



## Legislation Text

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**File #:** O-353-18, **Version:** 1

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### Zoning & Planning Committee

#### **Amending Toledo Municipal Code, Part Eleven, Planning and Zoning, Chapters 1104, 1107 and 1116 for Special Use Permit (SUP) for Sweepstake Terminal Cafes; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

##### Use Regulations

Currently the Zoning Code categorizes Sweepstake Terminal Cafes under the Indoor Sports and Recreation, Participant use category which is permitted by right within the Regional Commercial (CR), Downtown Commercial (CD), and Limited Industrial (IL) zoning districts. Other than complying with the appropriate zoning classification, there is little land use regulation on Sweepstake Terminal Cafes. As a result, the proposed Text Amendment will require Sweepstake Terminal Cafes to obtain a Special Use Permit and only locate in the CR zoning district. Additionally, new use regulations for Sweepstake Terminal Cafes would be enacted under TMC§1104.2500, including hours of operation and spacing requirements intended to enhance the existing licensing requirements.

As stated in TMC Part Seven: Business Regulation Code Chapter 736.03(a), a Sweepstake Terminal Cafe is required to obtain an annual license from the City of Toledo Department of Finance, Division of Taxation and Treasury. Included in TMC Part Seven is the regulation of Sweepstake Terminal Cafe locations. As listed in Chapter 736.06(a), no license shall be granted to a Sweepstake Terminal Cafe that is within 500 feet from the boundaries of a parcel of real estate having situated on it a school, public library, public playground.

The proposed Text Amendment applies additional spacing limitations on the locations of Sweepstake Terminal Cafes that is consistent with other commercial uses which have the potential to create negative secondary effects on surrounding property owners and/or neighborhood. The proposed spacing requirement is similar to the existing regulations for Convenience Stores and would require Sweepstake Terminal Cafes to be at least 2,000 feet from any existing establishment and 1,000 feet from any school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

##### Parking Requirements

The proposed Text Amendment will provide parking requirements for Sweepstake Terminal Cafes within TMC§1107.0300. Similar to other general commercial use types, the proposed text requires a minimum of one (1) off-street parking space per 300 square feet of floor area. Additionally, the proposed text will require the minimum number of bicycle parking slots on site to be one (1) space per ten (10) vehicle parking spaces.

##### Use Categories

Currently the Zoning Code categorizes Sweepstake Terminal Cafes under the Indoor Sports and Recreation, Participant use category. The proposed Text Amendment will provide a separate use category for Sweepstake Terminal Cafes within the Zoning Code under TMC§1116.0200. As stated in Chapter 736.02(a), a Sweepstake

Terminal Cafes is defined as “Any business, establishment, room or place where four (4) or more entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time”. For the purpose of clarity and consistency, the proposed use category will incorporate a similar definition for Sweepstake Terminal Cafes as listed in the Business Regulation Code with the distinction of including “game of chance” as a defining characteristic for entertainment devices.

### Research of other Ohio Cities

Some cities across Ohio have amended their zoning codes to include language about land use activities associated with Sweepstake Terminal Cafes. In most cases, cities require Sweepstake Terminal Cafes to be licensed. Cleveland, Cincinnati, Columbus and Dayton were surveyed for zoning regulations which pertain to Sweepstake Terminal Cafes. Several major cities have enacted zoning regulations specific to location of Sweepstake Terminal Cafes and similar uses. For example, the city of Cleveland subjects all Amusement, Recreation, Tattooing and Body Piercing Uses to a 500 foot spacing requirement from existing establishments and other specific land uses (i.e. public park, library, school, church, etc.). Additionally, the city of Columbus classifies Sweepstake Terminal Cafes as Amusement Arcades and requires compliance with the provisions of a Special Permit within the appropriate commercial zoning district.

### Conclusion and Recommendation

The proposed text is intended to further define and apply use regulations pertaining to Sweepstake Terminal Cafes. Staff recommends approval of the proposed Text Amendment in order to correct an inconsistency in the Zoning Code where Sweepstake Terminal Cafes are not clearly defined or regulated. Furthermore, staff recommends approval of the request because it meets the challenge of a changing condition where Sweepstake Terminal Cafes have become more prevalent in the City of Toledo. A copy of the proposed Text Amendment language is attached as Exhibit “A”.

On July 12, 2018 the Toledo City Plan Commission considered and recommended approval of the requested text amendment.

On August 14, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval of the requested text amendment.

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

SECTION 1 That Toledo Municipal Code, Part Eleven, Subsection 1104.0100, be amended to read as follows:

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
<b>Commercial Use Types</b>																	
Sweepstake Terminal Cafes	--	--	--	--	--	--	--	--	--	--	S [32]	--	--	--	--	--	--

[32] Subject to standards of Sec. 1104.2500 | Sweepstake Terminal Cafes

SECTION 2 That Toledo Municipal Code, Part Eleven, Subsection 1104.2500, be amended to read as follows:

Section 1104.2500 - Sweepstake Terminal Cafes

The following standards apply to Sweepstake Terminal Cafes as defined in Sec. 1116.0200 of this code.

1104.2501 Spacing Requirements

- A. A Sweepstake Terminal Cafe shall not be located within a 2,000 foot radius of another Sweepstake Terminal Cafe. This spacing shall apply to Sweepstake Terminal Cafes 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 Sweepstake Terminal Cafe shall not be located within a 1,000 foot radius of a church, 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.

SECTION 3 That Toledo Municipal Code, Part Eleven, Subsection 1107.0300, be amended to read as follows:

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required
<b>Commercial Use Types</b>		
Sweepstake Terminal Cafes	1 per 300 square feet	1 per 10 parking spaces

SECTION 4. That Toledo Municipal Code, Part Eleven, Chapter 1116, be amended to read as follows:

Add New Use Category, Renumber Subsequently - TMC§1116.0200:

1116.0200 Sweepstake Terminal Cafes

Any business, establishment, room or place where four (4) or more game of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.

Amend Existing Use Category - TMC§1116.0247(A):

1116.0247 Sports and Recreation, Participant

Provision of sports or recreation primarily by and for participants. Spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types:

A. Indoor

Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard

parlors, arcades, swimming pools and physical fitness centers, but not including Sweepstakes Terminal Cafes.

Add New Terminology - TMC§1116.0100:

1116.0100 | General Terms

1116.0106.1	Arcades	Any business, establishment, room or place where customers play games of skill for rewards and/or prizes, may allow minors.
1116.0191.1	Sweepstakes Terminal Cafes	Any business, establishment, room or place where four (4) or more games of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.

SECTION 5. 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