



Legislation Text

File #: O-060-21, **Version:** 1

Council Members, Adams, Gadus, Komives, Whitman and Williams

Declaring a Moratorium until June 1, 2021, on the review and issuance of any zoning permits, building permits, certificates of occupancy, or other licenses or permits for Small Box Discount Stores in the City of Toledo; and declaring an emergency.

SUMMARY & BACKGROUND:

Ordinance 166-20 establishing 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 expired on December 31, 2020. 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-premises 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 initiated a study by the Toledo City Plan Commission to research the history of Small Box Discount Stores in Toledo, to examine the secondary effects that they have on city residents and city neighborhoods, and evaluate best practices for their regulation in other cities.

The study looked into the impact of the proliferation of Small Box Discount Stores on the public health and safety of surrounding neighborhoods. The study concluded that there are multiple secondary effects of small box discount stores, the best-documented being their contribution to food deserts, leading to poor diets and higher levels of obesity, diabetes, and heart disease. The prevalence of small box discount stores leads to closures of neighborhood grocery stores, further limiting the availability of healthy food options.

Additionally, it was determined that Small Box Discount Stores pose 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 code enforcement cases in the past seven years.

Based on the study, the City’s Plan Commission proposed a text amendment to better regulate Small Box Discount Stores in Toledo. The amendment would require a Special Use Permit to open Small Box Discount Stores which would allow for review and revocation if conditions of approval are not met. The Toledo City Council Zoning and Planning Committee hearing on the amendment is not scheduled until March 17, 2021. In the meantime, Small Box Discount Stores continue to announce plans to expand in urban areas, virtually unregulated. A moratorium on the issuance of zoning permits, building permits, certificates of occupancy, or other licenses or permits for Small Box Discount Stores in the City of Toledo is necessary to allow time for Council to review the Plan Commission report and hold appropriate hearings regarding the proposed legislation.

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 as defined in the Summary and Background, in the City of Toledo on applications filed after the effective date of this moratorium. This moratorium shall be in effect until June 1, 2021, 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. 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 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