



Legislation Details (With Text)

File #: O-278-22 **Version:** 1 **Name:**
Type: Ordinance **Status:** Agenda Ready
File created: 5/27/2022 **In control:** City Council
On agenda: 6/7/2022 **Final action:**
Title: Declaring a Moratorium until December 7, 2022, on the acceptance of any applications requesting permits for one or more liquid petroleum gas containers of more than 2,000 gallons water capacity in the aggregate; in a residential district; and declaring an emergency.
Sponsors: Matt Cherry
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
6/7/2022	1	City Council	Referred To:	Pass

Council President Cherry

Declaring a Moratorium until December 7, 2022, on the acceptance of any applications requesting permits for one or more liquid petroleum gas containers of more than 2,000 gallons water capacity in the aggregate; in a residential district; and declaring an emergency.

SUMMARY & BACKGROUND:

A recent application for a 30,000-gallon propane tank to be located in a residential district and densely populated area has brought into discussion the concerns of larger tanks in residential areas. The Toledo Municipal code requires as an accessory to obtain a Special Use Permit. A review is being requested by looking at other cities as to whether they are allowed in other municipalities in densely populated areas such as residential zoning.

The Toledo Municipal Code Section; 1105.0500 Liquid petroleum gas storage in Residential Districts, reads as follows:

1105.0501 Special Use approval in accordance with Section 1111.0700 is required for liquid petroleum gas storage in Residential Districts in the following instances:

A. One or more liquid petroleum gas containers of more than 2,000 gallons water capacity in the aggregate; or

B. A central supply serving three or more dwelling units, or more than one building not including accessory structures.

(Ord. 170-04. Passed 3-23-04.)

1105.0502 Installations must conform to:

A. The requirements for permits set forth in Chapters 1511 of the Fire Prevention Code and 1365 of the Building Code pertaining to liquefied petroleum gases; and

B. regulation promulgated by the Fire Prevention Bureau and the Division of Building Inspection relative to the storage, handling and installation of equipment for liquefied petroleum gases.

(Ord. 170-04. Passed 3-23-04; Ord. 510-21. Passed 9-28-21.)

1105.0503 The Special Use review should address at least the following matters:

- A. Fencing and/or barriers, screening and landscaping, subject also to Fire Prevention Bureau review.
- B. Location within the subdivision or residential area.
- C. Effect on the surrounding land use or uses.
- D. Vehicular access.

(Ord. 170-04. Passed 3-23-04.)

A moratorium is being placed on the acceptance of an application for a Special Use Permit or the issuance of the permits for any tank falling under TMC 1105.01 A and B, in the City of Toledo. This is necessary to allow time for the Plan Commission to review and hold appropriate hearings regarding any amendments to this section of the code.

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 in the City of Toledo on applications filed after the effective date of this moratorium. This moratorium shall be in effect until December 7, 2022, or such time as the City has established regulations regarding the review and issuance of permits for propane tanks in residential districts when greater than 2000 gallons, whichever is earlier.

SECTION 2. 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 3. 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 additional time to study the report and recommendations of the Plan Commission and the public health and safety impact of locating large propane tanks in residential zoning districts, 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