Downtown Overlay District Review of Building Demolition at 428 N. 10th Street, to the Toledo City Council, subject to the following **four (4)** conditions:

Plan Commission

1. The applicant shall consider deconstruction of this structure rather than demolition to the extent that it is practicable.
2. The façade along Michigan Street shall be preserved from grade to the top of the colored sections.
3. Any necessary demolition permits shall be obtained through the City of Toledo Division of Building Inspections.
4. 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.

DOWNTOWN OVERLAY DISTRICT
TOLEDO CITY PLAN COMMISSION
REF: DOD-4-24
DATE: May 8, 2025
TIME: 2:00 P.M.

REF: DOD-4-24...May 8, 2025

AS

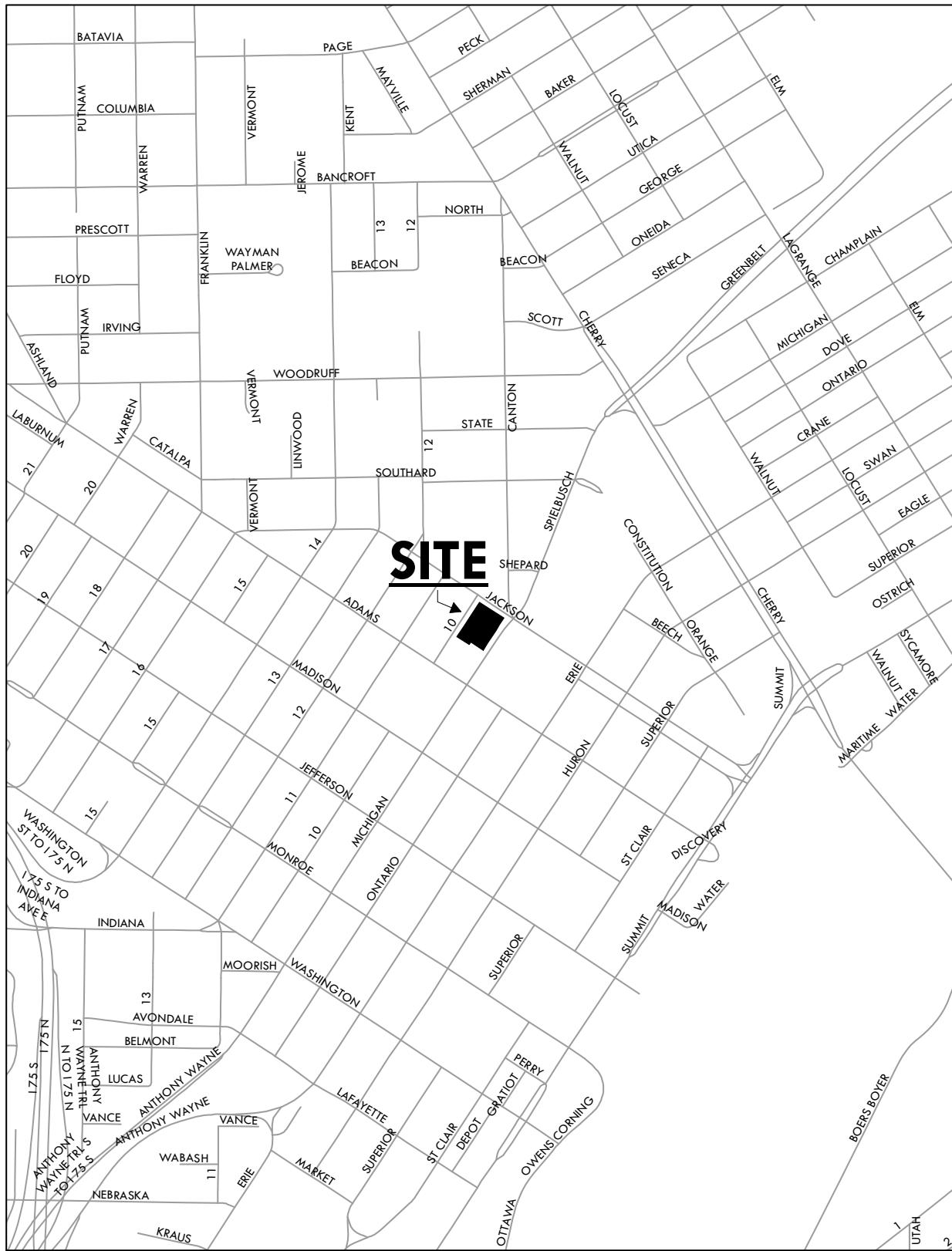
Three (3) sketches follow

Three (3) exhibits follow

GENERAL LOCATION

DOD-4-24
ID 9

N
↑



ZONING & LAND USE

DOD-4-24
ID 9

N
↑

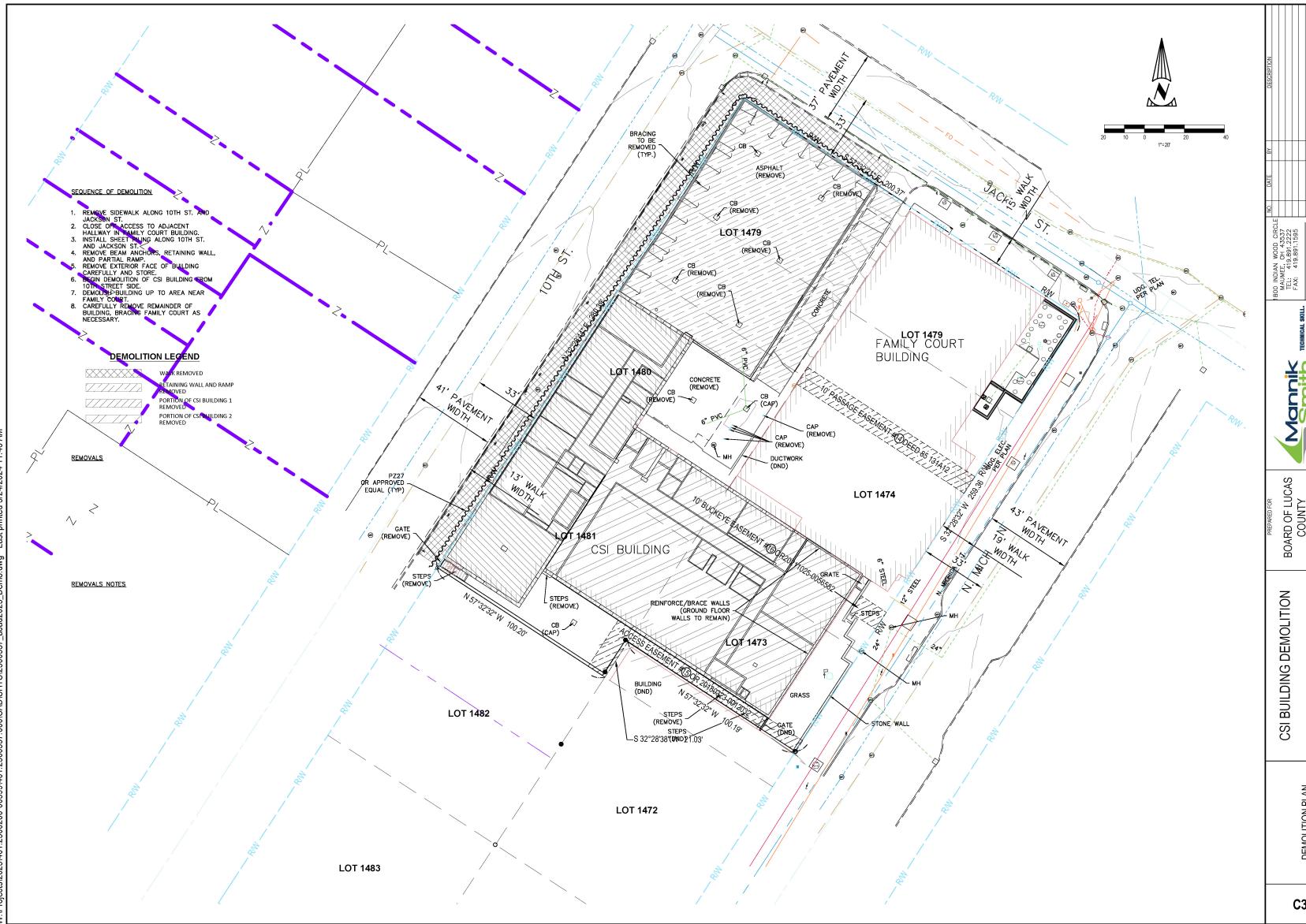


DEMOLITION PLAN

DOD-4-24
ID 9



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C300	DEMOLITION PLAN	CSI BUILDING DEMOLITION TOLEDO, OH	BOARD OF LUCAS COUNTY COMMISSIONERS 740 E. 4TH ST. TOLEDO, OH 43604 (419) 255-4300 FAX: (419) 255-4301	PREPARED FOR:	
				MANUFACTURER	INVESTIGATOR
Mannik Smith GROUP		 www.MannikSmithGroup.com		TO 100 INDIANWOOD CIRCLE MANCHESTER, OH 45337 TELEPHONE: (419) 881-1585 FAX: (419) 881-1586 PROJECT DATE: 11/20/2010 DRAWN BY: WA	
DESCRIPTION					

EXHIBIT "A"

1

**Appraisal Report of the
Industrial Building Property
Located at
428 N. 10th Street,
Toledo, Ohio 43604**



**Date of Value:
February 5, 2024**

**Prepared By:
Martin + Wood Appraisal Group, Ltd.
43 S. St. Clair Street
Toledo, Ohio 43604
File #MART-2024-01-489**

**Prepared On:
February 22, 2024**

EXHIBIT "A"

2

February 22, 2024



Mr. Michael J. Momenee, CP
Senior Project Manager
The Mannik & Smith Group, Inc.
1800 Indian Wood Circle
Maumee, Ohio 43537

Dear Mr. Momenee:

RE: Real Estate Appraisal of the Office Building Property, located at 428 N. 10th Street, Toledo, Ohio.

In response to your request for an estimate of the value of the fee simple estate in the above referenced property, we have conducted an appraisal to determine the market value. We have personally viewed the subject property and have carefully considered all factors pertinent to the determination of value. The accompanying Restricted Appraisal Report contains the results of our investigation and analysis.

In our opinion, the "As Is" fee simple estate market value of the subject property (Building Only), as of February 5, 2024 is estimated to be:

ZERO DOLLARS
\$0.00

In addition to the standard general assumptions and limiting conditions listed within the report, this appraisal is also subject to the following extraordinary assumption, special limiting conditions and considerations.

1. **The subject property is approximately 55,000 square feet of a larger building. This was estimated by the client based upon their measurements. Given that the estimated market value of the building "As Renovated" less the estimate cost of renovations is negative, the building improvements do not contribute any value to the subject property. This is considered to be an Extraordinary Assumption.**

Extraordinary assumption. An assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions. Comment: Uncertain information might include physical, legal, or economic characteristics of the subject property, or conditions external to the property, such as market conditions or trends, or about the integrity of data used in an analysis. (USPAP, 2020-2021 ed.).¹

¹Appraisal Institute, The Dictionary of Real Estate Appraisal, 7th Edition, (Chicago: Appraisal Institute, 2022) "extraordinary assumption" p. 68, PDF e-book.

EXHIBIT "A"

3

Letter of Transmittal (continued)

2. The estimated values set forth above are for the real property only and does not include the value of any equipment, furniture or fixtures that would be considered personal property and would likely be removed if the property were sold.
3. This appraisal has been prepared in compliance with Uniform Standards of Professional Appraisal Practice (USPAP), FIRREA and standards established by the Appraisal Institute.

The following Restricted Appraisal Report should provide an adequate outline of the appraised property's description, as well as the valuation procedures employed to arrive at the final estimates of market value. However, if you have any questions, or if we may be of further service, please let us know. Thank you.

Respectfully submitted,



Brian J. Fischer, Appraiser
Ohio General Certified Appraiser No. 2007006521
Michigan General Certified Appraiser No. 1205073903



Kenneth P. Wood
Ohio General Certified Appraiser No. 408942
Michigan General Certified Appraiser No. 12050008336

EXHIBIT "A"

4

SUBJECT PHOTOS

Exterior View of the Subject



Exterior View of the Subject



EXHIBIT "A"

5

Exterior View of the Subject



EXHIBIT "A"

6

INTERIOR VIEWS

Interior View of the Subject



Interior View of the Subject



EXHIBIT "A"

7

Interior View of the Subject



Interior View of the Subject



EXHIBIT "A"

8

Interior View of the Subject



Interior View of the Subject



EXHIBIT "A"

9

Interior View of the Subject



Interior View of the Subject



EXHIBIT "A"

10

Interior View of the Subject



Interior View of the Subject



EXHIBIT "A"

11

Interior View of the Subject



Interior View of the Subject



EXHIBIT "A"

12

Interior View of the Subject



EXHIBIT "B"

ASSESSMENT REPORT

428 N. 10th Street, Toledo, Ohio 43604

Prepared For: The Mannik & Smith Group, Inc.



July 8, 2024



EXHIBIT "B"

PART II: FACILITY ASSESSMENT COST ESTIMATE

Estimated Restoration Costs:

- A formal property appraisal has been conducted, which assigned a combined value of \$0.00 to the property as of 2/5/2024
- See below for the estimated cost to renovate. These figures are general amounts and reflect the approximate estimated costs to renovate the building to be safe and occupiable based on observations made in the field.

Item	Square Foot	Cost Per Square Foot	Total
Exterior Masonry wall Repair		Lump Sum	\$400,000
Structural Repair/Modification		Lump Sum	\$1,000,000
Roof Replacement	23,600	\$25	\$590,000
Window/Door Replacement	4300+/-	\$82	\$354,240
Exterior Trim/Fascia/Facade Repair		Lump Sum	\$200,000
Interior Renovation	55,500	\$300	\$16,650,000
Basement wall waterproofing	14,000	\$20	\$280,000
Elevator Replacement		Lump Sum	\$200,000
Exterior Siding/Flashing Repair		Lump Sum	\$20,000
Accessibility (Stairs, Lift, etc)		Lump Sum	\$100,000
Mechanical/HVAC	55,500	\$100	\$5,500,000
Plumbing/Fire Protection	55,500	\$60	\$3,300,000
Electrical	55,500	\$125	\$6,875,000
		TOTAL	\$35,469,240

In conclusion, to renovate and rehabilitate the structure to a safe and occupiable building, it would cost approximately \$35.5 million for a building currently valued at \$0.00. It is with that information that we have come to the conclusion below.

RECOMMENDATIONS:

Overall Rating System:

- 1 – Satisfactory
- 2 – Needs Repairs
- 3 – Needs Replacement

Rating – 3 (need replacement)

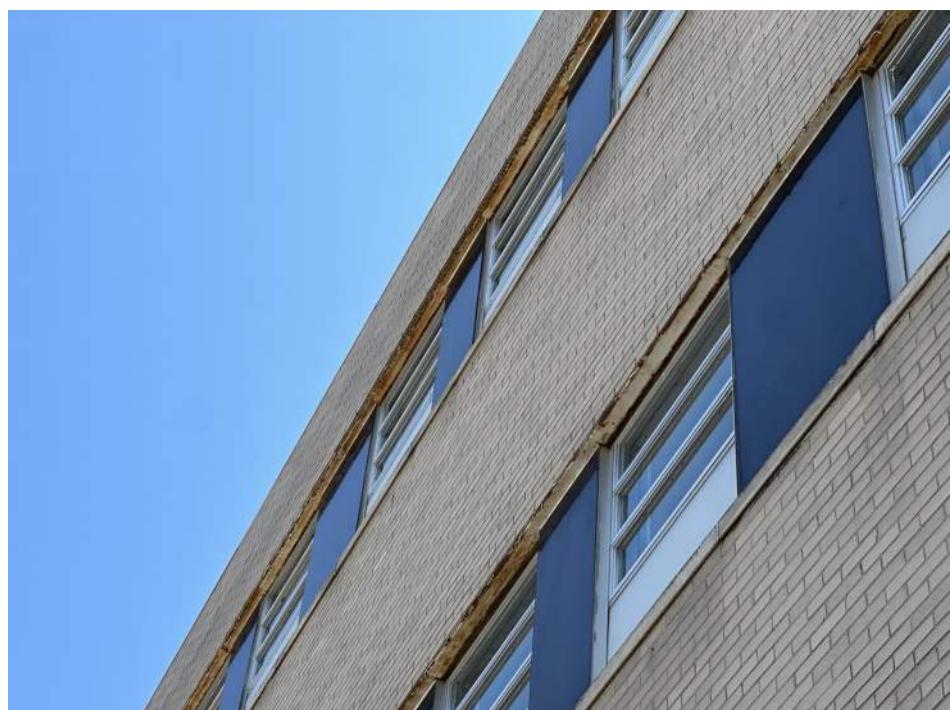
- Restoration and compliance with Ohio Building Code of such buildings could be possible; however, it is not recommended due to high cost to restore.

EXHIBIT "B"

PART III: REFERENCE PHOTOS



Architecture/Structural – Northwest Facade



Architecture/Structural – Lintels and Brick Bowing

EXHIBIT "B"



Architecture/Structural – Basement – Typical Condition

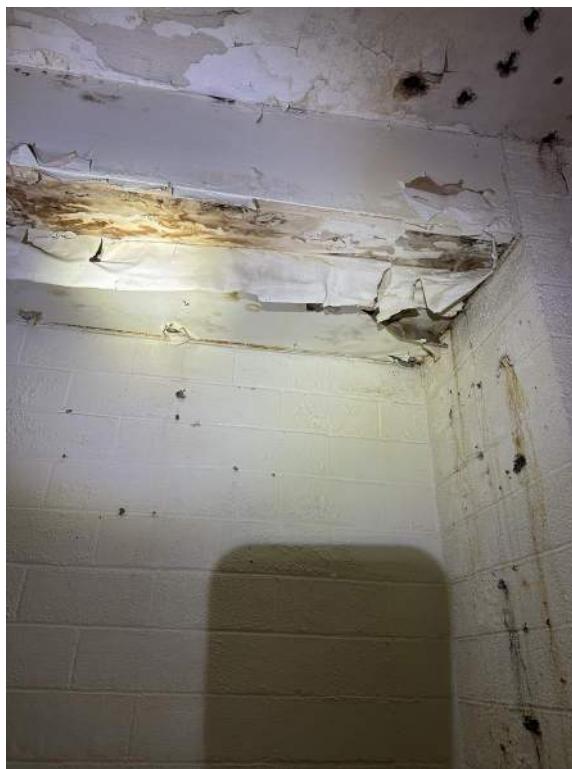


Architecture/Structural – Basement – Typical Water Infiltration

EXHIBIT "B"



Architecture – Asbestos Floor Tile



Architecture – Interior Water Damage

EXHIBIT "B"



Architecture/Structural – Typ. Interior Block Moisture Blow-outs

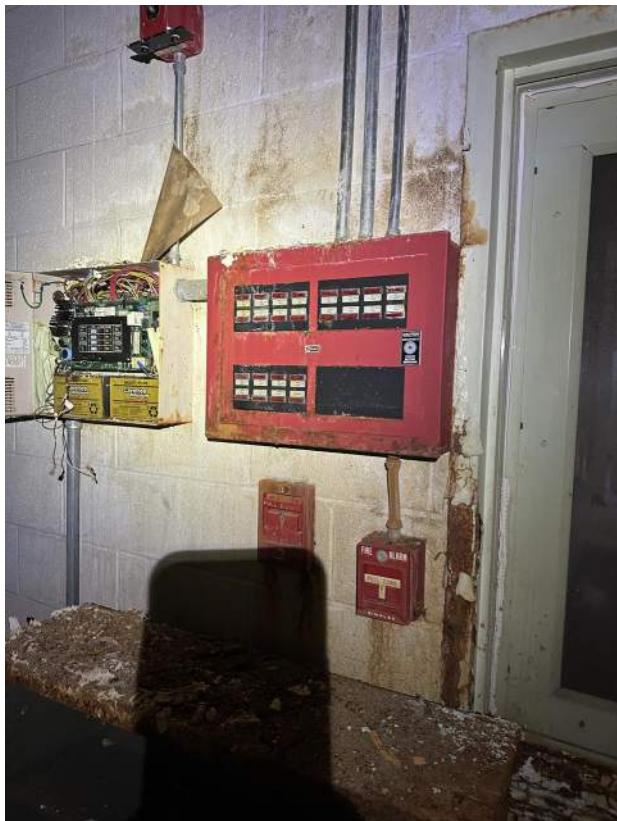


Architecture – Typ. Masonry Cell

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Electrical – Typ. Light Condition



Electrical – Fire Alarm Condition

EXHIBIT "C"

Photos from July 1, 2024 Site Visit

REF: DOD-4-24...May 8, 2025



EXHIBIT "C"

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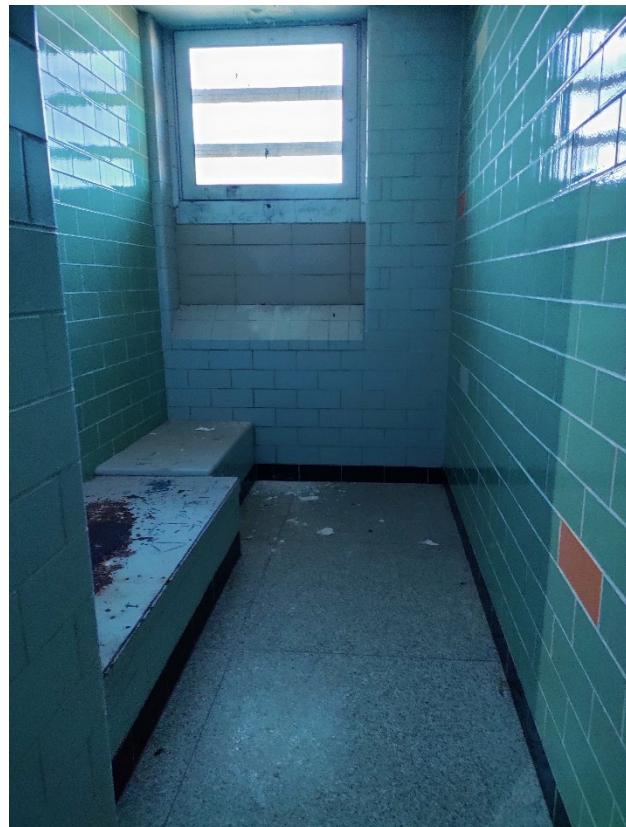


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EXHIBIT "C"

Photos from July 1, 2024 Site Visit

REF: DOD-4-24...May 8, 2025



REF: M-15-24
 DATE: May 8, 2025

GENERAL INFORMATION

Subject

Request	-	Study of Tobacco Shops permitting and potential locational criteria
Applicant	-	Toledo City Council One Government Center, Suite 2120 Toledo, OH 43604

STAFF ANALYSIS

Toledo City Council has requested a study to research the history and future establishment of Tobacco Shops in the City of Toledo, to examine the secondary effects that they have on city residents and city neighborhoods, to study the effects of such products on citizens, and to determine whether the adoption of regulations relating to such products are warranted by the Toledo City Plan Commission via Ordinance 410-24 on October 23, 2024. Within the Ordinance, specific concerns about the proliferation of Tobacco Shops, the public health and safety of citizens and neighborhoods, and additional standards and possible text amendments to better regulate Tobacco Shops were identified. Plan Commission Staff completed a study to address City Council concerns regarding Tobacco Shops. Staff findings and recommendations are outlined in this report.

Tobacco Shop v. Tobacco Retailer

A Tobacco Shop is defined by Toledo Municipal Code Part Eleven Planning and Zoning as “any retail establishment that devotes thirty-three percent (33%) or more of floor area or display area to the sale or exchange of retail packaged tobacco products and/or tobacco paraphernalia” (TMC§1116.0249). A Tobacco Retailer is any establishment that sells any tobacco product. The current definition of a tobacco product is “any substance containing any tobacco leaves, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco; including products prepared from tobacco.” (TMC§1116.0196). Examples of Tobacco Retailers that are not Tobacco Shops may include but are not limited to grocery stores, gas stations, convenience stores, pharmacies, bars, etc. Any establishment that sells tobacco product is a Tobacco Retailer, conversely, any establishment that devotes thirty-tree percent (33%) or more of its floor/display area to the sale/exchange of tobacco products is a Tobacco Shop.

Data of all retailers who held a cigarette license between June - November 2024, in the City of Toledo, was obtained from the Lucas County Auditor’s office. Staff identified 345 Tobacco Retailers with a cigarette license and concluded that twenty-four (24), or seven percent (7%) of all Tobacco Retailers with a cigarette license in the City of Toledo, are classified as a Tobacco Shop by TMC§1116.0249.

STAFF ANALYSIS (cont'd)

Current regulations

Per TMC§1104.0100 - Use Table, all Tobacco Shops are currently required to obtain an approved Special Use Permit in the CN, CM, CS, CR, and CD zoning districts. Tobacco shops are not permitted in any other zoning district with or without a Special Use Permit. Per TMC§1104.1700, Tobacco Shops are required to be a minimum of five-hundred feet (500') from any school, public park, public library, child day care center, or other use established specifically for the activities of minors (i.e., youth related uses). Additionally, Tobacco Shops' hours of operations are limited from 5:30 am to 1 a.m.

The State of Ohio defines tobacco by three categories: Cigarettes, Other tobacco products, and Vapor. Staff recommends that TMC§1116- Terminology pertaining to Tobacco products and Tobacco Shops, be amended to align with and reflect the definitions that the State of Ohio has put forth. Exhibit "A" reflects the current existing zoning code regulations and definitions pertaining to Tobacco Shops and Tobacco products, while Exhibit "B" encapsulates all proposed changes and amendments to the zoning code for Tobacco Shops and tobacco products. Additionally, the State of Ohio only requires a retail license for the sale of cigarettes through each County Auditor's office. All other tobacco products, such as paraphernalia, cigars, vaporizers, chew/snuff, and any other tobacco product that is not a cigarette, do not require retail licensing through the state. The Tobacco 21 Law, passed 10/17/2019, prohibits the sale of tobacco products to anyone under the age of twenty-one (21). The State of Ohio and local Health Departments enforce this law through compliance checks. The state and localities also provide prevention and cessation programs that follow suit to the Tobacco Free Ohio Alliance Strategic Plan for a Tobacco Free Ohio.

Locally, retail cigarette licenses are obtained through the Lucas County Auditor's office. Any licensing regarding the retail sale of tobacco products is limited just to the sale of cigarettes. Through extensive research of peer Ohio cities, see Exhibit "C", three (3) cities require all retailers who sell any type of tobacco product to obtain a Tobacco Retailer license. The three cities, Columbus, Cincinnati, and Lorain, regulate tobacco products and licensing through their respective local Health Departments.

An initiative led by a Council member in 2019 set forth to limit the procurement of vape products by youth. Ordinance 569-19, passed on 12/10/19, enacted Section 537.28, entitled "Restrictions on the Sale of Vapor Products and Electronic Smoking Devices" of the Toledo Municipal Code. This law prohibits the sale of flavored vapor and electronic smoking products in the City of Toledo. A "Retail Vapor Product Specialty Business" defined as "a commercial establishment in which the sale of Vapor Products and Electronic Smoking Devices accounts for more than 60% of the total gross receipts for the establishment" is the only type of establishment permitted to sell flavored vapor/electronic smoking products. This enactment was supported by the findings of the Federal Drug Administration (FDA) compliance checks of Tobacco Retailers in Toledo. Council found that the majority of violations during these compliance checks had occurred at non-specialty tobacco product stores.

STAFF ANALYSIS (cont'd)

Current regulations (cont'd)

Staff conducted the same research and found that between 2015 and 2025, the FDA had performed 1,252 Tobacco Retailer compliance checks in the City of Toledo. Of the 1,252 compliance checks, 372 violations had occurred. Of the 372 violations, 15 violations had occurred at a Tobacco Shop. This further supports the finding of Ord.569-19, that “the majority of incidents of minors purchasing smoking devices occur at non-specialized businesses”, along with the potential role of Tobacco Shops as a model to better monitor, regulate, and prevent the sale of Tobacco to youth.

Permitting of Tobacco Shops

In June of 2004, the current Toledo Municipal Code Part Eleven –Planning and Zoning was adopted via Ordinance 170-04. Prior to the zoning code rewrite, Tobacco Shops were classified as general retail and permitted by right in commercial districts. Convenience stores were regulated through Special Use Permit approval and spacing requirements. It is believed that establishments identified themselves as a Tobacco Shop to avoid the regulations required of convenience stores. During the zoning code rewrite, a category specifically for the regulation of Tobacco Shops was created, which required Special Use Permit approval and spacing requirements that are currently still in effect. In 2021, City Council approved Ordinance 545-21, adopting “Convenience Stores Licensing Requirements”, and in 2022, the requirement of Special Use Permit approval for convenience stores was removed from the zoning code via Ordinance 147-22.

Staff reviewed Plan Commissions’ case tracking history from 1977 to 2025. The first request for a Tobacco Shop Special Use Permit occurred in 2010. Since then, thirty (30) requests for a Tobacco Shop Special Use Permit have occurred. Between 2020 and 2025, nineteen (19) Tobacco Shops have requested a Special Use Permit. Staff compiled a list of Tobacco Shops in the City of Toledo through research of Plan Commissions records, Google Maps, Yellow Pages, and City Polk Directories. Additionally, Plan Commissions’ Zoning Compliance Specialists conducted field visits to numerous businesses that sell tobacco products to determine if such location(s) were classified as a Tobacco Shop. Currently, thirteen (13) active Tobacco Shops have an approved Special Use Permit, and three (3) have “grandfathered” legal nonconforming status. Additionally, Staff found twenty-one (21) illegal Tobacco Shops; nine (9) of which are “Retail Vapor Product Specialty Businesses”. It is possible that more illegal Tobacco Shops exist in the city than what could be found using Google Maps, field checks, and Yellow Pages directories. There are many Tobacco Retailers who sell a great amount of tobacco products but are not classified as a Tobacco Shop per TMC§1116.0249 definition. These shops advertise themselves as “smoke shops” but dedicate less than thirty-three (33%) of floor area to tobacco products and therefore are not subjected to Special Use Permit approval nor spacing requirements. The Special Use Permit for Tobacco Shops has lacked in its ability to properly capture and regulate the sale of tobacco. The Special Use Permit does not aid in the reduction of Tobacco Retailer density, especially so when non-specialty stores make up ninety-three percent (93%) of Tobacco Retailers.

STAFF ANALYSIS (cont'd)

Permitting of Tobacco Shops (cont'd)

Retailers that sell tobacco products, but not cigarettes, are not required to obtain licensing, which creates difficulties in locating all Tobacco Retailers, and illegal Tobacco/Vape Shops. A tobacco license for all Tobacco Retailers is a more effective way to recognize, locate, and regulate the sale of tobacco products rather than through zoning as found similarly for convenience stores.

Literature Review

The U.S. Centers for Disease Control and Prevention, Preventing Chronic Disease, Jenkins C., & et al. (2022) studied the variations of tobacco retailer types across community characteristics in Ohio. The study aimed to examine disparities in the distribution of tobacco retailer types by census tract poverty level, racial and ethnic composition, and urban, suburban, and rural status. In 2017 the makeup of Tobacco Retailers in the state of Ohio consisted of the following: 56.5% convenience stores, 10.8% discount stores, 8.8% grocery stores, 5.4% Pharmacies, 5.6% Bars and restaurants, 3.2% Tobacco Shops, 3.1% Alcohol stores, 2.9% Vape shops, and 3.8% listed as “other”.

Jenkins C. & et al. examined numerous studies, concluding that a higher density of tobacco retailers is associated with a higher likelihood of tobacco use among both youth and adults and a lower likelihood of cessation success. Tobacco shops were identified more often in low-racial and ethnic minority, high-poverty urban and suburban census tracts than in high-racial and ethnic minority, high-poverty urban census tracts or low-racial and ethnic minority, low-poverty suburban and rural census tracts. Vape and hookah shops had the lowest prevalence in high-racial and ethnic minority, high-poverty urban census tracts and rural census tracts. Conversely, their data shows that both convenience stores and discount stores are more prevalent in communities experiencing tobacco-related health disparities and suggests that these retailer types should be targeted for future policies to equitably reduce tobacco retailer density. A 2009 study by McCarthy W. & et al. researched the density of tobacco retailers near schools and the effects on tobacco use among students. Their findings showed that a higher density of tobacco retailers was associated with experimental smoking by high school students in urban areas.

Numerous studies have found a correlation between tobacco retailer availability or density and the use of tobacco products by adults and youth. These studies have all concluded that a higher density of tobacco retailers is highly correlated with tobacco use. Many studies have also confirmed that retail tobacco outlets disproportionately locate in areas with social and economic disadvantages, such as minority and low-income neighborhoods (Jenkins C. & et al. 2022; Novak, S. & et al. 2005; Lee, J & et al. 2021; Kong, A. & et al. 2024). Novak, S. & et al. (2005) found that in areas with a higher density of tobacco retailers, an increased encouragement to use tobacco products through point-of-sale advertisement was prevalent.

STAFF ANALYSIS (cont'd)

Literature Review (cont'd)

Additionally, evidence from a 2025 report by Poole, N. & et al. suggests that seeing a place where tobacco is sold may trigger urges to impulsively buy tobacco. The study aimed to examine if seeing cigarettes in the retail environment would lead to impulse purchases. They identified six (6) sources of exposure to tobacco in the retail environment, five (5) of which were individually associated with impulse purchases. The sources of exposure included seeing cigarette packages at the counter or checkout, seeing advertisements for tobacco, seeing other people smoking at the entrance of the shop, and seeing friends or family buying cigarettes. These findings indicate that several potential sources of exposure could play a role in impulse purchasing of tobacco products. The study also found that a greater mean exposure to tobacco was reported by people who were younger in age and living in a disadvantaged neighborhood. The study suggests limiting the places where tobacco can be sold to reduce the availability of tobacco and the possibility for young people to be exposed to tobacco in most retail environments.

A meta-analysis aimed to conduct a systematic review of evidence to inform policies that reduce density and proximity of tobacco retailers (Lee, J. & et al. 2021). This study included a literature review of thirty-seven (37) academic papers and defines tobacco retailers as stationary retail locations that sell tobacco products. Overall, the meta-analysis indicated there was an estimated 2.48% reduction in risk of tobacco use behaviors with reduced exposure to tobacco retailer density and proximity as defined by the average in the study. Findings confirm that the tobacco retail environment is an important correlate of behavior and is a potential target for policy change. Reducing the density and proximity of tobacco retailers is consistently associated with reductions in tobacco use.

Negative Effects of Tobacco and Statistics

While numerous studies cast a light on the negative secondary health effects of tobacco, the statistics drag breadth into the real implications of tobacco use. Numerous agencies, including the U.S. Centers for Disease Control and Prevention (CDC), U.S. Federal Drug Administration (FDA), World Health Organization (WHO), Tobacco Free Ohio Alliance (TFOA), and Healthy Lucas County Coalition, along with numerous anti-tobacco activists' groups, including Truth Initiative, American Lung Association, and the Campaign for Tobacco-Free Kids, have provided data, statistics, and clear insights into the smoky realm of tobacco use.

FDA Tobacco Products and Public Health Education researchers released an infographic regarding the health effects of tobacco use, attached as Exhibit "D", in May of 2024. The FDA, along with numerous other agencies, states that tobacco use remains the leading preventable cause of disease and death in the United States. Additionally, secondhand smoke from tobacco products causes more than 40,000 deaths a year.

STAFF ANALYSIS (cont'd)

Negative Effects of Tobacco and Statistics (cont'd)

CDC Smoking and Tobacco Use states that no tobacco products, including e-cigarettes/vapes, are safe. Nicotine is highly addictive and a health danger for pregnant women, and youth. Nicotine poses danger to youth brain development, increases addiction and risk for future addiction to other drugs, and greatly impacts the mental health of adolescents. The CDC has found that nearly nine (9) out of ten (10) adults who smoke daily first tried smoking by the age of 18.

Additionally, economic trends regarding tobacco were released by the CDC. It is stated that tobacco manufacturers spent nearly \$1 million every hour on advertisement and promotions in 2022. The CDC recommends each state spend a certain amount of money on tobacco prevention and cessation programs. However, only one (1) state in the U.S. funds these programs to the recommended level. The CDC stated, "For every \$1 states invest to reduce tobacco use, tobacco companies spend about \$12 promoting its use". In 2018, cigarette smoking cost the U.S. more than \$240 billion in health care spending, \$185 billion in lost productivity from smoking-related premature death, and about \$7 billion in lost productivity from premature death from secondhand smoke exposure. It is apparent that the efforts to prevent and reduce tobacco use need to be supported by additional regulations and restrictions.

The World Health Organization (WHO) conducted a study in 2024 entitled "Hooking the Next Generation: How the Tobacco Industry Captures Young Customers". This study discusses the predatory nature of the tobacco industry related to youth. Three (3) main points of the study discussed the tobacco industry's design of products that intentionally appeal to children and market them aggressively, the industry's use of misleading messages and messengers to influence public opinion and appeal to youth, and the industry works to influence policies that would protect youth. The study states that "internal tobacco industry documents, dating as far back as the 1970s, show that tobacco companies have long considered children and youth to be "replacement smokers," "pre-smokers," and a critical market to sustaining their business and the future of their brands," and their research confirms that flavor is a primary reason why youth try e-cigarettes and other nicotine and tobacco products. Tobacco companies rapidly launch new products that sidestep current laws and use every available means to expand their market share before regulations can catch up with them. Tactics used by tobacco companies to hook youth include the creation of new products with child-friendly flavors and designs, marketing near schools, displaying products near sweets at children's eye level, using social media to advertise and endorsements from influencers, sponsoring youth-oriented events, promotional pricing to make it easier to obtain or even free, diluting the perceptions of addictiveness and health risks, opposing regulations, and attempting to change the perception of the industry to a positive one.

The Tobacco Free Ohio Alliance (TFOA) is a cross-section of community and state organizations, groups, and individuals dedicated to protecting the health and well-being of Ohio residents from the harmful effects of commercial tobacco, tobacco smoke, and other nicotine products. State agencies participate as technical advisors. The TFOA has a vision of an Ohio where residents are free from exposure to the risks of commercial tobacco use.

STAFF ANALYSIS (cont'd)

Negative Effects of Tobacco and Statistics (cont'd)

TFOA has written a strategic plan for a tobacco free Ohio for 2020-2025, supported by the State of Ohio Department of Health. TFOA stated that Ohio has the ninth- highest adult smoking rate in the U.S., and youth tobacco use in Ohio had increased 88% from 2016 to 2019. E-cigarettes/vapor products are the most commonly used tobacco products by youth in Ohio. This statistic was also found and supported by the Lucas County 2022/2023 Health Assessment.

The Strategic Plan states that each year 20,200 Ohioans die from smoking-related illness, and 259,000 kids under nineteen (19) in Ohio will prematurely die from smoking-related causes. The plan also states that the annual health care costs directly caused by smoking are \$5.64 billion, Medicaid costs caused by smoking are \$1.72 billion, and residents' state and federal tax burden from smoking-caused government expenditures is \$793 per household. The priority goals of the strategic plan are to prevent youth tobacco use, promote tobacco cessation, eliminate exposure to secondhand smoke, develop and maintain sustainable infrastructure, and to investigate, monitor and evaluate issues associated with tobacco use. TFOA also found that tobacco impacts health, finances, the environment, and overall quality of life. The Ohio Department of Mental Health and Addiction Services reports that young people who consistently smoke throughout adolescence are at significantly greater risk for use of alcohol, marijuana, and abuse or dependence on other drugs. Research links smoking in adolescence to earlier onset and more episodes of major depressive disorder, anxiety disorders, and other mental health challenges.

The Lucas County 2022/2023 Health Assessment, conducted every three (3) years by the Healthy Lucas County Coalition, found that:

- 12% of adults are current cigarette smokers; 9% are e-cigarette/vapor users.
- 2% of youth are current cigarette smokers; 9% have tried a cigarette before age 13.
- 14% of youth are current e-cigarette/vapor users.

Of the youth who have used electronic vapor products, they typically had obtained them through the following ways:

- Got or bought them from a friend, family member, or someone else (55%)
- Bought them in a convenience store, supermarket, discount store, or gas station (8%)
- Bought them in a vape shop or tobacco shop (3%)
- Bought them at a mall or shopping center kiosk or stand (3%)
- Bought them on the internet, such as a product website like eBay, Amazon, Facebook Marketplace, or Craigslist (3%)
- Took them from a store or another person (2%)
- Got them in some other way (26%)

Overall, in the State of Ohio (2021), 3% of youth currently smoked cigarettes, 6% had tried a cigarette before age 13, and 20% of youth currently used electronic vapor products.

STAFF ANALYSIS (cont'd)

Negative Effects of Tobacco and Statistics (cont'd)

Negative health effects of tobacco use and secondhand smoke are well documented in numerous studies, government agency reports, and tobacco-free initiatives. Health effects of tobacco include but are not limited to; cancer, premature death, lung injury/irreversible lung damage/other respiratory issues, cardiovascular effects (impaired blood vessel functions, increased blood pressure and heart rate, increased risk of heart diseases, heart attacks, and strokes), type 2 diabetes, and is harmful to brain development, leading to mental health issues and future addictions. The risk of seizures leading to death caused by an overdose of nicotine is also a possibility.

There is a misconception that e-cigarettes and vapor products are a “healthier” alternative than traditional tobacco products; however, this is untrue. The amount of nicotine in a single puff of an electronic cigarette can be more than a whole pack of cigarettes. Regardless of the type of tobacco product, none is better than the other; all tobacco products cause negative health, social, and economic impacts to people and communities.

Geographical Location of Tobacco Shops

Plan Commission Staff has created maps as an aid to visualize and analyze the geographical locations of Tobacco Shops and Tobacco Retailers in respect to youth related uses, median income levels, and population density. Exhibit “E” reflects the location of the thirty-seven (37) identified Tobacco Shops and their current status. From observation it can be concluded that Tobacco Shops typically locate along major roads and in general commercial areas. There appears to be some clustering of Tobacco Shops near Franklin Park Mall in West Toledo and along E. Alexis Road. Exhibit “F” identifies all Tobacco Retailers in the city. From this map, clustering in the inner city by Tobacco Retailers with a lack of Tobacco Shops is apparent. Analysis of exhibit “G” and Exhibit “H” show that Tobacco Retailers that are not Tobacco Shops are more concentrated in areas with higher population density and lower median income. Tobacco Shops appear to locate in areas with lower population density and higher median income levels.

Staff mapped 113 schools in Toledo and overlaid a 1,000-foot buffer on each school to determine the number of Tobacco Shops and Tobacco Retailers that are currently within 1,000 feet of a school. Exhibit “I” shows that two (2) schools have a Tobacco Shop within 1,000 feet, whereas thirty-seven (37) schools have a Tobacco Retailer within 1,000 feet. Schools with a Tobacco Retailer within the 1,000-foot buffer are located in predominately low median income and high population density areas. One (1) of the Tobacco Shops located within the buffer has “grandfathered” status; the second Tobacco Shop within the buffer has an approved Special Use Permit as current spacing requires Tobacco Shops to be five-hundred feet (500') from youth related uses. If amendments are made to increase spacing, this one (1) Tobacco Shop would become legal non-conforming with “grandfathered” status. Additional Tobacco Shops may become non-conforming in relation to their proximity to other youth related uses. Exhibit “J” reflects the location of Tobacco Shops in proximity to all youth related uses.

STAFF ANALYSIS (cont'd)

Peer Ohio Cities

Staff reviewed an extensive number of Ohio peer cities in regard to regulations surrounding Tobacco Shops and tobacco products. We found that the City of Toledo has the most restrictive zoning regulations for Tobacco Shops compared to the other Ohio cities reviewed. Exhibit "C" identifies each city's Municipal Code section that regulates tobacco products and categorizes whether a city has Special Permits/Conditional Zoning, spacing requirements, and licensing pertaining to tobacco sales. Toledo is the only city that requires a special use permit/conditional zoning for Tobacco Shops. The city of Akron requires special permitting/conditional zoning and spacing requirements for Vape Shops, but not for Tobacco Shops. Akron also requires Vape Shops to be spaced a minimum of 2,500 feet from any other Vape Shop.

The City of Toledo and the City of Maumee are the only two (2) municipalities that require spacing regulations through Zoning for Tobacco shops. Currently, Toledo requires Tobacco Shops to be a minimum of five-hundred feet (500') away from youth related uses, whereas Maumee requires Tobacco Shops to be 1,000 feet from any youth related use, religious assembly, and hospital. Maumee also requires Tobacco Shops to be 10,560 feet (two (2) miles) from any other Tobacco Shop. The city of Lorain requires spacing of 2,000 feet from any other Tobacco Shop, and 1,500 feet from any youth related uses, regulated through their Business Department. The City of Lorain also restricts tobacco retailer density through a Tobacco Retailer License, issued by their Health Department, by limiting the number of Tobacco Retailer Licenses to one (1) per (813) residents. The City of Parma restricts the number of Vape Shops to one (1) per (10,000) persons in the city.

Cleveland, Cincinnati, and Parma regulate outdoor tobacco advertisements through their respective Business regulations. Typically, advertisements of tobacco products are prohibited within 1,000 feet of youth related uses. The majority of the peer cities reviewed did not have any zoning regulations and mostly regulated tobacco through the Offenses, Health, and Business regulations of their Municipal Code of Ordinances. It appears that majority of cities classify Tobacco Shops as general or specialty retail establishments and are permitted by right in most commercial districts.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan recognizes that children are a significant part of Toledo's population and supports land use changes that indirectly impact childhood development in a positive manner. Through increased spacing of Tobacco Shops, and potentially all Tobacco Retailers, from youth related uses, tobacco retailer density and proximity to youth related uses can be reduced. Increased spacing for Tobacco Shops is supported by the Forward Toledo Land Use Plan goal of Supporting Childhood Development.

STAFF ANALYSIS (cont'd)

Forward Toledo Comprehensive Land Use Plan (cont'd)

Business Creation was a consistently supported goal recognized by public input surveys and from a community workshop survey within the Forward Toledo Plan. Most Tobacco Shops locate within a vacant tenant space of a commercial shopping center. Tobacco Shops fill in vacant storefronts and can influence future investment and demand of commercial spaces by upkeeping the buildings they occupy and reducing the amount of vacant commercial spaces. Permitting Tobacco Shops by right as specialty or general retail is supported by the Forward Toledo goal of Business Creation.

Through the removal of Special Use Permits for Tobacco Shops and the implementation of licenses for all Tobacco Retailers, the sale of tobacco products in the city of Toledo can be better regulated. Not all Tobacco Retailers are required to obtain a Special Use Permit. Licensing of all Tobacco Retailers is supported by Forward Toledo's goal of Improved Decision Making. The proposed text amendment is supported by the Forward Toledo Comprehensive Land Use Plan goals of Supporting Childhood Development, Business Creation, and Improved Decision Making.

Conclusion and Recommendation

In 1964, the then U.S. Surgeon General Luther Terry first reported the dangerous health effects of smoking cigarettes. This has led to the decades- long cultural shift of tobacco use and the realization of tobacco's health and economic implications. In 2003, the City of Toledo banned smoking indoors. At that time restrictions on Tobacco Shops were also implicated in the Toledo Zoning Code as a means to fight back against the tobacco industry. However, as discussed in this report, Tobacco Shops make-up a major minority of Tobacco Retailers in Toledo. Tobacco Shops have been proven less likely to sell to minors, and the geographical locations of Tobacco Shops do not appear to be predatory. The tobacco industry as a whole has been proven to be predatory towards minorities, low-income populations, and youth populations. Tobacco use does have numerous negative health, social, and economic impacts. However, tobacco sales are not limited just to Tobacco Shops, and the majority of tobacco products are purchased from non-specialty tobacco retailers.

Staff recommends to the Toledo City Council that Tobacco Shops be permitted by right in the CN, CM, CS, CR, and CD zoning districts without a Special Use Permit and be subjected to spacing. Staff recommends amendments to the definitions of tobacco products and Tobacco Shops to align with state regulations. Spacing for Tobacco Shops from any youth related use should be increased from five-hundred feet (500') to 1,000 feet, and spacing of 2,000 feet from any other Tobacco Shop as proposed in Exhibit "B" should be included as an amendment. Increased spacing regulations will help to decrease the density of and youth proximity to Tobacco Shops. Furthermore, Staff recommends to the Toledo City Council that regulation of all Tobacco Retailers is warranted. Licensing for all Tobacco Retailers, selling any tobacco product would create stricter regulations of tobacco sales near youth related uses, decreasing the procurement of and addiction to tobacco products, and provide a means to decrease the density of all Tobacco Retailers in the City of Toledo.

STAFF RECOMMENDATION

Staff recommends that the Toledo City Plan Commission recommend approval of M-15-24, a text amendment to TMC§1104.0400 Use Table to remove Special Use Permits, TMC§1104.1700 adding locational criteria, and amendments to TMC§1116- Terminology, to Toledo City Council for the following two (2) reasons:

1. The text amendment addresses the concerns of the Toledo City Council in its passage of Ordinance 410-24, a request to study Tobacco Shops permitting and potential locational criteria in the City of Toledo; and
2. The text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (**TMC§1111.0506(B)**).

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-15-24
DATE: May 8, 2025
TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE
TOLEDO CITY COUNCIL
DATE: June 11, 2025
TIME: 4:00 P.M.

AV

Ten (10) exhibits follow.

Exhibit “A” (cont’d)
Existing Zoning Code

Chapter 1104
Use Regulations

1104.0107 Use Categories.

<i>Use Category</i>	<i>RS12</i>	<i>RS9</i>	<i>RS6</i>	<i>RD6</i>	<i>RM (all)</i>	<i>R MH</i>	<i>CN</i>	<i>CO</i>	<i>CM</i>	<i>CS</i>	<i>CR</i>	<i>CD</i>	<i>IL</i>	<i>IG</i>	<i>IP</i>	<i>POS</i>	<i>IC</i>
Tobacco Shop	-	-	-	-	-	-	S [13,21]	-	S [21]	S [21]	S [21]	S [21]	-	-	-	-	

[21] Subject to standards of Sec. 1104.1700 | Tobacco Shops

1104.1700 | Tobacco Shops

The following standards apply to tobacco shops.

1104.1701 Location

A tobacco shop shall not be located within 500 feet of any of the following uses: school, public park, public library, child day care center, or other use established specifically for the activities of minors.

1104.1702 Hours of Operation

The hours of operation of a tobacco shop may be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of development approval. Particular attention will be given to tobacco shops located adjacent to any residential district.

Exhibit “A” (cont’d)
Existing Zoning Code

CHAPTER 1107
Parking, Loading and Access

1107.0304 Schedule A.

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required
Commercial Use Types		
Tobacco Shop	Per Schedule B (§1107.0400)	1 per 10 parking spaces

Exhibit “A” (cont’d)
Existing Zoning Code

CHAPTER 1116
Terminology

1116.0195 Tobacco paraphernalia Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, use or ingestion of tobacco products.

1116.0196 Tobacco products Any substance containing any tobacco leaves, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing.

1116.0249 Tobacco Shop Any retail establishment that devotes 33 percent or more of floor area or display area to the sale or exchange of retail packaged tobacco products and/or tobacco paraphernalia. The use of the remaining floor area will be subject to Section 1104.0105 Developments with Multiple Principle Uses. (Ord. 154-15. Passed 03-31-15.)

Exhibit “B”
Proposed zoning code changes

Verbiage in blue italic font are additions, strikeout text are deletions.

Chapter 1104
Use Regulations

1104.0107 Use Categories.

<i>Use Category</i>	<i>RS12</i>	<i>RS9</i>	<i>RS6</i>	<i>RD6</i>	<i>RM (all)</i>	<i>R MH</i>	<i>CN</i>	<i>CO</i>	<i>CM</i>	<i>CS</i>	<i>CR</i>	<i>CD</i>	<i>IL</i>	<i>IG</i>	<i>IP</i>	<i>POS</i>	<i>IC</i>
Tobacco Shop	-	-	-	-	-	-	§ P [13,21]	-	§ P [21]	§ P [21]	§ P [21]	§ P [21]	-	-	-	-	

[21] Subject to standards of Sec. 1104.1700 | Tobacco Shops

1104.1700 | Tobacco Shops

The following standards apply to tobacco shops.

1104.1701 Location

- A. A Tobacco shop shall not be located within ~~500 feet~~ *1,000 feet* of any of the following uses: school, public park, public library, child day care center, or other use established specifically for the activities of minors.

B. A Tobacco shop shall not locate within 2,000 feet of any other existing tobacco shop.

1104.1702 Hours of Operation

The hours of operation of a tobacco shop may be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of development approval. Particular attention will be given to tobacco shops located adjacent to any residential district.

1104.1704 Exceptions

Section 1104.1700 through 1104.1701 shall not apply to the locations of current smoke shops operating prior to the passage of this section, but no smoke shop may move to a different location except as provided in Sections 1104.1700 through 1104.1701.

Exhibit “B” (cont’d)
Proposed zoning code changes

CHAPTER 1107
Parking, Loading and Access

1107.0304 Schedule A.

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required
Commercial Use Types		
Tobacco Shop	Per Schedule B (§1107.0400)	1 per 10 parking spaces

Exhibit “B” (cont’d)
Proposed zoning code changes

CHAPTER 1116
Terminology

Chapter 1116 | Terminology Sec. 1116.0100 | General Terms

1116.0115.1 Cigarettes: *includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar tobacco.*

1116.0132.5 Electronic smoking product: *Any noncombustible product, other than a cigarette or tobacco product, that (1) contains or is designed to use vapor products and (2) employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from the vapor product. "Electronic smoking product" includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, vaporizer, or similar product or device, but does not include any product regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq.*

1116.0195 Tobacco paraphernalia Cigarette Papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, *electronic cigarettes, vaporizers*, and any other item designed for the smoking, use or ingestion of tobacco *and/or vapor* products.

1116.0196 Other tobacco products: *Any substance containing any tobacco leaves, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco; including products prepared from tobacco. any product made from tobacco, other than cigarettes, that is made for smoking or chewing, or both, and snuff.*

1116.0199.1 Vapor product: *Any liquid solution or other substance that (1) contains nicotine and/or (2) is depleted as it is used in an electronic smoking product. "Vapor product" does not include any solution or substance regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq.*

1116.0199.2 Vegetated Swale

Chapter 1116 | Terminology Sec. 1116.0200 | Use Categories

1116.0249 Tobacco Shop Any retail establishment that devotes 33 percent or more of floor area or display area to the sale or exchange of retail packaged tobacco products, *vapor products, electronic smoking products*, and/or tobacco paraphernalia. The use of the remaining floor area will be subject to Section 1104.0105 Developments with Multiple Principle Uses. (Ord. 154-15. Passed 03-31-15.)

Exhibit “C”

Peer Ohio Cities

City	Code Section	SUP/Conditional zoning	Spacing	Licensing	Comment
Toledo	Zoning Auditor Health Offenses	Yes	Yes	Cigarette (auditor)	Ord.569-19 limits the sale of flavored products to “retail vapor specialty stores”. Special use permit, spacing from youth uses 500’.
Columbus	Health	No	No	All tobacco (health)	Health code bans flavored products, no zoning regs.
Cleveland	Zoning Health Business Fiscal	No	*No	Cigarette (fiscal)	Zoning classification “general retail business district”, outdoor advertisement restrictions. *Hookah & Vapor “lounges” prohibited within 1,000 ft of youth related uses; and 500 ft from any residential district or religious assembly.
Cincinnati	Health Business	No	No	All tobacco (health)	Business regs., restrict outdoor advertisement (1,000 ft from youth uses & 500 from religious assembly or hospital). Zoning classification “retail sales”.
Akron	Health Fiscal Offenses	No/*Yes	*No	Cigarette (fiscal)	Tobacco shops general retail no regulations, *Vape shops are conditional uses; spacing of 2500’ from another vape shop.
Dayton	Auditor	No	No	Cigarette	No regulations, cigarette licensed obtained through county auditor.
Youngstown	Offenses Auditor	No	No	Cigarette (auditor)	No zoning regs.
Defiance	Offenses Auditor	No	No	Cigarette (auditor)	No zoning regs.
Sandusky	Offenses Zoning Auditor	No	No	Cigarette (auditor)	Permitted in local business district “general retail sales”.
Miamisburg	Offenses	No	No	Cigarette (auditor)	No zoning regs.
Maumee	Zoning Offenses	No	Yes	Cigarette (auditor)	Spacing 10,560 ft (2 miles) from each other, 1,000 ft spacing from youth uses, religious assembly, and hospitals.
Oregon	Offenses	No	No	Cigarette (auditor)	No zoning regs.
Sylvania	Offenses	No	No	Cigarette (auditor)	No zoning regs.
Perrysburg	Offenses	No	No	Cigarette (auditor)	No zoning regs.

Exhibit “C” (cont’d)

Peer Ohio Cities

City	Code Section	SUP/Conditional zoning	Spacing	Licensing	Comment
Dublin	Health Offenses	No	No	Cigarette (auditor)	No zoning regs.
Euclid	Health Offenses	No	No	Cigarette (fiscal)	No zoning regs.
Parma	Offenses Zoning	No	No	Cigarette (fiscal)	Tobacco shops permitted as general retail no use regs., Outdoor advertisement restrictions. Vape shops permitted in Commercial manufacturing districts, the number of vape shops shall not exceed 1 per 10,000 persons of the city.
Lorain	Business Health	No	Yes (Not by Zoning)	All tobacco (health) Cigarette (auditor)	Restrictions of tobacco retailer density: total number of licenses is limited to 1 per 813 residents. 2,000' spacing from other tobacco retailers, 1,500' spacing from youth uses.

Health Effects of Smoking



Smoking harms nearly every organ in the body and leads to premature death.



In the United States,
1 of every 3 cancer deaths
is linked to smoking.

Smoking is a major cause of cardiovascular disease,
which is the single leading cause of death in the U.S.

Smoking causes
1 of every 5
deaths from
cardiovascular
disease.



Smoking increases the risk for stroke.

Deaths from stroke are
more likely among
smokers than among
former smokers or people
who have never smoked.



Nearly 8 in 10 cases of chronic
obstructive pulmonary disease
(COPD) are caused by smoking.



Smoking before, during,
and after pregnancy can
harm a baby's health.

Smoking is a cause of type 2 diabetes.



More than 38 million adults in
the United States suffer from diabetes.



Secondhand
smoke causes
more than

40,000
deaths a year.

Exhibit "D"

Exhibit 'E'

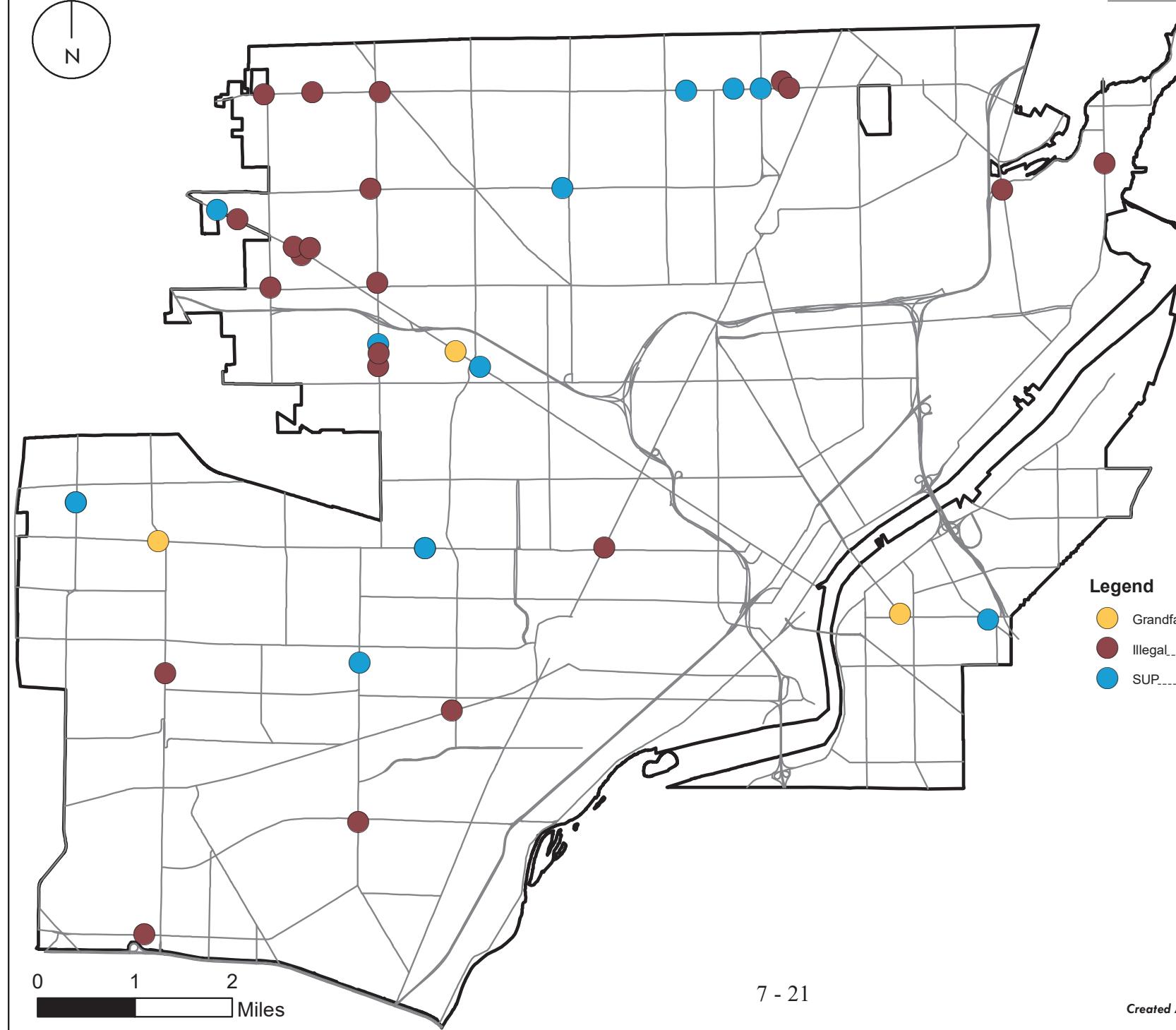
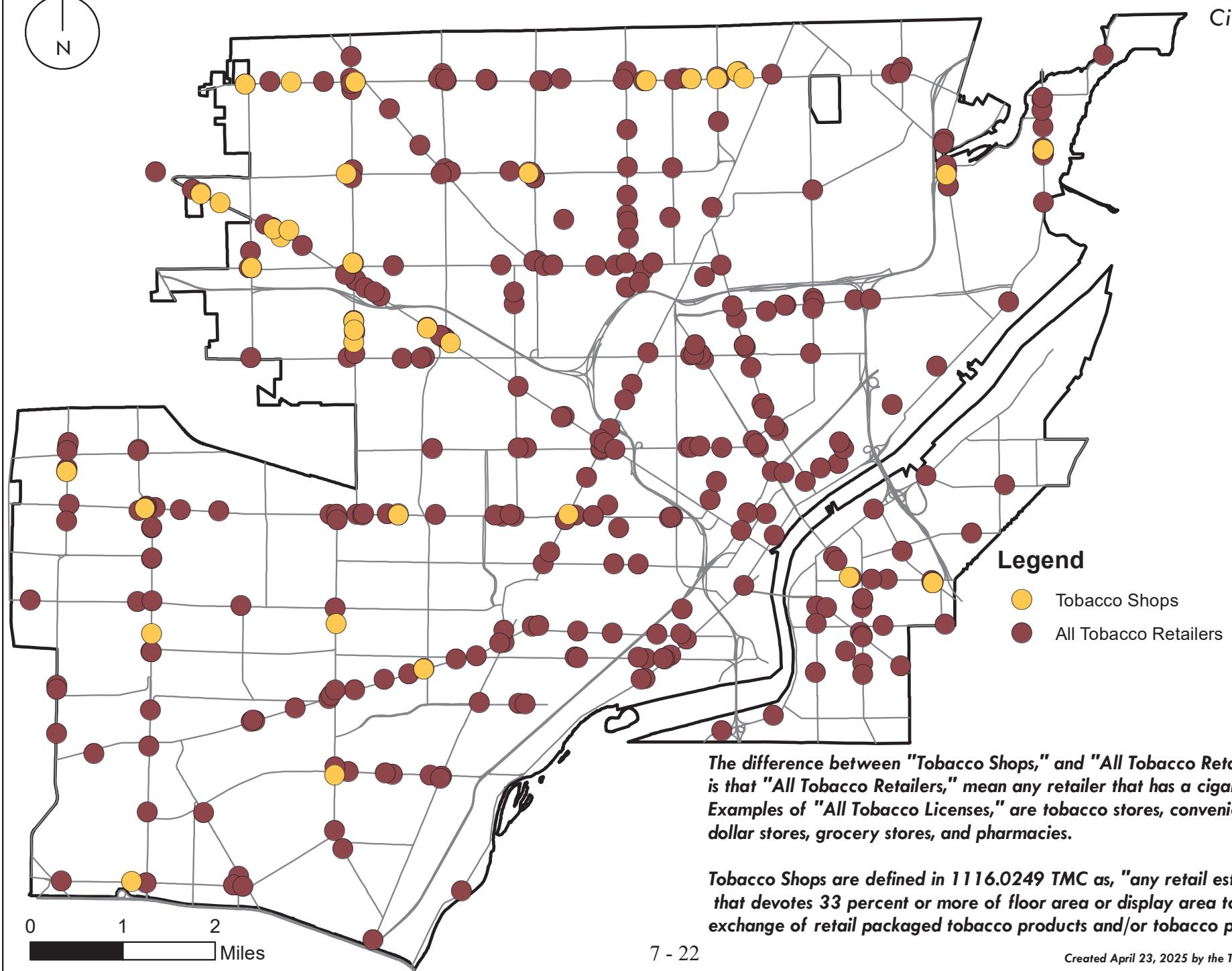


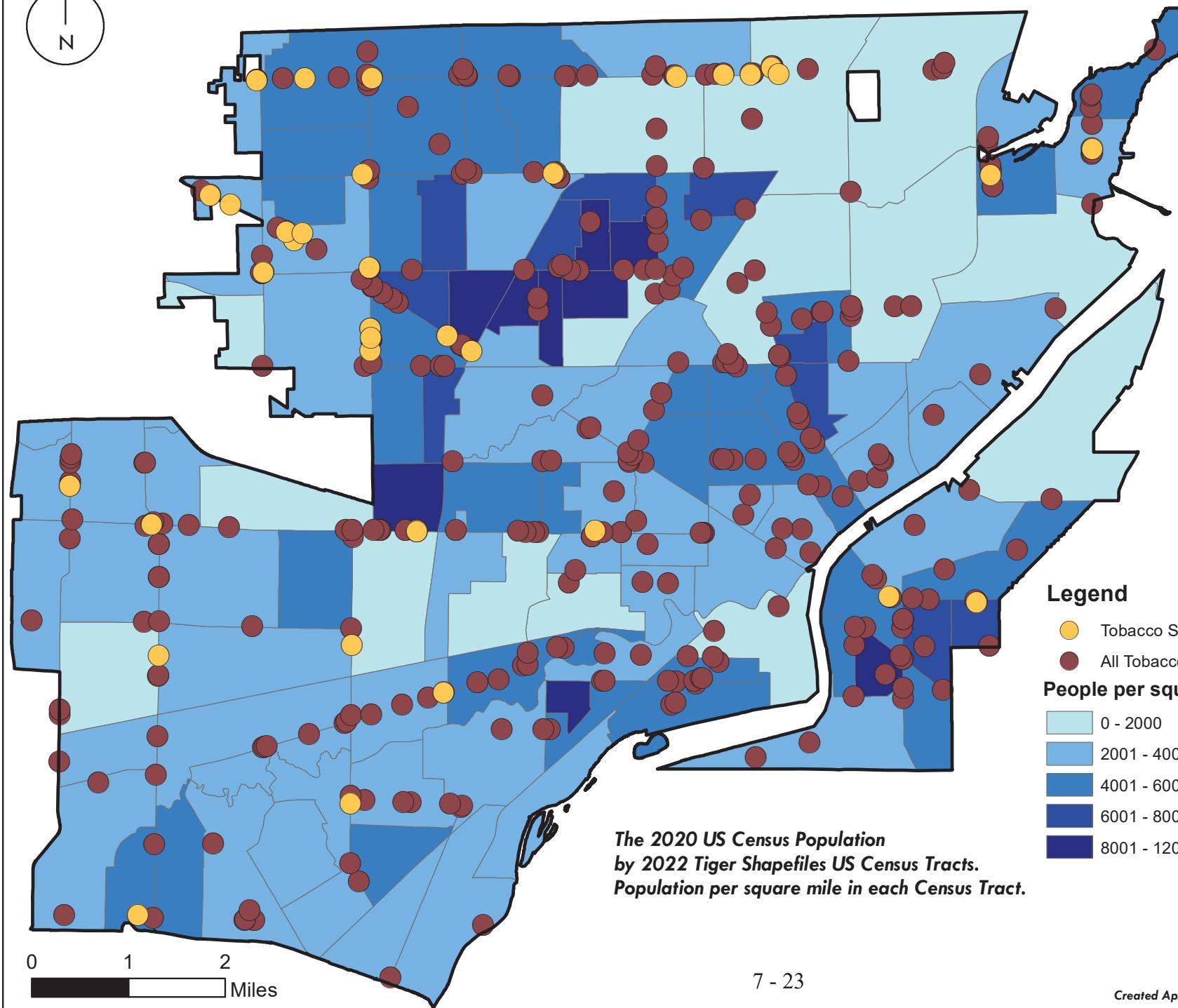
Exhibit "F"



Tobacco Shops, Tobacco Retailers, & People per Square Mile per Census Tract

City of Toledo

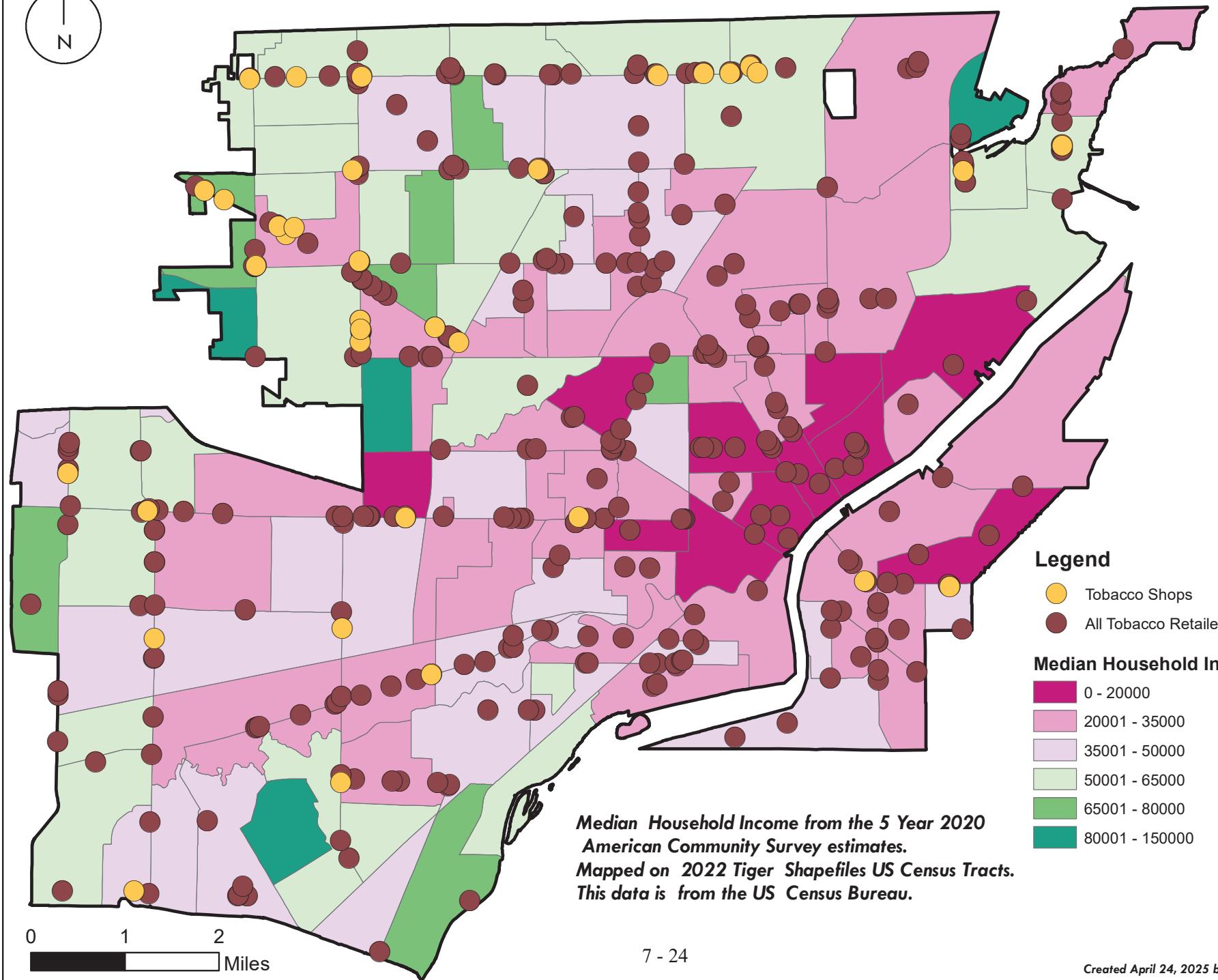
Exhibit "G"



Tobacco Shops, Tobacco Retailers, & 2020 Median Household Income

City of Toledo

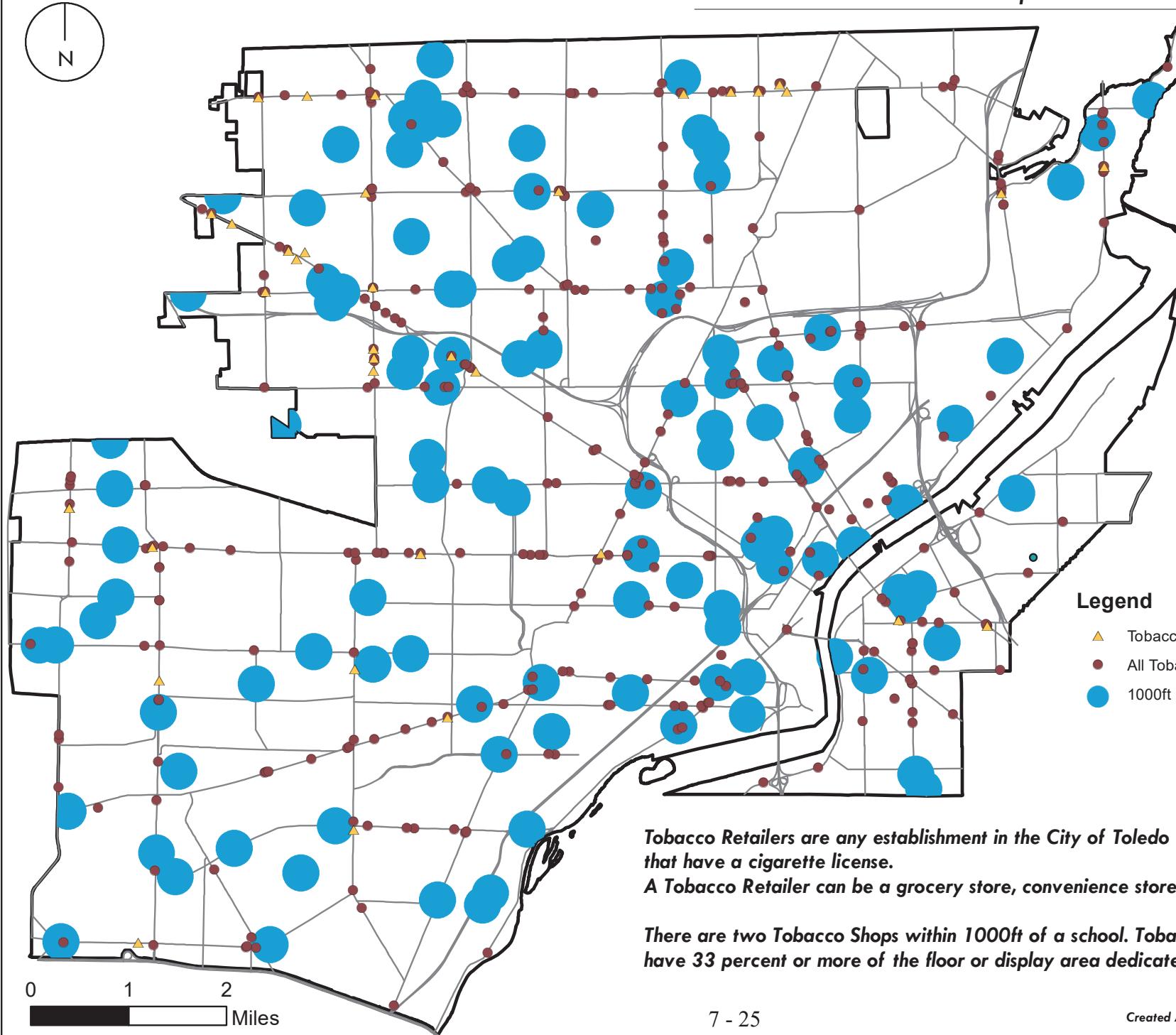
Exhibit "H"



Tobacco Retailers & Shops with a 1000ft School Buffer

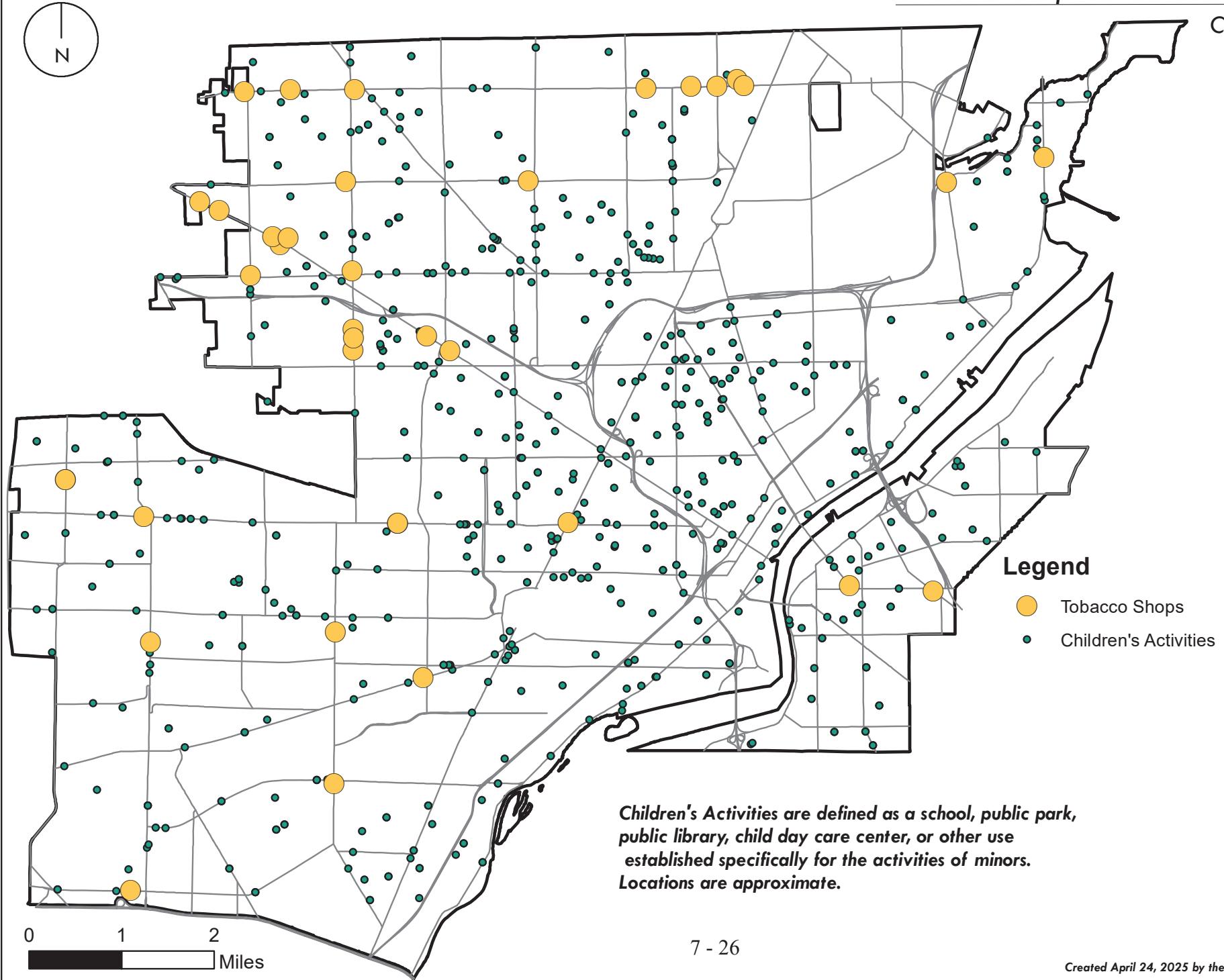
City of Toledo

Exhibit //



City of Toledo

Exhibit J



REF: M-4-25
DATE: May 8, 2024

GENERAL INFORMATION

Subject

Request	-	Modification to Various Sections of TMC Chapter 11, Changing Commissioner of Building Inspections to Planning Director
Applicant	-	Toledo City Plan Commission One Government Center, Suite 1620 Toledo, OH 43604

STAFF ANALYSIS

The Plan Commission is requesting a modification to Various Sections of TMC Chapter 11, Changing Commissioner of Building Inspections to Planning Director. This minor amendment is in relation to the adopted changes that took place last year when the Plan Commission began administering zoning compliance and enforcement. Plan Commission staff has identified multiple inconsistencies in Part Eleven – Planning and Zoning Code when referencing the Commissioner of Building Inspections instead of the Planning Director for zoning issues.

The proposed text amendment clarifies the proper office and authority for processing certain zoning applications, appeals, and other compliance issues. Additionally, there were a few sections of Chapter 11 that were not correctly updated when the new Sign Code (Chapter 1113) and Violations, Penalties & Enforcement (Chapter 1115) were updated last year (*Ord. 479-24 & Ord. 016-25*). The proposed text modifications are listed in Exhibit “A” with the proposed deletions in bold strikethrough and additions in highlighted italicized text.

Staff recommends approval of the minor text amendment since it corrects an inconsistency within the Zoning Code and the proposed amendment will support the adopted Comprehensive Plan and the stated purpose of the Zoning Code.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of M-4-25, a Modification to Various Sections of TMC Chapter 11, Changing Commissioner of Building Inspections to Planning Director, to Toledo City Council for the following **two (2)** reasons:

1. The proposed text amendment corrects an inconsistency in the Zoning Code (TMC 1111.0506(A) Review and Decision-Making Criteria) and;
2. The proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (TMC 1111.0506(B) Review and Decision-Making Criteria).

REF: M-4-25... May 8, 2024

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-4-25
DATE: May 8, 2024
TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE
TOLEDO CITY COUNCIL
DATE: June 11, 2024
TIME: 4:00 P.M.

RS

One (1) Exhibit "A" follows.

Exhibit "A"
Text Modifications

(Additions in italic highlight. Deletions in bold strikethrough.)

Chapter 1105 | Accessory Uses

1105.0400 | Home Occupations

1105.0405 Use-Related Regulations

7. The Commissioner of Building Inspection ***and/or Planning Director*** is authorized to classify uses not listed above as a prohibited home occupation if the use closely fits into one of the above prohibited use types or descriptions. (Ord. 510-21. Passed 09-28-21.)

1105.0410 General Home Occupation Permit

A. Purpose

Permits for General home occupations must be obtained from the Commissioner of Building Inspection ***and/or Planning Director*** prior to their establishment. The permit requirements are intended to ensure:

1. that the applicant is aware of the provisions of this Zoning Code governing home occupations;
2. that the City has all information necessary to evaluate whether the proposal initially meets and continues to meet Zoning Code regulations; and
3. that the distribution and location of General home occupations is known.

B. Procedure

A home occupation permit for General home occupations will be issued by the Commissioner of Building Inspection ***and/or Planning Director*** for a 2-year period. It is the responsibility of the applicant to obtain the permit every 2 years. The review process requires the applicant to submit an affidavit pledging agreement with these conditions and documentation that the proposal is a General home occupation. The permit is tied to the applicant and not to the lot occupied by the home occupation; permits are not transferable to other sites or other operators.

Chapter 1108 | Landscaping and Screening

1108.0100 | General

1108.0104 Building Permits and Certificates of Use and Occupancy

B. Certificates of Use and Occupancy

1. If landscape and screening has not been installed in compliance with the applicable standards of this Chapter within 180 days, the **Commissioner of Building Inspection** ***Planning Director*** shall authorize use of the funds or financial security to acquire and install required landscaping and screening.

Chapter 1111 | Development Approval Procedures

1111.0100 | General

1111.0103 Form of Application

Applications required under the Zoning Code must be submitted in a form and in such numbers as required by the Toledo City Plan Commission ~~or the Division of Building Inspection~~. Application forms and checklists of required submittal information shall be available in the Toledo City Plan Commission ~~or the Division of Building Inspection~~.

Exhibit "A" (cont'd)
Text Modifications

(Additions in italic highlight. Deletions in bold strikethrough.)

1111.0105 Application Filing Fees

Applications must be accompanied by the fee amount that has been established by the City Council and available at the Toledo City Plan Commission ~~and the Division of Building Inspection~~. Fees are not required with applications initiated by review or decision-making bodies. Any fee refund is solely at the discretion of the Planning Director ~~or Commissioner of Building Inspection~~.

1111.1100 | Certificates of Appropriateness

1111.1107 Initial Hearing Procedures

A. A public hearing on an application for a Certificate of Appropriateness must be conducted at the next regularly scheduled Historic District Commission meeting, no later than 45 days after the filing of the application. The Historic District Commission chairperson may call special meetings with the applicant for consultation at his or her own discretion or at the request of the Commissioner ~~of the Division~~ of Building Inspection ~~and/or Planning Director or Commissioner of Code Enforcement~~ prior to the regularly scheduled Historic District Commission meeting.

1111.1900 | Written Interpretations

1111.1901 Application Filing

A. Any person may apply to the ~~Commissioner of Building Inspection~~ *Director of the Planning Commission* for a written interpretation of this Zoning Code.
B. For existing nonconforming use verification see Sec. 1114.0107.

1111.1902 Additional Information

The person applying for an interpretation shall provide such additional information as the ~~Commissioner of Building Inspection~~ *Planning Director* requests as necessary for a proper determination. The ~~Commissioner~~ *Planning Director* may refuse to issue a written application if the person fails to provide the additional information.

1111.1903 Review and Decision

After receiving a complete application for a written interpretation, the ~~Commissioner of Building Inspection~~ *Planning Director* must:

- A. review and evaluate the application in light of this Zoning Code, the Comprehensive Plan, and any other relevant documents;
- B. consult with the **Planning Director**, Law Director and other staff as necessary; and
- C. render a written interpretation.

1111.1905 Official Record of Interpretations

An official record of interpretations is kept on file ~~in with~~ the ~~Division of Building Inspection~~ *Planning Commission*. The record of interpretations is available for public inspection during normal business hours.

1111.1906 Appeals

Appeals of the ~~Commissioner of Building Inspection~~ *Planning Director*'s written interpretation may be taken by the applicant to the Zoning Board of Appeals in accordance with procedures of Sec. 1111.2000. If the appeal results in a change of interpretation, the new interpretation must be filed in the official record of interpretations.

Exhibit "A" (cont'd)
Text Modifications

(Additions in italic highlight. Deletions in bold strikethrough.)

Chapter 1112 | Review and Decision-Making Bodies

1112.0200 | Board of Zoning Appeals

1112.0208 Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties:

A. Appeals of Commissioner of Building Inspection *and/or Planning Director* Decisions

1. To hear and decide appeals of the decisions of the Commissioner of Building Inspection *or Planning Director* concerning the enforcement of the provisions of this Zoning Code in accordance with the procedures of Sec. 1111.2000.

2. To hear and decide appeals of the decisions of the Commissioner of Building Inspection *or Planning Director* concerning the provisions of ~~Part 13 – Title 9 – Sign Code Chapter 1113 – Signs~~ in accordance with the provisions of Sec. 1111.2000.

Chapter 1113 | Signs

1113.0100 | General

1113.0103 Application for Permit

Application for a permit shall be made to the **Division of Building Inspections Planning Commission** and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City including:

D. Colored drawings showing the dimensions, construction supports, foundation, electrical wiring and components, specific materials of the sign and method of attachment and specifications of structure members for attachment. The design, quality, materials and loading shall conform to the requirements of the Ohio Building Code, as amended. If the sign is over 42 inches in height, over 20 square feet in area, or otherwise required by the Division of Building Inspections *or Planning Commission*, engineering data shall be supplied on plans submitted certified by a duly licensed structural engineer.

1113.0800 | Removal and Disposition of Signs

1113.0805 Disposal of Signs; Fees

B. When the Sign Inspector orders the removal of a sign and/or sign structure, ~~he~~ *they* may give written notice of the removal order to the owner or operator, together with a brief written statement of the reasons for the order.

1113.0806 Assessment Procedure

D. If it shall be necessary for the Sign Inspector to remove a sign pursuant to the provisions hereof, and it should be practicable to sell or salvage any material derived in the aforesaid removal, ~~he~~ *they* may sell the same at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be deposited in the General Fund of the City, and any differences between the amount so received and the cost of the removal shall be levied as an assessment against the property on which the sign is located, by Council certified to the Auditor of Lucas County, and collected as any other assessment by the City of Toledo. Should the proceeds of the sale of such salvaged material exceed the cost of such removal, the over-plus, if any, shall be paid to the owner of the premises from which such sign was removed, or to the owner of such sign, whichever land whenever proper claim therefor is established.

Exhibit "A" (cont'd)
Text Modifications

(Additions in italic highlight. Deletions in bold strikethrough.)

1113.0906 Penalty

C. Every person concerned in the violation of or failure to comply with this Chapter, whether ~~he~~ they directly commits the act or aids and abets the same, and whether present or absent, shall be proceeded against and held as principal.

1113.1100 | License Required

1113.1101 Sign Contractor's License

No person shall perform any work or service for any business, organization, person, government entity or otherwise in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign in the City unless such person or his or her employer has first obtained a Sign Contractor's License from the ~~Division of Building Inspections~~ Planning Commission, or shall be represented by a duly licensed agent or subcontractor.

A. Before any manufacturer can engage in the manufacturing of an electrical sign, ~~he~~ they must demonstrate the ability to issue the UL (48) electrical label pertinent to electric signs, electrical sign specification or some similar electrical labeling requirement and any other requirements as recommended by the National Electrical Code.

1113.1102 Application

A. All prospective applicants for the sign contractor's license must first pass a test which will be offered on or about June 1 and December 1 of each year.

B. An application for a license shall be made in writing upon blanks furnished by the ~~Division of Building Inspections~~ Planning Commission.

C. Nothing herein shall be construed to mean that any sign contractor shall be required to secure separate licenses for each class of work mentioned.

D. On the filing of such application, upon passing the written examination and upon payment of the registration fee and qualifying as herein provided, the ~~Division of Building Inspections~~ Planning Commission shall issue to such applicant a license which shall bear the following:

Chapter 1114 | Nonconformities

1114.0100 | General

1114.0107 Certificate of Zoning Compliance

For existing nonconformities, landowners may request and obtain a Certificate of Zoning Compliance from the ~~Commissioner of Building Inspection~~ Planning Commission.

A. Subject to verification procedures established by the ~~Commissioner of Building Inspection~~ Planning Commission, nonconformities documented in a Certificate of Zoning Compliance shall be deemed to be legal nonconformities to the extent documented in the Certificate.

B. A record of all Certificates of Zoning Compliance shall be kept on file in the office of the ~~Division of Building Inspection~~ Planning Commission.

Exhibit “A” (cont’d)
Text Modifications

(Additions in italic highlight. Deletions in bold strikethrough.)

Chapter 1115 | Violations, Penalties and Enforcement

1115.0100 | Responsibility for Enforcement

1115.0101 It is the duty of the **Commissioner Director** of Building and Code Compliance, and the Planning Director, or their designees, to enforce this Zoning Code.

1115.0102 It is also the duty of all officers and employees of the City and especially of all members of the Police Department and Fire Department to assist the **Commissioner of Building Inspection and the Commissioner Director of Building and of Code Compliance and the Planning Director Enforcement** by reporting apparent violations of the Zoning Ordinance. The **Commissioner of Building Inspection and the Commissioner of Code Enforcement Director of Building and Code Compliance and the Planning Director** may authorize Police and Fire Officers to act on his or her behalf to enforce the provisions of this Zoning Code.

1115.0500 | Remedies and Enforcement Powers

1115.0502 Revoke Permits

A. Any permit or other form of authorization required and issued under this Zoning Code may be revoked by the Commissioner of Building Inspection *and/or Planning Director* when the Commissioner *and/or Director* determines that:

1115.0503 Stop Work

Whenever a structure or part thereof is being constructed, reconstructed, altered, or repaired, or other development is occurring, in violation of this Zoning Code, the Commissioner of Building Inspection *and/or Planning Director* may order the work to be immediately stopped.

1115.0506 Penalties

B. Illegal and unauthorized **work activity** completed prior to issuing the required permit or approval shall also be subject to a doubled permit *and/or application* fee and a fine per TMC 1115.0507.

Chapter 1116 | Terminology

1116.0100 | General Terms

1116.0141 Household

One or more persons occupying a dwelling unit as a functional unit. A functional unit is either a family, one or more persons related to each other by blood, adoption, or marriage; or two or more persons whose relationship is functionally equivalent to a family but who are not related by blood, adoption, or marriage. Persons occupying a boarding house, hotel, lodging house, group rental dwelling, or fraternity or sorority house, as herein defined do not constitute a household. In determining whether a group of unrelated persons is a household under the definition set forth above, the Commissioner of Building Inspection and/or the **Commissioner of Code Enforcement Planning Director** shall apply the factors set forth in Sec. 1115.0900 or such of those factors as may reasonably be known to the Commissioner *and/or Director* on the date of determination.

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REF: M-1-25
DATE: May 8, 2025

GENERAL INFORMATION

Subject

Request - Amendment to TMC 517, 736, 1104, & 1116 to add licensing requirements for Electronic Gaming Parlors.

Applicant - Toledo City Plan Commission
One Government Center, Suite 1620
Toledo, OH 43604

STAFF ANALYSIS

The proposed Text Amendment to TMC Chapters 517, 536, 1104, 1107, and 1116 seeks to better regulate Internet Cafés, Sweepstake Terminal Cafés, and Electronic Gaming Parlors within the City. Ohio Revised Code Chapter 2915 *Gambling* prohibits gambling within the State while carving out exceptions. Internet Cafés as we know them are not defined within this chapter, but have attempted to fall within a variety of these exceptions over the past decade. They were originally considered Sweepstakes Terminal Cafés (hosting Games of Chance); however, statewide crackdowns and amendments to the Ohio Revised Code have forced them to operate their games with an element of skill. Games of skill are regulated by the Ohio Casino Control Commission, who issues licenses for such “skill-based amusement machines” if they comply with state regulations. The City of Newark recently implemented a change to their licensing requirements which ensured all internet-café-type businesses within their city obtained a license through the Ohio Casino Control Commission prior to the issuance of a local business license. Conversations with the City of Newark and the Ohio Casino Control Commission have revealed that this regulation has been successful in shutting down noncompliant businesses. The proposed text amendment seeks to implement a similar requirement. Staff believes this will be an effective way to regulate these types of businesses and seeks also to remove the Special Use Permit requirement for them.

TMC Chapter 736: Licensing

TMC Chapter 736 currently requires Sweepstake Terminal Cafés to obtain an annual license through the Division of Taxation and Treasury. Sweepstake Terminal Cafés are a type of business which offers games of chance. As stated previously, state regulations have severely limited the number Sweepstakes Terminal Cafés in our city. Many instead offer games of skill and call themselves the undefined “Internet Café”. The proposed amendment to TMC Chapter 736 seeks to replace the chapter entirely with Exhibit “A” attached. This new Chapter 736 *Electronic Gaming Parlors* has been created by taking the current chapter and integrating the relevant sections of the City of Newark’s licensing chapter. It also renames the section to “Electronic Gaming Parlors” and defines such businesses as: “any business, establishment, or location operated for profit which employs the use of one or more Electronic Games of Skill or Electronic Games of

STAFF ANALYSIS (cont'd)

TMC Chapter 736: Licensing (cont'd)

Chance in any one location.” The effect of the new chapter, beyond the name change, is that internet-café-type businesses are licensed similarly to how they currently are, but they must include a copy of “A license issued by the State of Ohio showing compliance with State regulations.” The Division of Taxation and Treasury could then only issue a business license should the business provide a valid license issued by the State of Ohio.

TMC Chapter 517: Gambling

TMC Chapter 517 is essentially an echo of Ohio Revised Code Chapter 2915 *Gambling*, which as stated previously prohibits gambling while carving out exceptions. As currently codified, this TMC chapter has not been amended to match recent amendments to ORC Chapter 2915. The proposed text amendment seeks only to bring the TMC chapter close enough to the ORC Chapter to ensure internet-café-type businesses are regulated in-line with the ORC Chapter. Proposed changes to TMC Chapter 517 are shown in Exhibit “B”.

TMC Part 11: Planning and Zoning Code

Proposed amendments to the zoning code are limited in scope. Staff believes the proposed changes to the gambling and licensing chapters above will allow effective enforcement of current regulations without the need for a special use permit process. As such, the proposed amendment redefines Sweepstakes Terminal Cafés as Electronic Gaming Parlors and matches said definition with the one proposed in Chapter 736. It then removes the special use permit requirement for such use, instead permitting them by right in CR (Regional Commercial) districts. Lastly, the proposed amendment seeks to change TMC§1104.2500 *Sweepstake Terminal Cafés*, renamed to *Electronic Gaming Parlors*, so as to require that “Electronic Gaming Parlors shall obtain a license as required by Chapter 736 prior to occupancy.” The spacing requirement imposed upon Sweepstake Terminal Cafés by this section also remains.

Enforcement

The proposed Chapter 736 levies Plan Commission Staff, and our Zoning Compliance Specialists, as the enforcement agency for its provisions. The Ohio Casino Control Commission, through our conversations with them regarding this text amendment, has agreed to assist with our efforts to enforce these provisions. Our Zoning Compliance Specialist may also seek assistance from the Toledo Police Department for any criminal charges.

Forward Toledo Comprehensive Land Use Plan

One of the goals under the build theme is to Improve Decision-making. The goal details that zoning codes, subdivision regulations, and other development standards and permitting processes have grown increasingly complex with time. While these reviews are important and consider a wide range of impacts, it can be difficult to navigate the system and start a new business. The proposed text amendment is compatible with the Forward Toledo Plan as it streamlines permitting and enforcement of Electronic Gaming Parlors.

STAFF RECOMMENDATION

Staff recommends that the Toledo City Plan Commission recommend approval of M-1-25, a text amendment to TMC 517, 736, 1104, & 1116 to add licensing requirements for Electronic Gaming Parlors, to Toledo City Council for the following two (2) reasons:

1. The text amendment regulates Sweepstakes Terminal Cafés, Internet Cafés, and Electronic Gaming Parlors in a way that is consistent with the provisions of the Ohio Revised Code; and
2. The text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (**TMC§1111.0506(B)**).

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-1-25
DATE: May 8, 2025
TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE OF
CITY COUNCIL
DATE: June 11, 2025
TIME: 4:00 P.M.

AS
Four (4) Exhibits follow

Exhibit “A”
Proposed Replacement

CHAPTER 736
Electronic Gaming Parlors

736.01 Applicability.

736.02 Definitions.

736.03 License Required.

736.04 License Fees.

736.05 License Revocation.

736.06 Miscellaneous operating requirements.

736.07 Severability.

736.99 Penalties.

CROSS REFERENCES

Gambling - see GEN. OFF. [517.02](#) et seq.

General business licensing provisions - see BUS. REG. [Ch. 701](#)

736.01. Applicability.

This Chapter shall apply to the operation of Electronic Games of Skill and/or Electronic Games of Chance that are lawfully operated pursuant to the Ohio Revised Code and does not legalize or license any operation of a device that is unlawful to operate pursuant to the Ohio Revised Code. This Chapter shall apply immediately to all Electronic Gaming Parlors that commence operations after the date of the enactment of this Chapter. All Electronic Gaming Parlors in operation at the time of enactment of this Chapter shall come into compliance with all Sections of this Chapter no later than thirty (30) days after enactment of this Chapter, unless otherwise stated herein.

736.02. Definitions.

As used in this chapter:

(a) “Electronic Games of Skill” means the same as a Skill-Based Amusement Machine as defined in Sec. 517.01.

(b) “Electronic Games of Chance” means the same as a Sweepstakes Terminal Device as defined in Sec. 517.01.

(b) “Electronic Gaming Parlor” means any business, establishment, or location operated for profit which employs the use of one or more Electronic Games of Skill or Electronic Games of Chance in any one location. The definition of “Electronic Gaming Parlor” shall not include any location or establishment operated by any charitable

organization as defined at ORC 2915.01(H), fraternal organization as defined at ORC 2915.01(M), or service organization as defined at ORC 2915.01(O) provided no such organization has on its premises for use at any given time ten or more Electronic Games of Skill or Electronic Games of Chance and provided that all proceeds from such Electronic Games of Skill or Electronic Games of Chance are applied to the charitable purposes of the organization.

(c) "Owner" means any person, partnership, or other entity having possession of any Electronic Game of Skill or Electronic Game of Chance or any person operating an Electronic Gaming Parlor.

736.03. License Required.

(a) No person shall operate an Electronic Gaming Parlor without first obtaining an annual license to operate therefor from the City of Toledo Department of Finance, Division of Taxation and Treasury. The license to operate shall first be obtained prior to the initial operation of the Electronic Gaming Parlor and annually thereafter, with the subsequent annual application and associated fee due prior to the 1st day of August of each calendar year. For calendar year 2025, all applicants must file by August 1st and all license fees must be paid by September 30th, 2025.

(b) Any person, partnership, corporation, organization, or other entity applying for a license to operate a non-exempt Electronic Gaming Parlor in the City must be licensed by the State of Ohio and in compliance with all State regulations.

(c) An owner shall make an application in writing to the City of Toledo Department of Finance, Division of Taxation and Treasury. The application shall set forth:

(1) The name and federal tax identification number under which the business is to be conducted;

(2) A license issued by the State of Ohio showing compliance with State regulations;

(3) The location where the business is conducted, with a description of the premises, including a scaled diagram;

(4) The name, address, and government issued photo identification of all managers, supervisors, and all other employees;

(5) The name, address, and government issued photo identification of the owner or owners of the Electronic Games of Skill or Electronic Games of Chance;

(6) The name, address, government issued photo identification and principal occupation of every person with an interest in the business;

(7) If the business is conducted by:

A. A sole proprietorship, the name, home address, government issued photo identification and principal occupation of that individual.

B. A firm, Limited Liability Company or partnership, the names, home addresses, government issued photo identification and principal occupations of each member of the firm or partnership.

C. A corporation, the names, home addresses, government issued photo identifications and principal occupations of all officers and shareholders and the statutory agent;

(8) If a corporation or limited liability company, a certificate of good standing from the Ohio Secretary of State.

(9) The name, description, model number and serial number of each Electronic Game of Skill or Electronic Game of Chance on the premises and any other device on the premises that is necessary to the operation of the device;

(10) A list of each separate prize that may be given out and each separate dollar amount that may be given; and

(11) The name and address of any and all persons, businesses or organizations that provide games, computer software, equipment, services, or operate devices linked to the licensee's Electronic Games of Skill or Electronic Games of Chance, whether any such provisions are sold, leased or licensed.

(d) The person, partnership, corporation, or other entity operating or conducting the business shall have a continuing duty to inform the City of Toledo Department of Finance, Division of Taxation and Treasury to changes in the information required in this section. No person, partnership, corporation, or other entity shall operate an Electronic Gaming Parlor at any time unless the information on file with the City of Toledo Department of Finance, Division of Taxation and Treasury is current and accurately reports the licensing information at the time of operation.

(e) The City of Toledo Department of Finance, Division of Taxation and Treasury shall approve or reject an application within twenty-one (21) business days of receipt.

(1) If an application is rejected, the City of Toledo Department of Finance, Division of Taxation and Treasury shall notify the applicant in writing, with reasons for rejection.

(2) If an application is approved, the City of Toledo Department of Finance, Division of Taxation and Treasury shall notify the applicant in writing of said approval and shall issue a license to operate. No person shall operate an Electronic Gaming Parlor until such approval is granted and said license to operate is issued.

(f) The City of Toledo Department of Finance, Division of Taxation and Treasury shall not issue a license to any person, partnership, corporation, or other entity if any of the persons with an interest in the business or if any of the employees of the business have been convicted of a violation of a federal or state statute or of any local ordinance pertaining to gambling or other crime of moral turpitude within five years preceding the application. The City of Toledo Department of Finance, Division of Taxation and Treasury shall also not issue a license to any person, partnership, corporation, or other entity if they are not licensed by the State of Ohio showing compliance with all State regulations.

(g) As a prerequisite to the issuance of such license, an inspection shall be made of the premises by the City of Toledo Bureau of Fire Prevention. A license shall not be approved until the City of Toledo Bureau of Fire Prevention gives its approval.

(h) The Director of the City Plan Commission (Planning Director), or their designated representative, is 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 required and obtained. Where permission to enter has not been obtained, is denied, or the Planning Director has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard, the Planning Director shall have recourse to the remedies provided by law to secure entry.

(i) Failure to register or pay a license fee for an Electronic Game of Skill or Electronic Game of Chance shall be grounds for suspension or revocation of the license for the Electronic Gaming Parlor and said device shall be subject to seizure and forfeiture to the City.

736.04. License Fees.

(a) For the license of an Electronic Gaming Parlor, the fee shall be five hundred dollars (\$500.00) for each location plus an additional twenty dollars (\$20.00) for each Electronic Game of Skill or Electronic Game of Chance that will be located on the premises during the following annual period. This license fee shall be paid at the time of initial or annual application to the City of Toledo Department of Finance, Division of Taxation and Treasury and shall be non-refundable. For purposes of determining licensing fees, each device that is operable by one or more persons is a separate device.

(b) If an Electronic Game of Skill or Electronic Game of Chance is brought to the premises following payment of the annual license fee, such additional fee as required by Section 736.04(a) shall be paid upon informing the City of Toledo Department of Finance, Division of Taxation and Treasury as required by Section 736.03(d).

(c) Licenses issued under this article shall not be transferable to any other person, partnership, corporation, or other entity and the business may be conducted only at the location for which the license is issued. The license must be so placed as to be made conspicuously visible and shall list each Electronic Game of Skill and Electronic Game of Chance with serial number.

(d) License fees received by the City of Toledo Department of Finance, Division of Taxation and Treasury shall be deposited to the general fund and subject to appropriation by City Council for purposes consistent with the purposes of this Chapter.

736.05. License Revocation.

(a) An Electronic Gaming Parlor License Review Board is hereby created to hear complaints concerning electronic gaming parlor licenses. The Board shall consist of the Director of Law, the Safety Director, the Director of Inspection, the Finance Director, and the Director of the Toledo City Plan Commission or their respective designees.

(b) A license may be suspended or revoked at any time by the Board on satisfactory proof that violation of the laws of the State of Ohio, the Codified Ordinances of the City of Toledo or this Chapter occurs at an Electronic Gaming Parlor. In addition to any license suspension, the Board may assess the licensee a penalty fee of not less than \$500.00 or more than \$1000.00 for any violation of this Chapter. Each day a continuing violation exists shall constitute a separate violation for purpose of assessing penalty fees. Suspensions, revocations and assessments of penalty fees by the Board is in addition to and separate from any criminal liability and does not preclude criminal prosecution for any violation of this article or other County, State of Ohio or federal laws. Penalty fees shall be disposed of in the same manner as license fees as set forth in Section 736.04(d).

(c) Any resident of the City of Toledo may submit a written notice of complaint to the Director of the City Plan Commission (Planning Director), regarding any Electronic Gaming Parlor located within the City of Toledo. The notice of complaint may include the name, phone number and address of the resident, the address of the location, the OCA device number, if applicable, and the specific reasons why the resident is complaining. The Planning Director, or their designated representative, is 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 required and obtained. Where permission to enter has not been obtained, is denied, or the Toledo City Plan Commission has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard, the Plan Commission shall have recourse to the remedies provided by law to secure entry.

(d) The Planning Director may interview the complainant and inquire as to the specific reasons for the complaint. The Planning Director may dismiss the complaint if it is determined that:

(1) The specific reasons listed in the complaint are not proper grounds for suspension or revocation of the license; or

(2) There are not substantial credible facts to support the complaint by the resident.

(e) No appeal shall lie from the decision of the Planning Director to dismiss a complaint.

(f) If the complaint is not dismissed by the Planning Director, the Director will then notify the licensee and the owner of the devices on the premises, as listed on the license application, that a complaint has been filed and will set a date for a fact-finding conference on the matter. Extensions will be granted and necessary investigations will be conducted at the discretion of the Planning Director. The Planning Director may request the assistance of a law enforcement agency, including the Toledo Police Department, the Ohio Casino Control Commission, or the Ohio Attorney General, to assist in the investigation. The Planning Director and any assisting law enforcement agency officer shall have access to the Electronic Gaming Parlor and the records of the licensee during all times that the Electronic Games of Skill or Electronic Games of Chance are available for play.

(g) At the time of the conference, the resident, the licensee, and the owner of the devices will meet and attempt to amicably resolve the situation. If the resident, licensee, and the owner can reach an amicable solution, the Planning Director will issue a written notice directing the licensee to comply with the agreed resolution of the complaint.

(h) If the parties cannot agree upon an amicable solution to the problem, the Planning Director will transmit the complaint, together with its recommendation thereon, to the Electronic Gaming Parlor License Review Board. The Planning Director's recommendation may be for dismissal of the complaint, suspension of the license and assessment of penalty fees, or revocation of the license.

(i) The Board may accept, reject, or modify the recommendation of the Planning Director. The resident, the licensee and the owner of the devices, as listed on the license application, shall be notified in advance by any method or combination of methods consistent with the Ohio Rules of Civil Procedure regarding service of a complaint. Notice shall include the day, time and location of the hearing to consider the complaint; and shall advise the licensee, if they so choose, be present during consideration of the complaint. The licensee shall be advised of its right to have the right to be represented by counsel, and have the right to examine and cross-examine witnesses and to call witnesses on its behalf. Consideration of the complaint before the Board shall be a public hearing which shall be held within 30 days after said notice is given. The Board shall enter its decision the day of hearing. In the event of a decision and ruling adverse to the licensee, the licensee shall have the right to appeal such decision and ruling to a court of competent jurisdiction under authority of and pursuant to the provisions of Chapter 2506 of the Ohio Revised Code.

(j) The complaint process set forth in this section is separate and distinct from any law enforcement action taken to enforce the laws of the State of Ohio or the Codified Ordinances of the City of Toledo and this Chapter, and is not a condition precedent or otherwise an impediment to enforcement of said laws by criminal prosecution.

736.06. Miscellaneous Operating Requirements.

(a) Any Electronic Gaming Parlor shall have an adult who is 21 years of age or over on the premises and supervising at all times the Electronic Games of Skill and/or Electronic Games of Chance during all hours of operation.

(b) The interior of the Electronic Gaming Parlor shall provide a minimum area of 30 square feet per Electronic Game of Skill or Electronic Game of Chance in each room in which games are located.

(c) No operator shall fail to maintain order and quiet on the premises so as not to violate the public peace.

(d) No persons under the age of eighteen years shall be permitted on the premises of any Electronic Gaming Parlor.

(e) The owner shall require a photo identification of every person to whom anything of value is given in connection with the Electronic Gaming Parlor. By the second Tuesday of each month the operator shall cause to be delivered to the City of Toledo

Department of Finance, Division of Taxation and Treasury a copy of the record of things given to persons during the preceding month.

(f) The owner shall post in a conspicuous place on the premises in the room where Electronic Games of Skill or Electronic Games of Chance are located in no less than twenty point type:

(1) Each separate prize that may be given and each separate dollar amount that might be given.

(2) A complete statement of the rules and conditions pertaining to the giving of any prizes or anything of value to any person, whether or not the determination the giving of the thing of value or the delivery of the thing of value occurs totally within the confines of the premises or requires some event, occurrence or happening at another location.

(g) The owner shall keep a complete set of all records of the operations at the premises at all times, including all federal, state and local tax records, all records of payments and receipts, all records of expenses and revenues of the operation, all banking records, all contracts, leases and agreements affecting the premises, equipment and operation, licenses, all personnel records and all other records pertaining to the business, which shall be available for inspection and copying by any entity provided a right of entry under subsection 736.03(h). Records more than 10 years old are exempt from this requirement.

(h) No applicant or owner shall make a false or incorrect statement in an application for an Electronic Gaming Parlor license and no owner shall fail to update the information supplied to the City of Toledo Department of Finance, Division of Taxation and Treasury to reflect existing operations as required in Section 736.03(d).

(i) Any Electronic Gaming Parlor that engages in the sale of internet time or computer usage time in exchange for anything of value shall provide to the City of Toledo Department of Finance, Division of Taxation and Treasury no later than the 2nd Tuesday of each month a report detailing the daily amount of time sold in the preceding calendar month.

(j) It is the intent of this Chapter that owners are strictly liable for any violations of this Chapter.

736.07. Severability.

In the event any provision of Sections 736.01-736.99 shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

736.99. Penalty.

(a) Whoever violates or fails to comply with any of the provisions of this Chapter, for which no penalty is otherwise provided, is guilty of a minor misdemeanor and shall be fined not more than \$100.00 for each offense, said fine shall not be reduced or

suspended. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) Whoever violates or fails to comply with the requirement to obtain a license for an Electronic Gaming Parlor as provided in this Chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250.00, or imprisoned not more than 30 days or both, for each offense, provided said fine shall not be reduced or suspended. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Exhibit “B”

(Additions in blue underline. Deletions in red strikethrough.)

CHAPTER 517

Gambling

517.01 Definitions.

517.02 Gambling.

517.03 Operating a gambling house.

517.04 Public gaming.

517.05 Cheating.

517.06 Methods of conducting a bingo game; prohibitions.

517.07 Bingo records.

517.08 Bingo operator prohibitions.

517.09 Bingo exceptions.

517.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Lotteries prohibited; exception - see Ohio Const., Art. XV, Sec. 6

Contributing to delinquency of minors - see Ohio R.C. 2151.41

Search warrants - see Ohio R.C. 2933.21(E)

Licensing charitable bingo games - see Ohio R.C. 2915.08

517.01. Definitions.

As used in this chapter:

(a) "Bookmaking" means the business of receiving or paying off bets.

(b) "Bet" means the hazarding of anything of value; upon the result of an event, undertaking or contingency, but does not include a bona fide business risk.

(c) "Scheme of chance" means a lottery, numbers game, pool or other scheme in which a participant gives a valuable consideration for a chance to win a prize.

(d) "Game of chance" means poker, craps, roulette, a slot machine, a punch board or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely or wholly by chance.

(e) "Scheme or game of chance conducted for profit" means any scheme or game of chance designed to produce income for the person who conducts or operates the scheme or game of chance, but does not include a charitable bingo game.

(f) "Gambling device" means:

- (1) A book, totalizer or other equipment for recording bets;
- (2) A ticket, token or other device representing a chance, share or interest in a scheme of chance, except a charitable bingo game, or evidencing a bet;
- (3) A deck of cards, dice, gaming table, roulette wheel, a slot machine, punch board or other apparatus designed for use in connection with a game of chance;
- (4) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes.

(g) "Gambling offense" means any of the following:

- (1) A violation of Sections [517.02](#) to [517.08](#) or Ohio R.C. 2915.02 to 2915.11;
- (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (g)(1) hereof;
- (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;
- (4) A conspiracy or attempt to commit, or complicity in committing an offense under subsection (g)(1), (2) or (3) hereof.

(h) "Charitable organization" means any tax exempt religious, educational, veteran's, fraternal, service, nonprofit medical, volunteer rescue service, volunteer firemen's, senior citizen's, youth athletic or youth athletic park organization. An organization is tax exempt if the organization is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from Federal income taxation under subsection 501(a) and described in subsections 501(c)(3),(4),(8), (10), or (19) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer firemen's organization, shall have been in continuous existence as such in this State for a period of two years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any scheme of chance or game of chance as provided in Section [517.02](#)(c).

(i) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.

(j) "Educational organization" means any organization within this State that is not organized for profit, the primary purpose of which is to educate and develop the capabilities of individuals through instruction, and that operates or contributes to the support of a school, academy, college or university.

(k) "Veteran's organization" means any veteran's organization or association that is incorporated by an act of the United States Congress or any auxiliary unit of that veteran's organization or association, and any post of a national veteran's organization the national dues paying membership of which numbers at least 5,000 persons, whether or not incorporated by an act of the United States Congress, which post has been in continuous existence as such in this State for at least twenty years and has been incorporated as a nonprofit corporation for at least five years.

(l) "Volunteer firemen's organization" means any organization of volunteer firemen, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company.

(m) "Fraternal organization" means any society, order or association within this State, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business or brotherhood of its members and that has been in continuous existence in this State for a period of five years.

(n) "Volunteer rescue service organization" means any organization of volunteers organized to perform emergency medical service as defined in Ohio R.C. 4731.82(e).

(o) "Service organization" means any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment.

(p) "Nonprofit medical organization" means any organization, that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research or therapeutic services for the public.

(q) "Senior citizens' organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.

(r) "Charitable bingo game" means any bingo game that is conducted by a charitable organization that has obtained a bingo license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.

(s) "Bingo" means:

(1) A game with all of the following characteristics:

A. The participants use bingo cards that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces with each space, except the

central space, being designated by a combination of a letter and a number and the central space being designated as a free space;

B. The participants cover the spaces on the bingo cards that correspond to combinations of letters and numbers that are announced by a bingo game operator;

C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards;

D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in subsection (s)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card being used by the participant.

(2) Any scheme or game other than a game as defined in subsection (s)(1) hereof with the following characteristics:

A. The participants use cards, sheets or other devices that are divided into spaces arranged in horizontal, vertical or diagonal rows of spaces, with each space, except free spaces, being designated by a single letter, number or symbol; by a combination of letters, numbers or symbols; by a combination of a letter and a number, a letter and a symbol, or a number and a symbol; or by any combination of letters, numbers and symbols, with some or none of the spaces being designated as a free, complimentary or similar space;

B. The participants cover the spaces on the cards, sheets or devices that correspond to letters, numbers, symbols or combinations of such that are announced by a bingo game operator or otherwise transmitted to the participants;

C. A bingo game operator announces, or otherwise transmits to the participants, letters, numbers, symbols or any combination of such as set forth in subsection (s)(2)A. hereof that appear on objects that a bingo game operator selects by chance that correspond to one of the possible letters, numbers, symbols or combinations of such that can appear on the bingo cards, sheets or devices;

D. The winner of the bingo game is any participant who properly announces that a predetermined and preannounced pattern of spaces has been covered on a card, sheet or device being used by the participant.

(t) "Conduct" means to back, promote, organize, manage, carry on or prepare for the operation of a scheme or game of chance but does not include any act performed by a bingo game operator.

(u) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of a bingo game including, but not limited to, collecting money from participants, handing out bingo cards or objects to cover spaces on the bingo cards, selecting from a receptacle the objects that contain the combination of

letters and numbers that appear on the bingo cards, calling out the combinations of letters and numbers, distributing prizes to the winner of the bingo game and preparing, selling and serving food or beverages.

(v) "Participant" means any person who plays bingo by covering the spaces on a bingo card that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(w) "Bingo session" means a period, not to exceed five continuous hours, during which a person conducts one or more bingo games.

(x) "Gross receipts" means all money or assets, including admission fees, that a person receives from a bingo session that the person conducts without the deduction of any amounts for prizes paid out during the session or for the expenses of conducting the bingo session. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting a bingo session, or by a bona fide auxiliary unit or society of a charitable organization, at a bingo session conducted by the charitable organization, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to the bingo session;

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage;

(3) The food and beverages are sold at customary and reasonable prices;

(4) No person preparing, selling or serving the food or beverages at the site of the bingo game receives directly or indirectly any form of compensation for the preparation, sale or service of the food or beverages.

(y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or a police officer of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 to 109.79 and who is hired to provide security for the premises on which a bingo game is conducted.

(z) "To use gross receipts for a charitable purpose" means that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a veteran's organization, as defined in subsection (k) hereof, that is a post, chapter or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter or organization organized in the United States or any of its possessions, at least seventy-five percent (75%) of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans) or are cadets, or are spouses, widows or widowers of

war veterans, or such individuals, provided that no part of the net earnings of such post or organization inures to the benefit of any private shareholder or individual, and further provided that the bingo game proceeds are used by the post or organization for the charitable purposes set forth in Ohio R.C. 5739.02(B)(12), are used for awarding scholarships to or for attendance at an institution mentioned in Ohio R.C. 5739.02(B)(12), are donated to a governmental agency, or are used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups or other bona fide nonprofit organizations, promotion of patriotism or disaster relief; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a fraternal organization that has been in continuous existence in this State for fifteen years for use exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals and contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code; or that the proceeds of the bingo game are used by a volunteer firemen's organization and are used by the organization for the purposes set forth in subsection (1) hereof.

(aa) "Internal Revenue Code" means the Internal Revenue Code of 1954, 68A Stat. 3, 26 U.S.C. 1, as now or hereafter amended.

(bb) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.

(cc) "Youth athletic park organization" means any organization, not organized for profit, that owns, operates, and maintains playing fields that are used at least 100 days per year for athletic activities by youth organizations as defined in subsection (bb) hereof and are not used for any profit-making activity at any time during the year, and which uses the proceeds of the bingo game exclusively for the operation, maintenance and improvement of such playing fields.

(ee) "Skill-based amusement machine"

(1)

A. A mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

1. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars (\$10.00);
2. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars (\$10.00);

3. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars (\$10.00) times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

4. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

B. A card for the purchase of gasoline is a redeemable voucher for purposes of division (1) of this definition even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

A. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;

B. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the players score;

C. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game;

D. The success of any player is or may be determined by a chance event that cannot be altered by player actions;

E. The ability of any player to succeed at the game is determined by game features not visible or known to the player;

F. The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (1) of this definition:

A. As used in this definition of "skill-based amusement machine", "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

B. Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.

C. To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the

awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (1) of this definition, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

(ff) "Slot machine"

(1) Means either of the following:

A. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain.

B. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.

(2) "Slot machine" does not include a skill-based amusement machine.

(gg) "Merchandise Prize" means any item of value, but shall not include any of the following.

(1) Cash, gift cards, or any equivalent thereof;

(2) Plays on games of chance, state lottery tickets, or bingo;

(3) Firearms, tobacco, or alcoholic beverages; or

(4) A redeemable voucher that is redeemable for any of the items listed in division (1), (2), or (3) of this definition.

(hh) "Sweepstakes." Any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under Ohio R.C. Chapter 2915, pari-mutuel wagering as authorized by Ohio R.C. Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by Ohio R.C. Chapter 3770, and casino gaming as authorized by Ohio R.C. Chapter 3772

(ii) "Sweepstakes terminal device."

(1) A mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

A. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

- B. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize
- C. The device selects prizes from a predetermined finite pool of entries.
- D. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
- E. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
- F. The device utilizes software to create a game result.
- G. The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.
- H. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(2) As used in this definition and in Sec. 517.02:

- A. "Enter." The act by which a person becomes eligible to receive any prize offered in a sweepstakes.
- B. "Entry." One event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.
- C. "Prize." Any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
- D. "Sweepstakes terminal device facility." Any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in Ohio R.C. Sec. 2915.02(G).

517.02 Gambling.

- (a) No person shall:
 - (1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;
 - (2) Establish, promote or operate, or knowingly engage in conduct that facilitates any scheme or game of chance conducted for profit;
 - (3) Knowingly procure, transmit, exchange or engage in conduct that facilitates the procurement, transmission or exchange of, information for use in establishing odds or determining winners in connection with bookmaking or with any scheme or game of chance conducted for profit;
 - (4) Engage in betting or in playing any scheme or game of chance, except a charitable bingo game, as a substantial source of income or livelihood;

(5) Conduct, or participate in the conduct of a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:

A. Give to another person any item described in Sec. 517.01 (qg)(1), (2), (3), or (4) as a prize for playing or participating in a sweepstakes; or

B. Give to another person any merchandise prize or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of \$10 and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than \$10.

(6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the Attorney General as required by Ohio R.C. Sec. 2915.02(F).

(57) With purpose to violate subsection (a)(1), (2), (3), ~~or~~ (4), (5), or (6) hereof, acquire, possess, control or operate any gambling device.

(b) For purposes of subsection (a)(1) hereof, a person facilitates bookmaking if he in any way knowingly aids an illegal bookmaking operation, including without limitation placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of subsection (a)(2) hereof, a person facilitates a scheme or game of chance conducted for profit if he in any way knowingly aids in the conduct or operation of any such scheme or game, including without limitation playing any such scheme or game.

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law.

(d) This section does not apply to:

(1) Schemes of chance conducted by a charitable organization that is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, provided that all of the money or assets received from such scheme of chance after deduction only of prizes paid out during the conduct of the scheme of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and provided that the scheme of chance is not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.09;

(2) Games of chance, if all of the following apply:

A. The games of chance are not craps for money, roulette for money or slot machines;

B. The games are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

C. The games are conducted at festivals of the organization that are conducted for a period of four consecutive days or less and not more than twice a year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games or on premises leased from a governmental unit;

D. All of the money or assets received from these games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

E. The games are not conducted during, or within ten hours of, a bingo game conducted for amusement only pursuant to Section [517.09](#). No person shall receive any commission, wage, salary, reward, tip, donation, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any scheme or game of chance.

(e) Subsection (d) hereof shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct schemes of chance or games of chance, as granted by subsection (d) hereof, by any charitable organization that is granted that right.

(f) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree, if the offender has not previously been convicted of a gambling offense.

(ORC 2915.02)

517.03. Operating a gambling house.

(a) No person, being the owner or lessee, or having custody, control or supervision of premises, shall:

(1) Use or occupy such premises for gambling in violation of Section [517.02](#);

(2) Recklessly permit such premises to be used or occupied for gambling in violation of Section [517.02](#);

(b) Whoever violates this section is guilty of operating a gambling house, a misdemeanor of the first degree, if the offender has not previously been convicted of a gambling offense.

(c) Premises used or occupied in violation of this section constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767.

(ORC 2915.03)

517.04. Public gaming.

- (a) No person, while at a hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort shall make a bet or play any game of chance.
- (b) No person, being the owner or lessee, or having custody, control or supervision of a hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort shall recklessly permit such premises to be used or occupied in violation of subsection (a) hereof.
- (c) This section does not prohibit conduct in connection with gambling expressly permitted by law.
- (d) Whoever violates this section is guilty of public gaming, a minor misdemeanor. If the offender has previously been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.
- (e) Premises used or occupied in violation of subsection (b) hereof constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767.

(ORC 2915.04)

517.05. Cheating.

- (a) No person, with purpose to defraud or knowing that he is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of:
 - (1) The subject of a bet;
 - (2) A contest of knowledge, skill, speed, or endurance that is not an athletic or sporting event;
 - (3) A scheme or game of chance;
 - (4) Bingo.
- (b) Whoever violates this section is guilty of cheating, a misdemeanor of the first degree, if the potential gain from cheating is less than one thousand dollars (\$1,000.00), or if the offender has not previously been convicted of any gambling offense or of any theft offense as defined in Section 545.01.

(ORC 2915.05; Ord. 519-11. Passed 11-15-11.)

517.06. Methods of conducting a bingo game; prohibitions.

- (a) A charitable organization that conducts a bingo game shall:
 - (1) Own all of the equipment used to conduct the bingo game or lease such equipment from a charitable organization that is licensed to conduct a bingo game for a rental rate that is not more than customary and reasonable for such equipment;
 - (2) Use all of the gross receipts from the bingo game for paying prizes, for the charitable purposes listed in its bingo license application, for purchasing or leasing

bingo cards and other equipment used in conducting the bingo game, hiring security personnel for the bingo game, or advertising the bingo game provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring or advertising, and for renting premises in which to conduct the bingo game, except that if the building in which the game is conducted is owned by the charitable organization conducting the game, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of two hundred fifty dollars (\$250.00) or twenty-five percent (25%) of the gross receipts from the session as consideration for the use of the premises;

(3) Conduct the bingo game on premises owned by the charitable organization, premises owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of two hundred fifty dollars (\$250.00) per bingo session, or premises leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size and quality but not in excess of two hundred fifty dollars (\$250.00) per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo games, the lessor of the premises shall provide only the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo equipment or any other type of service or equipment. A charitable organization shall not lease premises that it owned to more than one other charitable organization per calendar week for the purpose of conducting bingo games on the premises. A person who is not a charitable organization shall not lease premises that he owns, leases or otherwise is empowered to lease to more than one charitable organization per calendar week for conducting bingo games on the premises. In no case shall more than two bingo sessions be conducted on any premises in any calendar week;

(4) Display its bingo license conspicuously at the location where the bingo game is conducted;

(5) Conduct the bingo game in accordance with the definition of bingo set forth in Section 517.01(s)(1).

(b) A charitable organization that conducts a bingo game shall not:

(1) Pay any compensation to a bingo game operator for operating a bingo game that is conducted by the charitable organization or for preparing, selling or serving food or beverages at the site of the bingo game, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell or serve the food or beverages;

(2) Pay consulting fees to any person for any services performed in relation to the bingo game;

- (3) Pay concession fees to any person who provides refreshments to the participants in the bingo game;
- (4) Conduct more than two bingo sessions in any seven-day period;
- (5) Pay out more than three thousand five hundred dollars (\$3,500) in prizes during any bingo session that is conducted by the charitable organization;
- (6) Conduct a bingo session at any time during the ten-hour period between midnight and 10:00 a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to Section 517.09, or at any location not specified on its bingo license or on any day of the week or during any time period not specified on its bingo license. If circumstances beyond its control make it impossible for the charitable organization to conduct a bingo session at the location specified on its bingo license, or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its bingo license, the charitable organization may apply in writing to the Attorney General for an amended bingo license, pursuant to Ohio R.C. 2915.08(F). A charitable organization may apply only once in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its bingo license. If the amended license is granted, the organization may conduct bingo sessions at the location, on the day of the week, and at the time specified on its amended license.
- (7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;
- (8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;
- (9) Permit the lessor of the premises on which bingo is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo equipment or any other type of service or equipment.

(c) A bingo game operator shall not receive or accept any commission, wage, salary, reward, tip, donation, gratuity or other form of compensation, directly or indirectly, regardless of the source, for operating a bingo game or providing other work or labor at the site of the bingo game.

(d) Notwithstanding the provisions of subsection (a)(3), a charitable organization that has, prior to December 6, 1977, entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person who is not a charitable organization that has prior to December 6, 1977, entered into written agreements for the lease of premises he owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease such premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, provided that the lessor organization or person has notified the

Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, provided that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and provided that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.

(e) Whoever violates subsection (a)(2) hereof shall be charged with violation of Ohio R.C. 2915.09. Whoever violates subsection (a)(1), (3), (4) or (5), (b) or (c) hereof is guilty of a minor misdemeanor. If the offender has previously been convicted of a violation of subsection (a)(1), (3), (4) or (5), (b) or (c) hereof, a violation of such provision is a misdemeanor of the first degree.

(ORC 2915.09; Ord. 485-83. Passed 5-24-83.)

517.07. Bingo records.

(a) A charitable organization that conducts a bingo session or scheme or game of chance pursuant to Section [517.02](#)(d) shall maintain the following records for at least three years from the date on which the bingo session or scheme or game of chance is conducted:

- (1) An itemized list of the gross receipts of each session or scheme or game of chance;
- (2) An itemized list of all expenses other than prizes that are incurred in conducting the bingo session, the name of each person to whom the expenses are paid, and a receipt for all the expenses;
- (3) A list of all prizes awarded during the bingo session or scheme or game of chance conducted by the charitable organization and the name and address of all persons who are winners of prizes of one hundred dollars (\$100.00) or more in value;
- (4) An itemized list of the charitable recipients of the proceeds of the bingo session or scheme or game of chance, including the name and address of each recipient to whom the money is distributed; and if the organization uses the proceeds of a bingo session or the money or assets received from a scheme or game of chance for any purpose set forth in Section [517.01](#)(z) or [517.02](#)(d), a list of each purpose and an itemized list of each expenditure for each purpose;
- (5) The number of persons who participate in any bingo session or scheme or game of chance that is conducted by the charitable organization.
- (6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from the definition of "gross receipts" under Section [517.01](#)(x).
- (7) An itemized list of all expenses incurred at each bingo session conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid and a receipt for all of the expenses.

(b) The Attorney General or any local law enforcement agency may:

- (1) Investigate any charitable organization or any officer, agent, trustee, member or employee of the organization;
- (2) Examine the accounts and records of the organization;
- (3) Conduct inspections, audits and observations of bingo games or schemes or games of chance while they are in session;
- (4) Conduct inspections of the premises where bingo games or schemes or games of chance are operated;
- (5) Take any other necessary and reasonable action to determine if a violation of any provision of Ohio R.C. 2915.01, 2915.02, or 2915.07 to 2915.12 or Section [517.01](#), [517.02](#) or [517.06](#) et. seq. of this chapter has occurred.

If any local law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member or employee of the organization has violated any provision of Ohio R.C. 2915.01 to 2915.12 or of this chapter, the local law enforcement agency may proceed by action in the proper court to enforce Ohio R.C. 2915.01 to 2915.12 or this chapter, provided that the local law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this subsection.

(c) No person shall destroy, alter, conceal, withhold or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede or interfere with any inspection, audit or observation of a bingo game or scheme or game of chance or premises where a bingo game or scheme or game of chance is operated, or refuse to comply with any reasonable request of or obstruct, impede or interfere with any other reasonable action undertaken by, the Attorney General or a local law enforcement agency pursuant to subsection (b) hereof.

(d) Whoever violates subsection (a) or (c) hereof is guilty of a misdemeanor of the first degree.

(ORC 2915.10; Ord. 485-83. Passed 5-24-83.)

517.08. Bingo operator prohibitions.

- (a) No person shall be a bingo game operator unless he is eighteen years of age or older.
- (b) No person who has been convicted of a felony or a gambling offense in any jurisdiction shall be a bingo game operator.
- (c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the third degree.
- (d) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree.

(ORC 2915.10)

517.09. Bingo exceptions.

Ohio R.C. 2915.07 to 2915.11 or Section [517.06](#) et seq. of this chapter do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for amusement only if it complies with all of the following requirements:

- (a) The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game;
- (b) All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than twenty-five dollars (\$25.00).
- (c) No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game;
- (d) The bingo game is not conducted either during or within ten hours of:
 - (1) A bingo session during which a charitable bingo game is conducted, pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter.
 - (2) A scheme or game of chance other than a bingo game conducted pursuant to this section.
- (e) The number of players participating in the bingo game does not exceed fifty.

The Attorney General, or any local law enforcement agency, may investigate the conduct of amusement bingo if there is reason to believe that a purported amusement bingo game is operated in violation of this section. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action.

Whoever conducts a bingo game that is not a charitable bingo game and that does not conform to subsections (a), (b), (c), (d) and (e) hereof is guilty of a misdemeanor of the first degree on the first offense.

(ORC 2915.12)

517.10. Skill-Based Amusement Machines.

(a) No person shall give to another person any item described in division (dd)(1), (2), (3), or (4) of Section 517.01 in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-price game won on a skill- based amusement machine.

(b) Whoever violates division (a) of this section is guilty of skill-based amusement machine prohibited conduct. A violation of division (a) of this section is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the

offender previously has been convicted of a violation of division (a) of this section, a violation of that division is a felony to be prosecuted under appropriate State law.

(c) Any regulation of skill-based amusement machines shall be governed by this chapter or ORC Chapter 2915 and not by ORC Chapter 1345.

(ORC 2915.06)

Exhibit "C"

Existing

CHAPTER 1104
Use Regulations**1104.2500 Sweepstake terminal cafes.****1104.0107 Use Categories.**

Use Category	RS12	RS9	RS6	RD6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Sweepstake Terminal Cafes	-	-	-	-	-	-	-	-	-	-	S [32]	-	-	-	-	-	

[32] Subject to standards of Sec. [1104.2500](#), Sweepstake Terminal Cafes

1104.2500 Sweepstake Terminal Cafes.

The following standards apply to Sweepstake Terminal Cafes as defined in Sec. [1116.0200](#) of this code.

1104.2501 Spacing Requirements.

A. A Sweepstake Terminal Cafe shall not be located within a 2,000 foot radius of another Sweepstake Terminal Cafe. This spacing shall apply to Sweepstake Terminal Cafes operating pursuant to a Special Use Permit or operating without such Special Use Permit, by virtue of having been in operation prior to the requirement to obtain such permit.

B. A Sweepstake Terminal Cafe shall not be located within a 1,000 foot radius of a church, school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

C. The distances specified in this section shall be measured per TMC § [1106.0208](#), Distances for Spacing Requirements.

CHAPTER 1107

Parking, Loading and Access

1107.0304 Schedule A.

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required
Commercial Use Types		
Sweepstake Terminal Cafes	1 per 300 square feet	1 per 10 parking spaces

CHAPTER 1116

Terminology

1116.0191.1 Sweepstakes Terminal Cafes.

Any business, establishment, room or place where four (4) or more games of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.

1116.0247 Sports and Recreation, Participant.

Provision of sports or recreation primarily by and for participants. Spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types:

A. **Indoor.** Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers, but not including sweepstakes terminal cafes.

B. **Outdoor.** Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, swimming pools, and golf courses.

1116.0248 Sweepstakes Terminal Cafes.

Any business, establishment, room or place where four (4) or more game of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.

Exhibit “D”

(Additions in blue underline. Deletions in red strikethrough.)

CHAPTER 1104

Use Regulations

1104.2500 Sweepstakes terminal cafesElectronic Gaming Parlor.**1104.0107 Use Categories.**

Use Category	RS12	RS9	RS6	RD6	RM (all)		R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
<u>Sweepstakes</u> <u>Terminal</u> <u>Cafes</u> <u>Electronic</u> <u>Gaming Parlor</u>	-	-	-	-	-		-	-	-	-	-	<u>SP</u> [32]	-	-	-	-	-	

[32] Subject to standards of Sec. 1104.2500, Sweepstakes Terminal CafesElectronic Gaming Parlor

1104.2500 Sweepstakes Terminal CafesElectronic Gaming Parlor.

The following standards apply to Sweepstakes Terminal CafesElectronic Gaming Parlors as defined in Sec. 1116.02001116.0213.1 of this code.

1104.2501 Spacing Requirements.

A. An Sweepstakes Terminal CafeElectronic Gaming Parlor shall not be located within a 2,000 foot radius of another Sweepstakes Terminal CafeElectronic Gaming Parlor. This spacing shall apply to Sweepstakes Terminal CafesElectronic Gaming Parlors operating pursuant to the licensing requirements of Chapter 736, a Special Use Permit or operating without such Special Use Permit, by virtue of having been in operation prior to the requirement to obtain such permit.

B. An Sweepstakes Terminal CafeElectronic Gaming Parlor shall not be located within a 1,000 foot radius of a church, school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

C. The distances specified in this section shall be measured per TMC § 1106.0208, Distances for Spacing Requirements.

1104.2502 License Required.

A. Electronic Gaming Parlors shall obtain a license as required by Chapter 736 prior to occupancy. No Electronic Gaming Parlor shall be permitted without an active license to operate.

CHAPTER 1107

Parking, Loading and Access

1107.0304 Schedule A.

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required
Commercial Use Types		
Sweepstake Terminal Cafes Electronic Gaming Parlor	1 per 300 square feet	1 per 10 parking spaces

CHAPTER 1116

Terminology

1116.0191.1 Sweepstakes Terminal Cafes.

~~Any business, establishment, room or place where four (4) or more games of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.~~

1116.0213.1 Electronic Gaming Parlor

Any business, establishment, or location operated for profit which employs the use of one or more Skill-based amusement machines or Sweepstakes terminal devices, as defined in Section 517.01, in any one location. The definition of "Electronic Gaming Parlor" shall not include any location or establishment operated by any charitable organization as defined at ORC 2915.01(H), fraternal organization as defined at ORC 2915.01(M), or service organization as defined at ORC 2915.01(O) provided no such organization has on its premises for use at any given time ten or more electronic games of skill.

1116.0247 Sports and Recreation, Participant.

Provision of sports or recreation primarily by and for participants. Spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types:

A. **Indoor.** Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers, but not including ~~sweepstakes terminal cafes~~ Electronic Gaming Parlors.

B. **Outdoor.** Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, swimming pools, and golf courses.

1116.0248 Sweepstakes Terminal Cafes.

~~Any business, establishment, room or place where four (4) or more game of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.~~

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REF: M-4-23
DATE: May 8, 2025

GENERAL INFORMATION

Subject

Request	-	Text amendment modifying TMC Chapters 743, 1103, 1104, 1107, & 1116 relating to the Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC) and surface parking lots in the Downtown and Warehouse Districts.
Applicant	-	Toledo City Plan Commission One Government Center, Suite 1620 Toledo, OH 43604

STAFF ANALYSIS

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.

STAFF ANALYSIS (cont'd)Chapter 1103 Overlay Zoning Districts (cont'd)

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 compl-

STAFF ANALYSIS (cont'd)

Chapter 743 *Parking Places and Enforcement* (cont'd)

-iance 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.

STAFF ANALYSIS (cont'd)

Forward Toledo Comprehensive Land Use Plan (cont'd)

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.

STAFF RECOMMENDATION

Staff recommends that the Toledo City Plan Commission recommend approval of M-4-23, a text amendment modifying TMC Chapters 743, 1103, 1104, 1107, & 1116 relating to the Downtown Parking Lot Review and Improvement Advisory Committee (DPLRIAC) and surface parking lots in the Downtown and Warehouse Districts, to Toledo City Council for the following two (2) reasons:

1. The text amendment reforms regulations for surface parking lots in both the Downtown Overlay and Warehouse Urban Neighborhood Overlay Districts and creates more specific compliance criteria; and
2. The text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (**TMC§1111.0506(B)**).

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-4-23
DATE: May 8, 2025
TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE OF
CITY COUNCIL
DATE: June 11, 2025
TIME: 4:00 P.M.

AS

Three (3) Exhibits follow

Exhibit “A”

(Additions in blue underline. Deletions in red strikethrough.)

CHAPTER 517

Parking Places

743.01 Definitions.

743.02 License required.

743.03 Application for license.

743.04 License fees.

743.05 Issuance and transfer of licenses.

743.06 Revocation of license.

743.07 Signs required.

743.08 Change of rate.

743.09 Open parking places to be fenced in.

743.10 Limitation on storage.

743.11 Entrances and exits.

743.12 Loading and unloading passengers.

743.13 Claim checks to be furnished.

743.14 Transfer of parked vehicles.

743.15 Use of parked vehicles.

743.16 Construction materials.

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

743.18 Open parking places to be enclosed.

743.19 Employees

743.99 Penalty.

CROSS REFERENCES

Unauthorized use of a vehicle; vehicle trespass - see GEN. OFF. [545.06](#)

General business licensing provisions - see BUS. REG. [Ch. 701](#)

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 which is not defined as a public or commercial parking place, 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" shall have the same meaning as set out in Section 1103.0202 of this Code 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 vehicle vehicles for hire a fee 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 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 blanks 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 ~~within the appropriate time frame established for applicable design standards as provided for in this Section and Chapter 1103 of this Code 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 Warehouser 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.

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

Exhibit "B"

Existing

CHAPTER 1103

Overlay Zoning Districts

1103.0200 -DO, Downtown Overlay District.

1103.1500 Warehouse UNO District.

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:

a. ground-level pedestrian presentation; and

b. 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.
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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.

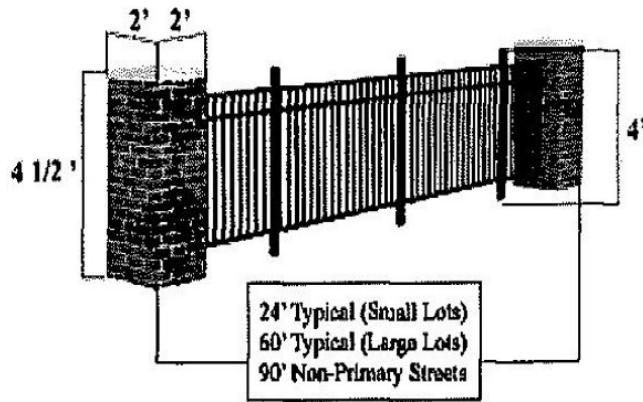
Brick columns shall meet the requirements for brick as defined in Sec. 1109.0502.A. Columns shall be constructed using earth tone colors. On primary streets, spacing of columns shall be at least every 24' for small lots (120' x 120' and under) and at least every 60' for large lots (with frontage of more 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.

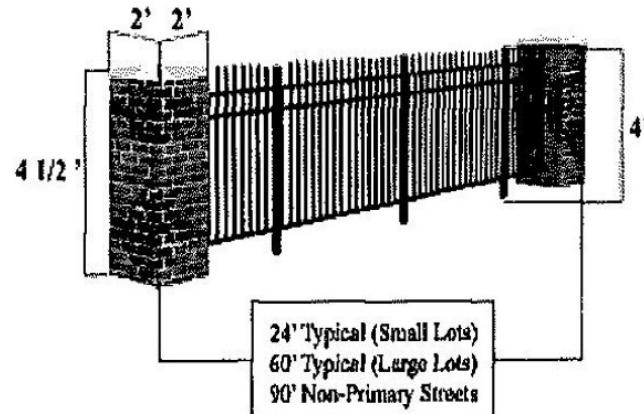
The fences shall be clear of signage or other obstructions.

The specifications for the fencing are as follows:

Typical Flat Top Design



Typical Picket Top Design



- 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.

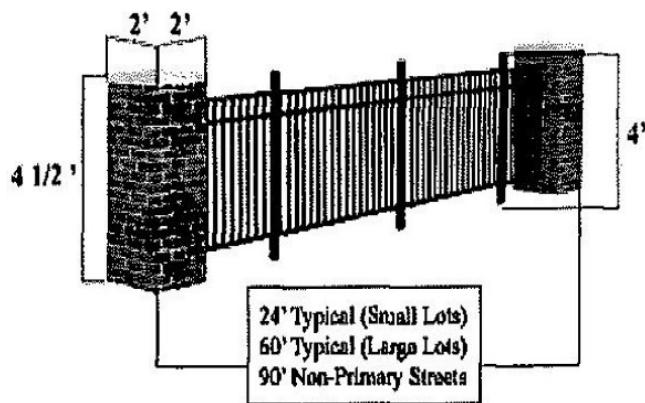
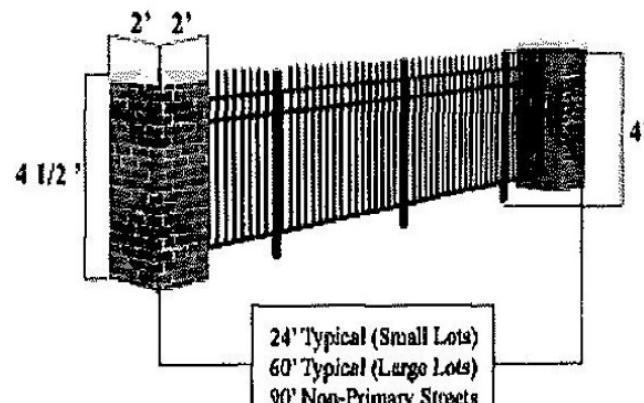
- I. In the event that the DPLRIAC is no longer an official, active organization for the Downtown Parking Lots then the development plans shall be subject to the Site Plan Review procedure of the TMC Section 1111.0800.

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.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.

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Typical Flat Top Design**Typical Picket Top Design**

- Sections: Standard sections are 6' wide.
- Pickets: Commercial $\frac{3}{4}$ " 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

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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.

CHAPTER 1104

Use Regulations

1104.0107 Use Categories.

<i>Use Category</i>	<i>RS12</i>	<i>RS9</i>	<i>RS6</i>	<i>RD6</i>	<i>RM (all)</i>	<i>R MH</i>	<i>CN</i>	<i>CO</i>	<i>CM</i>	<i>CS</i>	<i>CR</i>	<i>CD</i>	<i>IL</i>	<i>IG</i>	<i>IP</i>	<i>POS</i>	<i>IC</i>
Parking, Commercial	-	-	-	-	-	-	-	-	-	S	P	S	-	-	-	-	P

CHAPTER 1107

Parking, Loading and Access

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.

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.

Exhibit "C"

(Additions in blue underline. Deletions in red strikethrough.)

CHAPTER 1103

Overlay Zoning Districts

1103.0200 -DO, Downtown Overlay District.

1103.1500 Warehouse UNO District.

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.

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

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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 [\(8\)](#) feet and a maximum clearance of [twelve \(12\)](#) 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:

a. ground-level pedestrian presentation; and

b. 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~~ 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 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.

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~~ 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 ~~for 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.

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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 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 ~~district~~ shall be bordered along public rights of way by a combination of fencing and brick columns ~~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.~~

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. Brick columns shall meet the requirements for brick as defined in Sec. 1109.0502.A.~~

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:

a. On primary streets, ~~spacing of~~ 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').

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

c. 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:

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

b. 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.

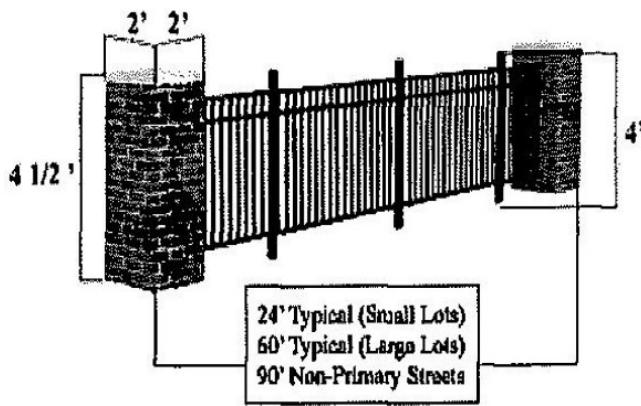
7. Fencing shall be black wrought iron or black heavy gauge aluminum tube fencing that is at least four feet high.

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.

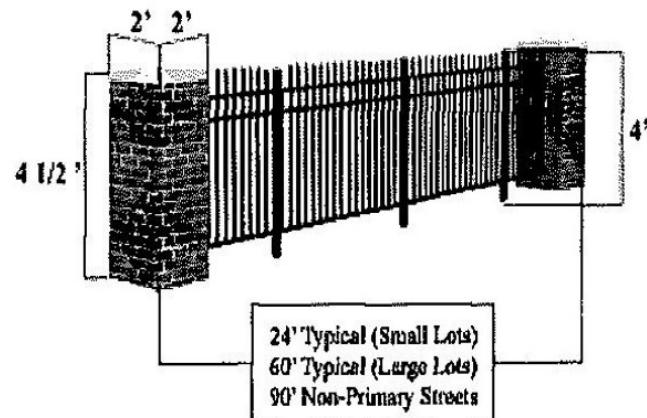
9. The fences shall be clear of signage or other obstructions.

10. The specifications for the fencing are as follows Fencing required by this section shall adhere to the following specifications:

Typical Flat Top Design



Typical Picket Top Design



1.a Sections: Standard sections are 6' wide.

2.b Pickets: Commercial $\frac{3}{4}$ " square x .055

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

4.d Fasteners: Stainless steel

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

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

7.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.

8.h 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. 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.

H. 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 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 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. 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 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 within five (5) years of the effective date of the adopting legislation 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 Existing Surface Parking Lot Fencing/Extensions/Exemptions Modifications and Waivers.

~~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.~~

A. 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.

B. 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.

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, review all site plans, and requests for variances, modification/waiver, and requests for extension of compliance timelines for surface parking lots in the DOD Downtown Overlay District and Warehouse UNO

District, for compliance with the provisions of this Chapter and make recommendations to the Plan Commission Director. 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 Commission Director to approve, approve with modifications, or disapprove submissions for parking lot improvements, modifications, waivers, and/or extensions of a compliance timeline, 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. 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. 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. 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, 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 Plan Commission (or their designee),
3. A private parking lot owner/operator,
- 4.3. A Two non-accessory public parking lot owners/operators,
- 5.4. A restaurant or retail store owner/operator,
- 6.5. A downtown resident who owns their dwelling, and
- 7.6. 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 ~~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~~three-year terms. A member may serve no more than two consecutive terms.

C. DPLRIAC ~~RULES~~ Rules/Procedures

~~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 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 review actions, 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 provisions to allow the Chair to administratively approve certain Submissions conforming to the Declarations without review by the TWDARC.~~

D. ~~DPLRIAC Procedures~~ Parking Lot Site Plan Review Process

~~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.~~

~~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.~~

- a. 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.
- b. 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.

- c. 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.
- d. 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.

E. 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.

F. Exceptions

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

G. 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~~.

H. 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.

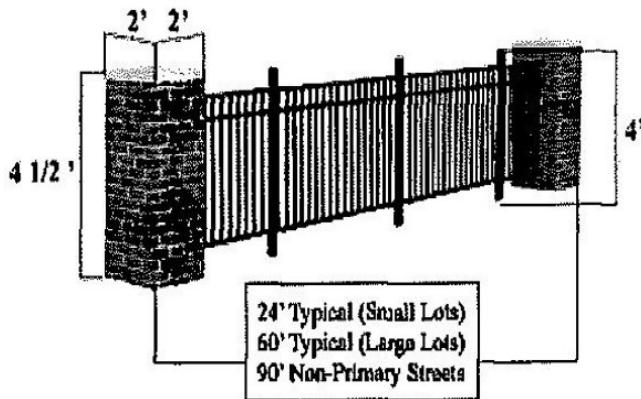
1103.1500 Warehouse UNO District.**1103.1519 Design Standards – Surface Parking Lots.**

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, public or private accessory or non-accessory, permitted by the City of Toledo shall be subject to the following standards: standards outlined in Toledo Municipal Code Sections 1103.0207, 1103.0208, 1103.0209, 1103.0210, 1103.0211, and 1103.0212.

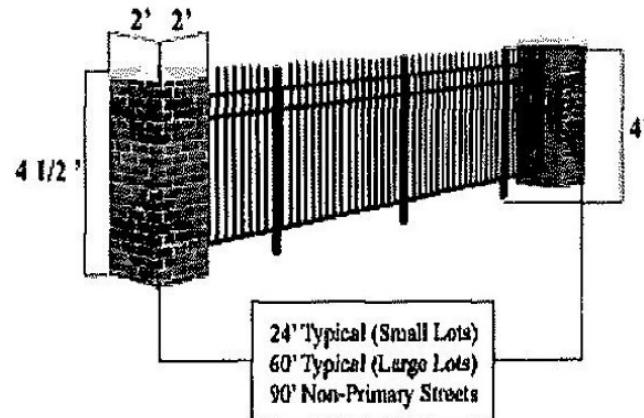
~~Surface Parking Lots shall be bordered along public rights of way by black wrought iron or black heavy gauge aluminum tube fencing that is at least four feet high with brick or thin brick columns that are at least 4'6" high and at least 18" wide or greater. Brick columns shall meet the requirements for brick as defined in Sec. 1109.0502.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:~~

Typical Flat Top Design



Typical Picket Top Design



- ~~1. Sections: Standard sections are 6' wide.~~

- ~~2. Pickets: Commercial 3/4" square x .055~~
- ~~3. Spacing between Pickets: Commercial standard 3-5/8" and optional 1-1/2"~~
- ~~4. Fasteners: Stainless steel~~
- ~~5. Horizontal Rails: Commercial 1-1/4" x 1-3/8" with .088" side walls and .065" top walls~~
- ~~6. Posts: Commercial 2" square x .080, or .125; 2-1/2" square x .100; and 3" square x .125~~
- ~~7. 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.~~
- ~~8. 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.~~

CHAPTER 1104

Use Regulations

1104.0107 Use Categories.

Use Category	RS12	RS9	RS6	RD6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Parking, <u>Commercial</u> <u>Non-</u> <u>Accessory</u>	-	-	-	-	-	-	-	-	-	S	P	S	-	-	-	-	P

CHAPTER 1107

Parking, Loading and Access

1107.0102 Applicability.

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 Commercial Non-Accessory Parking.

A Commercial 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:

- a** An encroachment permit shall be approved through the Division of Traffic Management.
- b** 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.

CHAPTER 1116

Terminology

1116.0234 Parking, Commercial 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. Facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility 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 Commercial Non-Accessory 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. 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.

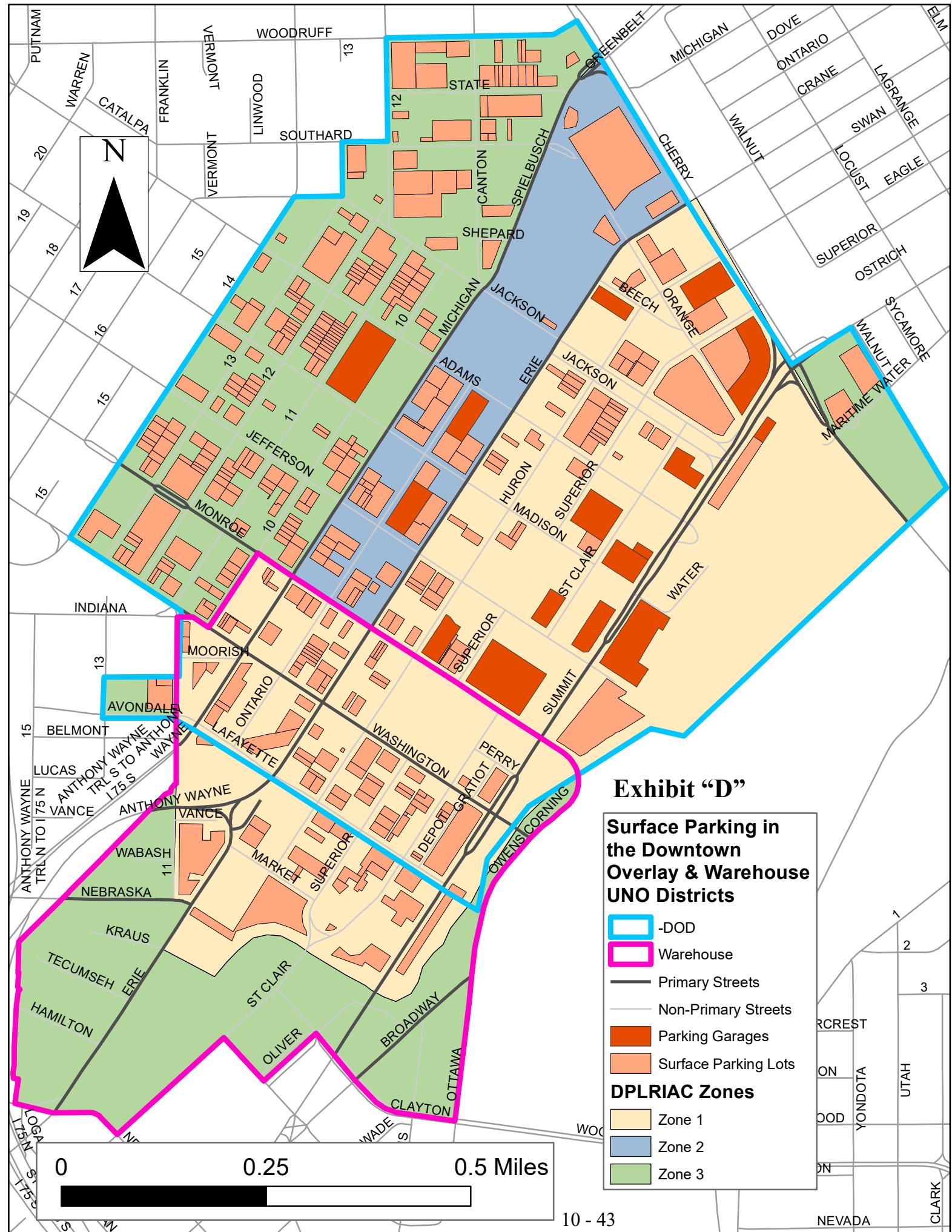


Exhibit “D”

Surface Parking in the Downtown Overlay & Warehouse UNO Districts

- DOD
- Warehouse
- Primary Streets
- Non-Primary Streets
- Parking Garages
- Surface Parking Lots

DPLRIAC Zones

- Zone 1
- Zone 2
- Zone 3

DPLRIAC Zones

-  Zone 1
-  Zone 2
-  Zone 3

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STAFF REPORT CONDITIONS OF APPROVAL – AGENCY SOURCE IDENTIFICATION

Recommendations for conditions of approval often originate from agencies that have reviewed plans and proposals under consideration by the Plan Commission. To indicate which agency requested which condition of approval, that agency's name is placed at the end of the condition in parenthesis. Agency names are listed below:

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS ONE GOVERNMENT CENTER SUITE 1620 TOLEDO, OH 43604 419-245-1200	FIRE PREVENTION c/o BUILDING INSPECTION ONE GOVERNMENT CENTER SUITE 1600 TOLEDO, OH 43604 419-245-1220	TOLEDO EDISON COMPANY ENGINEERING SERVICES 6099 ANGOLA RD. HOLLAND, OH 43528 419-249-5440
DIVISION OF WATER DISTRIBUTION 401 S. ERIE STREET TOLEDO, OH 43604 419-936-2826	LUCAS COUNTY SOLID WASTE MGMT 1011 MATZINGER ROAD TOLEDO, OH 43612 419-213-2230	PUBLIC UTILITES 420 MADISON AVE, SUITE 100 TOLEDO, OH 43604 419-245-1853
DIVISION OF WATER RECLAMATION 3900 N. SUMMIT STREET TOLEDO, OH 43604 419-727-2602	DIVISION OF BUILDING INSPECTION ONE GOVERNMENT CENTER SUITE 1600 TOLEDO, OH 43604 419-245-1220	LUCAS SOIL AND CONSERVATION DISTRICT 138 W. DUDLEY, SUITE A TOLEDO, OH 43611 419-893-1966
DIVISION OF TRANSPORTATION 110 N. WESTWOOD TOLEDO, OH 43607 419-245-1300	DIVISION OF ENGINEERING SERVICES ONE LAKE ERIE CENTER 600 JEFFERSON AVENUE, STE 300 TOLEDO, OH 43604 419-245-1315	LUCAS COUNTY ENGINEER 1049 S. MCCORD ROAD HOLLAND, OH 43528 419-213-2860
PUBLIC SERVICE DEPARTMENT 110 N. WESTWOOD TOLEDO, OH 43607 419-245-1835	COLUMBIA GAS COMPANY TONY BUCKLEY FIELD ENGINEER TECHNICIAN 2901 E. MANHATTAN BLVD TOLEDO, OH 43611 419-539-6078	LUCAS COUNTY SANITARY ENGINEER 1111 S. MCCORD ROAD HOLLAND, OH 43528 419-213-2926
TOLEDO-LUCAS COUNTY HEALTH DEPT.ENV. HEALTH 635 N. ERIE STREET ROOM 352 TOLEDO, OH 43604 419-213-4209	A T & T DESIGN MANAGER 130 N. ERIE, ROOM 714 TOLEDO, OH 43604 419-245-7000	BUCKEYE BROADBAND MICHAEL SHEAHAN 2700 OREGON ROAD NORTHWOOD, OH 43619 419-724-3713
CENTURYLINK 375 E. RIVERVIEW AVE NAPOLEON, OH 43502	OHIO GAS MIKE CREAGER 13630 AIRPORT HWY. SWANTON, OH 43566 419-636-1117	REPUBLIC SERVICES OF TOLEDO 6749 DIXIE HIGHWAY ERIE, MI 48133 734-848-3633
SPECTRUM 3760 INTERCHANGE ROAD COLUMBUS, OH 43204 614-481-5262	WATERVILLE GAS TODD BLACK PO BOX 259 WATERVILLE, OH 43566 419-878-4972	UNITED STATES POST OFFICE POSTMASTER 435 S. ST. CLAIR STREET . TOLEDO, OH 43601 419-245-6802

Toledo - Lucas County General Street Map

