



## Legislation Details (With Text)

**File #:** O-248-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** In Committee  
**File created:** 5/17/2019      **In control:** Toledo City Plan Commission  
**On agenda:** 5/28/2019      **Final action:** 12/31/2019  
**Title:** Amending Toledo Municipal Code, Part Eleven, Subsections 1104.0600 and 1116.0217; enacting new Subsections 1104.0600, 1116.0217 regarding convenience stores; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/28/2019	1	City Council	refer	Pass

Councilman Riley

### **Amending Toledo Municipal Code, Part Eleven, Subsections 1104.0600 and 1116.0217; enacting new Subsections 1104.0600, 1116.0217 regarding convenience stores; and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

The request is a Text Amendment to TMC§1104.0600 *Convenience stores* and TMC§1116.0217 *Food and Beverage Retail Sales* and is intended to add text regarding convenience store facilities.

The goal of the amendment is to address the economic, health, and safety concerns associated with the concentration of convenience stores and their impact on residents of Toledo. Convenience store use regulations were initially enacted in 2004 to control the secondary effects on crime and blight associated with these businesses. Since that time, the convenience store model has grown to include stores in excess of 5000 square feet. These stores are proliferating with no spacing, litter or congestion elimination restrictions in place.

The proposed text amendment will not impact any existing convenience stores established in the City of Toledo, however any new convenience stores will be subject to the proposed legislation. As stated in TMC§1101.0400, the Zoning Code is intended protect the health, safety, and general welfare of the citizens of Toledo.

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

SECTION 1. That Part Eleven Subsection 1116.0217, Planning and Zoning which reads as follows:

#### **1116.0217 Food and Beverage Retail Sales.**

Retail sale of food and beverages for home consumption. Typical uses include groceries and delicatessens. There are two types of Food and Beverage Retail Sales uses:

- A. Convenience Stores, with a floor area of less than 5,000 square feet; and
- B. Large Stores, with a floor area of 5,000 square feet or more.

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

be amended to read as follows:

**1116.0217 Food and Beverage Retail Sales.**

Retail sale of food and beverages for home consumption. Typical uses include groceries and delicatessens. There are two types of Food and Beverage Retail Sales uses:

- A. Convenience Stores, with a floor area of less than 11,000 square feet; and
- B. Large Stores, with a floor area of 11,000 square feet or more.

SECTION 2. That a new Part Eleven Subsection 1104.0600 which reads as follows:

**1104.0600 Convenience stores.**

The following standards apply to convenience stores with a floor area of less than 5,000 square feet. (Ord. 170-04. Passed 3-23-04.)

be amended to read as follows:

**1104.0600 Convenience stores.**

The following standards apply to convenience stores with a floor area of less than 11,000 square feet.

SECTION 3. That this Ordinance hereby is 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 same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide for the orderly development of the area and to protect the land values in the area.

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