

OHIO DIVISION OF LIQUOR CONTROL

6606 TUSSING ROAD

P.O. BOX 4005

REYNOLDSBURG, OHIO 43068-9005

NOTICE TO LEGISLATIVE AUTHORITY

TO

1900630 PERMIT NUMBER		STOCK TYPE	DALES BAR & GRILL INC & PATIO 1ST FL 322 CONANT ST MAUMEE, OHIO, 43537
ISSUE DATE			
05/04/2024 FILING DATE			
D6,D3A,D1,D3,D2 PERMIT CLASSES			
48 TAX DISTRICT	044	E015624 RECEIPT NO.	

FROM 12/11/2024

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED

12/12/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN.

1/13/2025

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)

☐

Clerk of County Commissioner

(Date)

☐

Clerk of City Council

☐

Township Trustee

CLERK OF MAUMEE CITY COUNCIL
400 CONANT ST
MAUMEE OHIO 43537

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

1001/#1181/\$100

For Questions call
(614) 644-3162
Office Hours -
8:00 a.m. - 5:00 p.m.

Ohio Department of Commerce - Division of Liquor Control
6606 Tussing Road, Reynoldsburg, Ohio 43068-9005
www.com.ohio.gov/liqr



APPLICATION FOR CHANGE OF CORPORATE STOCK OWNERSHIP
PROCESSING FEE \$100.00 CAUTION: ALLOW 10 TO 12 WEEKS FOR PROCESSING

PERMIT HOLDER REQUESTS APPROVAL OF THE DIVISION OF LIQUOR CONTROL OF THE FOLLOWING TRANSFER(S) OF STOCK

Permit Holder Name Dale's Bar & Grill Inc & Patio	Liquor Permit Number(s) 1900630
Permit Premises Address 322 Conant St. Havre, OH 43537	
Email Address: daleesbg2012@yahoo.com	
Attorney's Name, Address and Telephone Number (If represented) Thomas Heintzke 405 Madison Ave. Suite 1212, Toledo, OH 43604 419-242-5100	
Is Stock Traded on a National Exchange? ☐ YES ☒ NO	If YES, give Name of Exchange and Symbol

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION A: PREVIOUS 5% OR MORE STOCKHOLDERS			
Name	BIRTHDATE	Social Security Number/FTI#	Number of Shares Issued For Stock Transfer Only (NOT Percentages)
1) William I. Anderson	[REDACTED]	[REDACTED]	5
2)			
3)			
4)			
5)			
SECTION B: REVISED 5% OR MORE STOCKHOLDERS			
Name	BIRTHDATE	Social Security Number/FTI#	Number of Shares Issued For Stock Transfer Only (NOT Percentages)
1) Kane T. Anderson	[REDACTED]	[REDACTED]	5
2)			
3)			
4)			
5)			
NOTE: If any Stockholder is a business entity, that entity must list it's federal tax identification number (FTI #) above.			TOTAL NUMBER OF SHARES ISSUED 5

LIST THE TOP FOUR OFFICERS OF THE CAPTIONED CORPORATION. IF AN OFFICE IS NOT HELD, PLEASE INDICATE BY WRITING "NONE"	Social Security Number	Birthdate
1) CEO/President Kane T. Anderson	[REDACTED]	[REDACTED]
2) Vice-President		
3) Secretary Erin E. Anderson	[REDACTED]	[REDACTED]
4) Treasurer		

NOTICE TO LEGISLATIVE
AUTHORITY

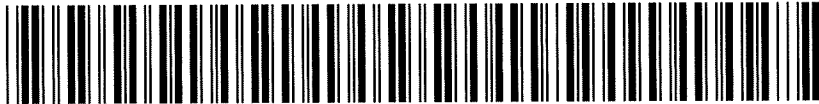
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

04410110025 PERMIT NUMBER		STCK TYPE	BARBEQUE INTEGRATED INC DBA SMOKEY BONES BAR & FIRE GRILL 7573 512 W DUSSEL DR MAUMEE OH 43537
ISSUE DATE			
04 25 2024 FILING DATE			
D51 D6 PERMIT CLASSES			
48 TAX DISTRICT	044 A	F32542 RECEIPT NO.	

FROM 12/09/2024

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED 12/09/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/09/2025

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A STCK 0441011-0025

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

**CLERK OF MAUMEE CITY COUNCIL
400 CONANT ST
MAUMEE OHIO 43537-3366**

2024 SEP 25 AM 9:58

SECTION A – Issued Permit Holder Information

*Issued Permit Holder's Business Name as listed on the issued permit: BARBEQUE INTEGRATED, INC.		*Issued Permit Holder #: 04910110025	
*Permit Premises Address: 512 West Russell Dr.		*Is Permit Holder an Agency Store? ☐ YES ☒ NO If YES, what is the assigned agency # _____	
*Township (if premises is outside city limits):	*City: Martinsburg	*Zip Code: 43537	*County: Lucas
*Contact Name: Kenneth J. Kuick		*Who will be the Primary Contact for this Application: ☐ Contact Listed ☒ Attorney Listed Below	
Phone:		*Business Phone: (630) 796-1444	
*Primary Contact's Email Address: k k u i c k @ f a t b r a n d s . c o m			
*Attorney Information (if applicable)		Name: John N. Neal, Esq.	
Address: 1500 W. 3rd St., Ste. 300	City: Cleveland	State: Ohio	Zip Code: 44113
Attorney Email Address: j n e a l @ w a l t e r h a v . c o m		Phone #: (216) 619-7866	

SECTION B – Corporate Ownership Description

1. * List the **CURRENT 5% or more** owners in the issued permit as currently disclosed to us – Not sure who/what we have on record? Go to com.ohio.gov/liquorinfo (select "who has a disclosed ownership interest in a particular liquor permit" tab and enter the permit number listed on your issued permit).

	Person or Company Name	Current # of Shares Held
1	Barbeque Holding, LLC	1000
2		
3		
4		
5		

2. * List the **NEW/REVISED 5% or more** owners as they should be listed in the issued permit **AFTER** the change. (Note, depending on your proposed change its possible that some individuals might be listed above and below.) Any real persons **MUST** be at least 21 years of age. In addition to filling out the below information, please submit an updated **Officer/Shareholder Disclosure Form (OR com.ohio.gov/requiredforms, select form #4030) that matches the "NEW/REVISED" information below.**

	Person or Company Name	Revised # of Shares Held
1	FAT Brands Twin Peaks I, LLC	1000
2		
3		
4		
5		

eMerge

4635 West Alexis Rd.
Toledo, Ohio 43623



**SOW #542 - Case File/Document Scanning- City of Maumee Municipal Court –
Phase/Year 4****Date**

December 9, 2024

Services Performed By:

eMerge
4635 West Alexis Rd.
Toledo, Ohio 43623

Services Performed For:

City of Maumee, Ohio Municipal
Court
400 Conant Street
Maumee, Ohio 43537

This Statement of Work (SOW - the “Agreement”) is issued between City of Maumee, Ohio Municipal Court (“Client”) and eMerge (“Contractor”) shall be in effect for one year from the date signed by both parties. This SOW is subject to the terms and conditions contained in the Agreement between the parties and is made a part thereof. Any term not otherwise defined herein shall have the meaning specified in the Agreement.

Period of Performance/Background and Objectives

The period of performance for Contractor scanning services in this agreement is for one year or less which will be impacted by selection of which documents in storage will be selected by Client for scanning which is still under consideration at the time of preparing this SOW. It is assumed that, as in the past 3 years, the 1-year scanning project for Phase/Year 4 will begin on April 1, 2025. Because there is not a firm understanding by Client of specifically which remaining paper records will be targeted for scanning as well as the volumes, Contractor is providing this SOW with a “not to exceed” SOW. If additional records remain that need to be scanned after the not to exceed amount is reached, funding for any additional scanning would need to be approved by Client

This agreement is for the scanning and destruction of Municipal Court case files and other document types to finalize the capture of all stored permanent historical paper files from the Municipal Court, with all scanned data being made available in a format to be ingested into the NORIS provided court system, or into PaperVision Enterprise.

Engagement Resources

<u>Client Name:</u>	The City of Maumee, Ohio Municipal Court
Client Address:	400 Conant Street, Maumee Ohio 43537
Client Project Contact:	Ms. Andrea Shrewsberry – Clerk of Courts 419-897-7140
<u>Contractor Name:</u>	eMerge
Contractor Address:	4635 West Alexis Road, Toledo, Ohio 43623
Customer Contact	Bill Ozuk 419-887-6824

Scope of Work

The scanning initiative outlined below will consist of document scanning services to be performed at Contractor business location. Prior to this SOW, Contractor has completed document scanning for Client over the past 3 years. It is the objective of Client that this will be the final scanning services that need to be rendered by Contractor. Contractor Services will include

1. Pickup of Phase/Year Four business records for scanning as Client releases them for scanning.
2. **Phase Four** Phase Four will consist of an additional year of scanning services to be provided by Contractor for a variety of select Client document categories. Prior years of scanning included four City of Maumee Case File categories: Civil, Criminal, OVI and Traffic Case Files. Phase 4 may include more of those records categories as well as additional record categories that have not yet been scanned which may include Expungement Files, Probation Department Files, Court docket sheets, Civil index reports and others.
3. All pages for each file, folder, envelope, or binder will be scanned as separate documents to accommodate the efficient retrieval of records based on the input provided by Client. The Contractor image format for the Phase 4 scanning will be varied depending on the system/location where the scanned records will be electronically stored, accessed and managed by Client. At this time, there is an existing system supported by NORIS, and PaperVision Enterprise, an Enterprise Content Management solution provided by Contractor. NORIS has provided formatting requirements for the images to Contractor previously, and those same formats will be provided for Phase 4 scanning. Final images will be provided to NORIS who will then align the images with the Intellivue System that will be utilized by Client in day-to-day operations. Contractor will supply a continuous feed of images to NORIS as the scanning of records is completed. For those records the Contractor scans that will not go into the NORIS system, eMerge will provide the data in a format that can be ingested into PaperVision Enterprise, an enterprise class Information System utilized by other Client departments for several years for managing, storing and accessing these records.

*The use of PaperVision Enterprise to store, manage and access these phase two record categories has been previously discussed with Client IT staff by Contractor. Client IT staff agrees that PaperVision Enterprise offers a cost-effective way to store, manage and access these phase 4 records, especially because of the infrequent nature of the retrievals anticipated for these historical records. The utilization of an existing system also minimizes the technology investment required. *PaperVision Enterprise is an on-premises solution, residing on a virtualized server managed by Client IT staff.*

4. Scanning services provided by Contractor for the scanning projects includes additional required services including project management, document preparation, document scanning, document indexing and quality control to ensure a high quality conversion.
5. Contractor will provide the completed images via Secure FTP to NORIS to facilitate convenient access in preparation for the Intellivue import and for convenient loading of data into PaperVision Enterprise.

6. Contractor will provide an external hard drive to Client upon completion of the project in its entirety that contains all scanned data from the project to serve as an offline backup of the records scanned.

Secure Document Destruction

Contractor will provide secure paper record destruction services for all pages scanned.

1. Client will be required to provide written approval for destruction of the records before destruction is completed.
2. Destruction costs are not included in the cost per scan and will be invoiced separately based on the weight of the records determined as the first step in the destruction process.
3. Contractor requires that Client approve the destruction of records upon scanning completion for each record category.
4. If the scanned paper records are returned to Client additional handling and transportation fees will apply.

Deliverable Materials

As a result of the execution of the services outlined in this SOW, Contractor will deliver to Client:

1. Scanned images via FTP as outlined above in this SOW.
2. An external hard containing all scanned images for disaster recovery purposes. This will be provided at the time of project completion, or based on volumes, may be provided annually.

Contractor Responsibilities

1. Contractor will provide pickup services for transportation of records to contractor site. If Contractor is returning records to Client on a separate delivery when no pickup is made, additional delivery fees will apply.
2. Contractor will maintain all Client data confidentially and securely throughout the scanning project. Contractor employees are trained to maintain confidentiality regarding PII (Personally Identifiable Information) and follow HIPAA protocols. All data transmissions initiated by Contractor will be secure using 256-bit encryption and SSL (Secure Sockets Layer), an encryption-based internet security protocol.
3. Contractor will direct all project questions to the Client designated contact as needed.
4. Contractor will invoice Client for services rendered and pages scanned as the project progresses, typically monthly. Contractor invoices will provide details of the project categories and box numbers scanned for that specific invoice.

Client Responsibilities

1. Client agrees to designate a specific project manager to be readily available and responsive to questions that arise throughout the project.
2. Client agrees to have all records sent to Contractor for scanning in boxes suitable for transportation and handling, with boxes clearly marked with the record category contained in each box.
3. Client agrees that all boxes released to Contractor for scanning have been reviewed and are approved to scan.
4. Client understands that document destruction is not included in the unit pricing for scanning and will be invoiced separately after records are destroyed for each category. This is necessary because the destruction costs are based on the total weight of the paper records determined just prior to destruction.
5. Client agrees that timely written permission to destroy records is required to minimize the storage requirements at Contractor site.
6. Client understands that Contractor does not retain customer scanned data on internal servers beyond a period of 90 days after final completion of the scanning project in its entirety.
7. Client agrees to discuss and review with Contractor any phase two record categories that were not able to be physically accessed by Contractor prior to providing pricing if conditions of the records and scanning requirements are extreme.
8. Client agrees that any additional services that Contractor provides outside the scope of this SOW may require additional fees. These fees will be indicated on the monthly progress invoicing. Contractor will discuss such additional services and fees with Client to get prior approval.

Fee Schedule / Invoicing

Below is a summary of fees for services to be rendered for the different document types:

Civil Case File scanning – unit cost per page for scanning	\$0.12
Criminal/OVI/Traffic Case File scanning – unit cost per page	\$0.15
Probation and Expungement Files scanning – unit cost per page	\$0.15
Court docket sheets and Civil index reports scanning – unit cost per page	\$0.15
Secure Document Destruction – per pound (To be invoiced separately after records are destroyed)	\$0.24

Total not to exceed amount for Phase 4 scanning	\$65,000.00
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Assumptions

Contractor assumes that once the project is awarded and work has begun that the project will be completed in its entirety, or until the "Not to Exceed" is reached. In the event the project is halted for any reason that is

out of the control of the Contractor, the Client agrees to pay fees submitted and agreed upon prior to the halt of the project, and any services rendered after any previous invoice was submitted.

Completion Criteria

Contractor shall have fulfilled its obligations when any one of the following first occurs:

- Contractor accomplishes the Contractor obligations described within this SOW, including delivery to Client of the materials listed in the Section entitled "Deliverable Materials," and Client accepts such activities and materials without unreasonable objections. No response from Client within 10-business days of deliverables being delivered by Contractor is deemed acceptance.
- Client has the option to terminate this agreement with 30 days' notice to Contractor for failure to provide the agreed upon services and project execution timeframes described in this agreement. Client has the option to terminate this agreement upon 30-day notice to Contractor in the event funds for this contract are not appropriated for this contract in future years by Maumee City Council.
- Client agrees to pay all invoices generated prior to the termination of the agreement, and any additional invoices that are generated for services rendered in the 30 days after notification to Contractor to terminate the agreement.

Project Change Control Procedure

In the event the scope of the project changes as outlined in this SOW, both the Client and Contractor project managers will review, discuss, and approve a mutually agreed upon update to the project that reflect the changes and any additional charges that may apply. Depending on the nature of the changes, Client or Contractor can request that those changes be reflected in a formally updated SOW with those adjustments included. **IN WITNESS WHEREOF**, the parties hereto have caused this SOW to be effective as of the day, month and year first written below.

City of Maumee Municipal Court Representative (Client)

eMerge Representative (Contractor)

By: (Print) _____

By: (Print) _____

Signature: _____

Signature: _____

Title: _____

Title: _____

Date: _____

Date: _____

ORDINANCE NO. 001-2025

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 1105.08 OF THE MAUMEE CODIFIED
ORDINANCES AND ORDINANCE 106-2020

WHEREAS, Chapter 1105 of the Maumee Codified Ordinances and Ordinance 106-2020 need to be amended to update the title to reflect the change from Zoning Administrator to Urban Planning Manager, to modify variance procedures, add a member to the Design Review Board, and other matters.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. That Chapter 1105 of the Maumee Codified Ordinances and Ordinance 106-2020 be amended as follows:

CHAPTER 1105

Administration Procedures and Enforcement

1105.01 Planning Commission established.

1105.02 Board of Zoning Appeals established.

1105.03 Design Review Board established.

1105.04 Urban Planning Manager ~~Zoning Administrator.~~

1105.05 Zoning permits required.

1105.06 Zoning certificate of compliance or occupancy.

1105.07 Fees.

1105.08 Public hearing requirements.

1105.09 Adjudicative hearing requirements.

1105.01 PLANNING COMMISSION ESTABLISHED.

The Municipal Planning Commission is hereby established. The composition of the Planning Commission shall be as specified by the Charter of the City of Maumee. The powers and duties of the Planning Commission with respect to the administration of this Zoning Code shall include making recommendations to Council, approving or denying petitions and applications brought before it, and such other powers and duties as are conferred by the Charter of the City of Maumee and the provisions of this Zoning Code.

(a) Procedures of Planning Commission: The Planning Commission shall adopt rules necessary to the conduct of its affairs and hold meetings in keeping with the provisions of the charter and this Zoning Code. All meetings of the Planning Commission shall be open to the public. The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, showing such fact, and shall keep records of its official actions all of which shall be a public record and kept in the office of the Municipal Clerk. The presence of four members of the Planning Commission shall constitute a quorum and valid votes shall be constituted by a majority vote of those present and voting.

(b) Duties of Planning Commission: The Planning Commission shall have the following duties:

(1) Initiate map or text amendments to the Zoning Code.

(2) Conduct public hearings in accordance with Section 1107.03 (Public Hearing Requirements) on, review, and make recommendations to Council on all proposed amendments to the Comprehensive Plan and/or Masterplan of the City;

(3) Upon the filing of a petition or application on all proposed amendments to the text of the Zoning Code or the Zoning District Map, conduct public hearings in accordance with Section 1107.03 (Public Hearing Requirements), review, and make appropriate recommendations to Council;

(4) Conduct adjudicative hearings in accordance with Section 1105.09 (Adjudicative Hearing Requirements) on, and review all applications for, conditional uses and amendments thereto, and make recommendations thereon to Council as required by Chapter 1134 (Conditional Use Regulations);

(5) Review and decide all requests for preliminary and final plats within the corporate limits of the City **when required**;

(6) Continually review the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments as it deems appropriate;

(7) Shall determine the classification of non-listed uses within the Zoning Code with similarly comprised uses elsewhere in said code provided the new use is appropriate to form based; and

(8) Shall allow the Urban Planning Manager ~~Zoning Administrator~~ to determine the boundary of a zoning district within 5 foot margin of error to account for line weight distortion.

(9) Review Site Plans pursuant to Chapter 1135, **when the same are not approved as part of an agreement with the City of Maumee.**

1105.02 BOARD OF ZONING APPEALS ESTABLISHED.

A Board of Zoning Appeals is hereby established. The word "Board", when used in this section, shall be construed to mean the Board of Zoning Appeals.

(a) Members. The Board shall consist of five (5) members. These members shall be residents of the City who are appointed by the Mayor and confirmed by Council. In connection with the first appointment of such members the terms shall be: one for three years, two for four years, two for five years; the successor to each member so appointed shall serve for a term of five years. The Mayor and Council have the power to remove any member of the Board for cause after a public hearing. Vacancies in the Board shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member. No officer or employee of the City shall be a member.

(b) Procedures of the Board of Zoning Appeals: The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and hold meetings in keeping with the provisions of this Zoning Code. All meetings shall be open to the public. The Board shall keep a record of the proceedings before it showing the action of the Board, and the vote of each member upon each question considered. The Vice-Chairperson shall be responsible for taking minutes and recording proceedings or delegating those duties to another Board member. The presence of three members shall be necessary to constitute a quorum. All applications properly coming before the Board of Zoning Appeals shall be considered during an adjudicative hearing process as defined in Section 1105.09 (Adjudicative Hearing Requirements).

(c) Jurisdiction of Board of Zoning Appeals.

(1) Appeal to Board of Zoning Appeals.

A. An appeal from any action or ruling, except those related to Design Standards, of the **Urban Planning Manager** ~~Zoning Administrator~~ based upon the provisions of this Zoning Code may be made to the Board of Zoning Appeals within thirty (30) calendar days from such action or the announcement of such ruling.

B. Within the period aforesaid, the appellant shall file with the **Urban Planning Manager** ~~Zoning Administrator~~ and with the Board of Zoning Appeals a written notice of appeal, specifying the grounds thereof, accompanied by any fee which may be directed by Ordinance of Council.

C. The **Urban Planning Manager** ~~Zoning Administrator~~ shall forthwith transmit to the Board all the papers constituting the record upon which the action or ruling appealed from was taken, and an adjudicative hearing shall be held on the matter in accordance with Section 1105.09 (Adjudicative Hearing Requirements).

(2) Variance.

A. The Board of Zoning Appeals upon written application therefore by a party in interest may authorize by permit a variation of the application of the regulations herein established as follows:

(i) Permit a variation in the minimum lot area, landscaping requirements under Chapter 1145, setback line, minimum floor area, off-street parking, and fencing requirements of any district when there are practical difficulties in implementing the provisions of this Zoning Code. The Board shall have no power to allow a change of use to one not permitted in the district.

(ii) The Board may adopt, amend and enforce such rules and regulations as it may deem necessary or desirable to carry on its functions and provide for the enforcement of this Zoning Code in accordance with the purpose and intent hereof.

(iii) The Board has the authority to attach to the issuance of a variance such conditions as it determines to be necessary for the general health, safety, and welfare, and the protection of neighboring properties, and failure to comply with such conditions shall render the variance null and void.

(iv) The Board may vote to delegate limited authority to the **Urban Planning Manager** ~~Zoning Administrator~~ to issue variances within defined parameters adopted by the Board. Such delegation of authority shall only be given for frequently recurring cases where Board precedent has clearly prescribed appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with this Zoning Code and as will not be contrary to the public interest.

(v) The Board may review applications for home occupations upon referral from the **Urban Planning Manager**. ~~Zoning Administrator~~.

B. In making a determination whether a variance is to be granted, the Board shall determine whether the spirit and intent behind the zoning requirement is observed by granting the variance. The Board shall consider and weigh each of the following factors to the extent applicable in deciding if landowners have encountered "practical difficulties" in using their property:

(i) Whether there can be any beneficial use of the property without the variance regardless of financial consideration;

- (ii) Whether the variance is substantial in relation to the Zoning Code requirement;
- (iii) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (iv) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- (v) Whether the property owner purchased the property with knowledge of the zoning restriction;
- (vi) Whether the property owner's predicament can be feasibly remedied through some method other than a variance.
- (vii) Whether the spirit and intent behind the zoning requirement can be observed by granting the variance.
- (viii) Whether the need for a variance is self-created.
- (ix) Whether the Urban Planning Manager has issued a letter and/or determination that has not been appealed by the applicant or the applicant's predecessor.

C. Any variance lawfully granted by the Board of Zoning Appeals shall expire after one (1) year from the date of such approval unless, within such period, the applicant has received a Zoning and Building Permit

(3) Sign Variance. The Board of Zoning Appeals upon written application by a party in interest may authorize a variance for a sign which does not comply with the provisions of Chapter 1143 (Signs) if, in addition to the requirements of Section 1105.02(c)(2)B., it determines that all of the following factors are met:

- A. The particular sign will be in harmony with the general purpose and intent of Chapter 1143 (Signs);
- B. The sign will not be injurious to the immediate neighborhood or adjacent land use;
- C. The sign is sufficiently compatible with the architectural and design character of the immediate neighborhood; and
- D. The sign will not be hazardous to passing traffic or otherwise detrimental to the public safety and welfare.
- E. The sign substantially conforms to the current sign code
- F. That the Urban Planning Manager has not issued a prior determination as to the sign or signage which has not been appealed.

In granting such variance, the Board shall specify the size, type, lighting mechanism, and location of the sign and impose such other reasonable terms, restrictions, and conditions as it may deem to be in the public interest.

(4) Nonconforming uses. The Board shall administer the provisions of Section 1130.06 (Alterations of Nonconforming Uses) and all other sections of the Zoning Code that apply relative to nonconforming uses.

(5) Temporary Accessory Structures. Grant a variance for a temporary structure in a residential district which is incidental to the marketing of the residential development for a period of not more than one (1) year.

(d) Decisions of the Board of Zoning Appeals: For each request which appears before the Board of Zoning Appeals, the Board shall issue a separate written order incorporating the specific relief requested, the decision of the Board, and the basis for the Board's decision. The decision shall be forwarded to the **Urban Planning Manager** ~~Zoning Administrator~~ who shall, upon receipt of a decision granting the requested relief, issue a Zoning Permit in conformity with the Board's decision, provided that the proposal complies in all other respects with the provisions of this Zoning Code, and applicable State and Federal Law. A permanent registry of the decisions of the Board shall be maintained permanently by address in the office of the **Urban Planning Manager**. ~~Zoning Administrator~~.

1105.03 DESIGN REVIEW BOARD ESTABLISHED.

The Design Review Board is hereby established, which shall be responsible for hearing any appeal of a negative administrative design review decision on applications in the area bounded by the Anthony Wayne Trail, Ford Street, Key Street and the Maumee River.

(a) Members. The Design Review Board shall consist of five (5) members **appointed by the Mayor. The City Administrator or their designee shall be an additional member of the Design Review Board.** ~~All of such~~ members shall be appointed by the Mayor ~~and shall be confirmed by a majority of the members of Council~~ **present at a meeting.** In connection with the first appointment of such members, one (1) shall be appointed for a one-year term, two (2) shall be appointed for two-year terms, and two (2) shall be appointed for three-year terms. All subsequent appointments shall be for the unexpired terms, if such be the case, or for a three-year term. Members shall serve without compensation. All **appointed** members shall have sufficient expertise and/or interest in order to make critical evaluations of proposed plans and to make constructive recommendations for modification of proposed plans. ~~No officer or employee of the City shall be a member.~~

(b) Procedures of Design Review Board. The Design Review Board shall adopt rules necessary to the conduct of its affairs and hold meetings in keeping with the provisions of this Zoning Code. All meetings shall be open to the public. The Board shall keep a record of the proceedings before it showing the action of the Board, and the vote of each member upon each question considered. The Vice-Chairperson shall be responsible for taking minutes and recording proceedings or delegating those duties to another Board member. The presence of a majority of the members of the Board who are eligible to vote at such meeting shall be necessary to constitute a quorum. No officer or employee of the City shall be a member.

(c) Responsibilities and Jurisdiction of Design Review Board. The Design Review Board shall:

(1) Report recommendations to the City Council, the designation and/or elimination of new and/or existing design review districts and the development or reduction of standards within said districts

(2) Hear any appeal of a negative administrative design review decision regarding the architectural design and features of any new building or any existing building in the process of renovation as to the compatibility of the design or renovation with the architectural and/or historic character of the areas.

(3) The Design Review Board shall consider the officially adopted Maumee Master Plan and/or City Council uptown road diet and control decisions when deciding appeals.

(4) Make alternative suggestions to building owners and/or developers as to building design, building materials, signs and other structure and site elements to make projects more form compatible and harmonious with adjacent land and the area as a whole.

(5) Offer technical and professional assistance to building owners and/or developers in implementing recommendations.

(d) Decisions of Design Review Board. The Design Review Board shall hear appeals of a negative administrative design review decision. The Design Review Board shall grant the appeal, deny the appeal or grant it subject to special modification, but no appeal shall be granted or modified unless a majority of the entire Board votes to grant or modify the appeal.

(1) If the Design Review Board grants an appeal without modifications, it shall so notify the **Urban Planning Manager** ~~Zoning Administrator~~ who shall thereupon issue a Zoning Permit.

(2) If an appeal is denied, the Design Review Board may make such recommendations in regard to changes of design, arrangement, texture, material and color of the exterior features and interior arrangement of the structure as it deems appropriate.

(3) If the applicant accepts the modifications of the Design Review Board, the application shall be revised in accordance with such modifications and filed with the **Urban Planning Manager** ~~Zoning Administrator~~, whereupon a Zoning Permit shall be issued.

1105.04 URBAN PLANNING MANAGER ZONING ADMINISTRATOR.

(a) It shall be the duty of the **Urban Planning Manager** ~~Zoning Administrator~~ to enforce this Zoning Code. It shall also be the duty of all officers and employees of the City and especially of all members of the Division of Police to assist the **Urban Planning Manager** ~~Zoning Administrator~~ by reporting to him or her new construction, reconstruction or land uses, and apparent violations of this Zoning Code.

(b) The **Urban Planning Manager** ~~Zoning Administrator~~ shall issue Zoning Permits, or Certificates of Zoning Compliance or Occupancy according to this Zoning Code. Such certificates or permits shall be in such form as may be prescribed by the City Administrator, consistent with the requirements of this Zoning Code.

(c) The **Urban Planning Manager** ~~Zoning Administrator~~ shall not require any change in the plans, construction, size or designated use of a structure, or part thereof, which meets the requirements of Section 1130.02 (Preexisting Zoning Permits).

(d) Appeal from an action or decision of the **Urban Planning Manager** ~~Zoning Administrator~~ may be made to the Board of Zoning Appeals as provided in Section 1105.02.

1105.05 ZONING PERMITS REQUIRED.

Before proceeding with the use, erection, relocation or alteration of any structure or part of any structure in the City, or the issuance of any Building Permit, a Zoning Permit for such erection, relocation or alteration shall be first obtained from the **Urban Planning Manager**, ~~Zoning Administrator~~, which Zoning Permit shall, in substance, certify that such proposed use, erection, relocation or alteration complies in all respects with this Zoning Code. No person or persons shall

proceed with the erection, relocation, or alteration of any structure unless such Zoning Permit has first been obtained from the **Urban Planning Manager** ~~Zoning Administrator~~.

(a) Contents of Zoning Permit Application. At a minimum, the following information, maps and/or drawings shall be submitted in duplicate to indicate the following information as applicable:

- (1) Name, address and telephone number of the applicant and record owner or owners of the property;
- (2) If the applicant is not the owner, proof of contract or agency with the owner;
- (3) Planned uses for the premises;
- (4) Required yards;
- (5) Setback areas;
- (6) The elevations of all structures on the subject property; and
- (7) Off-street parking and/or loading facilities.
- (8) Additional requirements as may be requested by the **Urban Planning Manager** ~~Zoning Administrator~~ or by other Chapters of this code.
- (9) Any applicable fees as may be directed by ordinance of Council.

(b) Issuance of Zoning Permit: The Zoning Permit shall be issued if the proposed construction or proposed use of a structure or land, complies with all the provisions of this Zoning Code. If the use is lawfully nonconforming, the Zoning Permit shall so state. The Zoning Permit shall incorporate all the terms and conditions of approval. A record of all Zoning Permits shall be kept on file in the office of the **Urban Planning Manager** ~~Zoning Administrator~~, and shall be public records open and available to the general public. A copy of the Zoning Permit shall be posted in a prominent location visible from the exterior of the structure until the Zoning Certificate of Compliance has been issued or the Zoning Permit expires.

(c) Revocation of Permit. Should the **Urban Planning Manager** ~~Zoning Administrator~~ determine that the work under such Zoning Permit, or the use of such premises is not proceeding according to the approved plans upon which the permit was issued, or is proceeding in violation of the provisions of this Zoning Code or any specific conditions contained in the Zoning Permit, it shall be the duty of the **Urban Planning Manager** ~~Zoning Administrator~~ to notify the owner or owners in writing that the work is being constructed in violation of the Zoning Permit and this Zoning Code and, that the same must immediately be rectified to conform with such permit and this Zoning Code. If corrections are not made to comply with such notice, the **Urban Planning Manager** ~~Zoning Administrator~~ shall revoke such permit and issue an order to immediately stop all work on such premises. Notice thereof shall be immediately served upon the owner or owners and posted on the premises referred to in such permit. Such notice shall be in writing, and signed by the **Urban Planning Manager** ~~Zoning Administrator~~.

(d) Expiration of Zoning Permit. The Zoning Permit shall expire within one hundred eighty (180) days after the date of issuance unless construction and improvements as specified in the Zoning Permit has commenced. The Zoning Permit shall expire within twelve (12) months of the date of issuance.

1105.06 ZONING CERTIFICATE OF COMPLIANCE OR OCCUPANCY.

No vacant land shall be occupied or used, and no structure or addition thereto or parking area hereafter constructed, built, moved, remodeled, or reconstructed shall be occupied or used, and no use of any land or structure shall be changed to any other use, until a Zoning Certificate of Compliance or Occupancy has been issued by the **Urban Planning Manager** ~~Zoning Administrator~~ certifying that

the proposed use or occupancy is in conformity with all requirements of this Zoning Code and all fees have been paid in accordance with the schedule of fees established by Council. A Zoning Certificate of Compliance or Occupancy is required for a new or changed use of land or structures where no Zoning Permit is required and must be approved by the **Urban Planning Manager** ~~Zoning Administrator~~ before any such land or structures shall be occupied or used.

(a) Issuance. No Zoning Certificate of Compliance or Occupancy shall be issued until the premises have been inspected and certified by the Chief Building Official and **Urban Planning Manager** ~~Zoning Administrator~~ to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located, as well as any plans and specifications upon which a Zoning Permit for the property was issued. However, the **Urban Planning Manager** ~~Zoning Administrator~~ may issue a Zoning Certificate of Compliance or Occupancy to an applicant who has not, or whose predecessor/s in interest have not obtained a Zoning Certificate of Compliance or Occupancy for a change in use of any land or structure as required by law at the time such change in use occurred, provided the **Urban Planning Manager** ~~Zoning Administrator~~ determines that such applicant, or his predecessor/ss in interest, then required by law would have been entitled to the issuance of a Certificate of Compliance or Occupancy.

A Zoning Certificate of Compliance or Occupancy shall be issued, or written notice shall be provided to the applicant stating the reasons why a certificate cannot be issued, within a reasonable time frame after the receipt of an application and all required fees therefore, or after the **Urban Planning Manager** ~~Zoning Administrator~~ is notified in writing that the structures or premises are ready for inspection for a Zoning Certificate of Compliance or Occupancy.

(b) Temporary Certificate of Compliance or Occupancy. Pending the issuance of a Zoning Certificate of Compliance or Occupancy, a temporary Certificate of Compliance or Occupancy may be issued to be valid for a period not to exceed six months from its date pending the completion of any addition or during partial occupancy of the premises. The fees for a Temporary Certificate of Compliance or Occupancy shall be set by Council and be in addition to any fees required for an application for a Zoning Certificate of Compliance or Occupancy.

(c) Contents of Certificate; Records. The Zoning Certificate of Compliance or Occupancy shall state that the structure, or use of a structure or land, complies with the Zoning Code and all other applicable laws and ordinances. If the use is lawfully nonconforming, the certificate shall so state. A record of all certificates shall be kept on file in the office of the **Urban Planning Manager** ~~Zoning Administrator~~.

(d) Expiration of Zoning Certificate. The Zoning Certificate shall expire within one hundred eighty (180) days after the date of issuance unless construction and improvements as specified in the Permit has commenced. The Permit shall expire within twelve (12) months of the date of issuance unless all improvements set forth in the application have been completed.

1105.07 FEES.

The **Urban Planning Manager** ~~Zoning Administrator~~ is hereby authorized and directed to charge actual, cost allocated, hourly fees for any Zoning Permits, certificates, plan reviews and inspections required by this Zoning Code and for any filing or appeals filed with a board or commission charged with the application of the provisions of this zoning code.

1105.08 PUBLIC HEARING REQUIREMENTS.

The purpose of a public hearing is to obtain comments and input from the general public and affected property owners with regard to proposed changes to the Zoning Code and/or District Map.

(a) Filing with Municipal Clerk. After the adoption of a motion by Council or Planning Commission, or after the filing of a complete petition or application with the Municipal Clerk, or after a recommendation from the City Administrator, the Municipal Clerk shall place such recommendation, motion, petition, or application on the agenda of the Planning Commission and shall schedule the matter for public hearing before the Planning Commission.

(b) Notice.

(1) Public Notice. Notice of the time and place of a public hearing shall be posted on the City Website and at the Maumee Municipal Building at least seven (7) calendar days prior to the date of the hearing. During the seven-day period, the text of the recommendation, motion, application, or petition, together with all maps, plans, and reports submitted with reference thereto, shall be on file for public examination in the office of the Municipal Clerk.

(2) Notice by Sign on Subject Property. In the case of a rezoning of property, a sign shall be placed on the subject property indicating the proposed rezoning action under consideration. Such a sign shall be of such size, format, and content as specified by the **Urban Planning Manager** ~~Zoning Administrator~~ and shall be visible on the subject property beginning no later than seven (7) days prior to the scheduled hearing and shall remain on such property until such time as a recommendation is made by the Plan Commission to City Council. This provision shall not apply for the initial zoning of a parcel annexed into Maumee.

(3) Notice by First Class Mail. If the proposal to rezone, or redistrict, or for issuance of a special permit hereunder, includes ten (10) or fewer parcels of land as listed on the tax duplicate, written notice of the public hearing shall also be mailed by the Municipal Clerk by first class mail at least fifteen (15) calendar days before the date of the public hearing to the Applicant and to owners of real estate adjacent to and directly across the street from such parcel or parcels to the addresses of such applicants and owners appearing on the current tax list of the Auditor of Lucas County or the mailing list of the Treasurer of Lucas County. This provision shall not apply for the initial zoning of a parcel annexed into Maumee.

(4) The failure of delivery of any notice, failure to place a sign or the removal of any sign after initial placement on the premises or the failure to comply with the procedures set forth herein shall not invalidate any ordinance, measure or regulation once adopted by City Council.

(c) Public Hearing. After all evidence, testimony and information has been assembled and heard, the Chairman shall then accept a motion to close the public hearing and upon receiving a majority of affirmative votes, shall proceed to the deliberation of the amendment. The Chairman may also accept a motion to adjourn the hearing to a date specific if it is determined that additional information or testimony is necessary.

(d) Action by Planning Commission. The Planning Commission shall report its recommendation to Council within fifteen (15) calendar days after the close of the public hearing, unless the applicant agrees to an extension of time. City Council may consider the recommendations of the Planning Commission at any time following its recommendations.

(e) Council Action.

(1) Council is not required to hold a public hearing on the proposed zoning amendment. However, Council may, at its discretion, schedule a public hearing or hearings upon any such matter with such notice, advertisement, at such date, and upon such terms as Council may determine appropriate before acting on any such amendment.

(2) Any recommendation of the Planning Commission may be overruled by a majority vote of all members of the City Council not required to abstain.

1105.09 ADJUDICATIVE HEARING REQUIREMENTS.

Adjudicative hearings are proceedings conducted by the Planning Commission and Board of Zoning Appeals. The purpose of an adjudicative hearing is the determination of the rights of the applicant, according to the standards contained in the Zoning Code, and of whether such application should be granted based upon evidence presented at the hearing.

(a) Notice of Adjudicative Hearing.

(1) The applicant shall be notified in writing of the time and place of a hearing on the application.

(2) Public Notice by Sign. A sign shall be placed on the subject property indicating the proposed action under consideration. Such a sign shall be of such size, format, and content as specified by the **Urban Planning Manager** ~~Zoning Administrator~~ and shall be visible on the subject property beginning on a date immediately following the determination by the **Urban Planning Manager** ~~Zoning Administrator~~ that the application is complete, and shall remain on such property until such time as a final decision is rendered.

(b) Adjudicative Hearing Process. Adjudicative hearings shall be open to the public, but are not public hearings for the general public to present their opinions.

(c) Action by the Review Body.

(1) Regardless of any continuances of the hearing, the Planning Commission or Board of Zoning Appeals shall make a decision on the matter before it within forty-five (45) calendar days from the date that the public hearing was closed, unless an extension of time is agreed to by the applicant.

(2) The Planning Commission or Board of Zoning Appeals shall issue its decision in the form of a written Final Order in which it expressly sets forth the findings and conclusions of fact used as the basis or rationale for the decision.

1105.08 PUBLIC HEARING REQUIREMENTS.

The purpose of a public hearing is to obtain comments and input from the general public and affected property owners with regard to proposed changes to the Zoning Code and/or District Map.

(a) Filing with Municipal Clerk. After the adoption of a motion by Council or Planning Commission, or after the filing of a complete petition or application with the Municipal Clerk, the Municipal Clerk shall place such motion, petition, or application on the agenda of the Planning Commission and shall schedule the matter for public hearing before the Planning Commission.

(b) Notice.

(1) Public Notice. Notice of the time and place of a public hearing shall be posted on the City Website and at the Maumee Municipal Building at least seven (7) calendar days prior to the date of

the hearing. During the seven-day period, the text of the motion, application, or petition, together with all maps, plans, and reports submitted with reference thereto, shall be on file for public examination in the office of the Municipal Clerk.

(2) Notice by Sign on Subject Property. In the case of a rezoning of property, a sign shall be placed on the subject property indicating the proposed rezoning action under consideration. Such a sign shall be of such size, format, and content as specified by the **Urban Planning Manager** ~~Zoning Administrator~~ and shall be visible on the subject property beginning no later than seven (7) days prior to the scheduled hearing and shall remain on such property until such time as a recommendation is made by the Plan Commission to City Council. This provision shall not apply for the initial zoning of a parcel annexed into Maumee.

(3) Notice by First Class Mail. If the proposal to rezone, or redistrict, or for issuance of a special permit hereunder, includes ten (10) or fewer parcels of land as listed on the tax duplicate, written notice of the public hearing shall also be mailed by the Municipal Clerk by first class mail at least fifteen (15) calendar days before the date of the public hearing to the Applicant and to owners of real estate adjacent to and directly across the street from such parcel or parcels to the addresses of such applicants and owners appearing on the current tax list of the Auditor of Lucas County or the mailing list of the Treasurer of Lucas County. This provision shall not apply for the initial zoning of a parcel annexed into Maumee.

(4) The failure of delivery of any notice, failure to place a sign or the removal of any sign after initial placement on the premises shall not invalidate any ordinance, measure or regulation.

(c) Public Hearing. After all evidence, testimony and information has been assembled and heard, the Chairman shall then accept a motion to close the public hearing and upon receiving a majority of affirmative votes, shall proceed to the deliberation of the amendment. The Chairman may also accept a motion to adjourn the hearing to a date specific if it is determined that additional information or testimony is necessary.

(d) Action by Planning Commission. The Planning Commission shall report its recommendation to Council within fifteen (15) calendar days after the close of the public hearing, unless the applicant agrees to an extension of time. Following the above referenced fifteen 15 day period the City Council may consider the matter.

(e) Council Action.

(1) Council is not required to hold a public hearing on the proposed zoning amendment. However, Council may, at its discretion, schedule a public hearing or hearings upon any such matter with such notice, advertisement, at such date, and upon such terms as Council may determine appropriate before acting on any such amendment.

(2) Any recommendation of the Planning Commission may be overruled by a majority vote of all members of the City Council not required to abstain.

SECTION 2. STATUTORY CONSTRUCTION & SEVERABILITY.

(a) This Ordinance shall be construed so as not to conflict with applicable Maumee Code not modified herein, Federal or State of Ohio laws, rules, or regulations. Nothing in this Ordinance authorizes any City department to impose any duties or obligations in conflict with regulations established by Maumee Code not modified herein, Federal or State of Ohio law at the time such action is taken.

(b) In the event that a court or agency of competent jurisdiction holds that a Federal or State of Ohio law, rule, or regulation invalidates any clause, sentence, paragraph, or section of this Ordinance or the application thereof to any person or circumstances, it is the intent of the Ordinance that the court or agency sever such clause, sentence, paragraph, or section so that the remainder of this Ordinance remains in effect without the invalid provision or application, and to this end the provisions are severable..

SECTION 3. That all prior Codified Ordinances or Ordinances or provisions within such Codified Ordinances or Ordinances in conflict with the provisions of this Ordinance are hereby amended or repealed. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City, shall prevail. Failure of the City to recognize conditions or to take or recommend corrective measures shall not relieve the site or property owner, tenant or property manager from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including the Maumee Charter.

First Reading: January 6, 2025

Second Reading: January 21, 2025

Motion to Pass:

Seconded:

Yeas Nays

Passed: February 3, 2025

Mayor.

ATTEST:

Municipal Clerk.

APPROVED AS TO FORM:

Law Director.