

# *TOLEDO CITY PLAN COMMISSION*

*REPORT*

*December 7, 2023*



Holiday lights in the outside plaza of the Libbey-Owens-Ford building located at  
811 Madison in downtown Toledo. [Circa 1958]

*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-LUCAS COUNTY PLAN COMMISSIONS  
APPLICATION DEADLINE, AGENDA, STAFF REPORT AND HEARING  
SCHEDULE - 2024**

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

\* 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	RM36, Multi Dwelling
R-4A, Multi Family	
R-5, Multi Family	
R-MH, Manufactured Home	RMH, Manufactured Housing Park
Commercial Districts	
C-1, Neighborhood	CN, Neighborhood
N-MX, Neighborhood Mixed Use	
C-2, Restricted Office	CO, Office
C-7, Office Park	
C-6-HS Redevelopment - Heritage South*	CS, Storefront
C-6-LA, Redevelopment - Lagrange*	
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	IG, General Industrial
M-4, Warehouse	
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**

**December 7, 2023**

**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. SUP-8002-23: Special Use Permit for New Gas Station/Convenience Store at the NE corner of Dorr Street and I-475 (et)
2. SUP-10002-23: Amendment to Special Use Permit, Originally Granted by Ord. 351-19, to Amend Conditions of Approval for Rehab Hospital at 3837 Secor Road (lk)
3. SUP-10001-23: Special Use Permit for Tobacco Shop at 240 W. Alexis Road (as)
4. Z-10004-23: Zone Change from CO to RS6 at 12 E. Poinsetta Avenue (mm)
5. V-533-23: Vacation of a 16' Wide Alley Lying Between lots 4-9 within the Plat of Morris and Dorsey's Subdivision (mm)
6. PUD-10003-23: Planned Unit Development for Multiple Commercial Buildings on a Lot at 0 Glendale Avenue (parcel number 1887539) (lk)
7. M-6-23: Text Amendment to Remove "Community Recreation – Active" from the IL and IG Zoning Districts (et)
8. M-11-23: Text Amendment Modifying TMC 1110 Flood Control Regulations (lk)
9. M-13-23: Text Amendment Modifying TMC 1104.2300 "Medical Marijuana Facilities" to add "Recreational Marijuana" (mm)

**CHAIRMAN'S REPORT**

**DIRECTOR'S REPORT**

**ADJOURNMENT**

**GENERAL INFORMATION**

Subject

- Request - Special Use Permit for a New Gas Station
- Location - North-East Corner of Dorr and Interstate 475
- Applicant + Owner - QuikTrip  
50 South Main Street, Suite 200  
Naperville, IL 60540
- Engineer - Freeland and Kaufman, Inc  
209 W. Stone Avenue  
Toledo, OH 43613

Site Description

- Zoning - CR, C-2 / Regional Commercial, General Commercial
- Area - ±6.05 acres
- Frontage - ±765 along Dorr Street  
±539 along Interstate 475
- Existing Use - Vacant Lot
- Proposed Use - Gas Station with Convenience Store

Area Description

- North - RS6, RM12, RD6 / Apartments, Vacant Lots
- South - POS, RD6 / Single-family Homes
- East - RM24, RS6 / Single-family Homes
- West - Springfield Township

Parcel History

- Z-8007-08 - Zone Change from RS6 to IL at 6340 Dorr Street. Plan Commission deferred on 10/09/2008, Applicant withdrew on 11/24/2008.
- Z19-C648 - Zone Change from RA to C-2 at 6340 Dorr Street. County Plan Commission approved 03/01/2018.
- Z19-C649 - Zone Change from M-1 to C-2 at 6340 Dorr Street. County Plan Commission approved 03/01/2018.

**GENERAL INFORMATION (cont'd)**

Parcel History (cont'd)

- Z-4001-19 - Zone Change from RS6 to CR at 6340 Dorr Street. Approved by Ord. 523-19.
- S-10-19 - Preliminary Plat of Dorr Street Station located at Dorr Street and I-475. Plan Commission approved 10/23/19.
- S-4-23 - Preliminary Drawings of Dorr Street Station Plats 1 & 2, Located at I-475 & Dorr Street. Plan Commission approved 05/24/2023

Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

**STAFF ANALYSIS**

The applicant, QuikTrip is requesting a Special Use Permit for a gas station and a convenience store. The site is partly Zoned C-2 General Commercial located in Springfield Township and CR Regional Commercial in the City of Toledo. At the time of platting, it was decided that the most stringent Zoning regulations will apply to future site plan applications which is the Toledo Municipal Code (TMC), Part Eleven – Planning and Zoning Code. The property is surrounded by apartments and vacant lots to the north, to the south and east are single-family homes, and to the west of the site is Springfield Township. A Special Use Permit is required for gas stations in CR Regional Commercial Zoning Districts.

Gasoline and Fuel Sales Requirements

**TMC§1104.0900** – *gasoline and fuel sales* outline the design criteria for gas stations in terms of site layout, location and general requirements. Per TMC§1104.0902, gas pumps and pump islands shall not be located in the front yard within fifty feet (50’) of a residential district. In addition to that, pump islands shall be set back a minimum of fifteen feet (15’) from the property line and canopies set back ten feet (10’) as well. Furthermore, non-petroleum displays shall be set back twenty-five feet (25’) from the right-of-way and shall be limited to a height of five feet (5’). Free air, water and restrooms shall also be provided and maintained during the hours of operations of the gas station. The submitted site plan and elevation drawings meet these requirements.

**STAFF ANALYSIS (cont'd)**

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*: Gasoline and Fuel sales are required to have one (1) parking space per pump plus one (1) per three-hundred (300) square feet of building area. The site plan shows eight (8) gas pumps along Dorr Street and five (5) auto diesel stations to the north of the site. Twenty-six at pump parking spaces are required for the use. The proposed building covers an area of 5,312 square feet requiring an additional seventeen (18) parking spaces. The submitted site plan shows fifty-six (56) parking spaces and eleven (11) truck parking spaces to the north of the site for the gasoline and fuel sales use. TMC§1107.1601 requires one stacking space for every gasoline pump island. The stacking spaces must be a minimum of ten feet (10') by twenty feet (20') in size. This is not acceptable as depicted. Stacking spaces with dimensions shall be shown on a revised site plan.

A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. According to the table in TMC§1107.1701 – *Number of Required Parking Spaces for Persons with Disabilities*, the applicant is required to provide at least one (1) van accessible space with an eight-foot (8') drive aisle and two (2) car accessible space with five-foot (5') drive aisles for persons with physical disabilities. The site plan shows two (2) accessible parking spaces and one (1) van accessible parking space included in the total number of parking spaces for the gasoline and fuel sales use. This is acceptable as depicted on site plan submitted on November 8, 2023.

Additionally, one (1) bicycle parking per ten (10) parking spaces is required for the convenience store use. Six bicycle parking spaces are required. This is acceptable as depicted on the site plan received on November 8, 2023. The site plan shows access to the site off Dorr Street through Covell Drive and connecting to Interstate 475 in future.

Landscaping

Per **TMC§1108.0202** a thirty-foot (30') greenbelt is required for properties over five (5) acres or with a frontage over five hundred feet (500'). At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. A thirty-foot frontage greenbelt buffer is required along Dorr Street, I-475 and Covell Drive. Twenty-six (26) trees and a continuous shrub shall be provided along Dorr Street for a frontage of  $\pm$  765 feet. In addition to that, the applicant is required to provide eighteen (18) trees along I-475 and thirteen (13) trees along Covell Drive. This requirement shall include a continuous shrub. The submitted site plan shows twenty-one (21), eighteen (18) and twenty-eight (28) with a continuous shrub along Dorr Street, Interstate 475 and Covell Drive. This is not acceptable as depicted on landscaping plan. Additional continuous shrub shall be provided along the property line fronting Interstate 475.

**STAFF ANALYSIS (cont'd)**

Landscaping (cont'd)

In addition to that, **TMC§1108.0204(B)(9)** requires perimeter landscaping to be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must include a continuous shrub row with a minimum height eighteen inches (18"). Perimeter landscaping must consist of a landscape area at least 10 feet in width, exclusive of sidewalks, walkways, trails, or right-of-way and must be located between the parking lot and the property line. Frontage greenbelt requirements shall count towards perimeter landscaping requirement when along a public right-of-way. The provided landscaping is acceptable as depicted on the landscaping plan submitted on November 8, 2023. The associated case S-18-23 shows a 1.442-acre conservation easement to the east of the site. The easement has existing trees providing perimeter landscaping for the adjacent residential properties.

Furthermore, **TMC§1108.0204** *Parking Lot Landscaping* requires all off-street parking lots containing five or more off-street parking spaces to be landscaped. The total interior landscaping required in parking lots is twenty (20) square feet per parking and stacking space. Based on the number of parking spaces, and stacking spaces at the pumps, 1,120 square feet of landscaping is required for this site. This is acceptable as depicted on landscaping plan submitted on November 8, 2023.

Finally, **TMC§1108.0205** *Interior Site Landscaping*, for every 1,000 square feet of building coverage, one two-inch (2") caliper tree and foundation plantings shall be provided. The proposed building is 5,312 square feet hence, five (5) trees and foundational plantings are required along the south, east and west building entrances. This is acceptable as depicted on landscaping plan submitted on November 8, 2023.

Building Design and Materials

As required under **TMC§1109.0500** – *Building Façade Materials and Color*, the submitted elevations shows the southern façade visible from Dorr Street being 42% brick, 11% architectural metal, 22% glass and 15% EIFS and 10% signs. The wall facing Interstate 475 is composed of 74% brick, 5% architectural metal, 11% EIFS and 10% glass. The north portion of the building is made up of 95% brick and 5% brick. The east façade consists of 64% brick, 5% architectural metal, 20% glass and 11% EIFS. All building material standards apply to all façades that are visible from the right-of-way, the proposed elevations are compliant.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the site for Single-Family land uses. Single Family land uses typically include the development of single-dwelling units on individual lots and may also include libraries, schools, churches, and community centers that serve neighborhoods. The Single-Family Residential district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. Although the future land use for this site is intended for single-family land uses, the current Zoning of the site permits gasoline and fuel sales use and it also meets the intent of the Zoning Code.

Staff recommends approval of the Special Use Permit as the proposed use meets the stated purpose of the Zoning Code and the proposed use complies with all applicable provisions of the Zoning Code.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-8002-23, a Special Use Permit for gasoline and fuel sales at the corner of Dorr Street and Interstate 475 to the Toledo City Council, for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A)); and;
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B)).

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-8002-23, a Special Use Permit for Special Use Permit for gasoline and fuel sales at the corner of Dorr Street and Interstate 475, to the Toledo City Council, subject to the following **fifty-seven (57)** conditions:

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

Engineering Services

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 Services

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.

Contact Joe Warnka at (419)-245-1341 for inspection of above-mentioned items.

4. There are no proposed water mains shown on the plans. As such, the Division of Engineering and Construction Management has no comments with respect to the public water system as it relates to this submittal. If public water mains are added to the project, detailed plans shall be submitted to the DCEM for review and approval.
5. Contact the City of Toledo Fire Prevention Bureau (41-245-1263) to verify the fire protection requirements for this site.
6. Comments regarding proposed private water mains and/or service lines will be provided by the Division of Water Distribution.
7. ODOT Drainage and R/W permit(s) will be needed. The ODOT Location and Design (L&D) manual Volume 2 Section 1001.3 provides the requirements.
8. Submittal for Toledo Stormwater approval is also required. Preliminary design communication is highly encouraged ahead of the full stormwater submittal, in order to minimize revisions once the full stormwater submittal is made, which requires multiple items:
  - a. Items are listed in the regional SWP3 submittal coversheet: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>.

**STAFF RECOMMENDATION (cont'd)**

Engineering Services (cont'd)

- b. Plans according to the 2014 Infrastructure Requirements document found in the drop down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>.
9. Following the stormwater review, additional items are need for Toledo's approval:
  - a. As listed on the regional SWP3 submittal coversheet. The signed agreement will be through a covenant which will need to be recorded.
  - b. Fee and Toledo Licensed Sewer Contractor for the sewer construction permit.
  - c. Construction inspection and completion of obligations in the stormwater permit.
10. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
11. A single sanitary tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
12. Any prior kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.

Water Distribution

13. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
14. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
15. Plans must be submitted to Fire Prevention ([rex.butler@toledo.oh.gov](mailto:rex.butler@toledo.oh.gov), 419.936.2008) for review and approval.
16. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S Erie Street, Toledo, OH 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.

**STAFF RECOMMENDATION (cont'd)**

Water Distribution (cont'd)

17. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com @ (800) 414-4990. Contact the Division of Water Distribution (419-392-2032) to verify the backflow prevention requirements for the site.
18. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
19. Detailed plans should include:
  - a. Water feature sizes and distances; maintain 18" vertical clearance between proposed water main and proposed storm sewers.
  - b. 3" separation is needed t the main for small taps, 10 feet separation for large taps.
  - c. If Backflow is not located inside a building, it needs to be directly after meter, above ground in a Hot Box.
  - d. Plans must include Oak Openings Region Note (Included in the email).
  - e. Include a callout for a tapping sleeve and valve by the City of Toledo at the developer's expense. Excavation, shoring, valve box, backfill and restoration by the contractor.
  - f. Include a callout for a proposed tap by the City of Toledo at the developer's expense. City will provide tap, 5' of type "K" copper, curb stop and curb box. Excavation, shoring, valve box, backfill and restoration by the contractor.
20. This project is located within the Oak Openings Region. The following "Oak Openings Region" note must be placed on the plans and the conditions set forth in the note must be complied with:

**STAFF RECOMMENDATION (cont'd)**

Water Distribution (cont'd)

OAK OPENINGS REGION

THIS PROJECT IS LOCATED WITHIN THE OAK OPENINGS REGION, A SIGNIFICANT, HIGH QUALITY, ENVIRONMENTAL RESOURCE. DREDGING, FILLING, CLEARING, OR OTHERWISE ALTERING CATEGORY 3 WETLANDS (SEE OAC 3745-1-54 FOR WETLAND CATEGORY DEFINITIONS) WITHIN THE OAK OPENINGS REGION IS PROHIBITED. DREDGING, FILLING, CLEARING, OR OTHERWISE ALTERING CATEGORY 1 OR 2 WETLANDS WITHIN THE OAK OPENINGS REGION IS STRONGLY DISCOURAGED, AND IS PROHIBITED WITHOUT FIRST PROVIDING PROOF OF COMPLIANCE WITH THE FOLLOWING PERMITS: SECTION 401 OF THE CLEAN WATER ACT, OHIO EPA ISOLATED WETLAND PERMIT, AND SECTION 404 OF THE CLEAN WATER ACT. IF A PERMIT DOES NOT APPLY, PROVIDE A LETTER FROM A QUALIFIED PROFESSIONAL CERTIFYING THAT THEY HAVE SURVEYED THE SITE AND DETERMINED THAT THE PERMIT IS NOT APPLICABLE. ALL CERTIFICATIONS AND DELINEATIONS SHALL INCLUDE NOTIFICATION OF AND CONCURRENCE FROM THE U.S. ARMY CORPS OF ENGINEERS AND/OR OHIO EPA, AS APPROPRIATE, IN ACCORDANCE WITH PROTOCOLS CURRENTLY ACCEPTED BY THE U.S. ARMY CORPS OF ENGINEERS. ANY MITIGATED WETLANDS PROVIDED IN ACCORDANCE WITH SAID PERMITS SHALL BE LOCATED WITHIN THE OAK OPENINGS REGION.

Division of Sewer & Drainage Services

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

23. 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.

**STAFF RECOMMENDATION** (cont'd)

Division of Environmental Services (cont'd)

- 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.
24. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
25. 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.
26. 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
27. 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.

Bureau of Fire Prevention

28. This facility will occupy lots in two separate political and fire jurisdictions. Details will need to be covered on jurisdictional coverage.
29. The proposed new building will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
30. New and existing buildings shall be provided with approved address identification that meets Building Code requirements. Current property address from Lucas County AREIS is 6340 Dorr St. (OBC 501.2)
31. All permits for new UST systems for this fueling station to be submitted to the State of Ohio BUSTR (Bureau of Underground Storage Tank Registration) (ORC 1301:7-9-10 Permits for UST systems).

**STAFF RECOMMENDATION** (cont'd)

Bureau of Fire Prevention (cont'd)

32. Public and private hydrant locations to be approved by the city engineer and the Fire Prevention Dept. (OFC Section 507) – NOTE – no fire hydrants are shown on Dorr Street Station Court, these are required.
33. Fire Department to receive and review building construction plans when submitted to the Building Department. (OFC104.2, OBC106.1.2 #5 & 901.2.1.1)
34. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

Division of Transportation

35. Vehicle staking is required to be shown at gas pumps per TMC 1107.1601 & 1107.1602.
36. Accessible parking signage is required per TMC 1107.1704.
37. Wheel stops are required at parking spaces abutting property lines, sidewalk, planting strips and buildings per TMC 1107.1907.
38. A 25' drive aisle is required from vehicle stacking to the building parking and to the parking lot curb for two-way traffic per TMC 1107.1911.
39. A traffic impact study needs to be completed for the complete Dorr Street Station Court area.

Plan Commission

40. Off-street parking shall be provided pursuant to Off-Street Parking Schedule “A,” (TMC§1107.0304). Minimum number of off-street parking spaces required for gasoline and fuel sales is one (1) parking space per pump plus one (1) per three-hundred (300) square feet of building area. The site plan shows eight (8) gas pumps along Dorr Street and five (5) auto diesel stations to the north of the site. Twenty-six (26) at pump parking spaces are required. The proposed building covers an area of 5,312 square feet requiring an additional seventeen (18) parking spaces. A total of forty-four parking spaces are required for this site. The submitted site plan shows fifty-six (56) parking spaces and eleven (11) truck parking spaces to the north of the site for the gasoline and fuel sales use. **Acceptable as depicted on site plan submitted on November 8, 2023.**
41. Per TMC§1107.1601 a pump island requires a minimum of one (1) stacking space. Twenty-six (26) stacking spaces shall be provided for this site. **Not acceptable as depicted on site plan. Stacking spaces shall be indicated on a revised site plan.**

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

42. Stacking spaces must be a minimum of ten by 20 feet (10'x20') in size. **Not acceptable as depicted on site plan. Stacking spaces with dimensions shall be indicated on a revised site plan.**
43. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A," (TMC§1107.0300). Minimum number of bicycle parking slots required for a convenience store is one (1) bicycle parking per ten (10) parking spaces. Six bicycle parking spaces are required. **Acceptable as depicted on site plan received November 8, 2023.**
44. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. One (1) van accessible space with an eight-foot (8') drive aisle and two (2) car accessible space with five-foot (5') drive aisles are required. **Acceptable as depicted on site plan submitted November 8, 2023.**
45. 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 or to a stormwater treatment facility subject to the regulations and approval of the Department of Public Utilities.
46. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in **TMC§1361.10(b)(10)** of the Building Code. **If applicable.**
47. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A thirty-foot (30') buffer of landscaped frontage greenbelt is required along Dorr Street, Interstate 475 and Covell Drive. At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. Twenty-six (26) trees and a continuous shrub shall be provided along Dorr Street. In addition to that, the applicant shall provide eighteen (18) trees along Interstate 475 and thirteen (13) trees along Covell Drive. This requirement shall include a continuous shrub. **Not acceptable as depicted on site plan. Additional continuous shrub shall be provided along the property line adjacent to Interstate 475.**

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

- b. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must include a continuous shrub row with a minimum height eighteen inches (18"). **Perimeter landscaping including the conservation easement to the east of the site is acceptable as depicted on site plan submitted on November 8, 2023.**
- c. Two (2) canopy trees and six shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot (existing trees may be used for credits). A total of twelve (12) trees and thirty-six (36) shrubs are required for this site. **Acceptable as depicted on landscaping plan submitted on November 8, 2023.**
- d. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage. **Acceptable as depicted on site plan.**
- e. One 2-inch caliper tree for every 1,000 square feet of building coverage shall be required. Five (5) trees are required for this site. **Acceptable as depicted on landscaping plan submitted on November 8, 2023.**
- f. Foundation plantings shall be required along the portion of the building visible from the right-of-way (south, west and east sides) and landscaping at all major building entrance. **Acceptable as depicted on landscaping plan.**
- g. Topsoil must be back filled to provide positive drainage of the landscape areas;
- h. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage. **Acceptable as depicted on landscaping plan submitted on November 8, 2023;**
- i. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards. **Acceptable as depicted on landscaping plan submitted on November 8, 2023;**

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

- j. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
  - k. The location, height and materials for any fencing to be installed and maintained.
  - l. Because the site is greater than ½ acre large, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details;
  - m. The location and direction of any proposed **lighting (any lighting is to be directed away from adjacent residential properties)**.
48. Per TMC§1109.0204(A)(1) At least one main entrance of any commercial, mixed-use, or institutional building shall face and open directly onto a 5-foot-wide connecting walkway to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route. **Acceptable as depicted on site plan received November 8, 2023.**
49. Building elevations are subject to TMC§1109.0500 – Building Façade Materials and Color. **Proposed elevations received November 9, 2023 are acceptable as depicted.**
50. All internal pedestrian walkways that cross parking aisles or driveways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated 6 inches with tapered side slopes and meet ADA standards. **Acceptable as depicted on site plan received on November 8, 2023.**
51. Applicant shall obtain approval for a final plat before final permits issuance

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

52. All freestanding signs in the Dorr Street Interchange Overlay District shall be low profile/monument signs. Each sign shall be constructed with a high-quality stone/masonry base and shall be internally illuminated. All such signs shall conform to Section E. Maximum height of any Low-Profile/Monument sign shall be five (5') feet in height when placed at the right-of-way. Maximum height may increase at a rate of three (3") inches per one (1') foot of setback from the right-of-way up to a maximum height of ten (10') feet. **Not acceptable as depicted. The proposed pole sign along Interstate 475 does not meet this requirement.**
53. Applicant shall obtain appropriate permits for any proposed signage.
54. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
55. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
56. 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.
57. 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.

SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP-8002-23  
DATE: December 7, 2023  
TIME: 2:00 P.M.

CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: January 9, 2024  
TIME: 4:00 P.M.

ET  
Nine (9) sketches follow

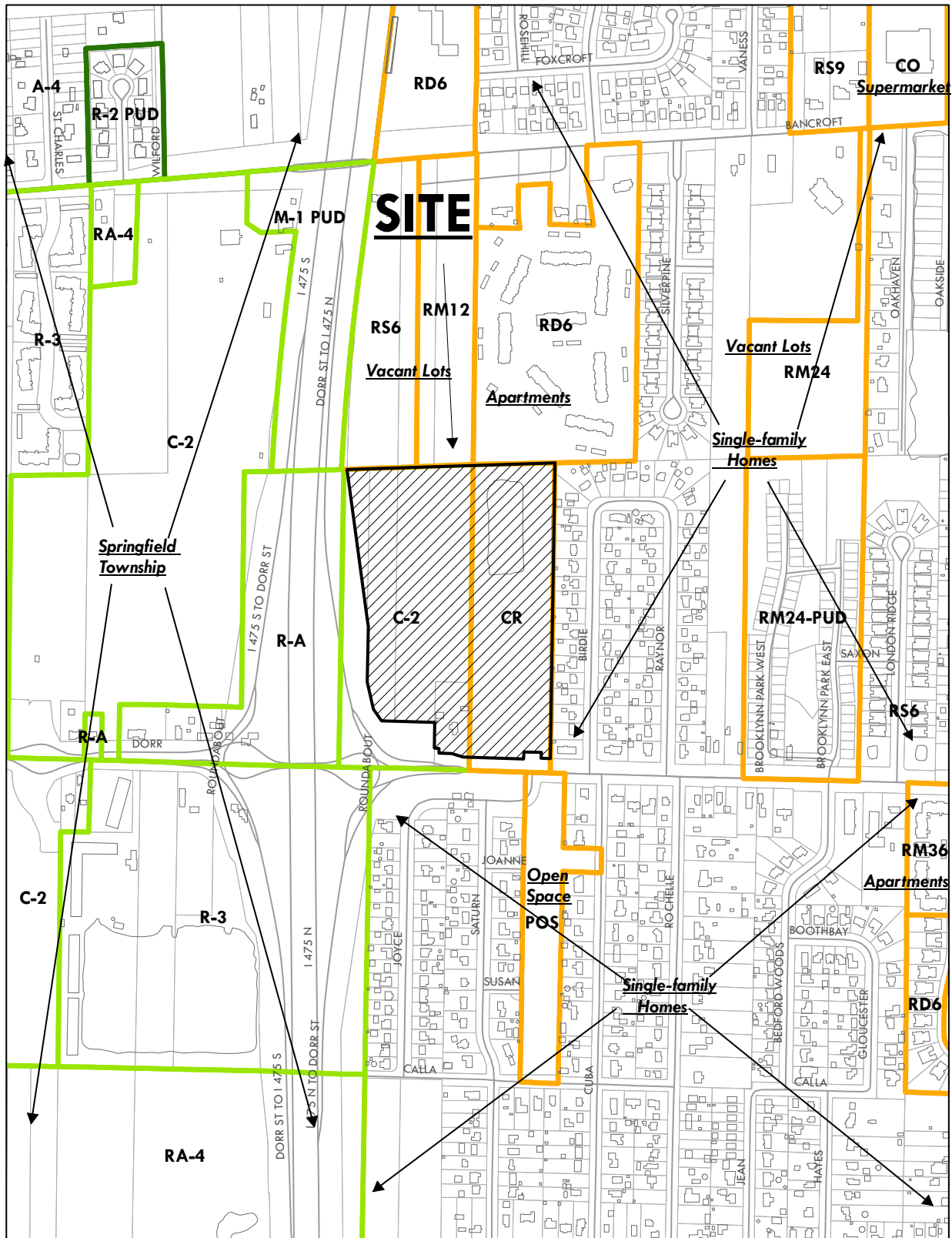
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SUP-8002-23



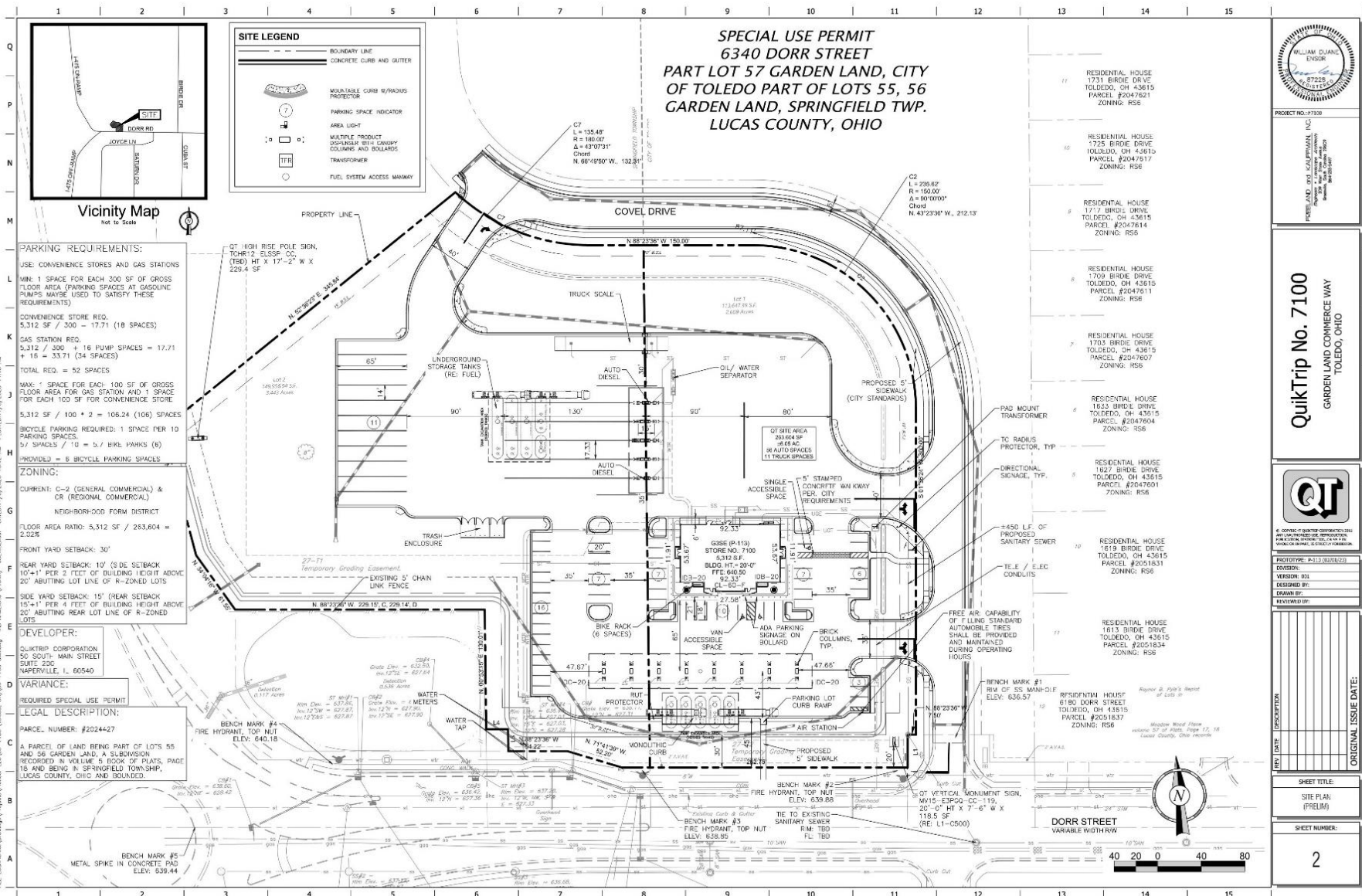
# ZONING & LAND USE

SUP-8002-23



# SITE PLAN

# SUP-8002-23



PROJECT NO. 171300

WILLIAM GUANZ  
ENGINEER

REGISTERED PROFESSIONAL ENGINEER  
No. 87225  
STATE OF OHIO

PREPARED BY: BOB WILSON, INC.  
10000 WOODLAND AVENUE  
TOLEDO, OHIO 43615  
TEL: 419-241-1111

**QuikTrip No. 7100**

GARDEN LAND COMMERCE WAY  
TOLEDO, OHIO

PROTOTYPE #112 (REVISED)

DESIGNED BY: BOB WILSON, INC.

DRAWN BY: BOB WILSON, INC.

PROCESSED BY: BOB WILSON, INC.

REV.	DATE	DESCRIPTION

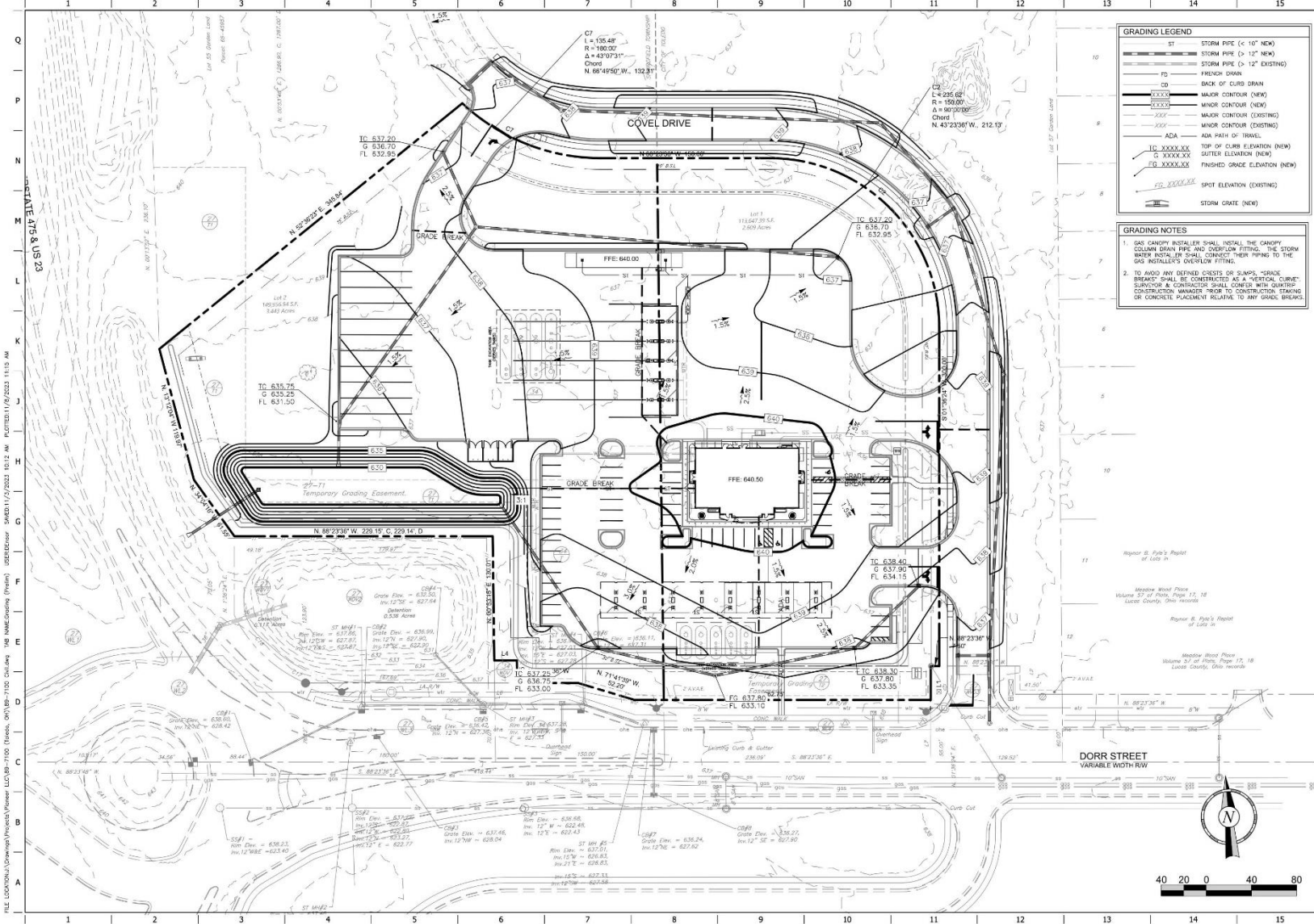
SHEET TITLE:  
SITE PLAN (PRELIM)

SHEET NUMBER:  
2

1 - 19

# GRADING PLAN

## SUP-8002-23



**GRADING LEGEND**

ST	STORM PIPE (< 10" NEW)
---	STORM PIPE (> 12" EXISTING)
FD	FRENCH DRAIN
CD	BACK OF CURB DRAIN
---	MAJOR CONTOUR (NEW)
---	MINOR CONTOUR (NEW)
---	MAJOR CONTOUR (EXISTING)
---	MINOR CONTOUR (EXISTING)
---	ADA PATH OF TRAVEL
TC XXXX.XX	TOP OF CURB ELEVATION (NEW)
G XXXX.XX	OUTLET ELEVATION (NEW)
FG XXXX.XX	FINISHED GRADE ELEVATION (NEW)
FD XXXX.XX	SPOT ELEVATION (EXISTING)
SG	STORM GRATE (NEW)

**GRADING NOTES**

1. GAS CANOPY INSTALLER SHALL INSTALL THE CANOPY COLLAR DRAIN PIPE AND OVERFLOW FITTING. THE STORM WATER INSTALLER SHALL CONNECT THEIR PIPING TO THE GAS INSTALLER'S OVERFLOW FITTING.
2. TO AVOID ANY DEFINED FORESTS OR SLIPPS, "GRADE BREAKS" SHALL BE CONSTRUCTED AS A "VERTICAL CURVE". SUPERVISOR & CONTRACTOR SHALL CONFER WITH QUIKTRIP CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION. STAKING OR CONCRETE PLACEMENT RELATIVE TO ANY GRADE BREAKS.



PROJECT NO. 77100  
 PEELAND, 803 KALPPIAN, INC.  
 10000 W. STATE ST., SUITE 100  
 COLUMBUS, OHIO 43240  
 (614) 291-1111

**QuikTrip No. 7100**  
 GARDEN LAND COMMERCE WAY  
 TOLEDO, OHIO



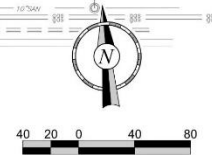
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 OR TRANSMISSION IN ANY FORM OR BY ANY  
 MEANS IS STRICTLY PROHIBITED.

PROTOTYPE: P-113 (02/02/23)  
 VERSION: 011  
 DESIGNED BY:  
 DRAWN BY:  
 REVIEWED BY:

REV	DATE	DESCRIPTION

SHEET TITLE:  
 GRADING PLAN (PRELIM)

SHEET NUMBER:  
 3

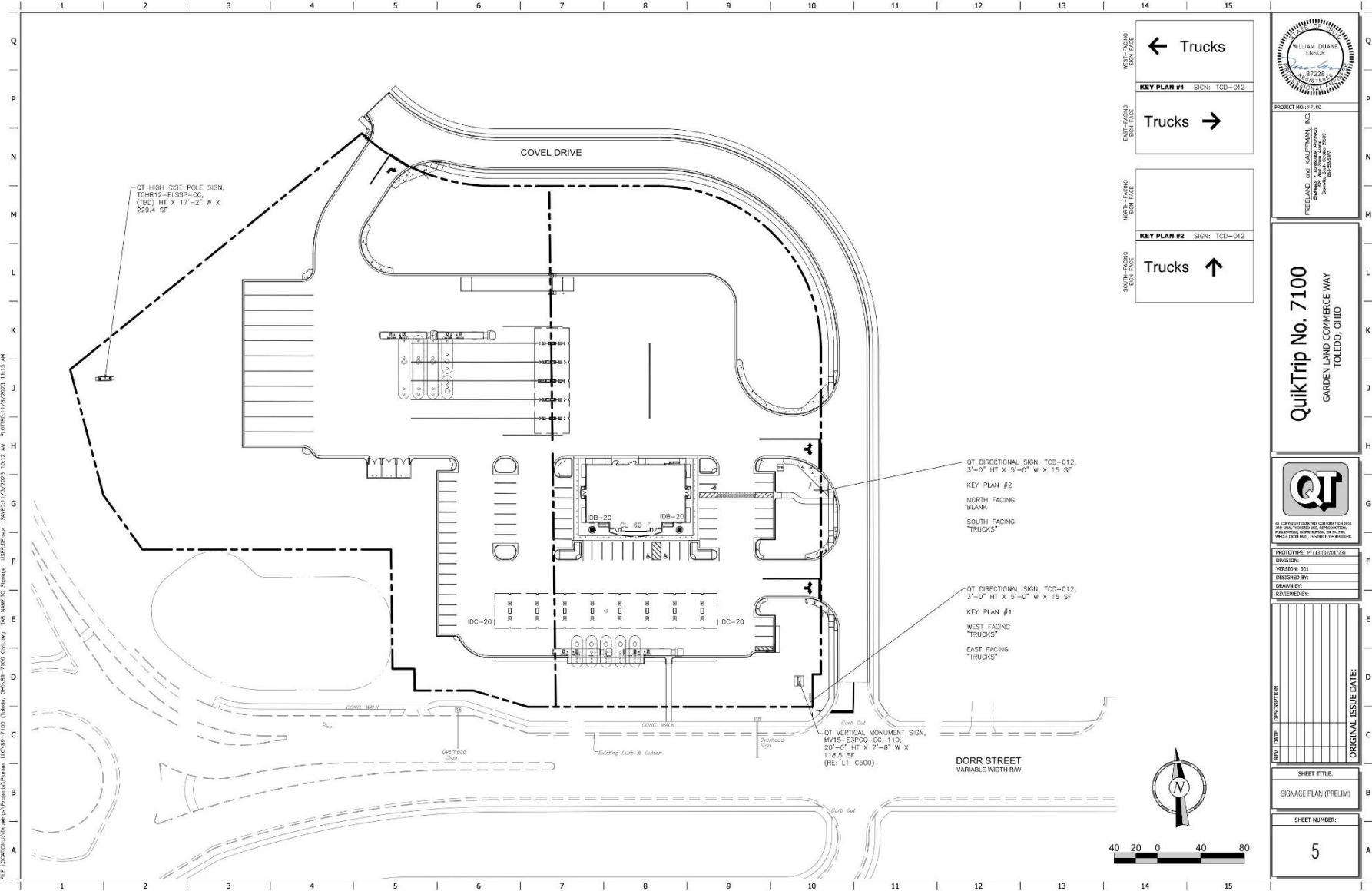


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 PLOTTER: HP DesignJet 2450c  
 PLOT SCALE: 1" = 10'-0"



# SIGNAGE PLAN

SUP-8002-23



WEST-FACING SIGN FACE  
← Trucks

KEY PLAN #1 SIGN: TCD-012

EAST-FACING SIGN FACE  
Trucks →

NORTH-FACING SIGN FACE

KEY PLAN #2 SIGN: TCD-012

SOUTH-FACING SIGN FACE  
Trucks ↑

PROJECT NO. 7100

PRELAD, JDC CALPITMAN, INC.  
Professional Engineer  
10000 E. Main Street, Suite 100  
Toledo, Ohio 43623

**QuikTrip No. 7100**  
GARDEN LAND COMMERCE WAY  
TOLEDO, OHIO



PROTOTYPE: P-113 (02/01/23)  
DIVISION:  
VERSION: 001  
DESIGNED BY:  
DRAWN BY:  
REVIEWED BY:

REV	DATE	DESCRIPTION	ORIGINAL ISSUE DATE:

SHEET TITLE:  
SIGNAGE PLAN (PRELIM)

SHEET NUMBER:  
**5**

FILE LOCATION: \\pvs\eng\projects\pvs\sup-8002-23\sup-8002-23.dwg USER: ensor DATE: 11/17/2023 10:12 AM PLOT: 11/17/2023 10:12 AM

# ELEVATIONS

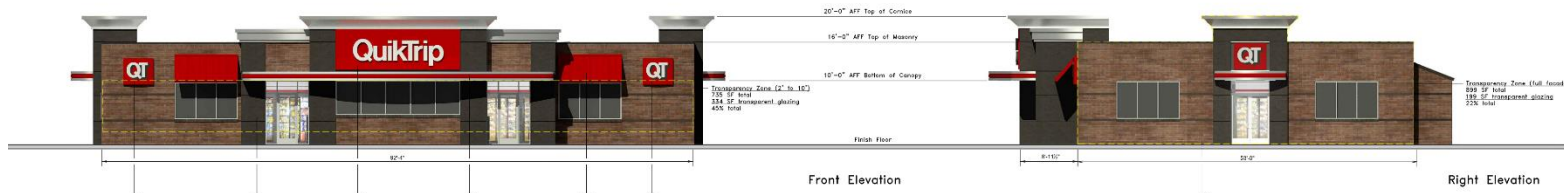
SUP-8002-23



**APPROVED**  
*Joe K.*  
10/17/2023

**PRIMARY BUILDING MATERIAL SUMMARY**  
 FRONT (SOUTH) - BRICK 42% + FASCIA/METAL/SIGNS 21% + GLASS 22% = 85%  
 FRONT (EAST) - BRICK 64% + FASCIA/METAL 5% + GLASS 20% = 89%  
 SIDE (WEST) - BRICK 74% + FASCIA/METAL 5% + GLASS 10% = 89%  
 REAR (NORTH) - BRICK 95% + GLASS 5% = 100%

G3SE Material SF & Percentage Table						
	TOTAL	ATLAS BRICK	EFS	FASCIA/CANOPY	DOORS/WINDOWS	SIGNAGE
FRONT FACADE:	1635 SF	693 SF 42%	243 SF 15%	171 SF 11%	361 SF 22%	167 SF 10%
RIGHT FACADE:	899 SF	576 SF 64%	101 SF 11%	44 SF 5%	199 SF 20%	
LEFT FACADE:	899 SF	662 SF 74%	101 SF 11%	44 SF 5%	92 SF 10%	
REAR FACADE:	1386 SF	1319 SF 95%			67 SF 5%	

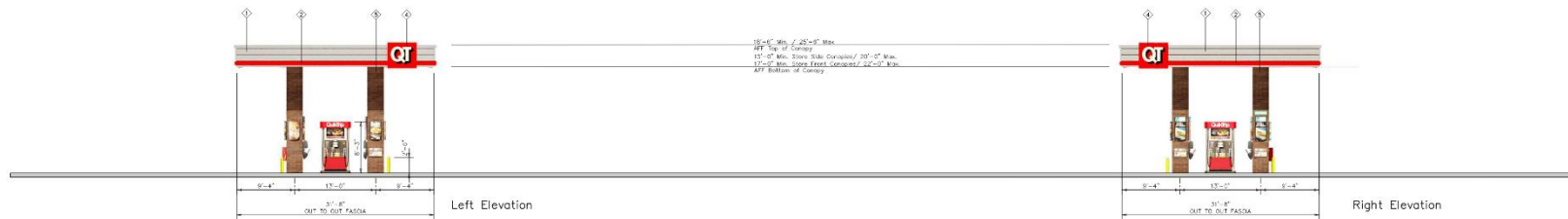
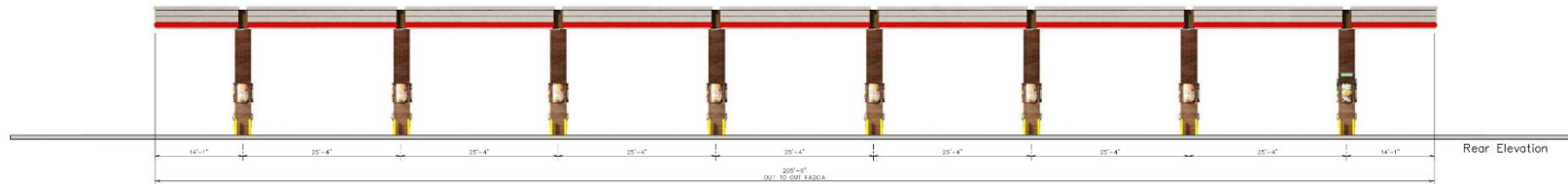
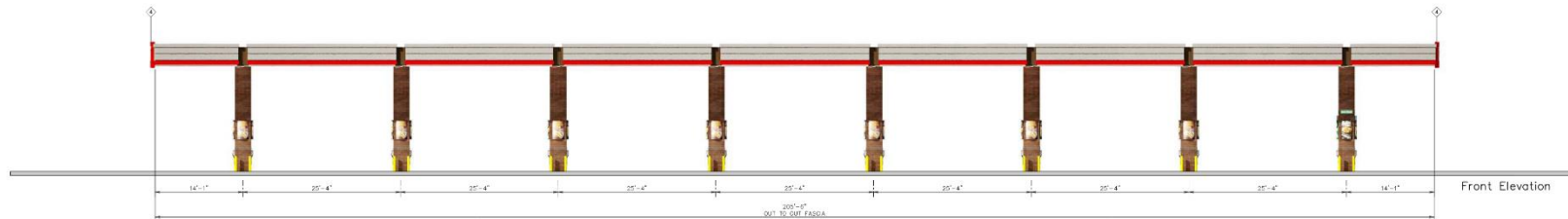


1 - 23

	Store #	7100 Custom G3SE Building Elevations	Address:	Dorr Street	City, State:	Toledo, OH																																											
	Serial #	89-7100-G3SE	Scale:	1/8"=1'-0"	Issue Date:	10.17.23																																											
4705 South 129th East Ave. Toledo, OH 44134-7068 P.O. Box 3475 Toledo, OH 44102-5475 (419) 615-7700	Drawn By:	BP	Rev/Notes:		COPYRIGHT © 2013 QUIKTRIP CORPORATION. DESIGN PATENTS QUIKTRIP BRAND ARE THE EXCLUSIVE PROPERTY OF QUIKTRIP CORPORATION, TULSA, OKLAHOMA. THESE PLANS ARE PROTECTED IN THEIR ENTIRETY BY DOMESTIC AND INTERNATIONAL COPYRIGHT AND PATENT STATUTES. ANY UNAUTHORIZED USE, REPRODUCTION, PUBLICATION, DISTRIBUTION OR SALE IN WHOLE OR IN PART, IS STRICTLY FORBIDDEN.																																												
					<table border="1"> <thead> <tr> <th>#</th> <th>ITEM</th> <th>MANUFACTURER</th> <th>SPECIFICATION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>BRICKWORK</td> <td>ATLANTA BRICK</td> <td>ATLANTA STRUCTURAL BRICK</td> </tr> <tr> <td>2</td> <td>BRICK</td> <td>ATLANTA BRICK</td> <td>ATLANTA STRUCTURAL BRICK</td> </tr> <tr> <td>3</td> <td>BRICK</td> <td>ATLANTA BRICK</td> <td>ATLANTA STRUCTURAL BRICK</td> </tr> <tr> <td>4</td> <td>ALUMINUM</td> <td>ALUMINUM</td> <td>ALUMINUM</td> </tr> <tr> <td>5</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>6</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>7</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>8</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>9</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>10</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> </tbody> </table>	#	ITEM	MANUFACTURER	SPECIFICATION	1	BRICKWORK	ATLANTA BRICK	ATLANTA STRUCTURAL BRICK	2	BRICK	ATLANTA BRICK	ATLANTA STRUCTURAL BRICK	3	BRICK	ATLANTA BRICK	ATLANTA STRUCTURAL BRICK	4	ALUMINUM	ALUMINUM	ALUMINUM	5	GLASS	GLASS	GLASS	6	GLASS	GLASS	GLASS	7	GLASS	GLASS	GLASS	8	GLASS	GLASS	GLASS	9	GLASS	GLASS	GLASS	10	GLASS	GLASS	GLASS
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9	GLASS	GLASS	GLASS																																														
10	GLASS	GLASS	GLASS																																														

# ELEVATIONS

SUP-8002-23



Store # 7100 Vertical 8 Canopy Elevations  
 Serial # 89-7100-GV08  
 Scale: 1/8" = 1'-0"  
 Issue Date: 10.17.23

Address: Dorr Street  
 City, State: Toledo, OH  
 Drawn By: BP

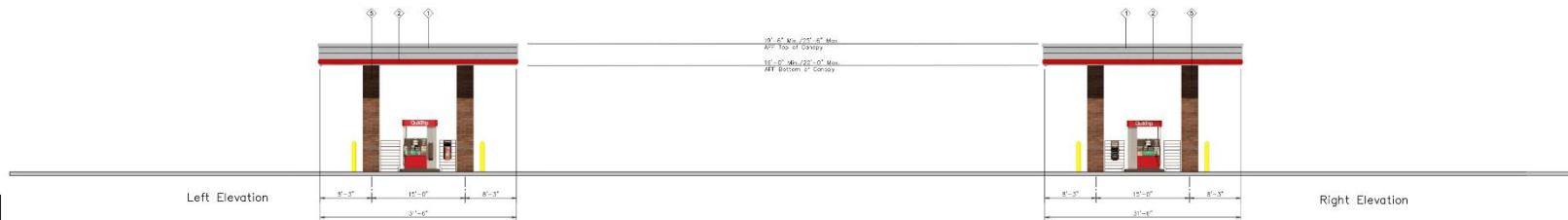
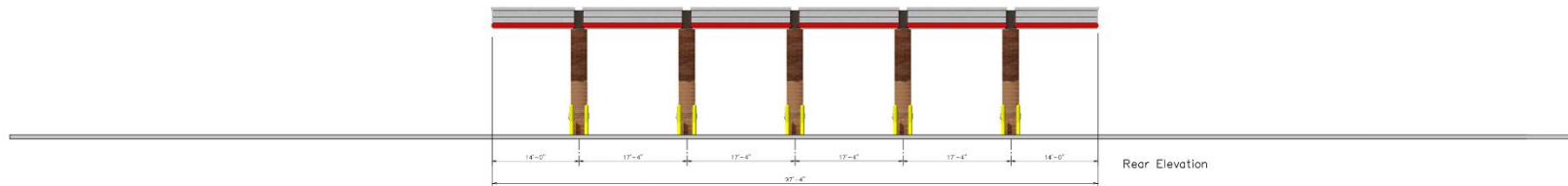
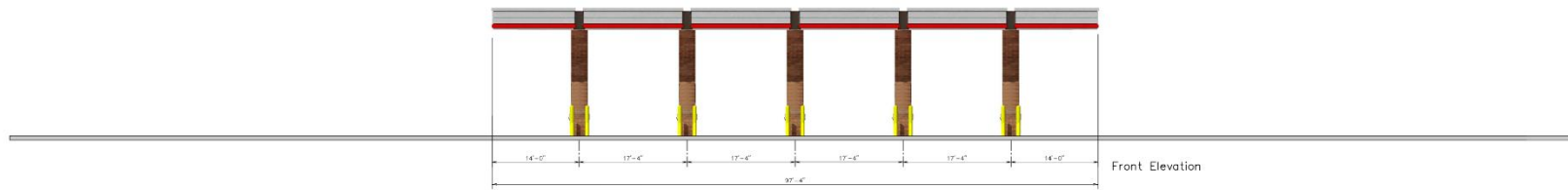
Rev/Notes:

Q	FNDR	MANUFACTURER	SPECIFICATION
1	18" DIA. ALUMINUM	ALUMINUM	ALUMINUM PIPE
2	18" DIA. ALUMINUM	ALUMINUM	ALUMINUM PIPE
3	18" DIA. ALUMINUM	ALUMINUM	ALUMINUM PIPE
4	18" DIA. ALUMINUM	ALUMINUM	ALUMINUM PIPE
5	18" DIA. ALUMINUM	ALUMINUM	ALUMINUM PIPE
6	18" DIA. ALUMINUM	ALUMINUM	ALUMINUM PIPE
7	18" DIA. ALUMINUM	ALUMINUM	ALUMINUM PIPE
8	18" DIA. ALUMINUM	ALUMINUM	ALUMINUM PIPE

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# ELEVATIONS

SUP-8002-23



Store # 7100 4 Bay Diesel w/ Brick Columns  
 Serial # 89-7100-DV04  
 Scale: 1/8" = 1'-0"

Address: Dorr Street  
 City, State: Toledo, OH  
 Issue Date: 10.17.23  
 Drawn By: BP

Rev/Notes:

Q	FINISH	MANUFACTURER	SPECIFICATION
1	RED/BLACK ZINCALUM	ANY SOURCE	AS SHOWN
2	BRICK	ANY SOURCE	AS SHOWN
3	CONCRETE	ANY SOURCE	AS SHOWN
4	GLASS	ANY SOURCE	AS SHOWN
5	PAINT	ANY SOURCE	AS SHOWN
6	BLACK	ANY SOURCE	AS SHOWN

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**GENERAL INFORMATION**

Subject

- Request - Amendment to SUP, originally granted by Ord. 351-19, for rehab hospital at 3837 Secor Road
- Location - 3837 Secor Road
- Applicant(s) - Encompass Health  
PO Box 380546  
Birmingham, AL 35238
- Sign Company - Robert Hall  
Toledo Sign  
2021 Adams Street  
Toledo, OH 43604

Site Description

- Zoning - CO / Office Commercial
- Area - ± 8.34 Acres
- Frontage - ± 88 Feet along Monroe Street
- Existing Use - Hospital
- Proposed Use - Hospital

Area Description

- North - Gas Station, Drug Store, Retail/ CR
- South - I-475, Self-Storage, Single-Family Residential / RS9 & IP
- East - Senior Apartments, Grocery Store, Gas Station, Restaurants, Oil Service / RM36, CO & CR
- West - Notre Dame High School & Day Care / RS9

Parcel History

- PL-4-04 - Parking Lot Review for Revisions to the Existing Lot. Administratively Approved 07/07/04.
- Z-3003-15 - Zone Change from RS9 Single Dwelling Residential to CR Regional Commercial. Plan Commission recommended disapproval 06/11/15. City Council disapproved 11/10/15.

**GENERAL INFORMATION (cont'd)**  
Parcel History (cont'd)

- SPR-10-15 - Major Site Plan Review for a New Grocery Store and Outlots at 3835 Secor Road. Staff recommended disapproval 06/11/15. Plan Commission approved 06/11/15.
- SPR-50-16 - Site Plan Review for a Grocery Store at 3835 Secor Road. Staff recommended disapproval 2/9/17. Plan Commission disapproved 2/9/17.
- PUD-11002-16 - Planned Unit Development for New Grocery Store and Outlots. Plan Commission recommended disapproval 2/9/17. City Council approved 3/21/17 via Ord. 123-17. PUD expired 3/22/19.
- Z-11001-16 - Zone Change from RS9 Single Dwelling Residential to CR Regional Commercial. Plan Commission recommended disapproval 2/9/17. City Council approved 3/21/17 via Ord. 122-17. Zoning reverted 3/22/19.
- SPR-16-17 - Site Plan Review for a Grocery Store at 3835 Secor Road. Staff recommended approval 5/24/17. Plan Commission recommended approval 5/24/17. Site Plan expires 5/25/18.
- S-1-18 - Final Plat of Kroger Town Center at west of Secor Road, south of Monroe Street. *Expired*
- T-43-19 - Lot split for 8.35 acre parcel. Plan Commission approved 5/28/19. *Pending recording.*
- Z-4007-19 - Zone Change from RS9 Single Dwelling Residential to CO Office Commercial. Plan Commission recommended approval 6/13/19. City Council approved 7/23/19 via Ord. 350-19.
- SUP-5002-19 - Special Use Permit for a Hospital. Plan Commission recommended approval 6/13/19. City Council approved 7/23/19 via Ord. 351-19.

**GENERAL INFORMATION (cont'd)**

Parcel History (cont'd)

- |         |   |   |
|---------|---|---|
| S-33-20 | - | Preliminary Drawing of Secor Crossings at the southwest corner of Secor Road and Monroe Street. Plan Commission approved 1/14/2021. |
| S-12-22 | - | Final Plat of Secor Crossings. Plan Commission approved 10/13/22.   |

Applicable Plans and Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

**STAFF ANALYSIS**

The Applicant is requesting an amendment to a Special Use Permit that was granted for a rehab hospital that was approved by City Council on July 23, 2019 via Ord. 351-19. The subject property consists of 8.34 acres located west of Secor Road and south of Monroe Street. There were a number of conditions attached to the approval of the original Special Use Permit. Condition 40 stated that no new free-standing signs greater than 42 inches from grade are permitted and proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine – Sign Code.

Since the original approval, Encompass Health has constructed a 40-bed inpatient rehabilitation hospital on the site. The applicant has also installed a sign for Encompass Health just north of their parking lot, as was noted on the landscape plan submitted with the original Special Use Permit. The rehab hospital is accessed from Monroe Street at a non-signalized intersection. While Monroe Street is the main access for the rehab hospital, the facility itself sits over 300 feet from Monroe Street. The Applicant is now proposing to construct a multi-tenant sign in the landscape median at the Monroe Street entrance. The overall size of the proposed sign will be 71 inches tall, 87 inches wide, and 8.5 inches deep. The sign will have a 9.5-inch aluminum base, be double sided, but not lit. Each side will have one tenant panel that is 28 inches tall by 84 inches wide for Encompass Health. In addition, each side will have two tenant panels that are 13 inches tall by 84 inches wide. An amendment to the original Special Use Permit is required to allow for a sign to be constructed that exceeds the 42 inches in Condition 40.

A shared access easement covers the entrance of the site to accommodate the Maria Early Learning Center to the west, the Secor Senior Lofts to the east, and any other future development to the east. In addition to the Monroe Street entrance, the shared access easement covers an entrance to the site from Secor Road. The Secor Crossings Plat, approved by the Plan Commission in 2022, was required in Condition 38 of the original Special Use Permit. It was requested to address access restrictions along major roadways, and to establish cross access agreements

**STAFF ANALYSIS (cont'd)**

between parcels, preserve open space, and dedicate additional right of way to relocate the sidewalk away from the Monroe Street right of way.

The original Special Use Permit preserved trees along the perimeter of the property similar to what previous developments offered in this area. These efforts will be reviewed for the remaining acreage as development occurs. In addition, since both Monroe Street and Secor Road have limited access, additional access points will be prohibited for the remaining lots to be developed. Based on these factors, staff supports the proposed construction of the multi-tenant sign at the Monroe Street entrance, provided future tenants of all the parcels with shared access are provided the opportunity for a place on the sign. Toledo Sign has indicated that Encompass Health has reached out to the existing two tenants of the properties that are currently developed. These are the Maria Early Learning Center and Secor Senior Lofts. To date they are working on an agreement with Maria Early Learning Center to have a panel on the proposed sign.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Plan Future Land Use Map designates this property for Institutional Campus land uses. The Institutional Campus designation is intended to accommodate large institutional uses in a campus-like setting, such as hospital, schools, and colleges. It is also used to recognize distinct areas in Toledo such as “church row” along Collingwood Boulevard. The park-like residential setting is a unique feature surrounded by traditional commercial development and efforts should be made to preserve it. The original plan preserved trees along the perimeter of the property similar to what previous developments offered in this area. The multi-tenant sign will provide for tenant visibility, while preserving perimeter trees. Therefore, request is consistent with this designation.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-10002-23, an Amendment to a Special Use Permit, originally granted by Ord. 351-19, for a rehab hospital at 3837 Secor Road, to the Toledo City Council, for the following **three (3)** reasons:

1. The request is compatible with adjacent uses in terms of overall landscaping, aesthetics and design – **TMC 1111.0706.C.**
2. The proposed use meets the stated purpose of the Zoning Code - **TMC 1111.0706.B.**
3. The request is consistent with the Toledo 20/20 Comprehensive Plan.

Staff further recommends that the Toledo City Plan Commission recommend approval of SUP-10002-23, an Amendment to a Special Use Permit, originally granted by Ord. 351-19, for a rehab hospital at 3837 Secor Road, to the Toledo City Council, subject to the following **four (4) conditions:**

**STAFF RECOMMENDATION (cont'd)**

Plan Commission

1. The Applicant works with additional tenants of the all parcels with shared access to provide an opportunity for a place on the sign.
2. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
3. 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. Major adjustments will require an amendment to the Special Use Permit.
4. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.

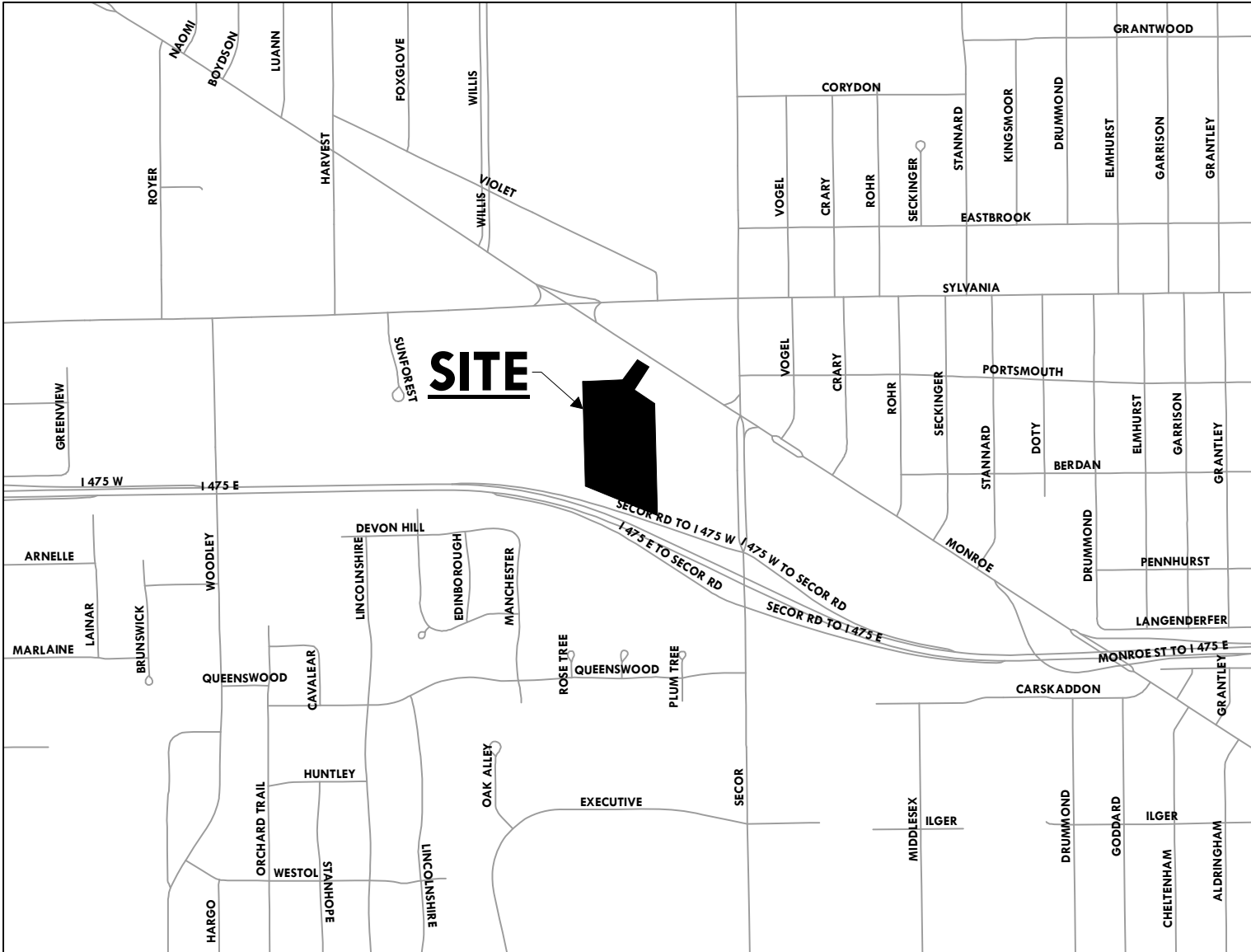
SPECIAL USE PERMIT  
TOLEDO PLAN COMMISSION  
REF: SUP-10002-23  
DATE: December 7, 2023  
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: January 9, 2024  
TIME: 4:00 P.M

LK  
Three (3) sketches follow

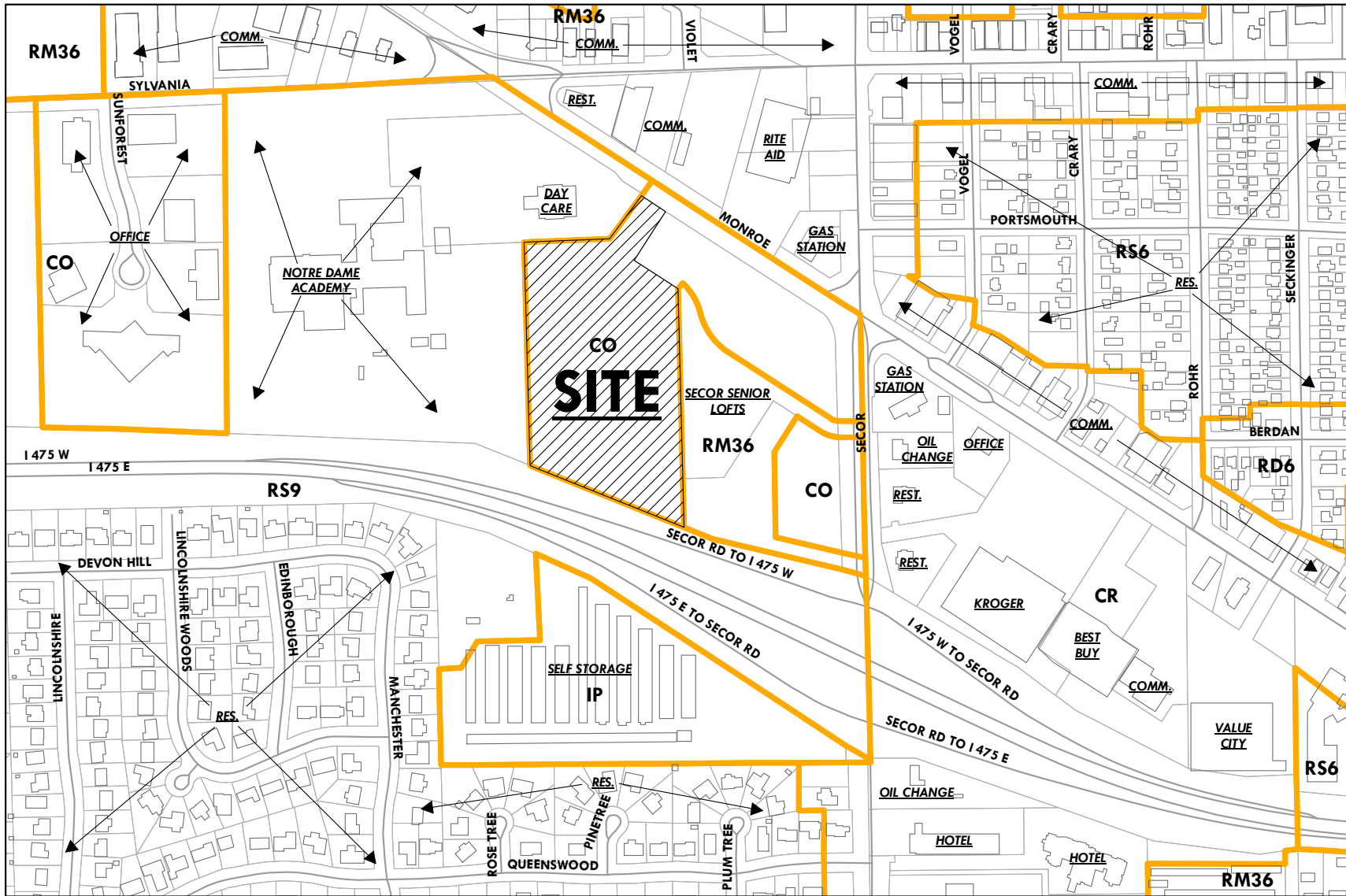
# GENERAL LOCATION

SUP-10002-23  
ID 78



# ZONING & LAND USE

SUP-10002-23  
ID 78



# PROPOSED SIGN

**SUP-10002-23**  
ID 78



**Tenant Sign**  
 71" Tall x 87" Wide x 8.5" Deep Overall Size  
 (2) 28" Tall x 84" Wide x 1.5" Deep Removable Flanged Tenant Panels  
 (4) 13" Tall x 84" Wide x 1.5" Deep Removable Flanged Tenant Panels  
 Vinyl Graphics  
 1.5" Retainers, Dividers & Reveal  
 9.5" Tall Aluminum Base  
 Double Sided Non Lit Sign

- PMS 339 C
- White
- Black
- PMS 2090 C
- PMS 2173 C
- PMS Cool Gray 1 C
- PMS Cool Gray 10 C

2-8



**TOLEDO SIGN**  
WWW.TOLEDOSIGN.COM

ALL SIGN DESIGNS AND CONCEPTS SHOWN HERE ARE CONFIDENTIAL AND THE PROPERTY OF TOLEDO SIGN COMPANY. NO USE OR DISCLOSURE THEREOF MAY BE MADE WITHOUT OUR WRITTEN PERMISSION. ALL COLORS AND IMAGES SHOWN HERE ARE REPRESENTATIVE AND MAY DIFFER FROM THE FINISHED PRODUCT. TSC © 2013

PAGES: 1 OF 1    DATED: 07/06/2022  
 ID#: 034985 - Tenant Sign Rv2  
 CLIENT: Enccompass Health  
 LOCATION: 4647 Monroe St.  
 SALES: Rob Hall

APPROVED BY: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 FROM: 616.464.0411 • 800.426.0411 • 800.464.0411

**GENERAL INFORMATION**

Subject

- Request - Special Use Permit for Tobacco Shop at 240 W Alexis Road, Unit C
- Location - 240 W. Alexis Rd, Unit C
- Applicant - Abdenasser Saleh & Alkattub Shohatee  
Smoke Depot, LLC  
5771 Lawndale St  
Detroit, MI 48210
- Owner - S.A.S. Holdings Ltd, An Ohio LLC  
P.O. Box 744  
Sylvania, OH 43560
- Architect - Walter Hales  
Hales Architecture + Planning  
3601 W Alexis Rd.  
Toledo, OH 43623

Site Description

- Zoning - CR / Regional Commercial
- Area - ±1.28 acres
- Frontage - ±216.25' along Alexis Road  
±185' along Stockbridge Drive
- Existing Use - Commercial multi-tenant space – strip-style
- Proposed Use - Tobacco Shop

Area Description

- North - RS6 / Single-Family Homes
- South - IL / Auto Sales, Commercial Warehouse,  
Manufacturing
- East - IL, CR / Auto Sales, Auto Repair
- West - CR / Gas Station

**GENERAL INFORMATION (cont'd)**

Combined Parcel History

Z-137-63 - Permanent Zoning for an area bounded by the Ohio/Michigan State Line, Telegraph Road, Alexis Road, and Bennett Road. Plan Commission approved 8/1/63.

Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit for a tobacco shop at 240 W. Alexis Rd. The property is located within the Stockbridge Plaza shopping center at the intersection of W Alexis Rd and Stockbridge Drive. The applicant intends to use a tenant space within the ±1.28-acre site, which is Zoned CR Regional Commercial. A Special Use Permit is required for tobacco shops in CR Regional Commercial Districts. To the north of the site are single family homes, to the south of the site are auto repair shops, commercial warehousing, and a floor contractor, to the east are auto repair shops and an auto sales dealer, and to the west is a gas station.

Use Specific Regulations

TMC§1104.1700 – Tobacco Shops outlines location and hours of operation standards that apply to tobacco shops.

The location standards require that tobacco shops 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. Plan Commission records do not indicate any spacing violations within 500 feet of the vicinity.

The hours of operation standard states that “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.” These limited hours are a condition of approval.

Parking and Circulation

The reuse of a single unit in a multi-tenant space does not typically require significant site improvements, however the Division of Transportation included bicycle parking and ADA accessibility as conditions of approval for the existing parking lot. An exhaustive list of these conditions is available in the end of the report.

**STAFF ANALYSIS (cont'd)**

Landscaping

The reuse of a single unit in a multi-tenant space does not typically require significant site improvements. The existing site includes frontage greenbelts and a landscaped buffer along the rear property line abutting a residential district.

Building Design and Materials

There are no changes proposed for the building exterior at this time.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Neighborhood Commercial land uses. Neighborhood Commercial land uses are predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses may be included as well. The proposed Tobacco Shop does not conflict with the intent of the Toledo 20/20 Comprehensive Plan.

Staff recommends approval of the requested Special Use Permit because it both meets the stated purpose off the zoning code, and complies with applicable provisions of the zoning code.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-10001-23, a Special Use Permit for a tobacco shop at 240 W. Alexis Rd to the Toledo City Council, for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A)); and;
2. The proposed use is compatible with adjacent land uses (TMC§1111.0706(B)).

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-10001-23, a Special Use Permit for a tobacco shop at 240 W. Alexis Rd, to the Toledo City Council, subject to the following **twenty-four (24)** conditions:

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

**STAFF RECOMMENDATION (cont'd)**

Engineering Services

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.
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.  
Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

Water Distribution

No comments or concerns.

Division of Sewer & Drainage Services

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

6. 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.

**STAFF RECOMMENDATION (cont'd)**

Division of Environmental Services (cont'd)

7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
9. 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
10. 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.

Bureau of Fire Prevention

11. The proposed new tenant will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
12. Fire Department to receive and review interior remodeling construction plans when submitted to the Building Department. (OFC104.2 & OBC106.1.2 #5 & 901.2.1.1)
13. A fire safety inspection is required prior to occupancy (OFC105.3.3.2)

Division of Transportation

14. Bicycle parking is required per TMC 1107.0900.
15. Two auto and one van accessible parking spaces with an 8' loading aisle for van and 5' loading aisle for auto is required per TMC 1107.1701 & 1107.1702.
16. Accessible parking signage is required with a height of no less than 60" and no more than 72" above pavement per TMC 1107.1704.
17. Wheel stops are required at all parking spots abutting buildings, property lines, sidewalks and a planting strip per TMC 1107.1907.

**STAFF RECOMMENDATION (cont'd)**

Plan Commission

- 18. A tobacco shop shall not be located within 500 feet of any of the following uses: school, public park, public library, child care center, or other use established specifically for the activities of minors. **Acceptable as depicted.**
- 19. The hours of operation of a tobacco shop shall 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.
- 20. No new free-standing signs greater than forty-two inches (42”) from grade are permitted – any proposed signage must meet the requirements if low-profile signs per Toledo Municipal Code Title Nine – Sign Code.
- 21. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
- 22. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 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.
- 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.

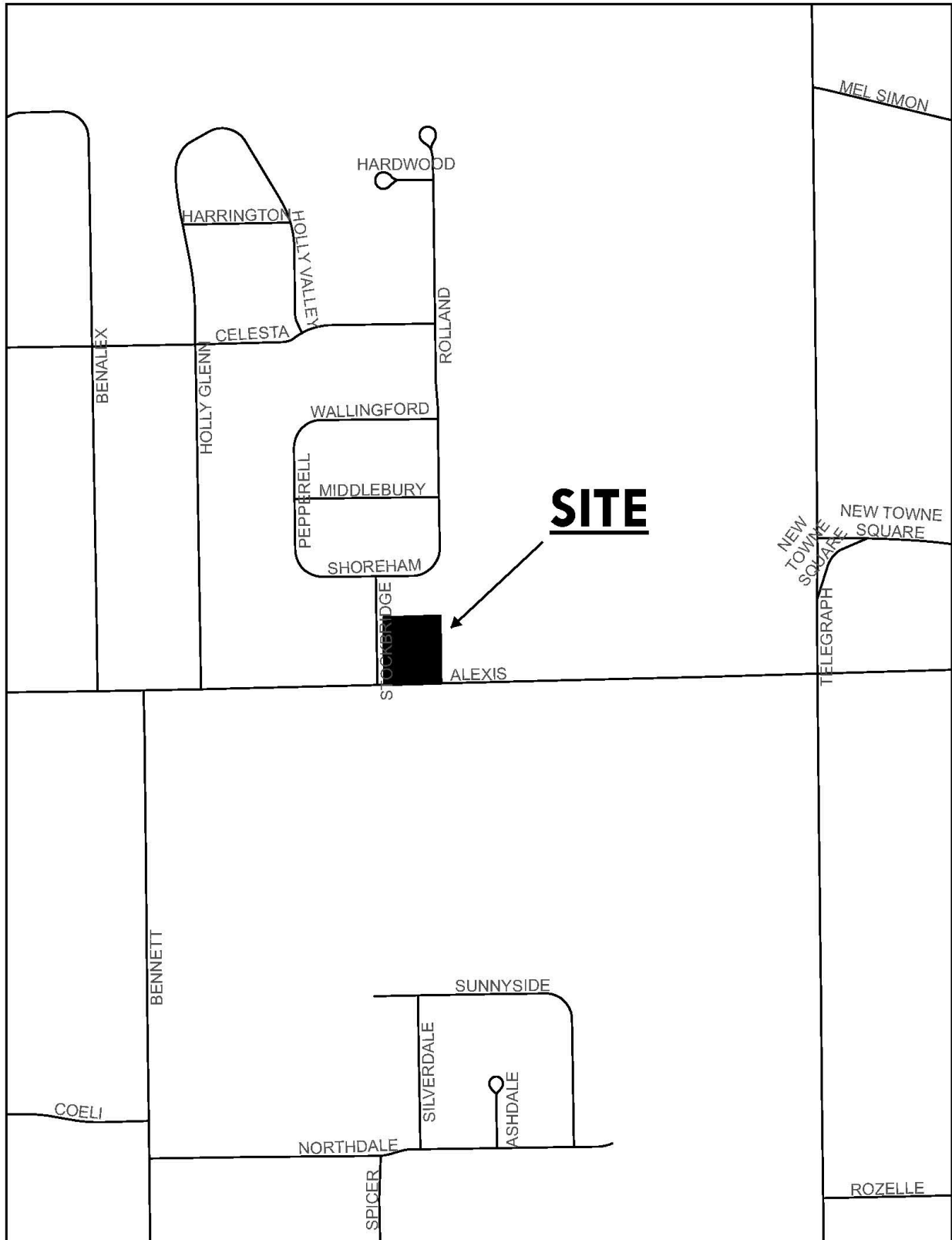
SPECIAL USE PERMIT  
 TOLEDO CITY PLAN COMMISSION  
 REF: SUP-10001-23  
 DATE: December 7, 2023  
 TIME: 2:00 P.M.

CITY COUNCIL  
 ZONING AND PLANNING COMMITTEE  
 DATE: January 9, 2024  
 TIME: 4:00 P.M.

AS  
 Three (3) sketches follow

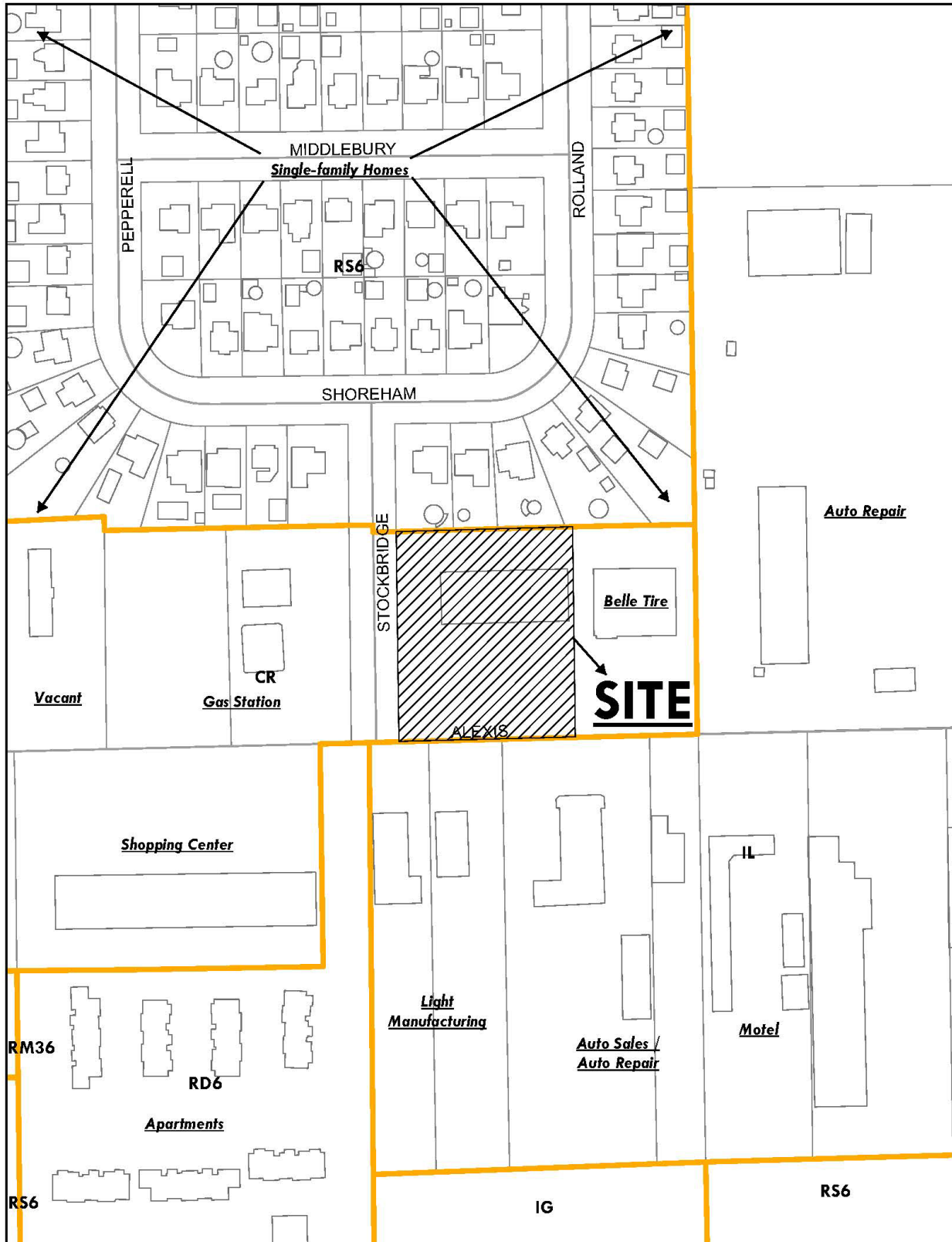
# GENERAL LOCATION

SUP-10001-23  
ID 71



# ZONING & LAND USE

SUP-10001-23  
ID 71





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**GENERAL INFORMATION**

Subject

- Request - Zone Change from CO-Office Commercial to RS6-Single-Family Residential
- Location - 12 E. Poinsetta Avenue
- Applicant + Owner - Eric McCoy  
12 E. Poinsetta Avenue  
Toledo, OH 43612

Site Description

- Zoning - CO / Office Commercial
- Area - ± 0.12 Acres
- Frontage - ± 68' along E Poinsetta Avenue
- Existing Use - Single-family home
- Proposed Use - Single-family home

Area Description

- North - Single-family homes / RS6
- South - Retail, Auto services, office building / CR & CO
- East - Retail, undeveloped land, industrial land / CR & IG
- West - Single-family homes / RS6 & CO

Parcel History

- Z21-C113 - Proposed Zone Change from C-2 Commercial to M-1 Industrial. PC disapproved 1/30/58.

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

## STAFF ANALYSIS

The applicant is requesting a Zone Change from CO-Office Commercial to RS6-Single-Family Residential at 12 E Poinsetta Avenue. The site is approximately  $\pm$  0.12 acres and is a single-family home. Surrounding land uses include single-family homes to the north; retail, undeveloped land, and industrial land to the east; retail, auto services, and an office building to the south; and single-family homes to the west.

The applicant is requesting the Zone Change in order to correct the non-conforming land use of the property. The current zoning, CO-Office Commercial, does not permit detached housing per TMC§1104.0100 - *Use Table*. The detached house was built in 1958, and therefore was legally established before the most recent Zoning Regulation update. The owner intends to use the property as a residence without any changes to the property or structure.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan future land use designation targets the proposed property for Single-Family Residential. The Single-Family Residential land use is intended to accommodate the development of single dwelling units on individual lots. The districts are intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses that are typically compatible with residential neighborhoods. Based on the nature of the site and its location, the proposed Zone Change is consistent with the future land use designation identified in the Toledo 20/20 Comprehensive Plan.

Staff recommends approval of the Zone Change from CO-Office Commercial to RS6 Single-Family Residential because the proposed zoning conforms to the Toledo 20/20 Comprehensive Plan. Additionally, the proposed Zone Change is compatible with existing land uses within the general vicinity of the subject property. Finally, the physical suitability of the subject property and the uses permitted under the proposed Zone Change are compatible with uses in the proposed zoning classification.

## STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of Z-10004-23, a request for Zone Change from CO-Office Commercial to RS6-Single-Family Residential at 12 E Poinsetta to Toledo City Council for the following **three (3)** reasons:

1. The proposed Zone Change conforms to the Toledo 20/20 Comprehensive Plan (TMC§1111.0606(A) – *Review & Decision-Making Criteria*),
2. The proposed Zone Change is compatible with existing land uses within the general vicinity of the property (TMC§1111.0606(B) – *Review & Decision-Making Criteria*), and

**STAFF RECOMMENDATION** (cont'd)

3. The physical suitability of the property and the uses permitted under the proposed Zone Change are more compatible than uses in the existing zoning classification (TMC§1111.0606(D) – *Review & Decision-Making Criteria*).

ZONE CHANGE  
TOLEDO CITY PLAN COMMISSION  
REF: Z-10004-23  
DATE: December 7, 2023  
TIME: 2:00 P.M.

CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: January 9, 2023  
TIME: 4:00 P.M.

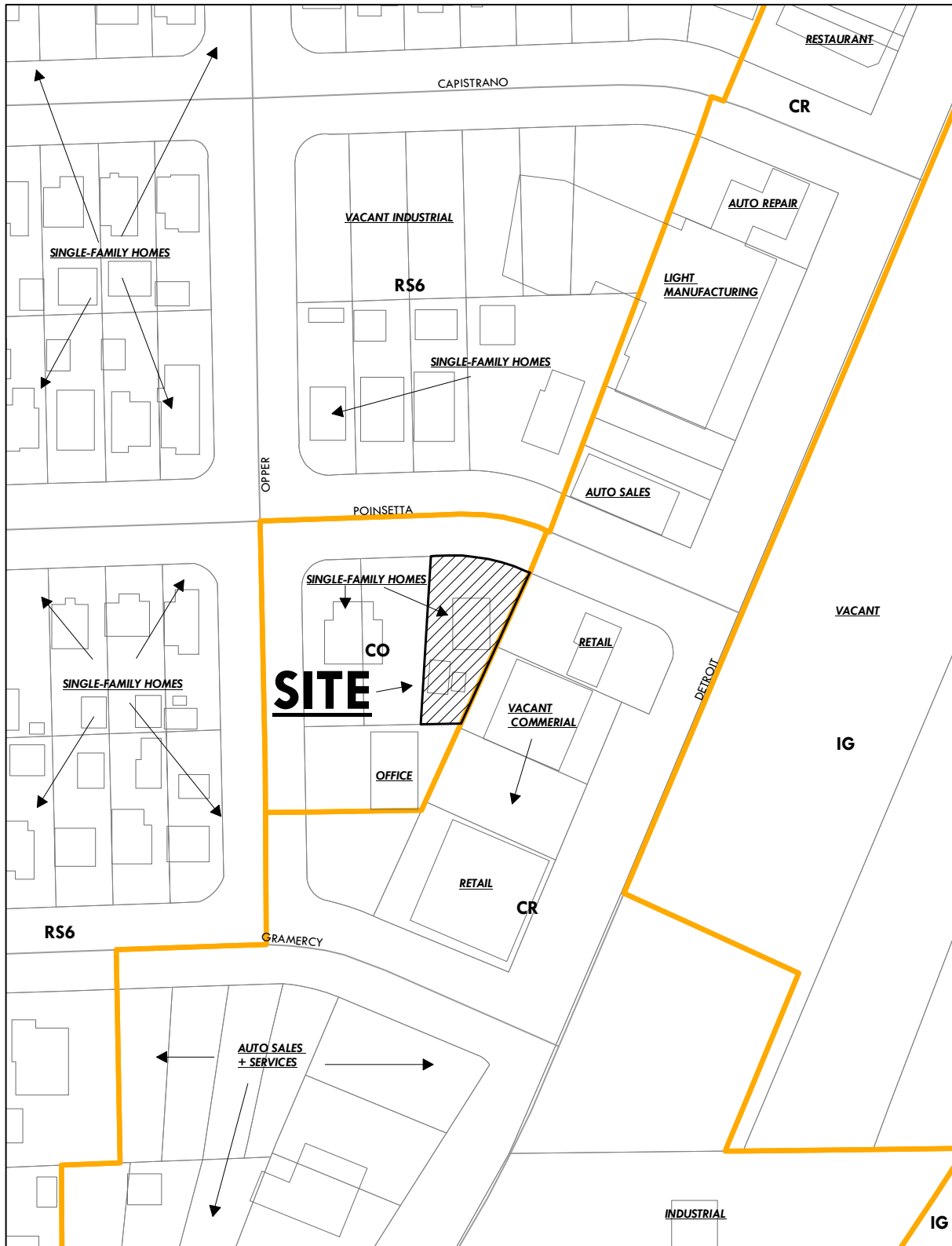
MJM

Two (2) sketches follow



# ZONING & LAND USE

Z-10004-23  
ID 39



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## GENERAL INFORMATION

### Subject

- Request - Vacation of the 16' wide alley lying between lots 4-9 within the Plat of Morris & Dorsey's Subdivision
- Applicant - Simone Myers  
2503 Auburn Avenue  
Toledo, OH 43608

### Site Description

- Zoning - RS6 & RD6 / Single-Dwelling Residential & Duplex Residential
- Area - ± 1,760
- Dimensions - ± 16 x 110 Feet
- Existing Use - Alley
- Proposed Use - Rear yard

### Area Description

- North - Duplexes and single-family homes / RD6
- South - Single-family homes and vacant land / RS6 & RD6
- East - Duplexes and single-family homes / RD6 & RS6
- West - Single-family homes and vacant land / RS6

### Parcel History

- Z-251-82 - Zone Change from R-4 to R-3 at Auburn Avenue and Delaware Avenue. PC approved 12/07/82. CC approved 02/02/83. Ord. 108-83.

### Applicable Plans and Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

## STAFF ANALYSIS

The request is a Vacation of a 16' wide alley lying between lots 4-9 within the Plat of Morris & Dorsey's Subdivision. Surrounding land uses include duplexes and single-family residential to the north and east, and single-family residential and vacant land to the south and west. On 09/28/23, City Council approved a declaration of intent (*Res. 533-23*) to Vacate the alley.

The applicant owns one of the six parcels along the alley and is requesting a vacation to consolidate the land behind her home into her existing yard. The alley is currently accessible by a driveway off of Gasser Street to the west. During the field visit, staff observed that the alley is overgrown, unimproved, and is not being used by property owners on either side of the alley. The parcels to the east have fences separating their yards from the alley, and the parcels to the west are vacant. The applicant says she tries to maintain the alley space behind her fence from time to time by cutting back weeds. She wishes to vacate the alley with no intention to build on the space in the future. It should be noted that a sanitary line runs through the alley, and that the applicant is aware the City may need access to the space in the future.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan future land use designation targets the proposed Vacation for Single Family Residential land uses. This district is intended to accommodate the development of single dwelling units on individual lots. It may also include libraries, schools, churches, and community centers. The district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. The proposed Vacation is appropriate for the intended land use.

Staff recommends approval of the proposed Vacation as it will not impede or restrict access to any adjoining property owners abutting the site. Additionally, the request conforms to the 20/20 Comprehensive Plan. The Division of Engineering Services objects the Vacation due to a sanitary line running through the area, however, the Law Department's condition of an easement for the City of Toledo to access utilities in the future addresses this concern.

## STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of V-533-23, a **Vacation of the 16' wide alley lying between lots 4-9 within the Plat of Morris & Dorsey's Subdivision**, to Toledo City Council for the following **two (2)** reasons:

1. The Vacation will not impede or restrict access to any adjoining property owners.
2. The proposed Vacation conforms to the Toledo 20/20 Comprehensive Plan (TMC§1111.0606(A) – *Review & Decision-Making Criteria*).

**STAFF RECOMMENDATION** (cont'd)

Staff further recommends that the Toledo City Plan Commission recommend approval of V-533-23, a **Vacation of the 16' wide alley lying between lots 4-9 within the Plat of Morris & Dorsey's Subdivision**, to Toledo City Council subject to the following **three (3)** 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.

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.
  
2. 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. 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

**STAFF RECOMMENDATION (cont'd)**

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.

Division of Transportation

3. Traffic Management does not have any issues provided all owners of property abutting said alley agree to the vacation of said alley.

STREET VACATION  
TOLEDO PLAN COMMISSION  
REF: V-533-23  
DATE: December 7, 2023  
TIME: 2:00 P.M.

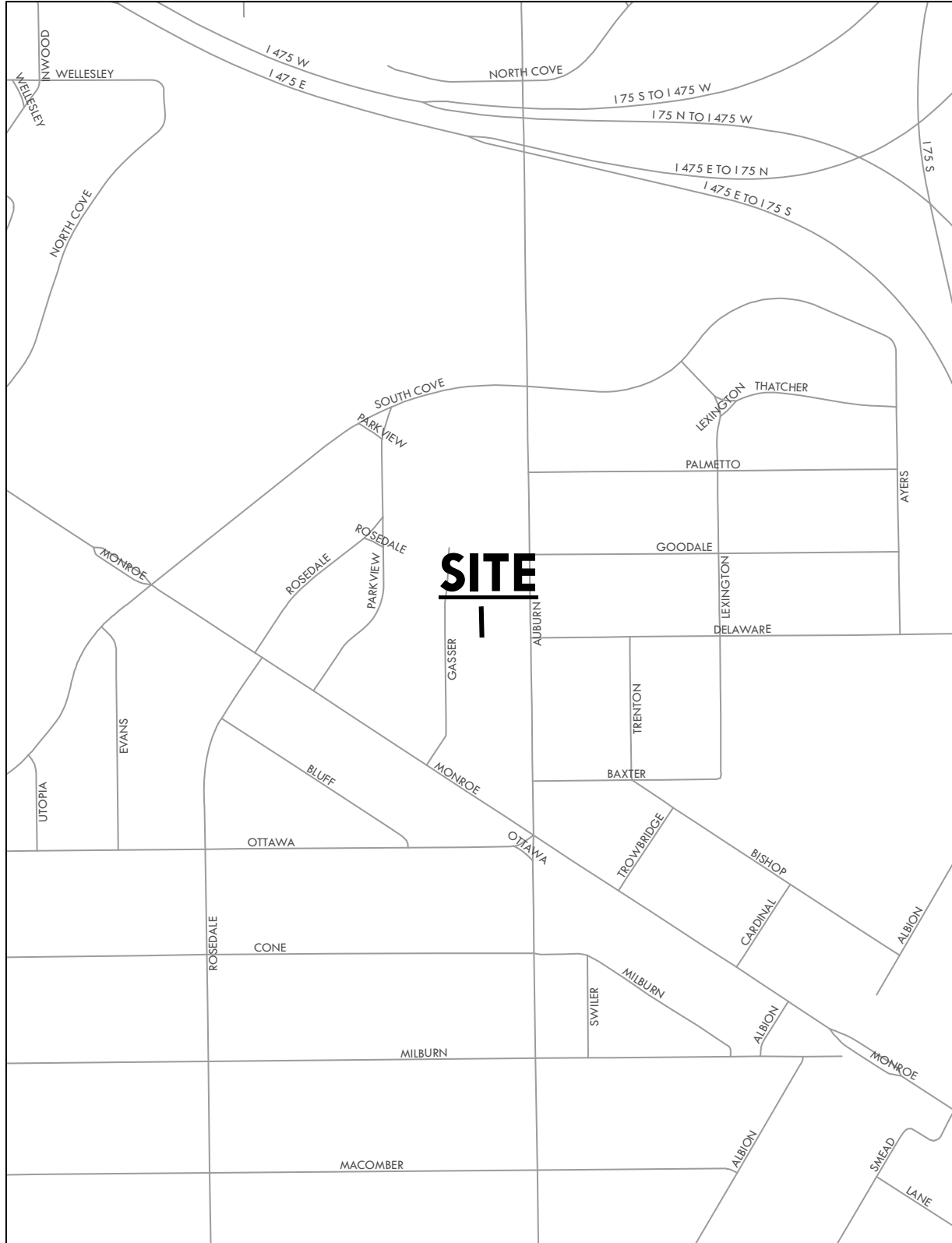
CITY COUNCIL COMMITTEE OF  
ZONING AND PLANNING  
DATE: January 9, 2023  
TIME: 4:00 P.M.

MJM

Two (2) sketches follow

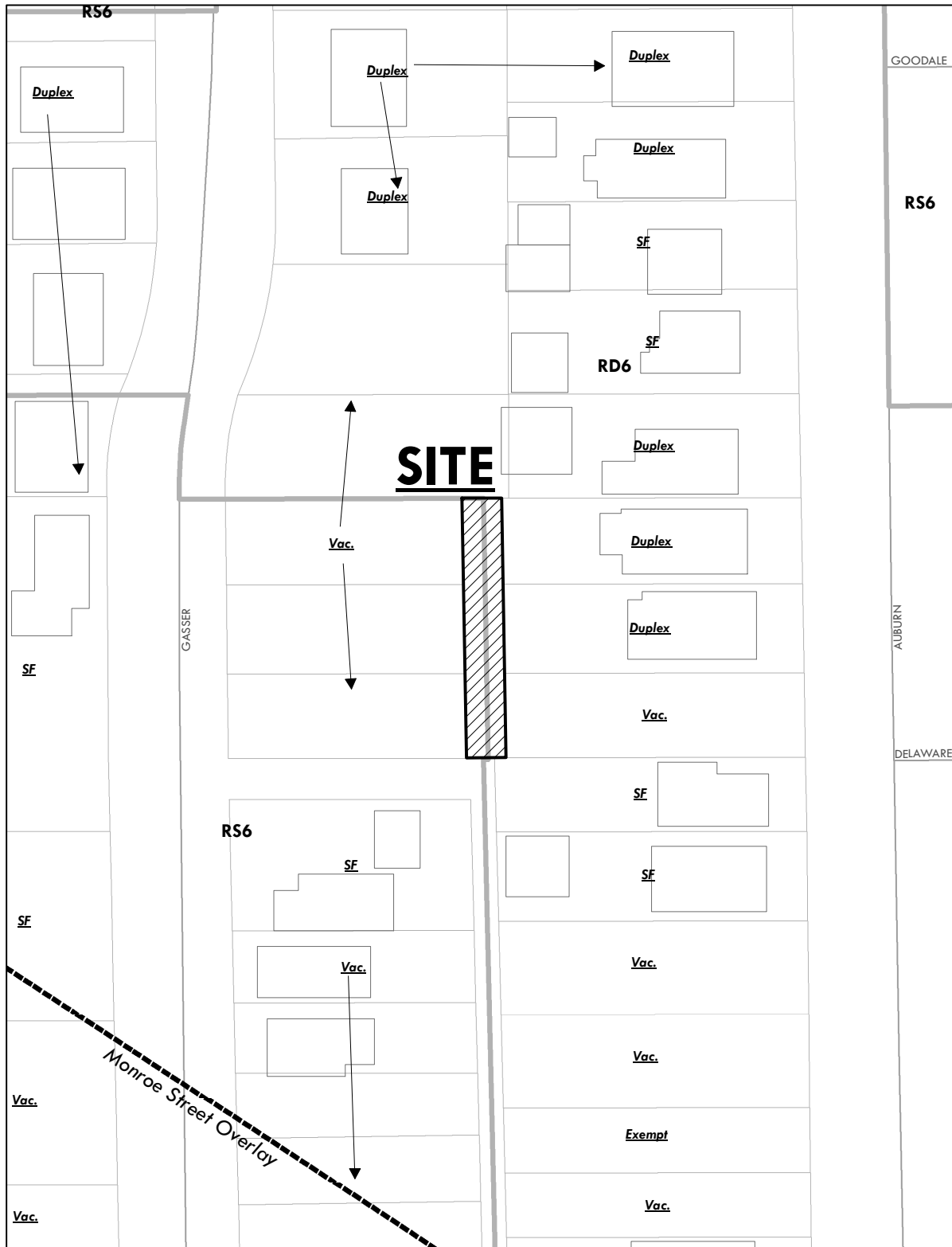
# GENERAL LOCATION

V-533-23  
ID 17



# ZONING & LAND USE

V-533-23  
ID 17



**REVISED**

REF: PUD-10003-23  
DATE: December 7, 2023

**GENERAL INFORMATION**

Subject

- Request - Planned Unit Development for Multiple Commercial Buildings on a lot at 0 Glendale Avenue (Parcel No. 1887539)
- Location - 3015 Glendale Avenue, in southwest portion of Toledo Commons Shopping Center
- Applicant - Ryan Finnegan  
Creative Self Storage  
5892 Heritage Farms Drive  
Hilliard, OH 43026
- Owner - Datobra Holdings LLC  
PO Box 983  
Maumee, OH 43537
- Engineer - Jeff Myers  
The Mannik & Smith Group  
1800 Indian Wood Circle  
Maumee, OH 43537
- Architect - Lance Heal  
Heal Architect  
3549 N University Ave, Suite 120  
Provo, UT 84604

Site Description

- Zoning - CR-SO / Regional Commercial – Shopping Center Sign Control Overlay District
- Area - ± 12.1 Acres
- Frontage - ± 105.57' (75.04' + 30.53') along Glendale Avenue  
± 337.83' (174.87' + 162.96') along Schneider Road
- Existing Use - Parking for Shopping Center, Vacant Grass Area
- Proposed Use - Self-Storage facility

**GENERAL INFORMATION (cont'd)**

Area Description

- North - Restaurants, Retail, Apartments, Single-Family Homes, University of Toledo Health Sciences Campus / CR-SO, CN, RD6, RM36 & RS12
- South - Single-Family Homes / RS6
- East - Retail, Restaurants, Apartments, Soccer Fields / CR-SO, RM36, IL & POS
- West - Single-Family Homes / RS6

Parcel History

- S-23-03 - Final Plat of Replat of Lot 7 Toledo Commons located south of Glendale Avenue between Byrne Road and Detroit Avenue (PC approved 09/11/03).
- S-20-01 - Final Plat for Toledo Commons Commercial Plat located south of Glendale Avenue, east of Byrne Road (PC approved on 08/08/02).
- Z-11004-00 - Zone change from R-2 Single Family Residential and M-2 Industrial to C-4 Shopping Center at 2829 Glendale Avenue (PC approved on 3/8/01 and CC approved via Ord. 380-01).
- Z-157-58 - Permanent zoning for Heatherdowns, Adams Township, Glendale Avenue, Byrne Road along the East Line of Leith Plat to Brest Drive (CC approved via Ord. 672-58). Permanent zoning for subject property was C-3 Commercial.
- M-9-58 - Interim zoning for area annexed to the City of Toledo in the Heatherdowns area (CC approved via Ord.505-58).

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

**STAFF ANALYSIS**

The applicant and developer of the subject property is requesting approval of a Planned Unit Development (PUD) for a multiple building, commercial self-storage facility. The site consists of 12.1 acres and is located in the Toledo Commons Shopping Center at 3015 Glendale Avenue. The front building, noted as Building 1, will be a drive-thru indoor storage facility consisting of 76,400 square feet divided into 519 self-storage units that vary in size. Behind this building are eight drive-up self-storage buildings with separate units that can be accessed through individual overhead doors. These buildings vary in square footage, but total an additional 78,895 square feet of storage area divided into 403 self-storage units on the site. The overall total number of self-storage units proposed on the site is 922.

The subject property as well as the other lots and outlots in the Toledo Commons Shopping Center are zoned CR-SO – Regional Commercial – Shopping Center Sign Control Overlay District. These lots consist of mainly retail and restaurant uses. The property to the south and west of the site are zoned and developed for single-family homes. The property to the east consists of soccer fields and multi-family apartment complexes. The property to the north, along the north side of Glendale Avenue, consists of a mix of commercial, single-family and multi-family uses. In addition, the University of Toledo Health and Science Campus is located north of the site.

Self-storage facilities are a permitted use in the CR – Regional Commercial Zoning District. A PUD is required for this project however, to allow for multiple buildings on a lot in a commercial zoning district per TMC§1106.0300.

PUD Commercial Standards

- Per TMC§1103.1008(B) commercial PUD developments shall maintain a minimum open space depth of 30 feet on all perimeter property lines and a minimum open space depth of 60 feet when abutting a Residential District. This open space area must be void of buildings, structures, parking areas and other above ground improvements. Both the south and west perimeters of the property abut a Residential District, requiring 60 feet of open space depth to be provided on these perimeters. Plan Case Z-11004-00, as identified in the parcel history, required as a condition, a 75-foot landscape buffer with a 5-foot mound to be placed along both the south and west perimeters. The existing landscape therefore meets this requirement for the south and west perimeters.

The north and east perimeters abut the existing shopping center and require a minimum 30-foot open space area depth. An open space area is provided along the east side of the property from the access drive on the north side of the property extending south to the back of the furthest most storage building (Building 9). This area consists of a grass area with proposed trees. The width of this area meets and/or exceeds the 30-foot depth requirement with the exception of an approximately 105-foot-long area at the northeast corner of the front building (Building 1), which is only 24 feet deep. The Engineer has indicated that

**STAFF ANALYSIS (cont'd)**

they are working with the abutting property owner to secure 16 parking spaces in this area to add to the open space. If this is done, the proposed open space for the east perimeter will exceed the 30-foot depth requirement. The north perimeter meets or exceeds the 30-foot open space depth requirement with the exception of where the parking is located. In this case there is a proposed landscape island with grasses, shrubs and trees; however, it is not 30 feet in width. A waiver is thus required for the 30-foot depth open space requirement along this portion of the north perimeter.

- Per TMC§1103.1008(C) no less than 10 percent of the gross site acreages shall be allocated to usable, accessible and consolidated common open space areas. This open space cannot include any part of a required yard or perimeter open space. There is open space provided at the back of the property that accounts for more than 10% of the gross site acreage and which is not included in any part of a required yard or perimeter open space. The proposal therefore meets this requirement.
- Per TMC§1103.1008(D) no more that 70 percent of the gross site acreage may be covered by buildings, structures, street, driveway and parking area pavement. Based on the submitted site plan, the proposal meets this requirement as only 61.2% of the site will be covered with impervious surfaces such as buildings, drive aisles, and parking areas.
- Per TMC§1103.1008(E) there are no minimum lot size, lot width, or building or structure setback requirements for a PUD, that are typically applicable to developments as outlined in the Intensity and Dimensional Standards Tables. Maximum building height, floor area ratio and building coverage would however still apply. The tallest proposed building height is 24 feet, which is less than the permitted maximum building height of 65 feet. Therefore, the proposal complies with the maximum building height. The proposal is also in compliance with maximum floor area ratio and building coverage as the PUD Commercial Standards require a more restrictive coverage requirement outlined in the previous item.
- Per TMC§1103.1008(F) telephone, electrical, cable and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened. The proposal meets this requirement as all utilities are to be buried. In addition, the landscape plan indicates that a portable dumpster will be located in a storage unit for office trash and will be placed outside for refuse pick-up on day of service.

**Parking and Circulation**

Access to the development is through an existing drive entry from Glendale Avenue to the Toledo Commons Shopping Center located between Tim Hortons and the multi-tenant shopping plaza at 3043 Glendale Avenue. The Applicant is proposing an access easement to allow for all vehicles entering the Toledo Commons Shopping Center to maneuver around the site similarly as they do presently. The exception will be that access to the area with the self-storage units will be limited to renters of the units. Those accessing the indoor storage will enter through an overhead

**STAFF ANALYSIS (cont'd)**

door on Building 1 in the front, continue through the building to an overhead door on the back of the building, and exit the site through a gate on the east side of the property. The renters accessing the outdoor storage units will enter and exit through the gate on the east side of the property. As reflected on the site plan, the interior of the site will be enclosed on the east side of the site with a 6-foot black aluminum fence and entry lift gate between Building 1 and Building 8 and on the west side with a 6-foot black vinyl chain-link fence between Building 1 and Building 2. In addition, a 6-foot wall that matches the outdoor storage buildings is proposed to connect Building 9 and Building 8 on the east and Building 9 and Building 2 on the west. Staff recommends that both sections of fencing be the proposed 6-foot black aluminum fencing.

Upon review of the submitted plan, the Division of Transportation noted that 25-foot driveways and drive aisles are required for two-way traffic per TMC§1107.1911. The drive aisles between the outdoor storage buildings (Building 2 - Building 8) do not meet this requirement. The aisles as proposed vary from 24 feet to 24.5 feet in width. In a discussion with the Division of Transportation, it was determined that the deficiency of a half of foot to one foot in aisle width would be acceptable in this circumstance. This determination was based on the type of use and the fact that the site will not be open to the general public, but limited to renters of the storage units.

Following are additional parking and circulation related requirements applicable to the proposed Planned Unit Development:

- Per TMC§1107.0304 a self-storage facility is required to have 4 parking spaces plus 1 parking space per 250 rental spaces. There are a total of 922 storage units, which equates to 4 spaces, for a total requirement of 8 parking spaces. Based on these 8 required spaces, 2 bicycle spaces are required and 1 accessible van space (TMC§1107.1701). The site plan illustrates 6 parking spaces at the front of the building, one of which is an accessible van space. Additional spaces are provided to the east that are in excess of the required 8 spaces; therefore, the proposal is in compliance with the minimum number of required off-street parking spaces. Bicycle parking is however not provided. A provision for 2 bicycle parking spaces is needed to meet this requirement.
- Per TMC§1107.1907 whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping. Wheel stops are not shown on the site plan and therefore are required to be added.
- Per TMC§1103.1010(D) PUD developments are required to provide sidewalks, built to city specifications along both sides of all streets, public or private. Sidewalks or other approved pedestrian walkways must be provided to link nonresidential areas with residential areas, both inside and outside the PUD. The proposal is providing for a sidewalk in front of Building 1 from the entry, north to an existing sidewalk along the west property

**STAFF ANALYSIS (cont'd)**

line, that extends from Glendale Avenue to Schneider Road. To complete this connection, a sidewalk needs to be provided from the entry east to the edge of the property, to connect to the existing shopping center. This will provide for access to the existing parking spaces to the east.

Landscaping and Screening

- Per TMC§1108.0202 a minimum 30-foot-wide frontage greenbelt along public right-of-ways is required that contains at least one tree for every 30 feet of frontage. This would apply to the north and south sides of the property. For the south side, the existing 75-foot landscape buffer meets this requirement. Since there is limited parcel frontage on Glendale Avenue, a frontage greenbelt is not required along the portion of frontage with the access drive. The existing 75-foot landscape buffer meets the requirement for the other portion of the lot frontage on Glendale Avenue. The proposal therefore complies with the frontage greenbelt requirements.
- Per TMC§1108.0203 a Type A buffer is required between CR – Regional Commercial Zoning Districts and a RS6 – Single-Family Residential Districts. A Type A buffer that is 25 foot in width requires 4 canopy trees and 20 shrubs per 100 linear feet. A 6- to 8-foot-high berm can substitute for the shrub requirements in a 25-foot buffer. Based on the current zoning, the Type A buffer is required along the south and west property lines. The existing 75-foot landscape buffer meets this requirement.
- Per TMC§1108.0205(B) in addition to the other landscape requirements for buffer areas, frontage greenbelts, and landscaping for parking lot areas, the following shall be provided: one 2-inch caliper tree for every 1,000 square feet of building coverage (footprint); foundation plantings along all portions of the building that are visible from the public rights-of-way; and landscaping at all major building entrances. The total square feet of building coverage is equal to 155,295 square feet. This translates into the need for 156 trees in the interior of the development as well as foundation plantings along the north and east side of Building 1. Foundation plantings in the form of shrubs and trees (shade and flowering) are provided along the north and east facades of Building 1. In addition, both shade and flowering trees are proposed along the east side of Building 8. Currently however, no interior trees or landscape areas are provided. There are two areas noted on the landscape plan as “rock mulch”. Rock mulch is not permitted and will need to be shredded hardwood mulch. One interior tree shall be provided in the area between Building 1 and Building 2 where “rock mulch” is noted. A waiver is required for the interior landscape as proposed. The developer is requesting a waiver from the interior landscape requirement due to the nature of the self-storage business land use.

**STAFF ANALYSIS (cont'd)**Building Design and Materials

The building design is subject to the standards outlined in TMC§1109 – Design Standards. This review includes consideration of the following elements: scale and proportion, suitability of building materials, design in relation to surrounding area and buildings, design in relation to proposed landscaping, and aesthetics of proposed buildings. The front or north façade of Building 1 and the east facades of Building 1 and Building 8 are the predominant facades visible from a public right-of-way. The front facade of Building 1 does provide for variations in height, material and wall articulation. The east facade of Building 1 and Building 8 provide very limited variation or visual interest. Visual interest could be improved by providing for differing colors for the proposed building materials. As a note, the visual interest of the east façade could be improved if the noted “storefront glazing and faux marketing doors”, located at the northwest corner of Building 1, was switched to the northeast corner. This would also provide public view of the Applicant’s “marketing tool” from the adjacent commercial parcels. As proposed, this part of the west elevation abuts the west landscape buffer of the site, where it lacks visibility. Revised building elevations need to be submitted with building materials and material colors noted.

Per TMC§1109.0500 building material standards apply to all facades that are visible from the right-of-way and building color standards apply to all exterior elevations regardless of right-of-way visibility. A full breakdown of the proposed materials is included in the conditions of approval. As shown, the materials do not meet the requirements of TMC§1109.0502. A waiver from the building material standards will be required. Since Building 8 is visible from public view, this building shall be constructed of brick, not split face masonry as noted on the exterior elevations. To date staff has not received any information on the proposed insulated metal panel to determine whether it is consistent with permitted architectural metals. To ensure that the building facades meet the design standards, information on the insulated metal panel shall be submitted as well as revised elevations with revised materials.

Shopping Center Sign Control Overlay District

The Shopping Center Sign Control Overlay District (-OS) is intended to regulate the number, type, and location of signs on shopping center sites and properties within the designated -SO Districts; and to encourage unified sign plans for multi-tenant shopping center sites. The District establishes additional sign regulations allowed by the underlying zoning district. Per TMC§1103.0710 proposed sign plans for properties within the -SO District shall be reviewed at the time of Site Plan approval for the subject property. Any proposed signage changes after approval of the original Site Plan shall require review as an amendment to the approved Site Plan.

- Per TMC§1103.0707(D & E) fascia or wall signs are permitted for individual business establishments when the building is located on an exterior lot of a shopping center. A maximum of two fascia signs shall be permitted for those buildings located on an exterior lot of a shopping center regardless of the number of sides of the building fronting on a public right-of-way. The maximum square footage and location of all fascia and wall signs are governed by Section 1387.05(d) of the Building Code. Specifies on proposed signage

**STAFF ANALYSIS (cont'd)**

to allow for compliance review has not been submitted to date. Once proposed signage for the site has been determined, and amendment to the approved Site Plan shall be submitted for review. Four different fascia signs are being proposed on the North Elevation. They are as follows:

- “LOADING” – 5.8 square feet (11½” high x 6’- 0½” wide)
- “OFFICE” – 3.64 square feet (11½” high x 3’- 9½” wide)
- “Drive-Thru Loading” – 61.57 square feet (4’-10” high x 12’- 8⅞” wide)
- “Extra Space Storage” – 95.84 square feet (3’-0” high x 31’- 11⅜” wide).

Since there are four fascia signs proposed but only two permitted, a waiver is required to allow for the fascia signs as proposed. Any proposed signage changes after approval of the site plan will require review as an amendment to the approved site plan.

*Toledo 20/20 Comprehensive Plan*

The Toledo 20/20 Comprehensive Plan targets this site for Regional and General Commercial uses. The Regional and General Commercial District is intended predominantly for large-scale commercial uses intended to accommodate auto-oriented development (e.g., malls, big box retail stores, and mixed-use developments). The proposed self-storage facility conforms to this designation as it is large-scale and an auto-oriented development.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommends approval of PUD-10003-23, a request for Planned Unit Development for Multiple Commercial Buildings on a lot at 0 Glendale Avenue (Parcel No. 1887539) to Toledo City Council for the following **two (2) reasons**:

1. The Planned Unit Development is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (TMC§1111.0606(A)), and
2. The proposed use is allowed in CR-SO Regional Commercial Zoning District (TMC1111.0809(B)).

The staff recommends that the Toledo City Plan Commission make the following recommendations to Toledo City Council regarding the necessary waivers:

**Chapter 1103 – Overlay Zoning Districts**

**1103.0700 – -SO Shopping Center Sign Control Overlay District**

**1103.0707 Fascia and Wall Signs**

D. Fascia or wall signs are permitted for individual business establishments when the building is located on an exterior lot of a shopping center. A maximum of two fascia

**STAFF RECOMMENDATION (cont'd)**

signs shall be permitted for those buildings located on an exterior lot of a shopping center regardless of the number of sides of the building fronting on a public right-of-way.

Approve a waiver to allow for the four fascia or wall signs. Three of the proposed signs are to call out entrances and the fourth to highlight a storage option. Due to the length of the building, the proposed signage is appropriate to assist with people using the building.

**Chapter 1103 – Overlay Zoning Districts**

**1103.1000 – Planned Unit Development Overlay District**

**1103.1008 Commercial**

B. An open space area void of buildings, structures, parking areas, or other above ground improvements except fencing shall be maintained on all perimeter property lines (except frontage) of the Planned Unit Development:

1. A minimum open space depth of 30 feet shall be provided unless a greater setback is required as listed in the underlying zoning district

Approve a waiver to allow for open space reduction below the required 30 feet depth along the north portion of the development where the parking, drive aisle and landscape island is proposed. For the east portion of the site where the minimum 30-foot open space depth is not met, Staff recommends that a waiver not be approved at this time and the Applicant continue to work to obtain the additional area required.

**Chapter 1108 - Landscaping and Screening**

**1108.0205 – Interior Site Landscaping**

B. Standards (Commercial)

In addition to the other landscape requirements for buffer areas, frontage greenbelts, and landscaping for parking lot areas, the following shall be provided: one 2-inch caliper tree for every 1,000 square feet of building coverage (footprint)...

Approve waiver to not provide the required interior trees except for one tree to be placed in the area on the submitted landscape plan, between Building 1 and Building 2, where “rock mulch” is noted. Approval of the waiver is due to the fact that the nature of a self-storage facility is to provide storage area that translates to building area for which this standard is based.

**Chapter 1109 – Design Standards**

**1109.0500 – Building Façade Materials and Color**

**1109.0502 Requirements**

**STAFF RECOMMENDATION** (cont'd)

Building material standards apply to all facades that are visible from the right-of-way. Building color standards apply to all exterior elevations regardless of right-of-way visibility. Percentages apply to each facade individually.

Approve waiver for the predominant building material for Building 9 to be split face masonry. While this building faces a right-of-way it is not visible with the existing landscape buffer in place.

The staff further recommends that the Toledo City Plan Commission approve PUD 10003-23, a request for a Planned Unit Development for Multiple Commercial Buildings on a lot at 0 Glendale Avenue (Parcel No. 1887539), subject to the following **forty-eight (48) conditions**.

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

Division of Engineering Services

1. All proposed drive approaches, sidewalk, and curb shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, and Toledo Municipal Code. All drive approaches, and sidewalk through the drives, shall be 6" thick concrete residential, 8" thick concrete Commercial. No curb shall be permitted in the right-of- way along either side of the drive approach. **No horizontal curb cutting will be permitted.**
2. Improvements per City of Toledo Infrastructure Design and Construction requirements.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419)-245-1220. Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.
4. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
5. The originally submitted plan was deficient in stormwater planning and has been supplemented with an improved proposal for stormwater compliance, which is acceptable for site planning, and for which construction permission would require completion of the following:

**STAFF RECOMMENDATION (cont'd)**

- a. Submittal of engineering plans and a SWP3, using the cover sheet provided to the applicant. It lists multiple items that make a complete SWP3, and initiates a workflow for plan review and approval.
  - b. Submittal of fees according to the calculation and submittal instructions on the sewer construction permit fee chart provided to the applicant.
  - c. Construction inspection and completion of obligations in the stormwater permit.
6. Remove private sanitary sewer and manhole in area of proposed buildings on south side of lot.

Water Distribution

7. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
8. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
9. Plans must be submitted to Fire Prevention ([rex.butler@toledo.oh.gov](mailto:rex.butler@toledo.oh.gov), 419.936.2008) for review and approval.
10. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S Erie Street, Toledo, OH 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
11. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be Registered with BSIonlinetracking.com @ (800) 414-4990. Contact the Division of Water Distribution (419-392-2032) to verify the backflow prevention requirements for the site.
12. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
13. Detailed plans should include:
  - a. Water feature sizes and distances; maintain 18" vertical clearance between proposed water main and proposed storm sewers

**STAFF RECOMMENDATION (cont'd)**

- b. Include a callout for a tapping sleeve and valve by the City of Toledo at the developer's expense. Excavation, shoring, valve box, backfill and restoration by the contractor.
- c. Include a callout for a proposed tap by the City of Toledo at the developer's expense. City will provide tap, 5' of type "K" copper, curb stop and curb box. Excavation, shoring, valve box, backfill and restoration by the contractor.

Fire Prevention

- 14. The proposed new buildings will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
- 15. Private fire service mains and appurtenances will be required and locations approved by the Fire Prevention Bureau. The proposed water main is showing as 6 inch, a minimum of an 8 inch main is required per TMC. Only one hydrant is shown on site, outside of a lift gate, which is not acceptable. Hydrants are required no more than 350 feet apart, which will require multiple hydrants to be located on site - inside the gates - and near the front main building. (OFC507.5.1 / TMC1511.03 Ohio Fire Code Amendments)
- 16. Post Indicator Valve (PIV) and Fire Dept. Connection (FDC) locations to be approved by the Fire Prevention Bureau. (OFC Section 509)
- 17. All threaded connections on hydrants and standpipes are required to be Toledo threads. FDC to be Storz 5" with 30 degree down angle. (OFC 903.3.6, 903.3.7 & 912.3)
- 18. New and existing buildings shall be provided with approved address identification that meets Building Code requirements. (OBC 501.2)
- 19. A Knox Box key box and Knox Gate Switch are required for after-hours access for life saving and fire fighting purposes (OFC 506.1)
- 20. Fire Department to receive a copy of building construction plans for review when submitted to the Building Department. (OFC104.2, OBC106.1.2 #5 & 901.2.1.1)
- 21. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

Division of Environmental Services

- 22. Applicant shall operate, maintain and document all inspections and maintenance of any stormwater control measures on site, and submit an inspection and maintenance report annually due by December 31st.

**STAFF RECOMMENDATION (cont'd)**

23. 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,
24. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
25. 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.
26. 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](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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
27. 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 Services

28. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
29. 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)**

Division of Traffic Management

30. Bicycle parking is required per TMC 1107.0900.
31. Accessible parking signage must be posted directly in front of the parking space at a height of no less than 60” and no more than 72” above pavement level per TMC 1107.1704.
32. All new and existing parking and drive aisles must be clearly shown with dimensions per TMC 1107.1911.
33. If one does not already exist, a cross access agreement is required across all parcels where driveways, drive aisles and parking areas crosses property lines.

Plan Commission

34. The Pursuant to TMC§1103.1010(C), all PUDs shall be platted according the Subdivision Rules & Regulations for the City of Toledo. Final Plat shall be submitted for review. No build permits shall be approved until platting is complete.
35. The material for both the proposed 6-foot black vinyl chain-link fence and the 6-foot black aluminum decorative fence and entry gate shall be the same. The fences and entry gate shall be decorative black aluminum and shown as such on a revised site plan and landscape plan.
36. Per TMC§1107.0304, the Off-Street Parking Schedule requires one bicycle parking slot per 10 parking slots. No bicycling parking is proposed. A minimum of two bicycling slots shall be shown on a revised site plan.
37. Per TMC§1107.1907, wheel stops shall be provided for the proposed parking spaces at the front of the building and shown on a revised site plan.
38. Per TMC§1103.1010(D) PUD developments are required to provide sidewalks, built to city specifications along both sides of all streets, public or private. Sidewalks or other approved pedestrian walkways must be provided to link nonresidential areas with residential areas, both inside and outside the PUD. To provide a complete connection, a sidewalk shall be provided from the front entry of Building 1, east to the edge of the property, to connect to the existing shopping center. The sidewalk shall be shown on a revised site plan.
39. Per TMC§1103.0707(D), fascia or wall signs are permitted for individual business establishments when the building is located on an exterior lot of a shopping center. A maximum of two fascia signs shall be permitted for those buildings located on an exterior lot of a shopping center regardless of the number of sides of the building fronting on a

**STAFF RECOMMENDATION (cont'd)**

public right-of-way. The Applicant is proposing four fascia signs, instead of the two that are permitted; therefore, they shall obtain a waiver to allow for the additional signage.

40. Per TMC§1103.0710, proposed sign plans for properties within the -SO District shall be reviewed at the time of Site Plan approval for the subject property. Any proposed signage changes after approval of the original Site Plan shall require review as an amendment to the approved Site Plan. ~~Since signage plans have not been submitted, they will need to be submitted and approved through an amendment to the approved Site Plan.~~ No new pole signs are permitted per the -SO regulations TMC§1103.0700.
41. Per TMC§1103.1007(H), all telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.
42. Per TMC§1103.1206(E.4), all roof-mounted mechanical equipment must be screened from public view.
43. Per TMC§1103.1209(A.3), grade level mechanical equipment shall be screened from adjoining residential parcels and from the right of way(s).
44. A detailed site, lighting, fencing, and four (4) copies of a landscape plan (separate from building and site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. All revisions required by these conditions;
  - b. Per TMC§1103.1008(B) commercial PUD developments shall maintain a minimum open space depth of 30 feet on all perimeter property lines and a minimum open space depth of 60 feet when abutting a Residential District. **The perimeter depth along the south and west is acceptable as depicted. The perimeter depth along the east is not acceptable as depicted, unless additional property is obtained as indicated by the engineer. The applicant shall continue to work to secure additional area. The perimeter depth along the north is not acceptable as depicted. The Applicant shall obtain a waiver for the required open space depth where it does not comply.**
  - c. Per TMC§1108.0202 a minimum 30-foot-wide frontage greenbelt along public right-of-ways is required that contains at least one tree for every 30 feet of frontage. This would apply to the north and south sides of the property. **The frontage greenbelt is acceptable as depicted.**
  - d. Per TMC§1108.0205(B), in addition to the other landscape requirements for buffer areas, frontage greenbelts, and landscaping for parking lot areas, the following shall be provided: one 2-inch caliper tree for every 1,000 square feet of building coverage (footprint); foundation plantings along all portions of the building that are visible

**STAFF RECOMMENDATION (cont'd)**

from the public rights-of-way; and landscaping at all major building entrances. **Foundation plantings and entrance landscaping acceptable as depicted. Interior tree requirement not acceptable as depicted. One interior tree shall be provided in the area between Building 1 and Building 2 where “rock mulch” is noted. In addition, the Applicant shall obtain a waiver of the other required 155 interior trees.**

- e. Per TMC§1108.0204(B.6), landscaped areas may not contain bare soil, aggregated stone, or decorative rock. Any ground area must be covered with hardwood mulch, grass, or other vegetative ground coverage. The proposed rock mulch is not permitted. **All areas that are noted as “rock mulch”, shall be hardwood mulch.**
  - f. Topsoil must be back filled to provide positive drainage of the landscape area;
  - g. The location, number, height, diameter, and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained;
  - h. The location, height and materials for any fencing to be installed and maintained;
  - i. The site is larger than ½ acre: landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details;
  - j. Lights and light fixtures used to illuminate any parking or loading area must be selected and arranged to direct and reflect the light away from any adjacent residential property and public ways and away from the sky above the light fixture per TMC§1107.1908; and
  - k. The location, lighting, and size of any signs.
45. The elevations of all of the buildings are subject to TMC§1109.0500 Building Façade Materials and Color. These building material standards apply to all facades that are visible from the right-of-way and building color standards apply to all exterior elevations regardless of right-of-way visibility
- a. Building 1 - The north elevation depicts 56% Insulated Metal Panel, 26% Brick Veneer, and 18% Glazing. The south elevation depicts 95% Insulated Metal Panel and 5% glazing. The west elevation depicts 61% Insulated Panel, 15% Brick Veneer, and 15% Storefront Glazing. The east elevation depicts 73% Insulated Metal Panel and 27% Brick Veneer. The predominant material for all of these elevations is Insulated Metal Panel. **A material sample and manufacturer specifications shall be submitted for the Insulated Metal Panel. If the material is not acceptable, revised elevations shall be submitted indicating an approved material per TMC§1109.0502.**

**STAFF RECOMMENDATION (cont'd)**

- b. Building 2 – The west elevation depicts 100% Split Face Masonry. A detail for the north and south elevations were not provided. These elevations should also be split face masonry. The east elevation will consist mainly of overhead doors separated by smooth metal piers, with corrugated metal headers along the top of the building façade, and corrugated metal panels framing the ends of the building facade. **Since this building is not visible from a right-of-way, the materials are acceptable as depicted. A typical detail for the north and south elevations for this building shall be submitted.**
- c. Building 3 – Building 7 – All of the elevations of these buildings consist mainly of overhead doors separated by smooth metal piers, with corrugated metal headers along the top of the building façade, and corrugated metal panels framing the ends of the building facade. **Since these buildings are not visible from a right-of-way, the materials are acceptable as depicted.**
- d. Building 8 - The east elevation depicts 100% Split Face Masonry. A detail for the north and south elevations were not provided. The east elevation will consist mainly of overhead doors separated by smooth metal piers, with corrugated metal headers along the top of the building façade, and corrugated metal panels framing the ends of the building facade. Split face masonry is not allowed as a predominant building material. **Since this building is visible from a right-of-way, it shall be constructed on brick with the exception of the west elevation. A typical detail for the north and south elevations for this building shall be submitted.**
- e. Building 9 - The south, west and east elevations depict 100% Split Face Masonry. The east elevation will consist mainly of overhead doors separated by smooth metal piers, with corrugated metal headers along the top of the building façade, and corrugated metal panels framing the ends of the building facade. Split face masonry is not allowed as a predominant building material. While this building faces a right-of-way **on the south**, it is not visible with the existing landscape buffer in place. Therefore, staff supports a waiver from the material requirement. **The Applicant shall obtain a waiver for building material on the south elevation. The east elevation of Building 9 is connected via a 6-foot-high wall to Building 8. The 6-foot-high wall as well as the east elevation of Building 9 shall be constructed of brick to match the east elevation of Building 8.**
- f. The elevations do not indicate the color for the proposed materials. Revised elevation drawings will shall be submitted to reflect not only the material changes, but also color of all materials. All revisions must be in compliance with TMC§1109 – Design Standards.

**STAFF RECOMMENDATION** (cont'd)

46. 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.
47. Per TMC§1111.0814, if a building permit is not issued within two (2) years of this approval then the Planned Unit Development approval shall become null and void.
48. 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.

PLANNED UNIT DEVELOPMENT  
TOLEDO CITY PLAN COMMISSION  
REF: PUD-10003-23  
DATE: December 7, 2023  
TIME: 2:00 P.M.

CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: January 9, 2024  
TIME: 4:00 P.M.

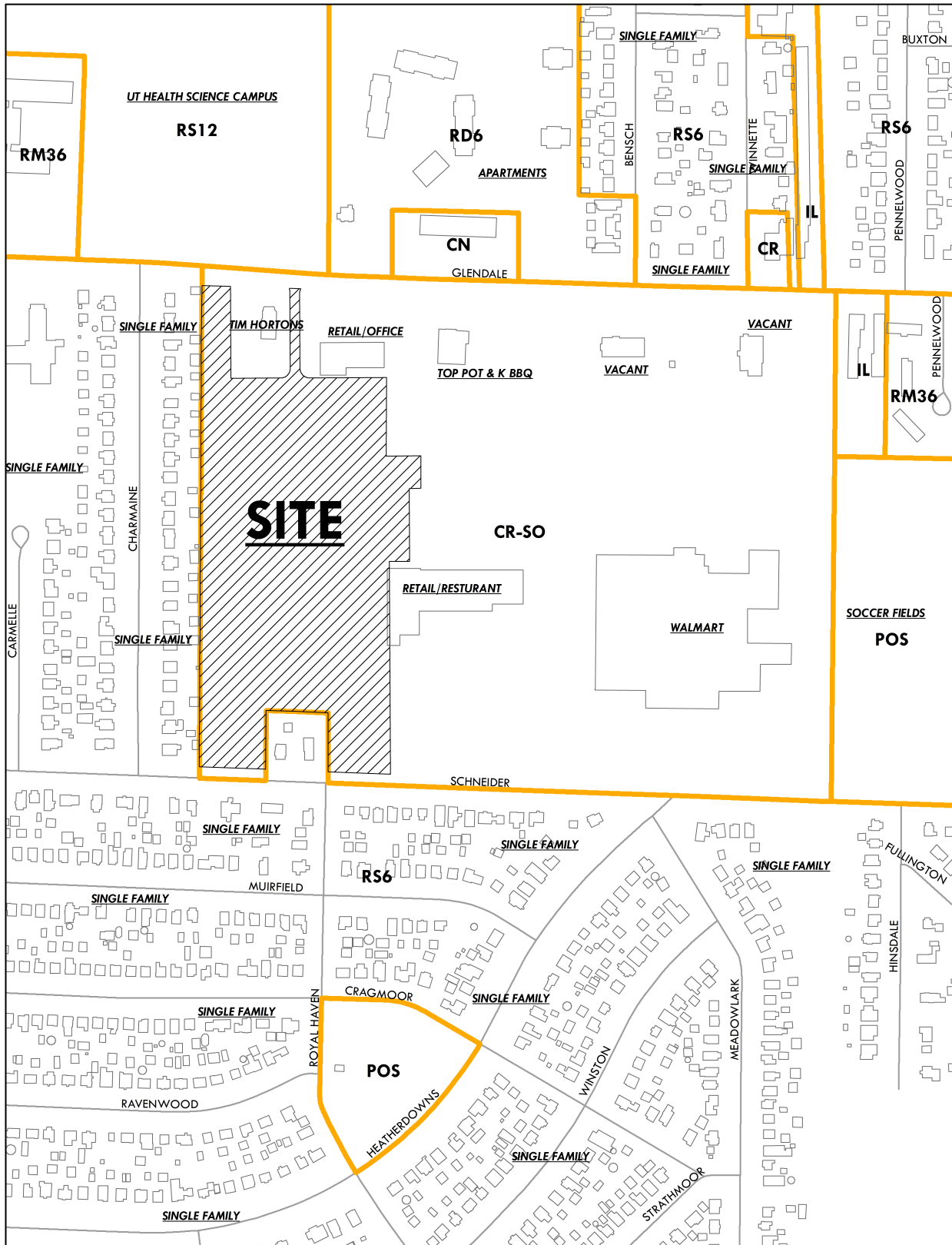
LK

Eight (8) sketches follow



# ZONING & LAND USE

PUD-10003-23





# LANDSCAPE PLAN

PUD-10003-23



### LANDSCAPE PLAN REQUIREMENTS

- FRONTAGE GREENBELT, SCHNEIDER ROAD (TMC 1108.0202)**
    - FRONTAGE: 100' ALONG SCHNEIDER ROAD
    - REQUIRED: 1 TREE 30' & 3" WIDE = 12 TREES
    - PROVIDED: 7 EXISTING EVERGREEN TREES = 28 TREE CREDITS
  - BUFFER & SCREENING REQUIREMENT, WEST PROPERTY BOUNDARY ADJACENT TO R8B (TMC 1108.0203)**
    - PROPERTY BOUNDARY ALONG WEST R8B, RESIDENTIAL 1/202
    - REQUIRED: BUFFER TYPE A, 20' WIDE 80' ALONG PUD PERIMETER - (TMC 1103.1009), 1 CANOPY TREE + 20 SHRUBS / 10' = 11 TREES + 203 SHRUBS
    - PROVIDED: 00 WIDE, 96 EXISTING EVERGREEN TREES = 192 TREE CREDITS WITH 4' HIGH BERM SUBSTITUTING FOR SHRUB REQUIREMENTS
  - BUFFER & SCREENING REQUIREMENT, SOUTH PROPERTY BOUNDARY ADJACENT TO R8B (TMC 1108.0203)**
    - PROPERTY BOUNDARY ALONG SOUTH R8B, RESIDENTIAL 402
    - REQUIRED: BUFFER TYPE A, 20' WIDE 80' ALONG PUD PERIMETER - (TMC 1103.1009), 1 CANOPY TREE + 20 SHRUBS / 10' = 11 TREES + 80 SHRUBS
    - PROVIDED: 40 WIDE, 22 EXISTING EVERGREEN TREES = 44 TREE CREDITS WITH 4' HIGH BERM SUBSTITUTING FOR SHRUB REQUIREMENTS
  - INTERIOR SITE LANDSCAPING (TMC 1108.0205)**
    - BUILDING COVERAGE: 16,500 SQUARE FEET
    - REQUIRED: 1 TREE 200 SQUARE FEET + 86 TREES OUTSIDE OF OTHER REQUIREMENTS
    - PROVIDED: 11 EXISTING CANOPY TREES (28 TREE CREDITS) & 41 PROPOSED TREES = 41 TREES
- REQUESTING A WAIVER FROM INTERIOR SITE LANDSCAPING REQUIREMENTS DUE TO THE NATURE OF A SELF-STORAGE BUSINESS LAND USE WHICH CONTRARY TO MOST COMMERCIAL, RETAIL BUSINESSES, MAINTAINS BUILDING COVERAGE BUT ACCOUNTS FOR VERY LITTLE PARKING OR PAVEMENT AREA LEADING TO SIMILAR IMPERVIOUS SURFACE RATIO.
- USABLE OPEN SPACE (TMC 1103.1008)**
    - GROSS SITE ACREAGE: 11.5 ACRES
    - REQUIRED: 1% OR 14,000 SQUARE FEET OUTSIDE OF REQUIRED YARD OR PERIMETER OPEN SPACE WITH ADDED AMBITIES
    - PROVIDED: GREATER THAN 65,800 SQUARE FEET WITH A CONTINUOUS SIDEWALK FROM GLENDALE TO SCHNEIDER (GREEN SPACE OUTSIDE OF 60' PERIMETER ALONG WEST & SOUTH SIDES)
- TMC: TOLEDO MUNICIPAL CODE

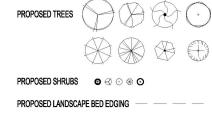
### LANDSCAPE PLAN NOTES

- CONTRACTOR IS RESPONSIBLE FOR PLANT QUANTITIES. VERIFY ALL COUNTS WITH PLANS.
- ALL UNPAVED PORTIONS OF THE SITE SHALL BE MULCHED, SOODERSEEDED WITH GRASS, OR PLANTED WITH GROUNDCOVER, SHRUBS, OR OTHER LIVE PLANT MATERIALS WITHIN PLANTING BEDS AS SHOWN ON THE PLANS IN ACCORDANCE WITH CITY OF TOLEDO STANDARDS.
- ALL LAWN AREAS SHALL HAVE A MINIMUM OF THREE INCHES OF TOPSOIL. LANDSCAPE AREAS SHALL HAVE A MINIMUM OF TWELVE INCHES OF PLANT MIX.
- ALL LANDSCAPED AREAS, INCLUDING TREES, SHRUBS, PERENNIALS & GROUNDCOVERS SHALL BE COVERED WITH 5 INCHES OF SHREDED BARK MULCH.
- AN AUTOMATIC IRRIGATION SYSTEM WILL BE PROVIDED FOR ALL LANDSCAPE AREAS. AN IRRIGATION PLAN WILL BE SUBMITTED TO THE CITY FOR REVIEW & APPROVAL.
- PLANTS SHOWN ON THE APPROVED FINAL SITE PLAN MUST BE KEPT ADEQUATELY TO REMAIN IN COMPLIANCE WITH THE APPROVED SITE PLAN.
- ALL LANDSCAPING SHALL BE MAINTAINED IN A HEALTHY, NEAT, & ORDERLY STATE FREE FROM REFUSE & DEBRIS. ANY DEAD OR DISEASED PLANTS SHALL BE REMOVED & REPLACED.
- PLANT MATERIALS SHALL BE IN COMPLIANCE WITH THE AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1.

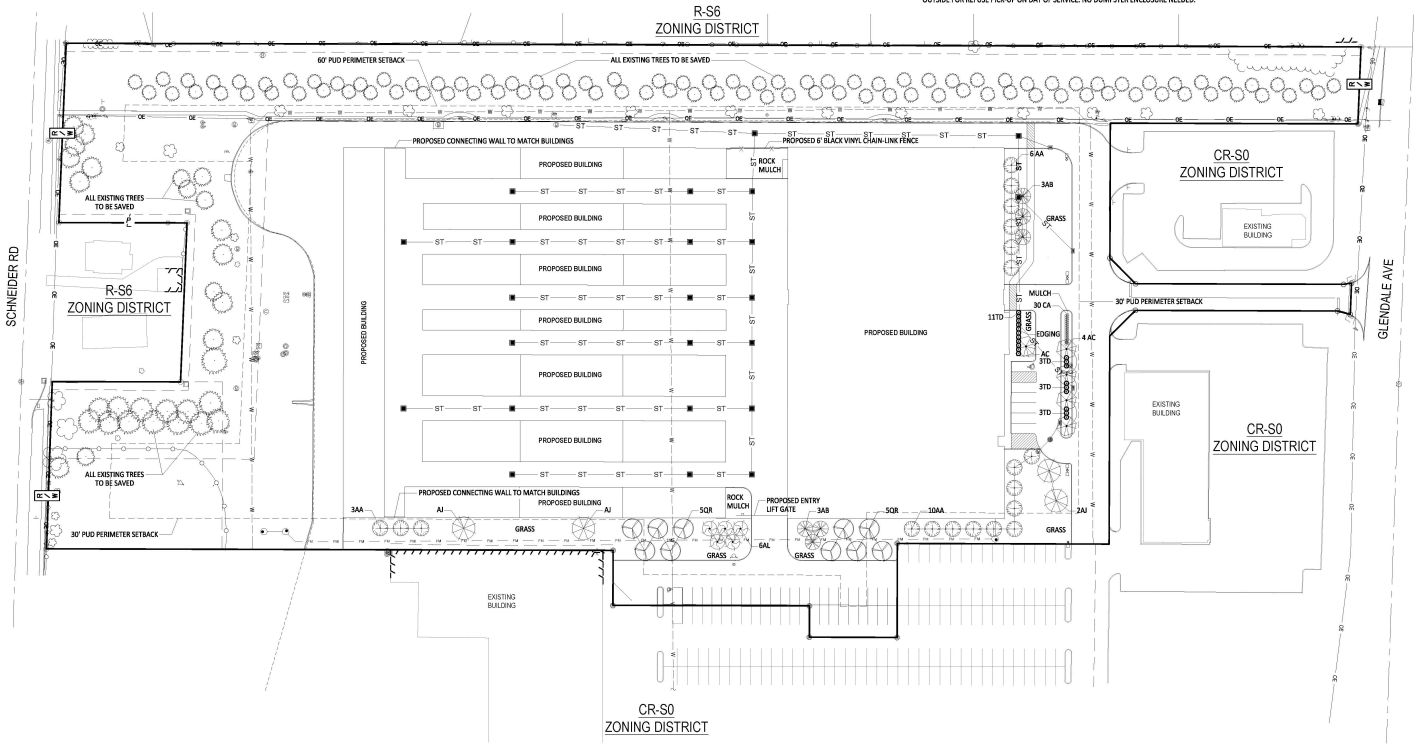
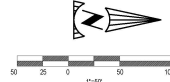
### PLANT LIST

Key	Qty	Botanical Name	Common Name	Minimum Size	Root or Container Size	Spacing
<b>TREES</b>						
		Shade				
AB	3	Acer rubrum 'Burgundy Bell'	Burgundy Belle Red Maple	2" caliper	B&B	see plan
AA	19	Acer x freemanii 'Armstrong Gold'	Armstrong Gold Maple	2 1/2" caliper	B&B	see plan
AC	5	Acer x freemanii 'Celebration'	Celebration Maple	2 1/2" caliper	B&B	see plan
AJ	4	Acer x freemanii 'Jubilee'	Autumn Blaze Maple	2 1/2" caliper	B&B	see plan
QR	10	Quercus rubra	Red Oak	2 1/2" caliper	B&B	see plan
<b>Flowering</b>						
AB	3	Amelanchier grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	2" height	B&B	see plan
AL	5	Amelanchier laevis 'Cumulus'	Cumulus Serviceberry	1.3/4" caliper	B&B	see plan
<b>SHRUBS</b>						
TD	20	Taxus x media densiformis	Dense Spreading Yew	5 Gallon	Container	4' o.c.
<b>GRASSES</b>						
CA	3	Calamagrostis x acutiflora 'Wolf Foener'	Feather Reed Grass	2 Gallon	Container	24" o.c.
o.c. - on center						

### LEGEND



NOTE:  
A PORTABLE DUMPSTER WILL BE LOCATED IN A STORAGE UNIT FOR OFFICE TRASH TO BE PLACED OUTSIDE FOR REFUSE PICK-UP ON DAY OF SERVICE. NO DUMPSTER ENCLOSURE NEEDED.



NO. 100	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION
101	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION
102	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION
103	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION
104	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION
105	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION
106	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION
107	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION
108	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION
109	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION
110	DATE 10/20/2023	BY MAJOR STEVE PLAN REVIEW	DESCRIPTION

1800 KNOX WOOD CIRCLE  
MADEIRA OH 43007  
PHONE: 419-881-1500  
FAX: 419-881-1506

PROJECT NO.: 10000020  
PROJECT DATE: 200002  
DRAWN: DJM  
CHECKED BY: JDM

PREPARED FOR: CREATIVE SELF STORAGE  
882 PORTLAND DRIVE  
COLEMAN, OH 43002

GLENDALE SELF STORAGE  
GLENDALE AVENUE  
TOLEDO, OH 43614

LANDSCAPE PLAN

L1

www.MannikSmithGroup.com

6-22

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**GENERAL INFORMATION**

Subject

- Request - Text amendment to remove “Community Recreation – from Limited Industrial (IL) and General Industrial (GL) Zoning Districts
  
- Applicant - Toledo City Plan Commission  
One Government Center, Suite 1620  
Toledo, OH 43604

**STAFF ANALYSIS**

Provisions must be made for changing the regulations as conditions change or new conditions arise. Otherwise zoning would be a straight jacket and a detriment to a community instead of an asset. Regular revisions to Zoning ordinance are vital in maintaining and addressing the current needs of a city and issues of land use. The Zoning Code requires a Special Use Permit (SUP) for “Community Recreation – Active Use” in all Zoning Districts. It has become a challenge for Special Use Permit requests for “Community Recreation – Active” uses in industrial Zoning Districts to meet the current Zoning regulations and issues regarding suitability and safety have arisen, hence, the reason for this text amendment.

The impact of recreation has been profound and promises to increase as income, mobility and leisure time increase. Community recreation centers are places where people can learn destress and organically connect. They are essential in promoting community fitness, supporting youth development, hosting cultural events and offering support to families. A vibrant community recreation center can have a stabilizing effect on the lives of young people by providing safe and adequately equipped spaces for physical activities like dance, yoga, basketball, and other sports. They also instill discipline, healthy exercise habits, and teamwork. Community centers create the perfect setting for local mentorship programs, providing guidance and leadership development for the youth of the community. The role of community recreation centers is especially crucial for communities that lack the necessary facilities to keep their children in safe environments.

Locating community recreation facilities in industrial Zoning Districts contradicts the intent of planning for the safety and wellbeing of people. Community recreation facilities particularly those intended for the use of children must be located in safe areas of the city. Industrial Zoning Districts are intended to accommodate moderate and high-impact industrial uses, including large scale or specialized industrial operations, wholesale activities, warehouse and industrial/manufacturing operations requiring good transportation access and public facilities and services. Recent SUP requests to place active recreation facilities in industrial sites have raised concerns on the safety and wellbeing of individuals particularly children hence, not a good fit for recreational uses.

Furthermore, it is challenging for proposed active recreational uses in industrial Zoning Districts to meet the required Zoning regulations for an SUP. Most industrial sites have legal non-conforming status or do not meet the current Zoning regulations for the intended use. TMC§1114.0502(A) requires existing sites to be brought closer into compliance with the current Zoning regulations. These requirements include landscaping and screening standards, onsite pedestrian circulation, parking and paving standards. In both instances, it has become problematic for applicants and property owners to comply to these standards due to the cost of making these changes.

Zoning Codes from other cities in Ohio have differing regulations for community recreational uses. In some areas active community recreational uses are limited to sites with less intensive manufacturing Zoning Districts whereas it is not permitted at all in any industrial Zoning District in some jurisdictions. However, in all the jurisdictions reviewed, conditional or special use permits and sometimes approval hearings are required for the use. Cities reviewed include Columbus, Cleveland, Cincinnati and Perrysburg

Staff recommends the removal of community recreation – active from Limited Industrial (IL) and General Industrial (IG) Zoning Districts due to suitability and zoning concerns. Additionally, this text amendment will improve the health, safety, and welfare of City of Toledo citizens.

#### **STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of M-6-23, a text amendment to remove “Community Recreation – Active” from Limited Industrial (IL) and General Industrial (GL) Zoning Districts and amend the use table under TMC§1104.0107 “Use Categories” accordingly for the following reason:

1. The proposed text amendment conforms with the stated purpose of the Zoning Code and ensures safety of Toledo residents.

## GENERAL INFORMATION

### Subject

- |           |   |  |
|-----------|---|--|
| Request   | - | Text amendment revising TMC§1110 - Flood Control Regulations                             |
| Applicant | - | Division of Building Inspection<br>One Government Center, Suite 1600<br>Toledo, OH 43604 |

## STAFF ANALYSIS

This is a referral from the Division of Building Inspection for a text amendment revising the Toledo Municipal Code, Chapter 1110 – Flood Control Regulations. The Federal Emergency Management Agency (FEMA) has issued a Letter of Final Determination for the City of Toledo, indicating that revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) incorporating new flood hazard data will become effective on February 24, 2024. Communities are required to update their floodplain management regulations in coordination with the mapping update. The updated regulations must be in effect by the effective date of the of the flood maps and study to maintain eligibility in the National Flood Insurance Program.

The Ohio Department of Natural Resources (ODNR) Floodplain Management Program provides both model flood damage reduction regulations and assists communities with the update process. The model ordinance provides for the minimum standards required; however, communities may incorporate additional or higher standards. The Division of Building Inspection has been working with ODNR’s Floodplain Management Program to complete this process. The proposed language for the text amendment is the product of this coordination.

The current Flood Control Regulations were approved by the Toledo Plan Commission on June 9, 2011 and approved by the Toledo City Council on July 26, 2011 via Ord. 368-11. Exhibit B is the existing text as is written in Chapter 1110 – Flood Control Regulations. Exhibit C is the proposed text that will become Chapter 1110 – Flood Damage Reduction Regulations. While there have been a number of notable changes to the regulations, there have also been a number of minor rewordings and a complete reorganization and renaming of the regulation’s sections. To aid in the review, Exhibit A is attached that outlines the Table of Contents for both the existing and proposed regulations. Following is an overview of the notable changes (See Exhibit C for specific language):

- **Methods of Reducing Flood Loss (1110.0104)** – section added that lists five methods and provisions that the regulations will outline to accomplish its purpose.
- **Lands to Which This Chapter Applies (1110.0105)** – section added that defines the area for which the regulations apply both current and future through annexation.

**STAFF ANALYSIS (cont'd)**

- **Interpretation (1110.0108)** – section added that states that the interpretation and application of the regulations shall be considered minimum requirements, construed in favor of the City of Toledo, and not limit or repeal any other power granted under state statutes.
- **Severability (1110.0110)** – section added that states if any section of the Chapter is declared unconstitutional or invalid, the validity of the overall Chapter will not be affected.
- **Flood Insurance Risk Zones (1110.0217)** – definitions revised to make clearer by adding “in any given year” after “Special flood hazard areas inundated by the 100-year flood”.
- **Floodproofing (1110.0221)** – definition added that states that any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage.
- **Letter of Map Change (1110.0228)** – definition revised for a Conditional Letter of Map Revision to more accurately reflect its true meaning.
- **Mean Sea Level (1110.0232)** – definition added that states the datum to which the base flood elevations are referenced.
- **New Construction (1110.0234)** – definition revised to reflect text in the Code of Federal Regulations (CFR).
- **Substantial Improvement (1110.0249)** – definition revised to remove any improvement to a structure that is considered new construction as a term that is not included as a substantial improvement.
- **Large-Scale Development (Various Sections)** – “large-scale development” replaced with “new development” throughout the regulations.
- **Designation of the Floodplain Administrator (1110.0301)** – “or their Designee” added after the Chief Building Official to allow another person to act as Floodplain Administrator.
- **Approval (1110.0305B)** – a set time added of 30 days in which a Floodplain Development Permit Application shall be acted upon. In addition, both the commencement of work and expiration date of the permit changed from one year to 180 days to coincide with the with the “Start of Construction” definition.
- **Post-Construction Certification Required (1110.0307C)** – added that new substantially improved nonresidential structures that have been floodproofed in lieu of elevation will need to have a Floodproofing Certificate for Non-Residential Structures completed by a registered professional engineer.

**STAFF ANALYSIS (cont'd)**

- **Exemption for Filing a Development Permit (1110.0309)** – lowers the threshold from \$5000 to \$2500 for filing a permit per FEMA’s request. Also, previous language removed stating that “any proposed action exempt from filing for a Floodplain development permit is also exempt from the standards of these regulations”.
- **State and Federal Development (1110.0310)** – new section added to better organize and explain compliance requirements for State and Federal Development.
- **Requirement to Submit New Technical Data (1110.0311A3b)** – added the word “riverine”.
- **Data Use and Flood Map Interpretation (1110.0312D)** – standard added that states that the most restrictive flood zone and the highest base flood elevation standards must be complied with if a development is affected by multiple flood zones and/or base flood elevations. Existing Flood Regulation Section 1110.0401E was subsequently removed.
- **Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data (Section 1110.0313)** – section added to clarify National Flood Insurance Program minimum standard for use of preliminary Flood Insurance Rate Map and Flood Insurance Study data.
- **Subdivision and Other New Developments (1110.0403)** – added “and all other proposed new development after “all subdivision proposals” in Section A, B and C.
- **Residential Structures (1110.0404)** – descriptive paragraph added to beginning of section noting that it applies to new construction and to substantial improvements of residential structures in listed zones.
- **Residential Structures (1110.0404E)** – replaced “openings sufficient to allow unimpeded movement of Flood waters” with “openings to allow the automatic equalization of hydrostatic pressure”.
- **Non-Residential Structures (1110.0405)** – descriptive paragraph added to beginning of section noting that it applies to new construction and to substantial improvements of non-residential structures in listed zones.
- **Recreational Vehicles (1110.0407)** – added Section C as a standard that states that the vehicles must be placed on the site per the issued floodplain development permit.
- **Appeals Board Established (1110.0501)** – language added that states that City Council shall appoint and reappoint members to an Appeals Board and the members shall serve five-year terms. A chairperson shall be elected by the members. All meetings shall be open to the public and minutes of the proceedings shall be kept and filed at the Division of Building Inspection.

**STAFF ANALYSIS (cont'd)**

- **Variations (1110.0504)** – opening paragraph added indicating a person’s ability to apply for a variance and the Appeals Boards power to authorize such variations. A section was also added to allow for the collection of a variance application fee. In addition, the Notice for Public Hearing Section was updated to specify that a public hearing shall be held within 30 days of the receipt of a variance application.
- **Notice of Violation (1110.0602)** – previously named a Stop Work Order, the Section now specifies that the written notice shall list the violations, specify a reasonable time for performance, and advise of the right to appeal.

Adoption of the revised Flood Control Regulations, as outlined in Exhibit “C,” will maintain the City’s eligibility in the National Flood Insurance Program, improve the City’s storm water management, and help property owners in the City qualify for greater discounts on flood insurance.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of M-11-23, a text amendment modifying TMC§1110 – Flood Control Regulations, for the following two (2) reasons:

1. The text amendment is in alignment with the stated purpose of the Zoning Code and ensures safety of Toledo residents,
2. The text amendment is in alignment with the Ohio Department of Natural Resources Model Flood Damage Reduction Regulations.

ZONING TEXT AMENDMENT  
TOLEDO CITY PLAN COMMISSION  
REF: M-11-23  
DATE: December 7, 2023  
TIME: 2:00 P.M.

ZONING AND PLANNING  
COMMITTEE OF CITY COUNCIL  
DATE: January 9, 2023  
TIME: 4:00 P.M.

LK  
Three (3) Exhibits follow

**Exhibit “A”  
Tables of Contents**

**Existing Regulations**

CHAPTER 1110 | FLOOD CONTROL REGULATIONS

**1110.0100 GENERAL**

- 1110.0101 Statutory Authorization
- 1110.0102 Findings of Fact
- 1110.0103 Warning and Disclaimer of Liability
- 1110.0104 Abrogation and Greater Restrictions
- 1110.0105 Statement of Purpose

**1110.0200 DEFINITIONS**

**1110.0300 ADMINISTRATION**

- 1110.0301 Floodplain Administrator
- 1110.0302 Duties and Responsibilities of the Floodplain Administrator
- 1110.0303 Floodplain Development Permits Required
- 1110.0304 Application
- 1110.0305 Review of Floodplain Development Permit Application
- 1110.0306 Approval of Floodplain Development Permit Application
- 1110.0307 Post-Construction Certifications Required
- 1110.0308 Revoking a Floodplain Development Permit
- 1110.0309 Exemptions from Filing a Development Permit

**1110.0400 MAP MAINTENANCE ACTIVITIES**

- 1110.0401 Data Use and Flood Map Interpretation

**1110.0500 SUBSTANTIAL DAMAGE DETERMINATION**

**1110.0600 USE STANDARDS WITHIN SPECIAL FLOOD HAZARD AREAS**

**Proposed Regulations**

CHAPTER 1110 | FLOOD DAMAGE REDUCTION REGULATIONS

**1110.0100 GENERAL PROVISIONS**

- 1110.0101 Statutory Authorization
- 1110.0102 Findings of Fact
- 1110.0103 Statement of Purpose
- 1110.0104 Methods of Reducing Flood Loss
- 1110.0105 Lands to Which This Chapter Applies
- 1110.0106 Basis for Establishing the Areas of Special Flood Hazard
- 1110.0107 Abrogation and Greater Restrictions
- 1110.0108 Interpretation
- 1110.0109 Warning and Disclaimer of Liability
- 1110.0110 Severability

**1110.0200 DEFINITIONS**

**1110.0300 ADMINISTRATION**

- 1110.0301 Designation of the Floodplain Administrator
- 1110.0302 Duties and Responsibilities of the Floodplain Administrator
- 1110.0303 Floodplain Development Permits
- 1110.0304 Application Required
- 1110.0305 Review and Approval of Floodplain Development Permit Application
- 1110.0306 Inspections
- 1110.0307 Post-Construction Certifications Required
- 1110.0308 Revoking a Floodplain Development Permit
- 1110.0309 Exemption from Filing a Development Permit
- 1110.0310 State and Federal Development
- 1110.0311 Map Maintenance Activities
- 1110.0312 Data Use and Flood Map Interpretation

**Existing Regulations (cont'd)**

**1110.0700 ASSURANCE OF FLOOD CARRYING CAPACITY**

**1110.0800 CRITICAL DEVELOPMENT**

**1110.0900 DITCH MAINTENANCE ACCESS**

**1110.1000 VARIANCES**

1110.1001 Appeals Board

1110.1002 Appeals

1110.1003 Conditions of Variances

**1110.1100 ENFORCEMENT**

1110.1101 Compliance Required

1110.1102 Stop Work Order

1110.1103 Abatement

1110.1104 Penalties

**Proposed Regulations (cont'd)**

1110.0313 Use of Preliminary Flood Insurance Rate Map and /or Flood Insurance Study Data

1110.0314 Substantial Damage Determination

**1110.0400 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION**

1110.0401 Use Regulations

1110.0402 Water and Wastewater Systems

1110.0403 Subdivisions and Other New Developments

1110.0404 Residential Structures

1110.0405 Nonresidential Structures

1110.0406 Accessory Structures

1110.0407 Recreational Vehicles

1110.0408 Gas or Liquid Storage Tanks

1110.0409 Fill Activities

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**Exhibit “B”**  
**(Existing Text – To Be Deleted)**

## **Chapter 1110 | Flood Control Regulations**

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### **1110.0100 | General**

#### **1110.0101 Statutory Authorization**

Article XVIII, Section 3 of the Ohio Constitution and Sections 8 (m) and (r) of the Charter of the City of Toledo grant the City of Toledo the legal authority to adopt land use and control measures for promoting the health, safety and general welfare of the citizens of the City.

(Ord. 368-11. Passed 07-26-11.)

#### **1110.0102 Findings of Fact**

The City of Toledo has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(Ord. 368-11. Passed 07-26-11.)

#### **1110.0103 Warning and Disclaimer of Liability**

The degree of Flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of Special Flood Hazard or uses permitted within such areas will be free from Flooding or Flood damage. These regulations shall not create liability on the part of the City of Toledo, any officer or employee thereof, or the Federal Emergency Management Agency for any Flood damage that results from reliance on these regulations or any administrative decision lawfully made hereunder.

(Ord. 368-11. Passed 07-26-11.)

#### **1110.0104 Abrogation and Greater Restrictions**

These regulations are not intended to repeal any existing ordinances, codes, statutes or laws including but not limited to subdivision regulations and zoning or building codes. In the event of a conflict between these regulations and any other ordinance, code, statute or law the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

In the interpretation and application of these regulations, all provisions shall be considered as minimum requirements, be liberally construed in favor of the City of Toledo and be deemed neither to limit nor repeal any other powers granted under state or federal law.

For the purposes of this Chapter, the following studies and / or maps are adopted:

- A.** Flood Insurance Rate Map for Lucas County, Ohio and Incorporated Areas effective date August 16, 2011.

**Exhibit “B” (cont’d)**

- ~~B. Flood Insurance Study for Lucas County, Ohio and Incorporated Areas effective date August 16, 2011.~~
- ~~C. Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year Flood Plain, floodways or delineation of other areas of special flood hazard.~~
- ~~D. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio, which has been approved by the City of Toledo as required by Section 1110.0600(C) Subdivisions and Large Developments.~~

~~Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Division of Engineering Services.  
(Ord. 368-11. Passed 07-26-11.)~~

**1110.0105 Statement of Purpose**

~~It is the purpose of these regulations to promote the public health, safety and general welfare, and to:~~

- ~~A. Protect human life and health;~~
- ~~B. Minimize expenditure of public money for costly Flood control projects;~~
- ~~C. Minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;~~
- ~~D. Minimize prolonged business interruptions;~~
- ~~E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of Special Flood Hazard;~~
- ~~F. Help maintain a stable tax base by promoting the proper use and Development of areas of Special Flood Hazard so as to protect property and minimize future blight from Flood loss;~~
- ~~G. Ensure that those who occupy the areas of Special Flood Hazard assume responsibility for their actions;~~
- ~~H. Minimize the impact of Development on adjacent properties within and near Flood prone areas;~~
- ~~I. Ensure that the Flood storage and conveyance functions of the Floodplain are maintained;~~
- ~~J. Minimize the impact of development on the natural, beneficial values of the Floodplain;~~
- ~~K. Prevent Floodplain uses that are hazardous or environmentally incompatible with the Floodplain; and~~
- ~~L. Meet community participation requirements of the National Flood Insurance Program.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

## Exhibit “B” (cont’d)

**1110.0200 | Definitions**

**1110.0201** ~~“Accessory Structure” means a Structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal Structure. (Ord. 368-11. Passed 07-26-11.)~~

**1110.0202** ~~“Appeal” means a request for review of the Floodplain administrator’s interpretation of any provision of these regulations. (Ord. 368-11. Passed 07-26-11.)~~

**1110.0203** ~~“Applicant” means a person or other legal entity who is responsible, per these regulations, for submittal of a Floodplain Development Permit to the Floodplain Administrator, the Toledo Plan Commission, or the Division of Inspection, as applicable, as specified herein. (Ord. 368-11. Passed 07-26-11.)~~

**1110.0204** ~~“Base Flood” means a Flood having a one percent chance of being equaled or exceeded in any given year. The Base Flood may also be referred to as the 1% chance annual Flood or one hundred (100) year Flood. (Ord. 368-11. Passed 07-26-11.)~~

**1110.0205** ~~“Base (100 Year) Flood Elevation (BFE)” means the water surface elevation of the Base Flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the Base Flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet). (Ord. 368-11. Passed 07-26-11.)~~

**1110.0206** ~~“Basement” means any area of the building having its floor subgrade (below ground level) on all sides. (Ord. 368-11. Passed 07-26-11.)~~

**1110.0207** ~~“Building Permit” means a document issued by the Certified Building Official which approves the construction or alteration of residential and non residential structures as being in compliance with the State and City building codes, based on the submission and successful plan review of construction documents detailing the construction or alterations. (Ord. 368-11. Passed 07-26-11.)~~

**1110.0208** ~~“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. (Ord. 368-11. Passed 07-26-11.)~~

**1110.0209** ~~“Ditch” means a long trench or channel dug into the ground for permanent drainage purposes. (Ord. 368-11. Passed 07-26-11.)~~

**1110.0210** ~~“Enclosure Below the Lowest Floor” see “Lowest Floor.” (Ord. 368-11. Passed 07-26-11.)~~

**Exhibit “B” (cont’d)**

~~1110.0211 “Executive Order 11988 (Floodplain Management)” means the order issued by President Carter in 1977 which requires that no federally assisted activities be conducted in or have the potential to affect identified Special Flood Hazard Areas, unless there is no practicable alternative.  
(Ord. 368 11. Passed 07 26 11.)~~

~~1110.0212 “Federal Emergency Management Agency (FEMA)” means the agency with the overall responsibility for administering the National Flood Insurance Program.  
(Ord. 368 11. Passed 07 26 11.)~~

~~1110.0213 “Fill,” means a deposit of earth material placed by artificial means.  
(Ord. 368 11. Passed 07 26 11.)~~

~~1110.0214 “Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.  
(Ord. 368 11. Passed 07 26 11.)~~

~~1110.0215 “Flood Hazard Boundary Map (FHBM)” means the initial map produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate Special Flood Hazard Areas.  
(Ord. 368 11. Passed 07 26 11.)~~

~~1110.0216 “Flood Insurance Rate Map (FIRM)” means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of Special Flood Hazard.  
(Ord. 368 11. Passed 07 26 11.)~~

~~1110.0217 “Flood Insurance Risk Zones” means the zone designations on FHBMs or FIRMs that indicate the magnitude of the Flood hazard in specific areas of a community, and are as follows:~~

- ~~A. “Zone A” means Special Flood Hazard Areas inundated by the 100-year Flood; Base Flood Elevations are not determined.~~
- ~~B. “Zones A1-30 and Zone AE” means Special Flood Hazard Areas inundated by the 100-year Flood; Base Flood Elevations are determined.~~
- ~~C. “Zone AO” means Special Flood Hazard Areas inundated by the 100-year Flood; with Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.~~
- ~~D. “Zone AH” means Special Flood Hazard Areas inundated by the 100-year Flood; Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations are determined.~~
- ~~E. “Zone A99” means Special Flood Hazard Areas inundated by the 100-year Flood to be protected from the 100-year Flood by a Federal Flood protection system under construction; no Base Flood Elevations are determined.~~
- ~~F. “Zone B and Zone X (shaded)” means Areas of 500-year Flood; areas subject to the 100-year Flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the~~

Exhibit “B” (cont’d)

Base Flood.

~~G. “Zone C and Zone X (unshaded)” means Areas determined to be outside the 500-year Floodplain.  
(Ord. 368-11. Passed 07-26-11.)~~

~~1110.0218 “Flood Insurance Study (FIS)” means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided Flood profiles, Floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the Base Flood.  
(Ord. 368-11. Passed 07-26-11.)~~

~~1110.0219 “Flood Loss” means destruction and casualties caused by flooding.  
(Ord. 368-11. Passed 07-26-11.)~~

~~1110.0220 “Floodplain” means any land area susceptible to being inundated by flood waters from any source.  
(Ord. 368-11. Passed 07-26-11.)~~

~~1110.0221 “Flood Protection Elevation (FPE)” means the Base Flood Elevation plus one (1) foot of Freeboard. In areas where no Base Flood Elevations exist from any authoritative source, the Flood Protection Elevation can be historical Flood elevations, or Base Flood Elevations determined and/or approved by the Flood Plain Administrator.  
(Ord. 368-11. Passed 07-26-11.)~~

~~1110.0222 “Floodway” means the channel of a river or other Watercourse and the adjacent land areas that have been reserved in order to pass the Base Flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the Base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The Floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity Flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.  
(Ord. 368-11. Passed 07-26-11.)~~

~~1110.0223 “Freeboard” means a factor of safety usually expressed in feet above a Flood level for the purposes of Floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to Flood heights greater than the height calculated for a selected size Flood and Floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.  
(Ord. 368-11. Passed 07-26-11.)~~

~~1110.0224 “Historic Structure” means any Structure that is:~~

- ~~A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;~~

**Exhibit “B” (cont’d)**

- ~~B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- ~~C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or~~
- ~~D. Individually listed on the inventory of historic places maintained by the City of Toledo whose historic preservation program has been certified by the Ohio Historic Preservation Office.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

~~**1110.0225** “Hydrologic and Hydraulic Engineering Analysis” means an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine Flood elevations and/or Floodway boundaries.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

~~**1110.0226** “Impervious Cover” means any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

~~**1110.0227** “Letter of Map Change (LOMC)” means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC’s are broken down into the following categories:~~

- ~~A. Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated Special Flood Hazard Area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a Special Flood Hazard Area.~~
- ~~B. Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to Flood zones, Flood elevations, Floodplain and Floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a Structure or parcel has been elevated by Fill above the Base Flood Elevation and is, therefore, excluded from the Special Flood Hazard Area.~~
- ~~C. Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program Floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

~~**1110.0228** “Lowest Floor” means the floor of the lowest enclosed area (including a Basement) of a Structure. This definition excludes an “Enclosure Below the Lowest Floor” which is an unfinished or Flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a Basement area, provided that~~

**Exhibit “B” (cont’d)**

such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the Lowest Floor.

(Ord. 368-11. Passed 07-26-11.)

**1110.0229** “Manufactured Home” means a Structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “Manufactured Home” does not include a “Recreational Vehicle”. For the purposes of these regulations, a Manufactured Home includes Manufactured Homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

(Ord. 368-11. Passed 07-26-11.)

**1110.0230** “Manufactured Home Park” means a Manufactured Home Park as specified in the Ohio Administrative Code 3701-27-01, which is defined as any tract of land upon which three or more Manufactured Homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, Structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of Manufactured Homes on the lots, is not a Manufactured Home Park, even though three or more Manufactured Homes are parked thereon, if the roadways are dedicated to the local government authority.

(Ord. 368-11. Passed 07-26-11.)

**1110.0231** “National Flood Insurance Program (NFIP)” means the Federal program enabling property owners in participating communities to purchase insurance protection against losses from Flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by Floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce Floodplain management regulations to reduce future Flood risks to all Development in Special Flood Hazard Areas, the Federal government will make Flood insurance available within the community as a financial protection against Flood Loss.

(Ord. 368-11. Passed 07-26-11.)

**1110.0232** “New Construction” means Structures for which the “Start of Construction” commenced on or after the initial effective date of the City of Toledo’s Flood Insurance Rate Map, June 4, 1980, and includes any subsequent improvements to such Structures.

(Ord. 368-11. Passed 07-26-11.)

**1110.0233** “Ordinary High Water Mark” means the point of the bank or shore to which the presence and action of surface water is so continuous as to leave a distinct mark by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The Ordinary High Water Mark defines the channel of a Watercourse.

(Ord. 368-11. Passed 07-26-11.)

**1110.0234** “Person” means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department,

**Exhibit “B” (cont’d)**

~~division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. “Agency” does not include the general assembly, the controlling board, the adjutant general’s department, or any court. (Ord. 368 11. Passed 07 26 11.)~~

**1110.0235** ~~“Plat” means a map of a tract or parcel of land. (Ord. 368 11. Passed 07 26 11.)~~

**1110.0236** ~~“Preliminary Plan” means a drawing of a development for the purpose of Plan Commission or Board of Zoning of Appeals approval. (Ord. 368 11. Passed 07 26 11.)~~

**1110.0237** ~~“Recreational Vehicle” means a vehicle which is (1) built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Ord. 368 11. Passed 07 26 11.)~~

**1110.0238** ~~“Registered Professional Architect” means a person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code. (Ord. 368 11. Passed 07 26 11.)~~

**1110.0239** ~~“Registered Professional Engineer” means a person registered as a professional engineer under Chapter 4733 of the Revised Code. (Ord. 368 11. Passed 07 26 11.)~~

**1110.0240** ~~“Registered Professional Surveyor” means a person registered as a professional surveyor under the Chapter 4733 of the Revised Code. (Ord. 368 11. Passed 07 26 11.)~~

**1110.0241** ~~“Special Flood Hazard Area” or “Areas of Special Flood Hazard” means the land in the Floodplain subject to a one percent or greater chance of Flooding in any given year. Special Flood Hazard Areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, and A99. Special Flood Hazard Areas may also refer to areas that are Flood prone and designated from other federal state or local sources of data including but not limited to historical Flood information reflecting high water marks, previous Flood inundation areas, and Flood prone soils associated with a Watercourse. (Ord. 368 11. Passed 07 26 11.)~~

**1110.0242** ~~“Start of Construction” means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of~~

**Exhibit “B” (cont’d)**

~~streets and/or walkways; nor does it include excavation for a Basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure. For a Substantial Improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.~~  
(Ord. 368-11. Passed 07-26-11.)

**1110.0243** ~~“Stream Bank” as used herein means the area adjacent to a Watercourse or Ditch with a slope greater than 25 percent. The Stream Bank is measured from the edge of the water outward to a point where the slope levels out to less than 25 percent for a distance of at least 12 feet measured laterally from the Watercourse or Ditch.~~  
(Ord. 368-11. Passed 07-26-11.)

**1110.0244** ~~“Structure” means a walled and roofed building, Manufactured Home, or gas or liquid storage tank that is principally above ground.~~  
(Ord. 368-11. Passed 07-26-11.)

**1110.0245** ~~“Subdivision” means either:~~

~~**A.** The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres provided, however, that the following are exempt: a division or partition of land into parcels of more than five acres not involving any new streets or easements of access; the sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites; or parcels of land that are specifically and specially exempted out by Toledo City Council; or,~~

~~**B.** The improvement of one or more parcels of land for residential, commercial, or industrial Structures or groups of Structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial Structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.0246** ~~“Substantial Damage” means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred. Substantial Damage also means Flood related damage sustained by a Structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such Flood event, on the average, equals or exceeds 25 percent of the market value of the Structure before the damage occurred.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.0247** ~~“Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or exceeds 50 percent of the market value of the Structure before the Start of Construction of the improvement. When the combined total of all previous improvements or repairs made during the life of the Structure equals or exceeds 50 percent of a Structure’s market value,~~

**Exhibit “B” (cont’d)**

that Structure is considered to have undergone Substantial Improvement. This term includes Structures that have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include:

- ~~A. Any improvement to a Structure that is considered New Construction;~~
- ~~B. Any project for improvement of a Structure to correct existing Violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a Development permit by the Division of Building Inspection and which are the minimum necessary to assure safe living conditions;~~  
~~or~~
- ~~C. Any alteration of a Historic Structure provided that the alteration would not preclude the Structure's continued designation as a Historic Structure.~~

~~(Ord. 368-11. Passed 07-26-11; Ord. 510-21. Passed 09-28-21.)~~

~~**1110.0248** “Variance” means a grant of relief from the standards of these regulations consistent with the Variance conditions herein.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

~~**1110.0249** “Violation” means the failure of a Structure or other Development to be fully compliant with these regulations.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

~~**1110.0250** “Watercourse” means a natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.0300 | Administration**

**1110.0301 Floodplain Administrator**

The Certified Building Official is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.0302 Duties and Responsibilities of the Floodplain Administrator**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- ~~A. Evaluating applications for permits to develop in Special Flood Hazard Areas.~~
- ~~B. Interpreting Floodplain boundaries and providing Flood Hazard and Flood Protection Elevation information.~~
- ~~C. Issuing permits to develop in Special Flood Hazard Areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.~~
- ~~D. Inspecting buildings and lands to determine whether any Violations of these regulations have been committed.~~
- ~~E. Making and permanently keeping all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of~~

**Exhibit “B” (cont’d)**

~~permits to develop in Special Flood Hazard Areas, determinations of whether Development is in or out of Special Flood Hazard Areas for the purpose of issuing Floodplain Development permits, elevation certificates, Variances, and records of enforcement actions taken for Violations of these regulations.~~

- ~~F. Enforcing the provisions of these regulations.~~
- ~~G. Providing information, testimony, or other evidence as needed during Variance hearings.~~
- ~~H. Coordinating map maintenance activities and FEMA follow up.~~
- ~~I. Conducting Substantial Damage determinations to determine whether existing Structures, damaged from any source and in Special Flood Hazard Areas identified by FEMA, must meet the Development standards of these regulations.~~
- ~~J. Making periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.0303 Floodplain Development Permits Required**

~~It shall be unlawful for any Person to begin construction or other Development activity including but not limited to Filling; grading; construction; alteration, remodeling, or expanding any Structure; or alteration of any Watercourse wholly within, partially within or in contact with any identified Special Flood Hazard Areas, or upon any property which contains any portion of a levee indicated on the currently effective Flood Insurance Rate Map for Lucas County, until a Floodplain Development permit is obtained from the Floodplain Administrator. Such Floodplain Development permit shall show that the proposed Development activity is in conformity with the provisions of these regulations. The Floodplain Administrator shall issue no such permit until the requirements of these regulations have been met.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.0304 Application**

~~An application for a Floodplain Development permit shall be required for all Development activities located wholly within, partially within, or in contact with an identified Special Flood Hazard Area. The owner of the property or his/her agent, herein referred to as the Applicant, shall make such application prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a Development site is in a Special Flood Hazard Area, the Floodplain Administrator may require an application for a Floodplain Development permit to determine the Development’s location. Such applications shall include, but not be limited to:~~

- ~~A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed Structures, fill, storage of materials, drainage facilities, and the location of the foregoing.~~
- ~~B. Elevation of the existing, natural ground where Structures are proposed.~~
- ~~C. Elevation of the Lowest Floor, including Basement, of all proposed Structures.~~

**Exhibit “B” (cont’d)**

- ~~D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.~~
- ~~E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a Floodplain Development permit when applicable.~~
- ~~F. Floodproofing certification for non-residential Floodproofed Structure.~~
- ~~G. Certification that fully enclosed areas below the Lowest Floor of a Structure not meeting the design requirements within this Chapter are designed to automatically equalize hydrostatic Flood forces.~~
- ~~H. Description of any Watercourse alteration or relocation that the Flood carrying capacity of the Watercourse will not be diminished, and maintenance assurances.~~
- ~~I. A Hydrologic and Hydraulic Engineering Analysis demonstrating that the cumulative effect of proposed Development, when combined with all other existing and anticipated Development will not increase the water surface elevation of the Base Flood by more than one foot in Special Flood Hazard Areas where the Federal Emergency Management Agency has provided Base Flood Elevations but no Floodway.~~
- ~~J. A Hydrologic and Hydraulic Engineering Analysis showing impact of any Development on Flood heights in an identified Floodway.~~
- ~~K. Generation of Base Flood Elevation(s) for subdivision and large scale Developments.~~
- ~~L. Volumetric calculations demonstrating compensatory storage have been provided.~~
- ~~M. Generation of the 500-year Flood elevation for critical Development.~~
- ~~N. A Floodplain Development Permit application fee by the schedule of fees adopted by the City of Toledo shall be charged for each Floodplain Development.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.0305 Review of Floodplain Development Permit Application**

~~After receipt of a completed application that includes all information required in these regulations, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met and assure that all necessary permits have been received from those federal, state, or local government agencies from which prior approval is required. It shall be the responsibility of the Applicant to obtain all external permits required, including but not limited to permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.0306 Approval of Floodplain Development Permit Application**

~~Upon receipt of a completed Floodplain Development permit application, the Floodplain Administrator shall either approve or disapprove the application. The City of Toledo’s~~

**Exhibit “B” (cont’d)**

~~permit approval process is dependent upon the review of the Division of Engineering Services and other agencies. No approval will be granted until all necessary reviews have been completed. If an application is approved, a Floodplain Development permit shall then be issued. All Floodplain Development permits shall be conditional upon the commencement of work within one (1) year. A Floodplain Development permit will expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.  
(Ord. 368-11. Passed 07-26-11.)~~

**1110.0307 Post-Construction Certifications Required**

~~As built certifications are required after a Floodplain Development permit has been issued for new or substantially improved residential Structures or nonresidential Structures that have been elevated. The Applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as built elevation data. For elevated Structures in Zone A and Zone AO areas without a Base Flood Elevation, the property owner or owner’s representative may complete the elevation certificate.~~

~~For all development activities subject to the standards of Section 1110.0400(A), a Letter of Map Revision is required after a Floodplain Development permit has been issued.  
(Ord. 368-11. Passed 07-26-11.)~~

**1110.0308 Revoking a Floodplain Development Permit**

~~A Floodplain Development permit is revocable in certain circumstances, including but not limited to, failure of the actual Development activity to conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an Appeal may be taken to the Appeals Board in accordance with this Chapter.  
(Ord. 368-11. Passed 07-26-11.)~~

**1110.0309 Exemption From Filing a Development Permit**

~~An application for a Floodplain Development permit shall not be required for:~~

- ~~A. Maintenance work such as roofing, painting, and Basement sealing, or for small nonstructural Development activities (except for Filling and grading) valued at less than \$5,000, indexed to the Engineering News Record’s Building Cost Index at the time of passage of this regulation.~~
- ~~B. Development activities in an existing or proposed Manufactured Home Park that are under the authority of the Ohio Department of Health and subject to the Flood damage reduction provisions of the Ohio Administrative Code Section 3701.~~
- ~~C. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.~~
- ~~D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.~~
- ~~E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988—Floodplain Management.~~

~~Any proposed action exempt from filing for a Floodplain development permit is also exempt from the standards of these regulations.  
(Ord. 368-11. Passed 07-26-11.)~~

**Exhibit “B” (cont’d)****1110.0400 | Map Maintenance Activities**

To meet National Flood Insurance Program minimum requirements to have Flood data reviewed and approved by FEMA, and to ensure that the City of Toledo Flood maps, studies and other data identified in Section 1110.0104(D) accurately represent Flooding conditions so appropriate Flood Plain management criteria are based on current data, the following map maintenance activities are identified:

- ~~A. For all Development proposals that impact Floodway delineations or Base Flood Elevations, the City shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These Development proposals include:
 
  - ~~1. Floodway encroachments that increase or decrease Base Flood Elevations or alter Floodway boundaries;~~
  - ~~2. Fill sites to be used for the placement of proposed Structures where the Applicant desires to remove the site from the Special Flood Hazard Area;~~
  - ~~3. Alteration of Watercourses that result in a relocation or elimination of the Special Flood Hazard Area, including the placement of culverts; and~~
  - ~~4. Subdivision or large scale Development proposals requiring the establishment of Base Flood Elevations.~~~~
- ~~B. It is the responsibility of the Applicant to have technical data, required in this Chapter, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the Applicant.~~
- ~~C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a Floodplain Development permit for a proposed Floodway encroachment that increases the Base Flood Elevation or a proposed Development that increases the Base Flood Elevation by more than one foot in areas where FEMA has provided Base Flood Elevations but no Floodway.~~
- ~~D. Floodplain Development permits issued by the Floodplain Administrator shall be conditioned upon the Applicant obtaining a Letter of Map Revision from FEMA for any Development proposal subject to this Chapter.~~
- ~~E. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact Floodplain or Floodway delineations or Base Flood Elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Toledo, and may be submitted at any time.~~
- ~~F. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Toledo have been modified by annexation or agreement, or if the City of Toledo no longer has authority to adopt and enforce Floodplain management regulations for a particular area. Included within such notification should be a copy of a map of the City of Toledo suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Toledo has assumed or relinquished Floodplain management regulatory authority.~~

**Exhibit “B” (cont’d)**

(Ord. 368-11. Passed 07-26-11.)

**1110.0401 Data Use and Flood Map Interpretation**

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- ~~A. In areas where FEMA has not identified special flood hazard areas, or in FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.~~
- ~~B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.~~
- ~~C. When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
  - ~~1. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously-existing flood hazard data provided from FEMA for the purposes of administering these regulations.~~
  - ~~2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.~~~~
- ~~D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.~~
- ~~E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.~~

(Ord. 368-11. Passed 07-26-11.)

**1110.0500 | Substantial Damage Determinations**

Damages to Structures may result from a variety of causes including Flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- ~~A. Determine whether damaged Structures are located in Special Flood Hazard Areas;~~
- ~~B. Conduct Substantial Damage determinations for damaged Structures located in Special Flood Hazard Areas; and~~

**Exhibit “B” (cont’d)**

- ~~C. Make reasonable attempt to notify owners of substantially damaged Structures of the need to obtain a Floodplain Development permit prior to repair, rehabilitation, or reconstruction.~~

~~Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the Floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in Special Flood Hazard Areas; and assisting owners of substantially damaged structures with Increased Cost of Compliance insurance claims. (Ord. 368-11. Passed 07-26-11.)~~

**1110.0600 | Use Standards Within Special Flood Hazard Areas**

The following use and development standards apply to development wholly within, partially within, or in contact with any Special Flood Hazard area:

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Toledo are allowed provided they meet and do not conflict with the provisions of these regulations.

**A. Prohibited Uses**

- ~~1. Private water supply systems in all Special Flood Hazard Areas that would be otherwise permitted under Section 3701 of the Ohio Revised Code.~~
- ~~2. Infectious waste treatment facilities in all Special Flood Hazard Areas that would be otherwise permitted under Section 3734 of the Ohio Revised Code.~~
- ~~3. New construction of any residential or nonresidential structures in Floodway areas.~~
- ~~4. Storage or processing of materials that are hazardous, pollutants, flammable, poisonous, explosive, or could be injurious to human, animal or plant life in time of flooding or that have a high flood damage potential in the identified Special Flood Hazard Area.~~
- ~~5. Storage or use of material or equipment that, in time of Flooding, could become buoyant and pose an obstruction to flow in identified Floodway areas, unless however, the material or equipment is firmly anchored to prevent flotation.~~

**B. Water, Sanitary Sewer and Waste Systems not otherwise regulated by the Ohio Revised Code**

- ~~1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of Floodwaters;~~
- ~~2. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into Floodwaters; and,~~
- ~~3. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during Flooding.~~

**Exhibit “B” (cont’d)****~~C. Subdivisions and Large Developments~~**

- ~~1. All Subdivision proposals shall be consistent with the need to minimize Flood damage and are subject to all applicable standards in these regulations.~~
- ~~2. All Subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize Flood damage.~~
- ~~3. All Subdivision proposals shall have adequate drainage provided to reduce exposure to Flood damage.~~
- ~~4. In all Special Flood Hazard Areas where Base Flood Elevation data are not available, the Applicant shall provide a Hydrologic and Hydraulic Engineering Analysis that generates Base Flood Elevations for all major (Platted) Subdivision proposals, and other proposed Developments at least 5 acres or 50 lots in size, whichever is less.~~
- ~~5. The applicant shall meet the requirement to submit technical data to FEMA when a Hydrologic and Hydraulic Engineering Analysis is completed that generates Base Flood Elevations.~~
- ~~6. All preliminary plans for Platted subdivisions shall identify the Flood hazard area and the elevation of the Base Flood, where published Base Flood Elevation data are available.~~
- ~~7. All final subdivision Plats shall provide the boundary of the Special Flood Hazard Area, the Floodway boundary, and Base Flood Elevations.~~
- ~~8. In Platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-Filled) 1% chance annual Floodplain. The buildable area shall be large enough to accommodate any primary Structure and associated Structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, if applicable.~~

**~~D. Residential Structures~~**

- ~~1. New Construction and Substantial Improvements shall be anchored to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a Structure, including its foundation members, is elevated on Fill to or above the Base Flood Elevation, the requirements for anchoring and construction materials resistant to Flood damage are satisfied.~~
- ~~2. New Construction and Substantial Improvements shall be constructed with methods and materials resistant to Flood damage.~~
- ~~3. New Construction and Substantial Improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of Flooding.~~
- ~~4. New Construction and Substantial Improvement of any residential Structure, including Manufactured Homes, shall have the Lowest Floor, including crawl-~~

**Exhibit "B" (cont'd)**

space or Basement, elevated to or above the Flood Protection Elevation. In Zone AO areas with no elevations specified, the Structure should have the Lowest Floor, including crawl space or Basement, elevated at least two feet above the highest adjacent natural grade. Where Flood protection data are not available the Structure shall have the Lowest Floor, including crawl space or Basement, elevated at least two feet above the highest adjacent natural grade. Support Structures and other foundation members shall be certified by a registered professional engineer or architect as designed in accordance with ASCE 24, Flood Resistant Design and Construction.

5. ~~New Construction and Substantial Improvements, including Manufactured Homes, that do not have Basements and that are elevated to the Flood Protection Elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of Flood waters may have an Enclosure Below the Lowest Floor provided the enclosure meets the following standards:
 
  - a. ~~Be used only for the parking of vehicles, building access, or storage; and~~
  - b. ~~Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of Floodwaters; or~~  
~~Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of Floodwaters.~~~~
6. ~~Manufactured Homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.~~
7. ~~Repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the Structure's continued designation as a Historic Structure and is the minimum necessary to preserve the historic character and design of the Structure shall be exempt from the development standards for residential Structures.~~
8. ~~In AO Zones, New Construction and Substantial Improvement shall have adequate drainage paths around Structures on slopes to guide Floodwaters around and away from the Structure.~~
9. ~~Each new residential site adjacent to a roadway which is above the Base Flood Elevation, shall have direct access from each structure to a walkway, driveway, or roadway whose surface elevation is not less than the Flood Protection Elevation and such escape route shall lead directly out of the 1% chance annual Floodplain area.~~

**Exhibit "B" (cont'd)****~~E. Nonresidential Structures~~**

- ~~1. New Construction and Substantial Improvement of any commercial, industrial or other nonresidential Structure shall meet the requirements identified in Section 1110.0600(D)(1) through (3), and (5) through (7).~~
- ~~2. New Construction and Substantial Improvement of any commercial, industrial or other non-residential Structure shall either have the Lowest Floor, including crawl space or Basement, elevated to or above the level of the Flood Protection Elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 
  - ~~a. Be dry Floodproofed so that the Structure is watertight with walls substantially impermeable to the passage of water to the level of the Flood Protection Elevation;~~
  - ~~b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,~~
  - ~~c. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction satisfy this Chapter.~~~~
- ~~3. Where Flood protection data are not available the Structure shall have the Lowest Floor, including Basement, elevated at least two feet above the highest adjacent natural grade.~~
- ~~4. Each new nonresidential site adjacent to a roadway which is above the Base Flood Elevation, shall have direct access from each structure to a walkway, driveway, or roadway whose surface elevation is not less than the Flood Protection Elevation and such escape route shall lead directly out of 1% chance annual Floodplain area.~~

**~~F. Accessory Structures~~**

~~Relief to the elevation or dry Floodproofing standards may be granted for Accessory Structures containing no more than 600 square feet. Such Structures: must not be used for human habitation; shall be constructed of Flood resistant materials; shall be constructed and placed on the lot to offer the minimum resistance to the flow of Floodwaters; shall be firmly anchored to prevent flotation; and shall meet the opening requirements of Section 1110.0600(D)(5)(c). Moreover, service facilities such as electrical and heating equipment shall be elevated or Floodproofed to or above the level of the Flood Protection Elevation.~~

~~**G.** Recreational Vehicles shall not be located on sites in Special Flood Hazard Areas for more than 180 days, or they must be fully licensed and ready for highway use, or else they must meet all standards for residential Structures.~~

~~**H.** Above Ground Gas or Liquid Storage Tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.~~

**Exhibit “B” (cont’d)**

- ~~1. The following standards apply to all Fill activities in Special Flood Hazard areas:
 
  - ~~1. Fill sites, upon which Structures will be constructed or placed, must be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test method or an acceptable equivalent method.~~
  - ~~2. Fill slopes shall not be steeper than one foot vertical to two feet horizontal.~~
  - ~~3. Adequate protection against erosion and scour is provided for Fill slopes. When expected velocities during the occurrence of the Base Flood of five feet per second armoring with stone or rock protection shall be provided. When expected velocities during the Base Flood are five feet per second or less protection shall be provided by vegetative cover.~~
  - ~~4. Fill shall be composed of clean granular or earthen material.~~
  - ~~5. Fill shall not be placed in the designated Floodway.~~
  - ~~6. Fill shall not be placed in wetland areas without approvals from Ohio EPA and the US Army Corps of Engineers, as required by law.~~~~

(Ord. 368-11. Passed 07-26-11.)

#### **1110.0700 | Assurance of Flood Carrying Capacity**

Pursuant to the purpose and methods of reducing Flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the Flood carrying capacity of Watercourses is minimized:

- ~~A. Development in Floodways
 
  - ~~1. In Floodway areas, Development shall cause no increase in Flood levels during the occurrence of the Base Flood discharge. Prior to issuance of a Floodplain Development permit, the Applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed Development would not result in any increase in the Base Flood Elevation; or~~
  - ~~2. Development in Floodway areas causing increases in the Base Flood Elevation may be permitted provided the Applicant completes all of the following:
 
    - ~~a. Meets the requirements to submit technical data in Section 1110.0400(A);~~
    - ~~b. An evaluation of alternatives that would not result in increased Base Flood Elevations and an explanation why these alternatives are not feasible;~~
    - ~~c. Certification that no Structures are located in areas that would be impacted by the increased Base Flood Elevation;~~
    - ~~d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and~~
    - ~~e. Concurrence of the Mayor of City of Toledo and the Chief Executive Officer of any other communities impacted by the proposed actions.~~~~~~

**Exhibit “B” (cont’d)****~~B. Development in Riverine Areas with Base Flood Elevations but without Floodways~~**

- ~~1. In Riverine Special Flood Hazard Areas identified by FEMA where Base Flood Elevation data are provided but no Floodways have been designated, the cumulative effect of any proposed Development, when combined with all other existing and anticipated Development, shall not increase the Base Flood Elevation more than 1.0 (one) foot at any point. Prior to issuance of a Floodplain Development permit, the Applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,~~
- ~~2. Development in Riverine Special Flood Hazard Areas identified by FEMA where Base Flood Elevation data are provided but no Floodways have been designated causing more than one foot increase in the Base Flood Elevation may be permitted provided the following is completed by the Applicant: an evaluation of alternatives which would result in an increase of one foot or less of the Base Flood Elevation and an explanation why these alternatives are not feasible and the criteria listed in Section 1110.0700(A)(2)(a), and (c) through (e) are met.~~

**~~C. Alterations of a Watercourse~~**

~~For the purpose of these regulations, a Watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on the USDA Forest Service General Technical Report RM-245, or other applicable publication available from a Federal, State, or other authoritative source. For all proposed Developments that alter a Watercourse, the following standards apply:~~

- ~~1. The bankfull Flood carrying capacity of the altered or relocated portion of the Watercourse shall not be diminished. Prior to the issuance of a Floodplain Development permit, the Applicant must submit a description of the extent to which any Watercourse will be altered or relocated as a result of the proposed Development, and certification by a registered professional engineer that the bankfull Flood carrying capacity of the Watercourse will not be diminished.~~
- ~~2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a Watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.~~
- ~~3. The Applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said Watercourse so that the Flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Toledo specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the Floodplain Development permit.~~
- ~~4. The Applicant shall meet the requirements to submit technical data in Section 1110.0400(A)(3) when an alteration of a Watercourse results in the~~

**Exhibit “B” (cont’d)**

~~relocation or elimination of the Special Flood Hazard Area, including the placement of culverts.~~

**D. Compensatory Storage**

~~Fill within the area of Special Flood Hazard shall result in no net loss of natural Floodplain storage. Providing an equal volume of Flood storage by excavation or other compensatory measures shall offset the volume of the loss of Floodplain storage due to Filling in the Special Flood Hazard Area. For the purpose of satisfying this provision, compensating cut may be from any properties within the watershed, along the same watercourse or hydraulically connected, where the Base Flood Elevation is within one foot of the Base Flood Elevation of the fill area, and where the compensating cut and fill are at the same range of elevations. Fill of less than 10 cubic yards per residential lot, cumulative from the time of passage of this regulation, will not require compensating cut, providing that the fill does not adversely affect adjoining properties.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.0800 | Critical Development**

~~Critical Development is that which is critical to the community’s public health and safety, are essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical Development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities. Critical Developments shall be elevated to the 500-year Flood elevation or be elevated to the highest known historical Flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year Flood elevation or the highest known historical Flood elevation, the critical development shall be elevated to one foot above the Flood Protection Elevation. Critical developments shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the Flood Protection Elevation and such escape route shall lead directly out of the 1% chance annual Floodplain area.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.0900 | Ditch Maintenance Access**

~~A. General Development should not restrict the City’s ability to access Ditches and Watercourses for maintenance.~~

**B. Clear Zone**

~~A clear zone shall be maintained adjacent to Ditches and Watercourses, which shall be free of structures, permanent fences, walls, or other obstructions that would restrict maintenance access. The clear zone shall be measured from the top of Stream Bank, as defined herein, a horizontal distance of twelve feet away from the Ditch or Watercourse. If there is no defined Stream Bank, the clear zone shall be measured from the Ordinary High Water Mark. If the Floodway extends further than twelve feet from the top of bank, then the clear zone shall extend to the edge of the Floodway. The required clear zone shall not exceed 25 feet from the Ordinary High Water Mark, or to the edge of Floodway, whichever is larger.~~

**C. Exemptions**

~~Exemption to this clear zone requirement may be granted if site constraints exist which would render an otherwise developable property undevelopable due to the~~

**Exhibit “B” (cont’d)**

requirement, and there is adequate clear zone on the opposite side of the Ditch or Watercourse.

**D. Prior Uses**

This Section 1110.0900 applies only to new development and not structures or uses existing at the time of the passage of these regulations.

(Ord. 368-11. Passed 07-26-11.)

## **1110.1000 | Variances**

**1110.1001 Appeals Board**

The Board of Zoning Appeals has authority to hear and decide Appeals and requests for Variances from the requirements of this chapter. The Appeals Board shall meet as needed, shall hear and decide Appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator and shall authorize Variances. Records of the Appeals Board shall be kept and filed in the offices of Building Inspection at One Government Center, Toledo, Ohio 43604.

(Ord. 368-11. Passed 07-26-11.)

**1110.1002 Appeals**

Any Person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such Person shall file, within twenty (20) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator’s decision. Such Appeal shall be in writing, signed by the Applicant and be filed with the Floodplain Administrator. Upon receipt of the Appeal, Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator’s decision was made to the Appeals Board. Upon receipt of the notice of Appeal, the Appeals Board shall fix a reasonable time for the Appeal, give notice in writing to parties in interest, and decide the Appeal within a reasonable time after it is submitted.

(Ord. 368-11. Passed 07-26-11.)

**1110.1003 Conditions of Variances****A. Application**

1. Any owner, or agent thereof, of property for which a Variance is sought shall make an application for a Variance by filing it with the Floodplain Administrator, who upon receipt of the Variance shall transmit it to the Appeals Board.
2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the Applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the Floodplain; description of the Variance sought; and reason for the Variance request.
3. Upon receipt of the application for Variance, the Appeals Board shall fix a reasonable time for a public hearing of the Appeal, give notice, in writing,

**Exhibit “B” (cont’d)**

to parties in interest, and decide the Appeal within a reasonable time after it is submitted.

**~~B. Public Hearing~~**

~~At such hearing the Applicant shall present such statements and evidence, as the Appeals Board requires. In considering such Variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:~~

- ~~1. The danger that materials may be swept onto other lands to the injury of others.~~
- ~~2. The danger to life and property due to flooding or erosion damage.~~
- ~~3. The susceptibility of the proposed facility, and its contents to flood damage, and the effect of such damage on the individual owner.~~
- ~~4. The importance of the services provided by the proposed facility to the community.~~
- ~~5. The availability of alternative locations for the proposed use, which are not subject to Flooding or erosion damage.~~
- ~~6. The necessity to the facility of a waterfront location, where applicable.~~
- ~~7. The compatibility of the proposed use with existing and anticipated Development.~~
- ~~8. The relationship of the proposed use to the comprehensive plan and Floodplain management program for that area.~~
- ~~9. The safety of access to the property in times of Flood for ordinary and emergency vehicles.~~
- ~~10. The expected heights, velocity, duration, rate of rise, and sediment transport of the Floodwaters and the effects of wave action, if applicable, expected at the site.~~
- ~~11. The costs of providing governmental services during and after Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~

**~~C. Granting Variances shall only occur upon:~~**

- ~~1. A showing of good and sufficient cause.~~
- ~~2. A determination that failure to grant the Variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the Applicant.~~
- ~~3. A determination that the granting of a Variance will not result in increased Flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.~~

**Exhibit "B" (cont'd)**

- ~~4. A determination that the Structure or other Development is protected by methods to minimize Flood damages.~~
- ~~5. A determination that the Variance is the minimum necessary, considering the Flood hazard, to afford relief.~~
- ~~6. A determination that the purposes and intent of these regulations are not affected or are mitigated to a reasonable degree.~~

**D. Other conditions for Variances**

- ~~1. The Appeals Board may attach such conditions to the granting of Variances, as it deems necessary, to further the purposes of these regulations.~~
- ~~2. Variances shall not be issued within any designated Floodway if any increase in Flood levels during the Base Flood discharge would result.~~
- ~~3. Generally, Variances may be issued for New Construction and Substantial Improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing Structures constructed below the Base Flood level, providing all items of this Section have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the Variance increases.~~
- ~~4. Any Applicant to whom a Variance is granted shall be given written notice that the Structure will be permitted to be built with a Lowest Floor elevation below the Base Flood Elevation and the cost of Flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor elevation.~~

**E. Procedure at Hearings**

- ~~1. All testimony shall be given under oath.~~
- ~~2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.~~
- ~~3. The Applicant shall proceed first to present evidence and testimony in support of the Appeal or Variance.~~
- ~~4. The Floodplain Administrator may present evidence or testimony in opposition to the Appeal or Variance.~~
- ~~5. All witnesses shall be subject to cross examination by the adverse party or their counsel.~~
- ~~6. Evidence that is not admitted may be proffered and shall become part of the record for Appeal.~~
- ~~7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.~~
- ~~8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter.~~

**Exhibit “B” (cont’d)**

~~issued in writing or the decision may be issued in writing within a reasonable time after the hearing.~~

~~F. Those aggrieved by the decision of the Appeals Board may Appeal such decision to the Lucas County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.  
(Ord. 368-11. Passed 07-26-11.)~~

**1110.1100 | Enforcement**

**1110.1101 Compliance Required**

~~No Structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a Development permit.~~

~~Failure to obtain a Floodplain Development permit is a Violation of these regulations.~~

~~Floodplain Development permits issued on the basis of plans and application approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a Violation of these regulations.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.1102 Stop Work Order**

~~Whenever the Floodplain Administrator determines that there has been a Violation of any provision of these regulations, he shall serve a written notice of adjudication, also known as a stop work order, upon the property owner, the owner’s agent, or the person responsible for the violation. The notice of adjudication shall direct that person to stop such illegal action and suspend such unauthorized work until the condition in violation has been remedied. Such notice may be either provided in Person or by registered or certified mail, or by copy posted in a conspicuous place in or on the dwelling affected, if necessary.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.1103 Abatement**

~~In cases where such notices or orders are not promptly complied with, the Floodplain Administrator shall request the Director of Law to institute an appropriate action or proceeding at law or in equity to prevent an unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use; or to restrain, correct or abate a violation; or to prevent the occupancy of a building, structure or premises; or to prevent an illegal act, conduct, business or use in or about any premises upon which the violation has occurred or is occurring. The penalties prescribed in Section 1110.1104 shall not preclude the Director of Law from instituting appropriate legal actions or proceedings to prevent such illegal or unauthorized work from continuing.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**1110.1104 Penalties**

~~Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a first-~~

**Exhibit “B” (cont’d)**

~~degree misdemeanor and the violator shall also be subject to the penalties and fines shown in Section 1110.1104(A). Each day such Violation continues shall be considered a separate offense. Additionally, the City of Toledo may in its sole discretion, pursue all other lawful actions including but not limited to the implementation of civil penalties, filing civil actions, and seeking reimbursement for expenses.~~

~~**A.**—The penalty for illegal and unauthorized work identified prior to issuing the required permit shall be in addition to the required permit fee and shall be double the permit fee specifically required in Chapter 1307 of this Code plus a fine in accordance with the schedule of fines shown in Section 1110.1104(A)(1) of this code. With the exception of court costs deposited as required by law, all fines for citations issued in accordance with this section shall be deposited in the Building Inspection Trust Fund designated for and to be exclusively used in the investigation, administration, enforcement and prosecution of violations and violators of Chapter Eleven—Planning and Zoning Code and Chapter Thirteen—Building Code, as well as the continuing education and certification of the staff of the Division of Building Inspection.~~

~~**1.**—Schedule of fines. The fines imposed on violators of this Chapter 1110 Floodplain Regulations for the investigation and prosecution of violations shall be as shown below. If three (3) years occurs between offenses, the violation shall be reduced to the previous fine but shall never be less than a first offense.~~

<del>a.</del> —First offense	<del>\$250.00</del>
<del>b.</del> —Second offense	<del>\$500.00</del>
<del>c.</del> —Third offense	<del>\$1,000.00</del>
<del>d.</del> —Fourth offense	<del>\$2,000.00</del>
<del>e.</del> —Fifth offense, any offense thereafter	<del>\$3,000.00</del>

~~**B.**—The payment of the aforementioned charges shall not relieve any person, firm or corporation from full compliance with the requirements of the Floodplain Regulations in the execution of the work nor from any penalty prescribed therein.~~

~~**C.**—The owner of any building, structure or premises where anything in violation of this Chapter 1110 Floodplain Regulations shall be placed or shall exist, and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. Each day's continued violation of any provision of this Chapter 1110 Floodplain Regulations shall constitute a separate offense.~~

~~(Ord. 368-11. Passed 07-26-11.)~~

**Exhibit “C”**  
**(Proposed Text – To Be Added)**

## **Chapter 1110 | Flood Damage Reduction Regulations**

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### **1110.0100 | General Provisions**

#### **1110.0101 Statutory Authorization**

ARTICLE XVIII, Section 3, of the Ohio Constitution and Sections 8 (m) and (r) of the Charter of the City of Toledo grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens.

#### **1110.0102 Findings of Fact**

The City of Toledo has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

#### **1110.0103 Statement of Purpose**

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A.** Protect human life and health;
- B.** Minimize expenditure of public money for costly flood control projects;
- C.** Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D.** Minimize prolonged business interruptions;
- E.** Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F.** Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G.** Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H.** Minimize the impact of development on adjacent properties within and near flood prone areas;
- I.** Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J.** Minimize the impact of development on the natural, beneficial values of the floodplain;

**Exhibit “C” (cont’d)**

- K.** Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L.** Meet community participation requirements of the National Flood Insurance Program.

**1110.0104 Methods of Reducing Flood Loss**

In order to accomplish its purposes, these regulations include methods and provisions for:

- A.** Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B.** Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C.** Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D.** Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E.** Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

**1110.0105 Lands to Which This Chapter Applies**

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Toledo as identified in Section 1110.0106, including any additional areas of special flood hazard annexed by the City of Toledo.

**1110.0106 Basis for Establishing the Areas of Special Flood Hazard**

For the purposes of this Chapter, the following studies and/or maps are adopted:

- A.** Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for Lucas County, Ohio and Incorporated Areas, both effective February 24, 2024.
- B.** Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- C.** Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Toledo as required by Section 1110.0403 Subdivisions and Other New Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of this Chapter. Such maps and/or studies are on file at Building Inspection, One Government Center, Suite 1600, Toledo, Ohio 43604.

**1110.0107 Abrogation and Greater Restrictions**

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations are not

**Exhibit “C” (cont’d)**

intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**1110.0108 Interpretation**

In the interpretation and application of these regulations, all provisions shall be:

- A.** Considered as minimum requirements;
- B.** Liberally construed in favor of the governing body; and,
- C.** Deemed neither to limit nor repeal any other powers granted under state statutes.

Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over this Chapter.

**1110.0109 Warning and Disclaimer of Liability**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Toledo, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

**1110.0110 Severability**

Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, 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 unconstitutional or invalid.

**1110.0200 | Definitions**

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter the most reasonable application.

**1110.0201 Accessory Structure**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**1110.0202 Appeal**

A request for review of the floodplain administrator’s interpretation of any provision of these regulations or a request for a variance.

**1110.0203 Applicant**

A person or other legal entity who is responsible, per these regulations, for submittal of a Floodplain Development Permit to the Floodplain Administrator, the Toledo Plan Commission,

**Exhibit “C” (cont’d)**

or the Division of Inspection, as applicable, as specified herein.

**1110.0204 Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

**1110.0205 Base (100-Year) Flood Elevation (BFE)**

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

**1110.0206 Basement**

Any area of the building having its floor subgrade (below ground level) on all sides.

**1110.0207 Building Permit**

A document issued by the Certified Building Official which approves the construction or alteration of residential and non-residential structures as being in compliance with the State and City building codes, based on the submission and successful plan review of construction documents detailing the construction or alterations.

**1110.0208 Development**

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**1110.0209 Ditch**

A long trench or channel dug into the ground for permanent drainage purposes.

**1110.0210 Enclosure Below the Lowest Floor**

See “Lowest Floor.”

**1110.0211 Executive Order 11988 (Floodplain Management)**

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

**1110.0212 Federal Emergency Management Agency (FEMA)**

The agency with the overall responsibility for administering the National Flood Insurance Program.

**1110.0213 Fill**

A deposit of earth material placed by artificial means.

**1110.0214 Flood or Flooding**

A general and temporary condition of partial or complete inundation or normally dry land

**Exhibit “C” (cont’d)**

areas from:

- A. The overflow of inland or tidal waters, and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**1110.0215 Flood Hazard Boundary Map (FHBM)**

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

**1110.0216 Flood Insurance Rate Map (FIRM)**

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

**1110.0217 Flood Insurance Risk Zones**

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

- A. Zone A: Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.
- B. Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.
- C. Zone AO: Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
- D. Zone AH: Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
- E. Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
- F. Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
- G. Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

**1110.0218 Flood Insurance Study (FIS)**

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

**Exhibit “C” (cont’d)**

**1110.0219 Flood Loss**

Destruction and casualties caused by flooding.

**1110.0220 Floodplain**

Any land area susceptible to being inundated by flood waters from any source.

**1110.0221 Floodproofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**1110.0222 Flood Protection Elevation**

The Flood Protection Elevation, or FPE, is the base flood elevation plus one [1] foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

**1110.0223 Floodway**

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

**1110.0224 Freeboard**

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

**1110.0225 Historic structure**

Any structure that is:

- A.** Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- B.** Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C.** Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or

**Exhibit “C” (cont’d)**

- D. Individually listed on the inventory of historic places maintained by the City of Toledo’s historic preservation program, which program is certified by the Ohio Historic Preservation Office.

**1110.0226 Hydrologic and hydraulic engineering analysis**

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

**1110.0227 Impervious cover**

Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.

**1110.0228 Letter of Map Change (LOMC)**

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

- A. Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- B. Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
- C. Conditional Letter of Map Revision (CLOMR): A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

**1110.0229 Lowest floor**

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an “enclosure below the lowest floor” which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

**Exhibit “C” (cont’d)**

**1110.0230 Manufactured home**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.

**1110.0231 Manufactured home park**

As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

**1110.0232 Mean sea level**

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**1110.0233 National Flood Insurance Program (NFIP)**

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

**1110.0234 New construction**

Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City of Toledo and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM [June 4, 1980] and includes any subsequent improvements to such structures.

**1110.0235 Ordinary High Water Mark**

The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a distinct mark by erosion, destruction or prevention of woody terrestrial vegetation,

**Exhibit “C” (cont’d)**

predominance of aquatic vegetation or other easily recognized characteristic. The Ordinary High Water Mark defines the channel of a Watercourse.

**1110.0236 Person**

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. “Agency” does not include the general assembly, the controlling board, the adjutant general’s department, or any court.

**1110.0237 Plat**

A map of a tract or parcel of land.

**1110.0238 Preliminary Plan**

A drawing of a development for the purpose of Plan Commission or Board of Zoning of Appeals approval.

**1110.0239 Recreational vehicle**

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**1110.0240 Registered Professional Architect**

A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

**1110.0241 Registered Professional Engineer**

A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

**1110.0242 Registered Professional Surveyor**

A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

**1110.0243 Special Flood Hazard Area**

Also known as “Areas of Special Flood Hazard”, it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

**1110.0244 Start of construction**

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent

**Exhibit “C” (cont’d)**

construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

**1110.0245 Stream bank**

The area adjacent to a Watercourse or Ditch with a slope greater than 25 percent. The Stream Bank is measured from the edge of the water outward to a point where the slope levels out to less than 25 percent for a distance of at least 12 feet measured laterally from the Watercourse or Ditch.

**1110.0246 Structure**

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

**1110.0247 Subdivision**

Either:

- A.** The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres provided, however, that the following are exempt: a division or partition of land into parcels of more than five acres not involving any new streets or easements of access; the sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites; or parcels of land that are specifically and specially exempted out by Toledo City Council; or,
- B.** The improvement of one or more parcels of land for residential, commercial, or industrial Structures or groups of Structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial Structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

**1110.0248 Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to the ‘before damaged’ condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Exhibit “C” (cont’d)**

**1110.0249 Substantial Improvement**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. When the combined total of all previous improvements or repairs made during the life of the Structure equals or exceeds 50 percent of a Structure's market value, that Structure is considered to have undergone Substantial Improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

- A.** Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a Development permit by the Division of Building Inspection and which are the minimum necessary to assure safe living conditions; or
- B.** Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

**1110.0250 Variance**

A grant of relief from the standards of these regulations.

**1110.0251 Violation**

The failure of a structure or other development to be fully compliant with these regulations.

**1110.0252 Watercourse**

The means a natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.

**1110.0300 | Administration**

**1110.0301 Designation of the Floodplain Administrator**

The Chief Building Official, or their Designee, is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

**1110.0302 Duties and Responsibilities of the Floodplain Administrator**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A.** Evaluate applications for permits to develop in special flood hazard areas.
- B.** Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C.** Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D.** Inspect buildings and lands to determine whether any violations of these regulations have been committed.

**Exhibit “C” (cont’d)**

- E.** Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F.** Enforce the provisions of these regulations.
- G.** Provide information, testimony, or other evidence as needed during variance hearings.
- H.** Coordinate map maintenance activities and FEMA follow-up.
- I.** Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of this Chapter.

**1110.0303 Floodplain Development Permits**

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1110.0106, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

**1110.0304 Application Required**

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development’s location. Such applications shall include, but not be limited to:

- A.** Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B.** Elevation of the existing, natural ground where structures are proposed.
- C.** Elevation of the lowest floor, including basement, of all proposed structures.
- D.** Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

**Exhibit “C” (cont’d)**

- E.** Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
  - 1.** Floodproofing certification for non-residential floodproofed structure as required in Section 1110.0405.
  - 2.** Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1110.0404(E) are designed to automatically equalize hydrostatic flood forces.
  - 3.** Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1110.0410(C).
  - 4.** A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1110.0410(B).
  - 5.** A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1110.0410(A).
  - 6.** Generation of base flood elevation(s) for subdivision and other new developments as required by Section 1110.0403.
  - 7.** Volumetric calculations demonstrating compensatory storage has been provided as required by Section 1110.0413.
  - 8.** Generation of the 500-year flood elevation for Critical Development
- F.** A Floodplain Development Permit Application Fee set by the Schedule of Fees adopted by the City of Toledo.

**1110.0305 Review and Approval of a Floodplain Development Permit Application**

**A. Review**

- 1.** After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1110.0304 has been received by the Floodplain Administrator.
- 2.** The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water

**Exhibit “C” (cont’d)**

Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

**B. Approval**

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

**1110.0306 Inspections**

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

**1110.0307 Post-Construction Certifications Required**

The following as-built certifications are required after a floodplain development permit has been issued:

- A.** For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner’s representative.
- B.** For all development activities subject to the standards of Section 1110.0311(A), a Letter of Map Revision.
- C.** For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed *Floodproofing Certificate for Non-Residential Structures* completed by a registered professional engineer or architect together with associated documentation.

**1110.0308 Revoking a Floodplain Development Permit**

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 5 of these regulations.

**1110.0309 Exemption from Filing a Development Permit**

An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.

**Exhibit “C” (cont’d)**

**1110.0310 State and Federal Development**

- A.** Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
- B.** Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:
  - 1.** Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
  - 2.** Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
  - 3.** Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- C.** Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.
  - 1.** Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

**1110.0311 Map Maintenance Activities**

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Toledo’s flood maps, studies and other data identified in Section 1110.0106 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

**A. Requirement to Submit New Technical Data**

- 1.** For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
  - a.** Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  - b.** Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  - c.** Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

**Exhibit “C” (cont’d)**

- d. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 1110.0403.
2. It is the responsibility of the applicant to have technical data, required in accordance with Section 1110.0311(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
  - a. Proposed floodway encroachments that increase the base flood elevation; and
  - b. Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1110.0311(A)(1).

**B. Right to Submit New Technical Data**

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Toledo, and may be submitted at any time.

**C. Annexation / Detachment**

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Toledo have been modified by annexation or the city has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Toledo’s Flood Insurance Rate Map accurately represent the City of Toledo boundaries, include within such notification a copy of a map of the City of Toledo suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Toledo has assumed or relinquished floodplain management regulatory authority.

**1110.0312 Data Use and Flood Map Interpretation**

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or

**Exhibit “C” (cont’d)**

larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

- C.** The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1110.0500, Appeals and Variances.
- D.** Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

**1110.0313 Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data**

- A.** Zone A:
  - 1. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as best available data.
  - 2. When all appeals have been resolved and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.
- B.** Zones AE, A1-30, AH, and AO:
  - 1. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
    - a. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
    - b. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
  - 2. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 4.9(B) since the data in the draft or preliminary FIS represents the best data available.
- C.** Zones B, C, and X:
  - 1. Use of BFE and floodway data from a preliminary FIRM or FIS are not required

**Exhibit “C” (cont’d)**

for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

**1110.0314 Substantial Damage Determinations**

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- A.** Determine whether damaged structures are located in special flood hazard areas;
- B.** Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C.** Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

**1110.0400 | Use and Development Standards for Flood Hazard Reduction**

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1110.0106, 1110.0312(A), or 1110.0313:

**1110.0401 Use Regulations****A. Permitted Uses**

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Toledo are allowed provided they meet the provisions of these regulations.

**B. Prohibited Uses**

- 1.** New construction of any residential or nonresidential structures in floodway areas.
- 2.** Storage or processing of materials that are hazardous, pollutants, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life in time of flooding or that have a high flood damage potential in the identified in the identified Special Flood Hazard Areas.
- 3.** Storage of material or equipment that, in time of flooding, could become buoyant and pose an obstruction to flow in identified floodway areas, unless

**Exhibit “C” (cont’d)**

however, the material or equipment is firmly anchored to prevent flotation.

**1110.0402 Water and Wastewater Systems**

The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:

- A.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B.** New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C.** On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

**1110.0403 Subdivisions and Other New Developments**

- A.** All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in this Chapter;
- B.** All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- C.** All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- D.** In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E.** The applicant shall meet the requirement to submit technical data to FEMA in Section 1110.0311(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1110.0403(D).
- F.** All preliminary plats for platted subdivisions shall identify the Flood hazard area and the elevation of the Base Flood, where published Based Flood Elevation data are available.
- G.** All final subdivision plats shall provide the boundary of the Special Flood Hazard Area, the Floodway boundary, and the Base Flood Elevations.
- H.** In platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 1% annual chance Floodplain. The buildable area shall be large enough to accommodate any primary Structure and associated Structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, if applicable.

**Exhibit “C” (cont’d)****1110.0404 Residential Structures**

The requirements of Section 1110.0404 apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community’s effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1110.0313.

- A.** New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (1110.0404(A)) and construction materials resistant to flood damage (1110.0404(B)) are satisfied.
- B.** New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C.** New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D.** New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including crawl space or basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including crawl space or basement, elevated at least two feet above the highest adjacent grade. Where flood protection elevation data are not available, the structure shall have the lowest floor, including crawl space or basement, elevated at least two feet above the highest natural adjacent grade. Support Structures and other foundation members shall be certified by a registered professional engineer or architect as designed in accordance with ASCE 24, Flood Resistant Design and Construction.
- E.** New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
  - 1.** Be used only for the parking of vehicles, building access, or storage; and
  - 2.** Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
  - 3.** Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F.** Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from

**Exhibit “C” (cont’d)**

hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

- G.** Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1110.0404.
- H.** Each new residential site adjacent to a roadway which is above the Base Flood Elevation shall have direct access from each structure to a walkway, driveway, or roadway whose surface elevation is not less than the flood protection elevation and such escape route shall lead directly out of the 1% annual chance floodplain area.

**1110.0405 Nonresidential Structures**

The requirements of Section 1110.0405 apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1110.0313.

- A.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1110.0404 (A) – (C) and (E) – (G).
- B.** New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
  - 1.** Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
  - 2.** Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
  - 3.** Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 1110.0405(B)(1) and (2).
- C.** Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest natural adjacent grade.
- D.** Each new nonresidential structure site shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the flood protection elevation and such escape route shall lead directly out of the floodplain area.

**Exhibit “C” (cont’d)**

**1110.0406 Accessory Structures**

Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community’s FIRM. Such structures must meet the following standards:

- A.** They shall not be used for human habitation;
- B.** They shall be constructed of flood resistant materials;
- C.** They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D.** They shall be firmly anchored to prevent flotation;
- E.** Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F.** They shall meet the opening requirements of Section 1110.0404(E)(3);

**1110.0407 Recreational Vehicles**

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards.

- A.** They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B.** They must be fully licensed and ready for highway use, or
- C.** They must be placed on the site pursuant to a floodplain development permit issued under Sections 3.3 and 3.4, and meet all standards of Section 4.4.

**1110.0408 Gas or Liquid Storage Tanks**

Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

**1110.0409 Fill Activities**

- A.** Fill sites, upon which Structures will be constructed or placed, must be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test method or an acceptable equivalent method.
- B.** Fill slopes shall not be steeper than one foot vertical to two feet horizontal.
- C.** Adequate protection against erosion and scour is provided for Fill slopes. When expected velocities during the occurrence of the Base Flood of five feet per second armoring with stone or rock protection shall be provided. When expected velocities during the Base Flood are five feet per second or less protection shall be provided by vegetative cover.
- D.** Fill shall be composed of clean granular or earthen material.
- E.** Fill shall not be placed in the designated Floodway.
- F.** Fill shall not be placed in wetland areas without approvals from Ohio EPA and

**Exhibit “C” (cont’d)**

the US Army Corps of Engineers, as required by law.

**1110.0410 Assurance of Flood Carrying Capacity**

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

**A. Development in Floodways**

1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
  - a. Meet the requirements to submit technical data in Section 1110.0311(A);
  - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
  - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
  - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
  - e. Concurrence of the Mayor of City of Toledo and the Chief Executive Officer of any other communities impacted by the proposed actions.

**B. Development in Riverine Areas with Base Flood Elevations but No Floodways**

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
  - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
  - b. Section 1110.0410(A)(2), items (a) and (c)-(e).

**Exhibit “C” (cont’d)****C. Alterations of a Watercourse**

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Toledo specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.11(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

**1110.0411 Critical Development**

Critical Development is that which is critical to the community's public health and safety, are essential to the orderly functioning of a community, store or produce highly volatile, toxic or water- reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical Development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities. Critical Developments shall be elevated to the 500-year Flood elevation or be elevated to the highest known historical Flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year Flood elevation or the highest known historical Flood elevation, the critical development shall be elevated to one foot above the Flood Protection Elevation. Critical developments shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the Flood Protection Elevation and such escape route shall lead directly out of the 1% chance annual Floodplain area.

**Exhibit “C” (cont’d)**

**1110.0412 Ditch Maintenance Access**

**A. General**

Development should not restrict the City's ability to access Ditches and Watercourses for maintenance.

**B. Clear Zone**

A clear zone shall be maintained adjacent to Ditches and Watercourses, which shall be free of structures, permanent fences, walls, or other obstructions that would restrict maintenance access. The clear zone shall be measured from the top of Stream Bank, as defined herein, a horizontal distance of twelve feet away from the Ditch or Watercourse. If there is no defined Stream Bank, the clear zone shall be measured from the Ordinary High Water Mark. If the Floodway extends further than twelve feet from the top of bank, then the clear zone shall extend to the edge of the Floodway. The required clear zone shall not exceed 25 feet from the Ordinary High Water Mark, or to the edge of Floodway, whichever is larger.

**C. Exemptions**

Exemption to this clear zone requirement may be granted if site constraints exist which would render an otherwise developable property undevelopable due to the requirement, and there is adequate clear zone on the opposite side of the Ditch or Watercourse.

**D. Prior Uses**

This Section 1110.0412 applies only to new development and not structures or uses existing at the time of the passage of these regulations.

**1110.0413 Compensatory Storage**

Fill within the area of Special Flood Hazard shall result in no net loss of natural Floodplain storage. Providing an equal volume of Flood storage by excavation or other compensatory measures shall offset the volume of the loss of Floodplain storage due to Filling in the Special Flood Hazard Area. For the purpose of satisfying this provision, compensating cut may be from any properties within the watershed, along the same watercourse or hydraulically connected, where the Base Flood Elevation is within one foot of the Base Flood Elevation of the fill area, and where the compensating cut and fill are at the same range of elevations. Fill of less than 10 cubic yards per residential lot, cumulative from the time of passage of this regulation, will not require compensating cut, providing that the fill does not adversely affect adjoining properties.

**1110.0500 | Appeals and Variances**

**1110.0501 Appeals Board Established**

- A.** The City Council shall appoint an Appeals Board consisting of the Board of Zoning Appeals. The members shall serve [5] year terms after which time they shall be reappointed or replaced by the City Council. Each member shall serve until his/her successor is appointed.

**Exhibit “C” (cont’d)**

- B.** A chairperson shall be elected by the members of the Appeals Board. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed at Division of Building Inspection, One Government Center, Suite 1600, Toledo, OH 43604.

**1110.0502 Powers and Duties**

- A.** The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B.** Authorize variances in accordance with Section 1110.0504 of these regulations.

**1110.0503 Appeals**

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within [20] days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator’s decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator’s decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

**1110.0504 Variances**

Any person believing that the use and development standards of this Chapter would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

- A.** Application for a Variance
  - 1.** Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
  - 2.** Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed

**Exhibit “C” (cont’d)**

use; location of the floodplain; description of the variance sought; and reason for the variance request.

3. All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of Toledo.

**B. Notice for Public Hearing**

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

**C. Public Hearing**

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variations shall only be issued upon:

1. A showing of good and sufficient cause.

**Exhibit “C” (cont’d)**

2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of this Chapter does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this Chapter; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this Chapter.

**D. Other Conditions for Variances**

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1110.0504(C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**1110.0505 Procedure at Hearings**

- A. All testimony shall be given under oath.
- B. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- C. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- D. The administrator may present evidence or testimony in opposition to the appeal or variance.
- E. All witnesses shall be subject to cross-examination by the adverse party or their counsel.

**Exhibit “C” (cont’d)**

- F. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- G. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- H. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

**1110.0506 Appeal to the Court**

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Lucas County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

**1110.0600 | Enforcement**

**1110.0601 Compliance Required**

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1110.0309.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1110.0604.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1110.0604.

**1110.0602 Notice of Violation**

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, they shall give notice of such violation to the person responsible therefore and order compliance with this Chapter as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of this Chapter that have been violated, and order remedial action, which, if taken, will affect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person’s last known mailing

**Exhibit “C” (cont’d)**

address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

**1110.0603 Abatement**

In cases where such notices or orders are not promptly complied with, the Floodplain Administrator shall request the Director of Law to institute an appropriate action or proceeding at law or in equity to prevent an unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use; or to restrain, correct or abate a violation; or to prevent the occupancy of a building, structure or premises; or to prevent an illegal act, conduct, business or use in or about any premises upon which the violation has occurred or is occurring. The Penalties prescribed in Section 1110.0604.

**1110.0604 Violations and Penalties**

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a first degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Toledo. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Toledo from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Toledo shall prosecute any violation of these regulations in accordance with the penalties stated herein.

- A.** The penalty for illegal and unauthorized work identified prior to issuing the required permit shall be in addition to the required permit fee and shall be double the permit fee specifically required in Chapter 1307 of this Code plus a fine in accordance with the schedule of fines shown in Section 1110.0604(A)(1) of this code. With the exception of court costs deposited as required by law, all fines for citations issued in accordance with this section shall be deposited in the Building Inspection Trust Fund designated for and to be exclusively used in the investigation, administration, enforcement and prosecution of violations and violators of Chapter Eleven – Planning and Zoning Code and Chapter Thirteen – Building Code, as well as the continuing education and certification of the staff of the Division of Building Inspection.

- 1.** Schedule of fines. The fines imposed on violators of this Chapter 1110 Flood Damage Reduction Regulations for the investigation and prosecution of violations shall be as shown below. If three (3) years occurs between offenses, the violation shall be reduced to the previous fine but shall never be less than a first offense.

a. First offense	\$250.00
b. Second offense	\$500.00
c. Third offense	\$1,000.00
d. Fourth offense	\$2,000.00
e. Fifth offense, any offense thereafter	\$3,000.00

**Exhibit “C” (cont’d)**

- B.** The payment of the aforementioned charges shall not relieve any person, firm or corporation from full compliance with the requirements of the Floodplain Regulations in the execution of the work nor from any penalty prescribed therein.
- C.** The owner of any building, structure or premises where anything in violation of this Chapter 1110 Flood Damage Reduction Regulations shall be placed or shall exist, and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. Each day's continued violation of any provision of this Chapter 1110 Flood Damage Reduction Regulations shall constitute a separate offense.

**GENERAL INFORMATION**

Subject

- Request - Text amendment modifying TMC§1104.2300, Medical Marijuana Facilities to add recreational marijuana
  
- Applicant - Toledo City Plan Commission  
One Government Center, Suite 1620  
Toledo, OH 43604

**STAFF ANALYSIS**

The current Zoning Code does not define or provide regulations for the use of recreational marijuana, formally referred to as “adult use cannabis” in section 3719.09 of the Ohio Revised Code. Given the state’s recent legalization of recreational marijuana, in the passing of An Act to Control and Regulate Adult Use Cannabis, it is important to amend the City’s zoning text to reflect this use category. The proposed text amendment provides clarity around how the City will define this use, where this use will be permitted, and what regulations the use will be subject to.

The current Zoning Code outlines regulations for medical marijuana in TMC§1104.2300. It states that Medical Marijuana Facilities shall not be located within 500 feet of uses established specifically for the activities of minors, and that Medical Marijuana Dispensaries shall not be located within 1,000 feet of another Dispensary. This section of code also specifies limitations around hours of operation for Medical Marijuana Dispensaries.

Staff reviewed zoning code in Columbus, Cincinnati, Cleveland, Dayton, and Akron, and found that none of these cities have made amendments for recreational marijuana in their code as of yet. In the absence of precedent, staff believes Toledo can blaze the trail in establishing code for this use. To account for recreational marijuana in the Zoning Code, staff proposes deleting the word “medical” before each mention of “marijuana” in the Code, thus creating an umbrella use category that encompasses both medical and recreational marijuana. Staff believes subjecting recreational marijuana to the same standards as medical marijuana will ensure the safety of Toledo residents and promote the highest and best use of City land.

In addition to deleting the word “medical” before each mention of “marijuana,” staff recommends altering the use categories in TMC§1116.0200 to establish one definition for Marijuana Facilities. The definition should include both medical marijuana and recreational marijuana, the latter of which shall henceforth be referred to as “adult use cannabis,” as defined in section 3719.09 of the Ohio Revised Code. Expanding the definition to include both uses will grant staff clarity in regulating this use and in processing new applications for marijuana facilities.

**STAFF RECOMMENDATION**

Staff recommends that the Toledo City Plan Commission recommend approval of M-13-23, a text amendment modifying TMC§1104.2300, “Medical Marijuana Facilities” to add recreational marijuana, for the following two (2) reasons:

1. Recreational marijuana, or adult use cannabis, is not a defined use in the Zoning Code
2. The text amendment is in alignment with the stated purpose of the Zoning Code and ensures safety of Toledo residents

ZONING TEXT AMENDMENT  
TOLEDO CITY PLAN COMMISSION  
REF: M-13-23  
DATE: December 7, 2023  
TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE OF  
CITY COUNCIL  
DATE: January 9, 2024  
TIME: 4:00 P.M.

MJM  
Two (2) Exhibits follow

**Exhibit “A”**  
Existing

**Contents**

**CHAPTER 1104 | USE REGULATIONS** ..... **4-1**  
 1104.2300 | MEDICAL MARIJUANA FACILITIES ..... 4-27

**1104.0100 | Use Table**

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Medical Marijuana Facility																	
Cultivator	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--
Dispensary	--	--	--	--	--	--	--	--	--	--	S [30]	--	--	--	--	--	--
Processor	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--
Testing Laboratory	--	--	--	--	--	--	--	P [30]	--	--	P [30]	P [30]	P [30]	P [30]	P [30]	--	--

[30] Subject to standards of Sec. 1104.2300 | Medical Marijuana Facilities

**1104.2300 | Medical Marijuana Facilities**

The following standards apply to Medical Marijuana Facilities as defined in TMC 1116.0230.

**1104.2301 Location**

A Medical Marijuana Facility shall not be located within:

- A.** 500 feet of any school (K-12), church, public park, public playground, public library, pre-school, or child day care center, or other use established specifically for the activities of minors.

(Ord. 359-17. Passed 08-22-17.)

**1104.2302 Dispensaries**

The following regulations pertain to Dispensaries:

- A.** A Dispensary shall not be located within 1,000 feet of another Dispensary; and
- B.** The hours of operation of a Dispensary shall be limited to 8 a.m. to 8 p.m., or other hours consistent with a Medical Marijuana Dispensary permit issued by the State of Ohio, as a condition of development approval.

(Ord. 359-17. Passed 08-22-17.)

**Exhibit “A” cont’d****1107.0300 | Off-Street Parking Schedule “A”**

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required (See Sec. 1107.0900 Below)
Medical Marijuana Facilities		
Cultivator	per Schedule C (§1107.0500)	None
Dispensary	per Schedule B (§1107.0400)	1 per 10 parking spaces
Processor	per Schedule C (§1107.0500)	None
Testing Laboratory	per Schedule B (§1107.0400)	1 per 10 parking spaces

**1116.0200 Use Categories****1116.0230 Medical Marijuana Facility**

Any entity that has been issued a certificate or license by the State of Ohio to operate as a cultivator, dispensary, processor or testing facility of medical marijuana. The following are Medical Marijuana Facility use types:

**A. Cultivator**

An entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana.

**B. Dispensary**

An entity licensed by the State of Ohio to sell medical marijuana products to qualifying patients and caregivers.

**C. Processor**

An entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.

**D. Testing Laboratory**

An independent laboratory that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

(Ord. 359-17. Passed 08-22-17.)

**Exhibit “B”**  
**Modifications**  
 (Additions in italic highlight. Deletions in bold strikethrough.)

**Contents**

**CHAPTER 1104 | USE REGULATIONS** ..... **4-1**  
 1104.2300 | ~~MEDICAL MARIJUANA FACILITIES~~ ..... 4-27

**1104.0100 | Use Table**

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
<del>Medical</del> Marijuana Facility																	
Cultivator	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--
Dispensary	--	--	--	--	--	--	<i>S [30]</i>	--	--	--	S [30]	--	--	--	--	--	--
Processor	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--
Testing Laboratory	--	--	--	--	--	--	--	P [30]	--	--	P [30]	P [30]	P [30]	P [30]	P [30]	--	--

[30] Subject to standards of Sec. 1104.2300 | ~~Medical~~ Marijuana Facilities

**1104.2300 | ~~Medical~~ Marijuana Facilities**

The following standards apply to ~~Medical~~ Marijuana Facilities as defined in TMC 1116.0230.

**1104.2301 Location**

A ~~Medical~~ Marijuana Facility shall not be located within:

- B.** 500 feet of any school (K-12), church, public park, public playground, public library, pre-school, or child day care center, or other use established specifically for the activities of minors.

(Ord. 359-17. Passed 08-22-17.)

**1104.2302 Dispensaries**

The following regulations pertain to Dispensaries:

- C.** A Dispensary shall not be located within 1,000 feet of another Dispensary; and
- D.** The hours of operation of a Dispensary shall be limited to 8 a.m. to 8 p.m., or other hours consistent with a ~~Medical~~ Marijuana Dispensary permit issued by the State of Ohio, as a condition of development approval.

(Ord. 359-17. Passed 08-22-17.)

## Exhibit “B” cont’d

**1107.0300 | Off-Street Parking Schedule “A”**

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required (See Sec. 1107.0900 Below)
<del>Medical</del> Marijuana Facilities		
Cultivator	per Schedule C (§1107.0500)	None
Dispensary	per Schedule B (§1107.0400)	1 per 10 parking spaces
Processor	per Schedule C (§1107.0500)	None
Testing Laboratory	per Schedule B (§1107.0400)	1 per 10 parking spaces

**1116.0200 Use Categories****1116.0230 ~~Medical~~ Marijuana Facility**

Any entity that has been issued a certificate or license by the State of Ohio to operate as a cultivator, dispensary, processor or testing facility of medical marijuana *or adult use cannabis (colloquially called “recreational marijuana”)*.

The following are ~~Medical~~ Marijuana Facility use types:

**A. Cultivator**

An entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport ~~medical~~ marijuana.

**B. Dispensary**

An entity licensed by the State of Ohio to sell ~~medical~~ marijuana products to qualifying patients and caregivers.

**C. Processor**

An entity that has been issued a certificate of operation by the State of Ohio to manufacture ~~medical~~ marijuana products.

**D. Testing Laboratory**

An independent laboratory that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

(Ord. 359-17. Passed 08-22-17.)

## 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

