

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

A GUIDE FOR REQUESTING A ZONING CHANGE A SPECIAL USE PERMIT A PLANNED UNIT DEVELOPMENT AN INSTITUTIONAL CAMPUS MASTER PLAN A MAJOR SITE PLAN REVIEW IN THE CITY OF TOLEDO

The Municipal Code Part Eleven – Planning and Zoning Code divides the City into districts in accordance with the comprehensive plan for the purpose of limiting and regulating the height, bulk and location of buildings, setback building lines, area and dimensions of yards and other open spaces and the use of buildings, and parking.

The main issues in zoning for most people are what uses are allowed in the various districts and how the zoning may be changed. The purpose of this pamphlet is to guide one through the zoning change process.

1. WHERE TO MAKE APPLICATION?

Action is initiated by filing a petition with The One Stop Shop, located on the 16th Floor of One Government Center, Jackson and Erie Streets, in Downtown Toledo. The petition form is available in the One Stop Shop and requires the following:

- (a) Street address, legal description* and location of the area.
- (b) Information on the present zoning or use and proposed zoning or use.
- (c) Deposit of non-refundable filing fee of Three Hundred Dollars (\$300.00)
- (d) Evidence of being the property owner, option holder or authorized agent.

* A legal description may consist of either a subdivision and lot number or a "metes & bounds" description. The legal description must be submitted in a Microsoft Word compatible electronic format.

2. WHAT DOES ONE STOP SHOP DO WITH THE PETITION?

The petition is checked for completeness. The legal description is referred to the Division of Engineering Services to be checked for accuracy. The petition and any related drawing and maps, is referred to the Toledo-Lucas County Plan Commissions.

3. WHAT HAPPENS AT THE CITY PLAN COMMISSION?

Zoning Changes, Special Use Permits, Planned Unit Developments and Institutional Campus Master Plans

A case number is assigned incorporating the tracking number, and hearing dates are determined. There are two public hearings: the Toledo City Plan Commission and the City Council Zoning and Planning Committee. They meet once a month following an annual schedule published in the *Toledo City Journal*. The hearing date for the Toledo City Plan Commission is set to accommodate a statutorily required thirty (30) day review period. The assigned date for Zoning and Planning Committee hearing is conveyed to the Clerk of Council for publication in the *Toledo City Journal* and newspaper of general circulation at least thirty (30) days prior to hearing date.

Major Site Plan Reviews

The procedure is the same as above for zoning changes, special use permits, planned unit developments and institutional campus master plans except that there is no City Council Zoning and Planning Committee hearing *unless* there is an appeal of the City Plan Commission decision on the site plan. Council will then hold a Zoning and Planning Committee hearing to consider an appeal.

Major Site Plan Reviews are required for:

- All non-residential developments of more than 50,000 square feet
- Proposed off-street parking with more than sixty (60) spaces
- Multi-family residential development containing forty (40) or more dwelling units

Posted Notice

The applicant is required to post a sign on the subject property at least fifteen (15) days prior to the Plan Commission hearing identifying the requested zoning action. The sign(s) are supplied by the City. The applicant is notified when to pick up the sign(s) for posting. Failure to maintain the sign(s) during the required period may be cause for deferral or denial of the application.

Plan Commission Staff Review of the Petition

The request is assigned to a planner who checks the application for completeness. If the request requires a site plan, it will be reviewed for conformance with the Toledo City Plan Commission site plan requirements. An incomplete submission impedes prompt service. The assigned planner sends a letter to the applicant indicating the expected hearing dates and if necessary, requesting information about the application. The planning staff considers the following items when evaluating the petition:

- (1) Location of parcel
- (2) Description of parcel - improvements, shape of parcel, occupancy, and access.
- (3) Description of the general area – zoning, land uses, and residential densities.
- (4) Zoning patterns
- (5) Effect of requested zoning change on existing and future development and abutting properties.
- (6) Presence or absence of criteria for zoning change.
- (7) Consistency with the Toledo 20/20 Comprehensive Plan.
- (8) Review Agency comments (if applicable)

A staff recommendation is then prepared for the Plan Commission.

The case is heard at a regular public hearing held by the Plan Commission, normally once a month. Notices of the hearing are sent to the signers of the petition, adjacent property owners, and interested parties. The Commissioners consider testimony regarding the proposed zoning action and make recommendation for approval or disapproval to the City Council Zoning and Planning Committee. Failure to appear or be represented at the hearing may result in a disapproval or deferral of the request.

4. **WHAT HAPPENS AFTER THE PLAN COMMISSION HEARING?**

After the Plan Commission reaches a decision on the proposed zone change, special use permit, planned unit development or institutional campus master plan, the recommendation is sent to the City Council Zoning and Planning Committee. At a public hearing held by the City Council Zoning and Planning Committee, the Plan Commission recommendation is considered, and persons opposing or supporting the change may express their views. Notice for this hearing is normally mailed with the notice for the Plan Commission hearing.

A City Plan Commission decision on a Major Site Plan Review is final unless appealed to Toledo City Council. An appeal must be filed within ten (10) days of the Plan Commission decision.

The petitioner and/or a representative are expected to attend the Zoning and Planning Committee hearing. Committee action on the request then goes to City Council, usually the following regular meeting, for final approval or disapproval.

If the Plan Commission has recommended disapproval of a proposed zoning change, special use permit, planned unit development or institutional campus master plan, a three-fourths (9) vote of the full membership (12) of the City Council is necessary to override the recommendation. Appeals to Council of a Major Site Plan require a simple seven (7) vote majority of Council.

5. **AM I NOTIFIED OF THE DECISION OF APPROVAL OR DISAPPROVAL BY CITY COUNCIL?**

If the zoning change, special use permit, planned unit development or institutional campus master plan is approved by City Council, a copy of the ordinance is sent to the petitioner and is reported in the City Journal. The petitioner is not notified when the petition is disapproved. A disapproval is reported in the City Journal.

If a Major Site Plan is approved or disapproved by the City Plan Commission the applicant will receive written notification from the Plan Commission staff.

6. **IS THERE A WAITING PERIOD IF THE CHANGE IS APPROVED BY CITY COUNCIL?**

If the proposed zoning change, special use permit, planned unit development or institutional campus master plan is approved by City Council, an Ordinance is passed which normally contains an emergency clause that allows the zone change, special use permit, planned unit development or institutional campus master plan to take effect on the day the ordinance is passed. The Plan Commission is given a copy of the ordinance and zoning maps are changed unless there are conditions to be satisfied prior to the zone change taking effect.

7. **CAN A PETITIONER REAPPLY IF THE ORIGINAL PETITION IS DISAPPROVED?**

Not immediately. Action affecting the same parcel cannot be initiated more often than once every twelve months, starting from the filing date of the most recent request.

8. **ABOUT HOW LONG DOES THE WHOLE PROCESS TAKE?**

A normal case may take up to 90 days, less for Major Site Plan since it is not heard by City Council unless appealed. However, complicated requests, deferrals and information shortages could result in a longer process.

9. **WHAT IS THE FEE FOR FILING?**

The fee for a zoning change, special use permit, planned unit development, institutional campus master plan or major site plan review is Three Hundred Dollars (\$300.00)

10. **MAPS**

Maps indicating the present zoning of all parcels of land in the City of Toledo are available for viewing in the offices of the Clerk of City Council, the Division of Inspection/Central Permit Center, and the Toledo-Lucas County Plan Commissions.

11. **STAFF HELP**

The staff of the Plan Commissions is available to discuss the proposal with the owners or petitioners. The staff will analyze the conditions relevant to a case and may be able to give some indication, based on the preliminary discussion, as to what staff's recommendation might be. This should aid the petitioners in the proper filing and presentation of the proposal to the Plan Commission and the City Council where the final decision of approval or disapproval rests.

An appointment to discuss the proposal with the staff prior to filing a petition is recommended, but is not required.

12. **TOLEDO MUNICIPAL CODE**

For reference, Part Eleven - Planning and Zoning Code is available at the Plan Commission and online at www.toledo.oh.gov - click on Departments at the top of the screen and go to the Plan Commission homepage or click on Plan Commission in the upper right corner of the City's home page.

TOLEDO LUCAS COUNTY PLAN COMMISSIONS

*One Government Center, Suite 1620
Jackson Boulevard and Erie Street
Toledo, OH 43604
Telephone: (419) 245-1200
FAX: (419) 936-3730*

ONE STOP SHOP

*One Government Center, Suite 1600
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Telephone: (419) 245-1210
FAX: (419) 245-1329*

CLERK OF COUNCIL

*One Government Center, Suite 2140
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Toledo, OH 43604
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TRL:ks 2/09