



## Legislation Text

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**File #:** R-544-21, **Version:** 1

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Council Members Hobbs and Ludeman

**Submitting to the Toledo City Plan Commission an amendment to TMC 1104.0603 to remove the 2000 ft spacing requirement between convenience stores in a Special Use Permit; authorizing a public hearing on said text amendment and publication of said hearing; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The Toledo City Council proposes a text amendment to Toledo Municipal Code subsection 1104.0603 Spacing Requirements.

The spacing requirement for convenience stores was first added to the TMC in 1993 by Ordinance 781-93. The 2004 comprehensive rewrite of the zoning code resulted in the removal of the spacing requirement. Legislation passed in 2009 (568-09) reinstated the spacing requirement. The text change prohibited a convenience store from locating within 2,000 feet of another convenience store or within 1,000 feet of schools, parks, libraries, licensed day cares or children-oriented uses. Existing convenience stores would be provided a legal conforming status.

This proposed amendment will remove the required 2000 ft spacing requirement between convenience stores. The consequences of having that section has allowed for establishments to have government protection by controlling new competition through the zoning process.

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

SECTION 1. That part Eleven, Planning and Zoning, Toledo Municipal Code Section 1104.0603 which reads as follows:

### **1104.0603 Spacing Requirements**

- A. A convenience store shall not be located within a 2,000 foot radius of another convenience store, whether that other convenience 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. A convenience store shall not be located within a 1,000 foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.
- C. The distances specified in this section shall be measured per TMC 1106.0208 *Distances for Spacing Requirements*.

- D. A convenience store shall not be subject to the foregoing restrictions if the convenience store is located within the boundaries of any Community Entertainment District (CED) now in existence or subsequently established by ordinance of City Council.

SECTION 2. That part Eleven, Planning and Zoning, Toledo Municipal Code Section 1104.0603 be amended to read as follows:

**1104.603 Spacing Requirements**

- A. A convenience store shall not be located within a 1,000 foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.
- B. The distances specified in this section shall be measured per TMC 1106.0208 *Distances for Spacing Requirements*.
- C. A convenience store shall not be subject to the foregoing restrictions if the convenience store is located within the boundaries of any Community Entertainment District (CED) now in existence or subsequently established

SECTION 3. That the request for a proposed text amendment is hereby referred to the Toledo City Plan Commission for its review, recommendation and appropriate hearing date. That a public hearing upon a proposed ordinance to effectuate the above described change shall be held in the Council Chambers at One Government Center and the Clerk of Council is hereby authorized and directed to give notice of the time and place of said hearing in the manner required by the law.

SECTION 4. That this Resolution hereby is declared to be an emergency measure and shall take effect and be in force immediately from and after its adoption. 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 for the further reason that this Resolution must be immediately effective so that the text amendment can be expeditiously forwarded to the Toledo City Plan Commission so the proper time may be committed for the proposed text amendment.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Adopted: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor