

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: November 6, 2020

REF: M-9-20

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Study of Small Box Discount Stores, per Ord. 166-20

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, November 5, 2020 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Study of Small Box Discount Stores, per Ord. 166-20
Applicant	-	Toledo City Council One Government Center, Suite 2120 Toledo, Ohio 43604

Applicable Plans and Regulations

- Toledo Municipal Code (TMC) Part Eleven: Planning and Zoning

Case History

Ord. 166-20	-	Declaring a Moratorium until December 31, 2020 on the review and issuance of any zoning permits, building permits, certificates of occupancy, or other licenses or permits for Small Box Discount Stores along Dorr St. between Collingwood and Parkside; and declaring an emergency.
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STAFF ANALYSIS

The purpose of this study is to evaluate the impact of the proliferation of small box discount stores on the public health and safety of surrounding neighborhoods. Many small box discount stores dedicate less than 15% of the available shelf space to the sale of fresh produce and offer a limited amount of processed foods. Studies in other cities have shown that the saturation of certain areas with small box discount stores results in reduced access to healthy food options and other negative secondary effects. Toledo City Council asked Plan Commission and the Division of Building Inspections to further study the impacts and possible regulatory options of small box discount stores in the City of Toledo.

Definition of Small-Box Discount Stores

A “small box discount store” is considered and defined as a store with a floor area between 5,000 and 15,000 square feet that offers food and/or beverages for off-premise consumption, household products, personal grooming and health products, and other consumer goods. It does not include stores that contain a prescription pharmacy, contain gasoline or diesel pumps, primarily sell specialty items including specialty food, or dedicate at least 15% of their floor area to fresh foods and vegetables.

History of Small-Box Discount Stores in Toledo

Currently, the zoning code does not have a specific use category for small-box discount stores. These stores are classified under the “Retail Sales, General” use category, and are permitted in the CN, CM, CS, CR, and CD zoning districts with no use-specific standards.

There has been an increase in the number of small-box discount stores in Toledo, including eleven (11) new site plan reviews for new structures between 2010 and 2020. Because the use is allowed by-right, many other stores have obtained a certificate of occupancy and moved into existing buildings without needing a site plan review. Stores have located in a variety of Toledo neighborhoods, both on major streets and closer to residential neighborhoods. However, there are multiple secondary effects of small box discount stores.

Secondary Effects

There are a variety of secondary effects of Small-Box Discount Stores, which impact how they are viewed and ultimately how they are regulated.

STAFF ANALYSIS (Cont'd)

Secondary Effects (Cont'd)

The best-documented effect of Small-Box Discount Stores is their contribution to food deserts. The USDA defines a “food desert” as urban neighborhoods and rural towns without ready access to fresh, healthy, and affordable food. Instead of supermarkets and grocery stores, these communities may have no access to food, or are only served by fast food restaurants, convenience stores, and small box discount stores that offer few healthy, affordable food options. The lack of access to fresh, healthy food contributes to a poor diet and can lead to higher levels of obesity and other diet-related diseases, such as diabetes and heart disease. Small-box discount stores 1) provide unhealthy, prepackaged food with little or no fresh food options, 2) saturate the market, making it difficult for grocery stores and other sources of fresh food to stay in business, and 3) discourage new businesses and sources of fresh food from opening. In their 2018 report “Dollar Stores are Targeting Struggling Urban Neighborhoods and Small Towns. One Community is Showing Hot to Fight Back,” the Institute for Local Self-Reliance found that “there are no fresh vegetables, fruits, or meats in most dollar stores” and that “dollar stores are leading full service grocery stores to close. And their strategy of saturating communities with multiple outlets is making it impossible for new grocers and other local businesses to take root and grow.” The article compares Dollar Stores to an invasive species. “These stores are not merely a byproduct of economic distress. They’re a cause of it.” According to “Associations of supermarket accessibility with obesity and fruit and vegetable consumption in the conterminous United States,” limited access to supermarkets may reduce consumption of healthy foods, resulting in poor nutrition and increased prevalence of obesity. “An important element of the urban food desert concept is that decreased access to supermarkets and other sources of healthy food occurs in conjunction with increased access to convenience stores, fast-food restaurants, and other sources of unhealthy foods.” Small-box discount stores, especially when located in dense proximity to one another, compete for business with grocery stores and other local businesses, often forcing them to close and exasperating the problem of food deserts in urban neighborhoods, limiting access to healthy food for neighborhood residents.

The secondary effect which is perhaps easiest to see is site development, site maintenance and nuisance concerns. Existing Small-Box Discount Stores have often become code enforcement problems in the City of Toledo. The shopping center at the corner of Dorr and Collingwood currently hosts two small-box discount stores, and has played host to six (6) code enforcement cases in the past seven (7) years. The majority of the cases have been related to garbage on the site, overflowing dumpsters, and streets needing swept, citing these stores by name as the sources of violations. Additionally, multiple stores in Toledo have gone through the site plan review process, then attempted to open without meeting their approved building elevations, landscape plans, and/or conditions of approval. Because many small-box discount stores are built by out-of-town developers, purchased under the name of an LLC, and managed by local employees, it is often difficult to track responsibility for site maintenance. However, if the businesses needed a Special Use Permit to open, the Special Use Permit could be reviewed and revoked if conditions of approval are not met.

STAFF ANALYSIS (Cont'd)

Secondary Effects (Cont'd)

A larger effect of small-box discount stores is the economic impact that these stores have on residents, neighborhoods, and Toledo as a whole. On a human scale, these stores fail to pay a living wage to Toledo residents. According to the Massachusetts Institute for Technology, the living wage in Toledo for two working adults with two children is \$14.64/hour, and the number is higher for single adults and couples with more children. According to the Institute for Local Self-Reliance, "Dollar store jobs are not only fewer in number but also low-wage and low quality." Employees are not paid a living wage, and often work long hours without overtime. Court records reveal that dollar store chains have often faced class-action lawsuits for violating employment and labor law standards, including millions of dollars in wage violations, and have paid additional millions to settle such suits outside of court. Lastly, by not paying their employees a living wage, small box discount stores rely on taxpayers to subsidize the healthcare and basic needs of their employees.

As mentioned previously, research shows that the prevalence of new small-box discount stores leads to closures of neighborhood grocery stores. The Institute for Local Self Reliance writes that "Reports from local grocers in numerous communities suggest that it's typical for sales to drop by about 30 percent after a 'Dollar Store' opens. Thin margins in the grocery business mean that such a disruption is generally enough to force a local grocery store to close, although it may take months or even years before the owner finally gives in." Dollar stores densely populate urban areas that already have limited access to fresh food. By oversaturating the market with small-box discount stores, these new businesses force grocery stores and small businesses out of the neighborhood and make it nearly impossible for new grocers and other small businesses to take root and grow. The report cites numerous midwestern cities which have shared this experience. In Toledo, Swayne Field Shopping Center has historically housed a full-service grocery store serving the Monroe-Auburn neighborhood, including the largest Kroger in the United States when it was built in 1956, an independent grocery store, and recently Save-a-Lot. However, since 2010, three (3) new Small-Box Discount Stores have been built within a one-mile radius of the Swayne Field Shopping Center. Since then, Save-a-Lot, the neighborhood's only grocery store, has now closed, leaving the Monroe Auburn neighborhood without a grocery store. The draft Monroe Auburn Master Plan cites the new lack of a grocery store repeatedly as one of the neighborhood's most critical challenges. The oversaturation of small-box discount stores has already played a role in creating a food desert in one of Toledo's neighborhoods, and that this pattern could repeat continuously if left unregulated.

Regulatory options

As a part of this study, Plan Commission staff has contacted Planning and Zoning staff in other Ohio cities and studied zoning codes of communities around the United States to determine best practices for the regulation of Small-Box Discount Stores, and found a variety of regulatory options.

STAFF ANALYSIS (Cont'd)

Regulatory options (Cont'd)

The City of Cleveland has recently placed a moratorium on small box discount stores, preventing the review and issuance of zoning permits, certificates of occupancy and other licenses or permit applications for small box discount stores. Citing accessibility to fresh food, employee rights, and site safety, the City of Cleveland is currently in the process of studying options for the regulation of Small box discount stores, and Plan Commission staff has had ongoing conversations with City of Cleveland staff regarding this topic.

With research on the secondary effects of Small box discount stores still up-and-coming, many other cities in Ohio still classify these stores as retail stores, similar to the existing classification in Toledo's Zoning Code. However, national research found that several cities across the country are in the process of enacting regulations to limit the dense proliferation of Small box discount stores.

In 2016, Kansas City began requiring a Special Use Permit for new "small box variety stores" and enacted spacing requirements, mandating that new stores be located at least 10,000 feet from existing stores and at least 200 feet from a residentially zoned property.

In 2018, Tulsa, Oklahoma passed a dispersal standard requiring that new "Dollar Stores" be located at least 5,280 feet (1 mile) from existing stores.

In 2018, the city of Mesquite, Texas began requiring "Discount Variety Stores" to obtain a Conditional Use Permit and requires that stores must be at least 5,000 feet apart from one another.

In 2019, New Orleans passed an ordinance requiring that new "Dollar Stores" be located at least one mile from one another, with a greater distance required in two disadvantaged neighborhoods.

In 2019, Birmingham, Alabama established a "Healthy Food Overlay District" which now covers much of Birmingham's low-income neighborhoods and prevents new small box discount stores from opening within one mile of an existing small box discount store.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan makes several recommendations that this text amendment is designed to help realize. Toledo 20/20 recommends targeting economic development efforts at industries that create wealth to increase the median household income, and recommends increasing entrepreneurial opportunities to boost economic development for local business and pursuing entrepreneurs. The proposed text amendment is intended to discourage businesses which typically do not pay their employees a living wage and limit new developments that may hurt local businesses.

CONCLUSION AND RECOMMENDATION

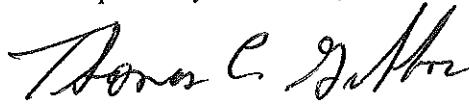
This study set out to research the history of small-box discount stores in Toledo, to examine the secondary effects that they have on our residents and our neighborhoods, and evaluate best practices for their regulation in other cities. Based on this research, staff is proposing a text amendment to better regulate small-box discount stores in Toledo moving forward.

As shown in Exhibit A, the proposed text amendment is intended to create a new use category, "Small box discount stores," and manage negative secondary effects by subjecting such stores to future review, ensuring that sites are developed and maintained according to all provisions of this zoning code and the Toledo Municipal Code. In addition, the proposed text amendment provides spacing requirements for new small-box discount stores, mandating that new small-box discount stores be at least one mile away from an existing store.

Subject to further internal review of the proposed definition for the new use category, the Toledo City Plan Commission recommends approval of the text amendment to TMC§1104.2600 regarding small-box discount stores to the Toledo City Council for the following reason.

1. The proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Zoning Code (TMC§1111.0506)

Respectfully submitted,



Thomas C. Gibbons
Secretary

Exhibit "A" Follows

Exhibit "A"
Proposed Code Section
Chapter 1104 | Use Regulations
Sec. 1104.0100 | Use Table

New Use Category to be created:

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
Commercial Use Types																	
Small Box Discount Store	-	-	-	-	-	-	S [33]	-	S [33]	S [33]	S [33]	S [33]	-	-	-	-	-

[33] Subject to standards of Sec. **Error! Reference source not found.** | Small Box Discount Stores

1104.2600 | Small Box Discount Stores

The following standards apply to small-box discount stores with a floor area between 5,000 and 15,000 square feet.

1104.2601 Negative Secondary Effects

The Special Use permit granted for a small box discount store shall be subject to review on an annual basis and may be amended or revoked by action of City Council in consultation with the Plan Commission if said small box discount store is determined to have significant negative secondary effects that have not been sufficiently alleviated under zoning, building or health code regulations. Negative secondary effects are defined as:

- A. Site development or maintenance that does not meet the stated requirements of this zoning code or other chapters of the Toledo Municipal Code.
- B. Litter, broken bottles and paper discards that diminish the aesthetics of the immediate area. (See Chapter 521 of the General Offenses Code).
- C. Noise, disruption from the store to the quiet enjoyment of adjoining residential districts, and public and civic uses. (See Chapter 507 of the General Offenses Code).
- D. Traffic, traffic noise and congestion.
- E. Pedestrian congestion which can intimidate individual patrons and disrupt neighborhood civility.

1104.2601 Spacing Requirements

- A. A small box discount store shall not be located within a 5,280-foot (1 mile) radius of another small-box discount store, whether that other small-box discount store is operating pursuant to a Special Use Permit or operating without such Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit.
- B. The distances specified in this section shall be measured per TMC 1106.0208, Distances for Spacing Requirements.

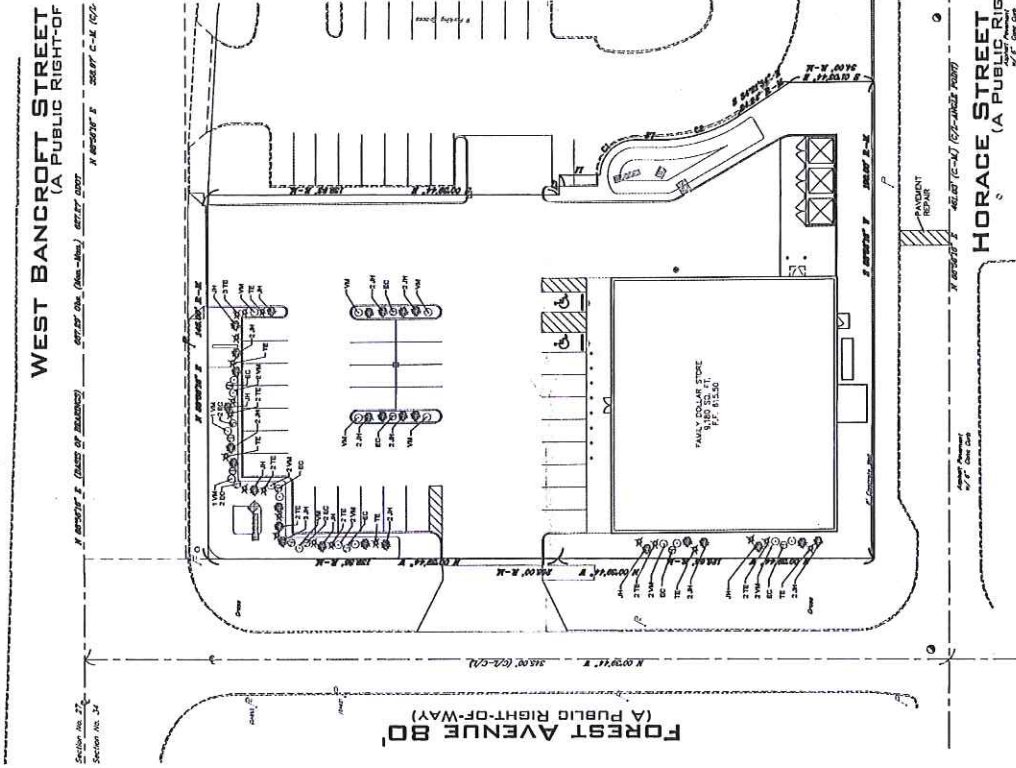
Exhibit “A” (Cont’d)
Proposed Code Section
Chapter 1116 | Terminology
Sec. 1116.0200 | Use Categories

1116.0246 Small Box Discount Store

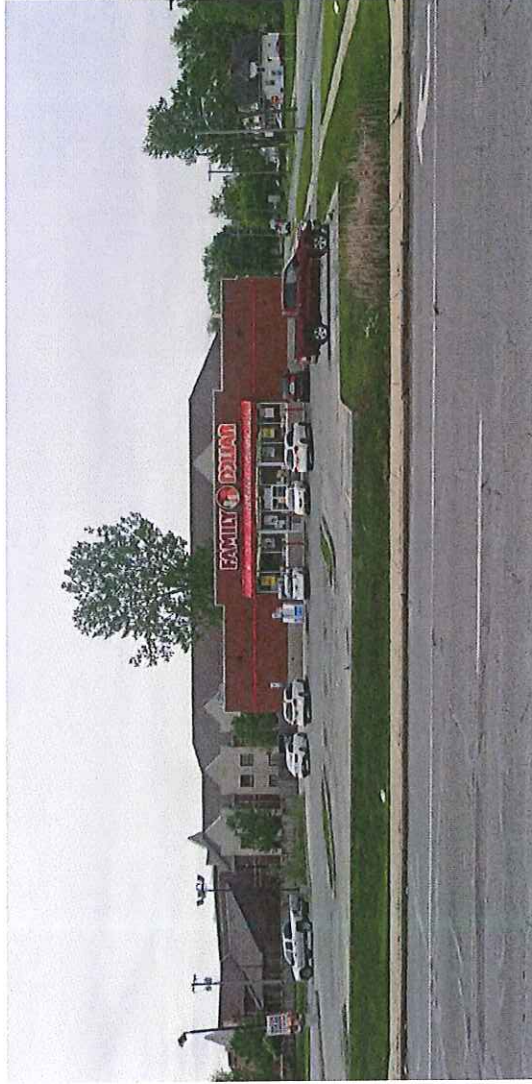
A store with a floor area between 5,000 and 15,000 square feet that offers food and/or beverages for off-premise consumption, household products, personal grooming and health products, and other consumer goods. It does not include stores that contain a prescription pharmacy, contain gasoline or diesel pumps, primarily sell specialty items including specialty food, or dedicate at least 15% of their floor area to fresh foods and vegetables.

26. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.

Condition of Approval

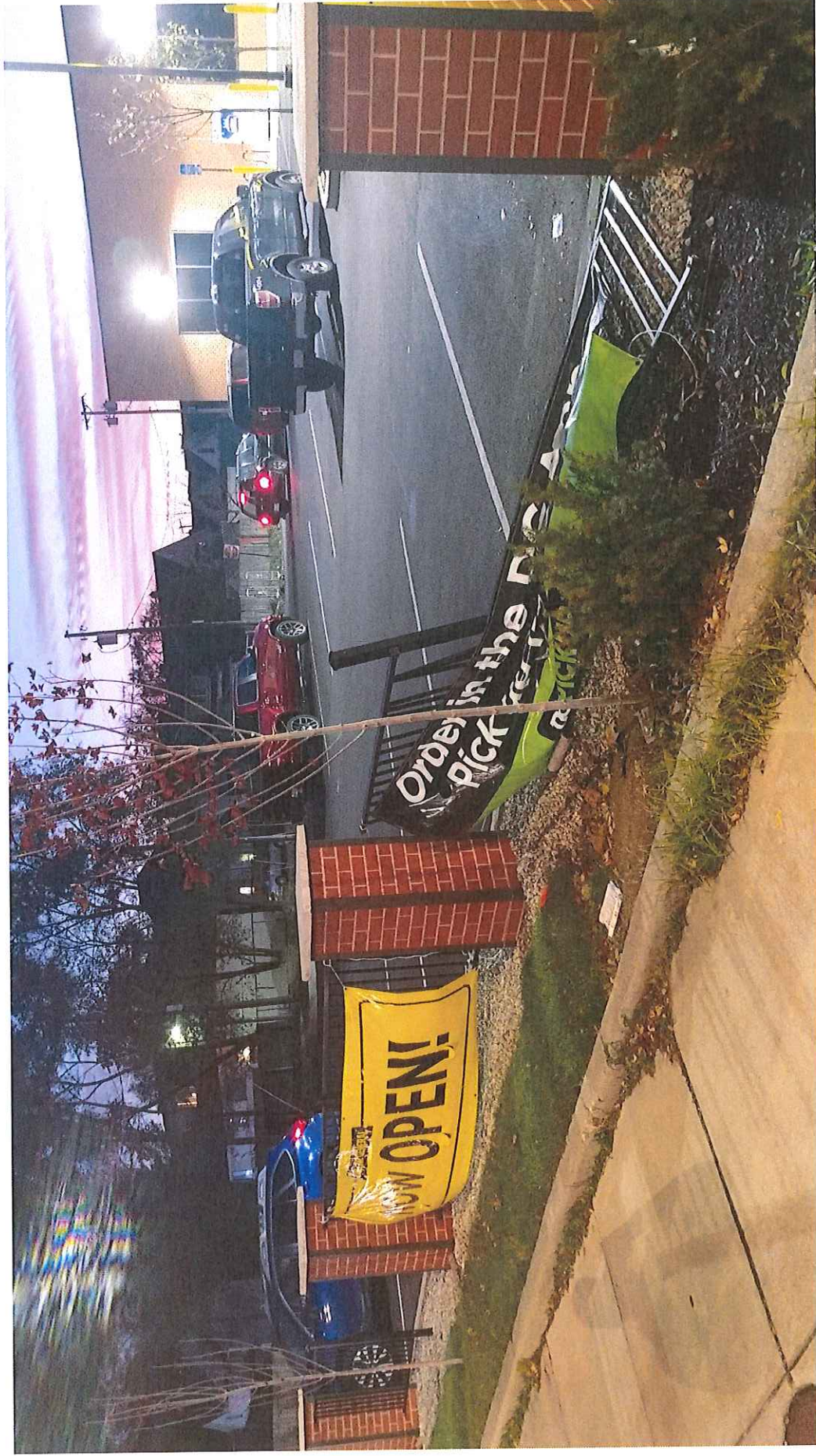


Approved Site Plan



Existing Site

1121 W Bancroft Street.
Landscaping Conditions.



Store Parking Lot.
404 E. Broadway St.



Store Parking Lot.
3136 Lagrange St.

Lascheid, Matthew

From: Lascheid, Matthew
Sent: Monday, November 2, 2020 7:21 PM
To: Steve Brophy
Cc: Cottrell, Lisa; Jerome Parker; Crystal Ghassemi; Todd Hamula; Greg Potts; Matthew Simonsen; Dennis Young; Todd Burton; Gibbons, Thomas
Subject: RE: Request of a deferral of dollar store moratorium
Attachments: M-9-20_Staff_Report_Complete.pdf

Hi Steve,

Thank you for reaching out. I understand that Dollar General is one of the stores that is impacted by the study that Plan Commission is working on.

Regarding your request for a deferral of a moratorium, there is no proposed moratorium at this time. There was a moratorium on Small-Box Discount Stores that only applied to a small portion of Toledo, and that moratorium is set to expire on December 31, 2020. As a part of that ordinance, Plan Commission was asked to perform a study on Small-Box Discount Stores, their impacts on neighborhoods and how other cities have handled them. That study is set to be presented to City Council on December 9th, prior to the expiration of the current moratorium on December 31st. The moratorium cannot be extended for another 2 months, although I don't think that an extension of the current moratorium would be desirable. We are proposing to create a new use category for Small-Box Discount Stores, like Dollar General, that would need a Special Use Permit with spacing requirements. This is very similar to how convenience stores are currently regulated in Toledo and what we've seen done in other cities across the country. We hope to have this new zoning classification officially adopted by December 31st and the existing moratorium will expire. I've attached the staff report outlining the study and our proposal.

Plan Commission understands the concerns regarding fresh food being sold at Dollar General. As a part of this study, I visited several stores including three Dollar Generals, as well as Family Dollars and Dollar Trees. What I found was that Dollar Generals in Toledo did sell a limited selection of frozen meats and vegetables, as well as some canned vegetables, dairy, and eggs as you mentioned below. However, the selection at our stores was sparse, especially compared to unhealthy options (1 small shelf with a few cans of pineapple chunks being the only fruit options in the store, juxtaposed with an entire aisle dedicated to chips and cookies). This lack of healthy food options contributes to the food desert problem outlined in the report. Additionally, the three Dollar General stores that I visited in Toledo exhibit significant amounts of litter in the parking lot and around the foundation of the building, as well as broken fencing and landscaping that has never been installed. Here is an image from the Dollar General at 3136 Lagrange Street as an example of this consistent issue.



These sites have been part of ongoing code enforcement battles, some of which have gone to court, yet the sites still exhibit these conditions. Staff spent considerable time visiting these stores, including Dollar Generals, over the past few months; our findings from surveying the stores that are already operating in our community are what lead to the report and text amendment that we are proposing.

I am aware of the literacy program, Todd and Tom from the Zaremba group spoke positively about the program at our neighborhood meetings and I agree that this is a fantastic asset for the community.

I hope that this helps clear up any concerns. There is no proposed new moratorium, and the existing moratorium is set to expire upon the completion of this study at the end of the year.

Let me know if there is anything else that we can do.

Thank you,
Matt

-

Matt Lascheid
Associate Planner
Toledo Plan Commissions
One Government Center, Suite 1620
(419) 245-1201

From: Steve Brophy <sbrophy@dollargeneral.com>
Sent: Monday, November 2, 2020 2:41 PM
To: Lascheid, Matthew <Matthew.Lascheid@toledo.oh.gov>
Cc: thomas.Gobbons@toledo.oh.gov; Cottrell, Lisa <Lisa.Cottrell@toledo.oh.gov>; Jerome Parker <JParker@gkplaw.net>; Crystal Ghassemi <cghassem@dollargeneral.com>; Todd Hamula <THamula@zarembagroup.com>; Greg Potts <GPotts@zarembagroup.com>; Matthew Simonsen <msimonse@dollargeneral.com>; Dennis Young <deyoung@dollargeneral.com>; Todd Burton

<tburton@dollargeneral.com>

Subject: Request of a deferral of dollar store moratorium

Matthew,

I am writing today to request an opportunity to discuss a suggested moratorium on small box discount retailers in the Toledo area with the Toledo Planning Commission. In an effort to foster a more informed decision by the Planning Commission and the City, I am initially asking for a two-month deferral of your consideration of a moratorium in order to have fruitful conversations.

Much of the information I have read on this measure focuses on an inaccurate perception of the lack of healthy foods offered at "dollar" stores. Speaking only for Dollar General, we continue to offer the components of a healthier diet that we've carried for years and have recently undertaken several initiatives that build upon our food assortments to facilitate healthier options for our customers. These initiatives expand our frozen and refrigerated food options that include frozen vegetables and fruits; frozen proteins including chicken, ground beef and seafood, as well as eggs and fresh dairy products including milk, cheese, yogurt and more, as well as shelf-stable items including canned vegetables, canned fruits and grains. Our critical role in the communities we serve has never been more evident than our operations during COVID. Dollar General has been applauded for the essential roles our stores have played by *Forbes* magazine

<https://link.zixcentral.com/u/bef97912/nAPZmEMd6xGqFtz5hnsoMg?u=https%3A%2F%2Fwww.forbes.com%2Fsites%2Ffezequielminaya%2F2020%2F05%2F26%2Fthe-forbes-corporate-responders-new-ranking-of-nations-top-employers-responses-to-pandemic%2F%3Fsh%3D7f9537b24a51> and a recent Harris Poll <https://link.zixcentral.com/u/ea097e87/hijZmEMd6xGQ8dz5hnsoMg?u=https%3A%2F%2Fchainstoreage.com%2Fwalma> [rt-among-retailers-playing-truly-essential-role-during-covid-19](https://link.zixcentral.com/u/ea097e87/hijZmEMd6xGQ8dz5hnsoMg?u=https%3A%2F%2Fchainstoreage.com%2Fwalma).

I welcome the opportunity to discuss findings from the Center for Disease Control and Prevention (CDC), which has told me directly that customers can eat healthfully at a Dollar General store and share one of the many press articles about the addition of fresh produce to hundreds of Dollar General stores this year alone. I would also like to highlight our work with a nutritionist to create and publish recipes of good tasting, nutritious and affordable options for our customers to completely source at their nearby Dollar General.

We believe Dollar General's presence in Toledo is a positive one where more than 175 individuals have career opportunities and where the Dollar General Literacy Foundation has awarded more than \$100,000 since 2016 to improve residents' lives through literacy and education. Frankly put, a dramatic, anti-consumer and anti-competitive moratorium will chill positive investment in your City and foster a reputation that Toledo is closed for business. That anti-business reputation may have a likely unintended consequence of setting investment in your community back. Added to that headwind is the fact that many retail counterparts are contracting local growth-- not expanding like Dollar General.

I am hopeful that you and the Planning Commission are willing to have a substantive and constructive conversation about the positive role Dollar General stores play in your community and help us understand the City's perspective on what resource we can provide. We have been successful in forging win-win relationships in many areas we serve, most notably in Baton Rouge, Louisiana, and are hopeful for an equally mutually-beneficial relationship with Toledo.

Best regards,

Steve

Steve Brophy

Vice President of Government Affairs

615-855-5150 (Office direct)

615-574-5853 (Cell)

Dollar General Corporation

100 Mission Ridge

Goodlettsville, TN 37072

DOLLAR GENERAL

Links contained in this email have been replaced by ZixProtect Link Protection. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



Mr. Matt Lascheid

Lucas County Plan Commission

Re M-9-20

Study of Small Box Discount Stores

Dear Mr. Lascheid,

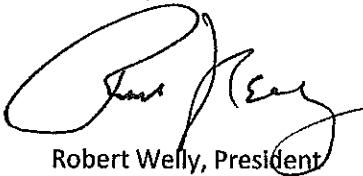
The Broadway Corridor Coalition has authorized me to convey our support for the above matter as well as the anticipated text amendment on this subject.

As you know, we recently went through protracted discussions and negotiations with the developer for the Dollar General being constructed on South Ave. although we were able to extract some concessions regarding the materials used and the appearance of the building, we were unsuccessful in opposing its construction. The new building is only about 800 feet from an existing dollar store.

It was the desire of the Old South End community, as expressed in numerous neighborhood meetings, that this building not be constructed. However, the zoning was appropriate, and we had few tools available to oppose it. The proposed text amendment will provide more leverage to neighborhoods facing similar construction proposals. It is our opinion that such stores do not add to the value of a neighborhood and, in fact, contribute to its deterioration. They tend to become problem properties in terms of upkeep, litter, and act as a gathering place for undesirable activity.

Please let me know if we can be of any further support on this matter.

Sincerely,



Robert Welly, President



Legislation Details (With Text)

File #:	O-166-20	Version:	1	Name:	
Type:	Ordinance	Status:		Approved	
File created:	5/8/2020	In control:		City Council	
On agenda:	5/19/2020	Final action:		5/20/2020	
Title:	Declaring a Moratorium until December 31, 2020, on the review and issuance of any zoning permits, building permits, certificates of occupancy, or other licenses or permits for Small Box Discount Stores along Dorr St. between Collingwood and Parkside; and declaring an emergency.				

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/20/2020	1	City Council		
5/20/2020	1	City Council		

Councilman Riley

Declaring a Moratorium until December 31, 2020, on the review and issuance of any zoning permits, building permits, certificates of occupancy, or other licenses or permits for Small Box Discount Stores along Dorr St. between Collingwood and Parkside; and declaring an emergency.

SUMMARY & BACKGROUND:

There has been a significant increase in the number of Small Box Discount Stores throughout the City of Toledo. A "Small Box Discount Store" is considered and defined as a store with a floor area less than 15,000 square feet that offers food or beverages for off-premise consumption, household products, personal grooming and health products, and other consumer goods. It does not include stores that contain a prescription pharmacy, sell gasoline or diesel, primarily sell specialty food items or dedicate at least 15% of their floor area to fresh foods and vegetables.

Toledo City Council wishes to study the impact of the proliferation of Small Box Discount Stores on the public health and safety of surrounding neighborhoods. Many Small Box Discount Stores dedicate less than 15% of the available shelf space to the sale of fresh produce and offer a limited amount of processed foods. Studies in other cities have shown that the saturation of certain areas with Small Box Discount Stores results in reduced access to healthy food options. Additionally, studies have raised concerns about safety and security in areas surrounding Small Box Discount Stores due to a high incidence of crime and theft in and around them. Toledo City Council has determined that it is in the best interest of the City to study the impact of Small Box Discount Stores on the public health and safety of the surrounding neighborhoods.

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

SECTION 1. For the reasons stated in the Summary & Background, this Council establishes a moratorium on the review and issuance of zoning permits, building permits, certificates of occupancy, and

other licenses or permits for Small Box Discount Stores along Dorr St. between Collingwood and Parkside, as defined in the Summary and Background, on applications filed after the effective date of this moratorium. This moratorium shall be in effect until December 31, 2020, or such time as the City has established regulations regarding the review and issuance of same for Small Box Discount Stores, whichever is earlier.

SECTION 2. That Toledo City Council instructs the City Plan Commission and the Division of Building Inspection to conduct a study on the impact of the proliferation of Small Box Discount Stores on the public health and safety of surrounding neighborhoods, and report its findings to Toledo City Council on or before December 31, 2020.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason being that a moratorium is necessary to allow time to study the public health and safety impact of Small Box Discount Stores in the City of Toledo.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council