



## Legislation Text

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**File #:** O-230-22, **Version:** 1

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Council Member Melden

**Authorizing the waiver TMC section 1111.0705 entitled “City Council Hearing and Decision” to allow the Zoning & Planning Committee of Toledo City Council to hold a public hearing prior to 30 days after receipt of the Plan Commission recommendation on Z-4001-22: Zone Change from CO to CN for the property located at 2909 W. Central Avenue; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The purpose of this ordinance is to waive TMC. Sec. 1111.0705 that states as follows:

Not less than 30 days after receiving the Plan Commissions recommendation or after having allowed the time required for the Plan Commissions consideration, the City Council must hold at least one public hearing on the proposed Special Use Permit. Following the public hearing, at the same or subsequent meeting, the City Council must take action to approve, approve with modifications or deny the proposed amendment based on the criteria of section 1111.0706.

Plans have been brought forth to open a Nutrition Shake Shop and the nearest classification for this type of business is fast food and therefore it is need to change the zoning. As the business would like to continue operations as soon as possible, the waiver is requested.

The public notice requirement prior to the Council hearing under TMC sections 1111.0702 and 1111.0302 and 1111.0303 will be provided.

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

SECTION 1. That TMC section 1111.0705 is waived to allow for a reduction in the required time period between the City Plan Commission hearing and the Zoning & Planning Committee public hearing. The Plan Commission hearing will be held on May 12, 2022 and the Zoning & Planning Committee will be held on Wednesday May 18, 2021.

SECTION 2. That the waiver of TMC Sec. 1111.0705 be limited to the following property located at 2909 W. Central Ave. and more described below:

Parcel no 07-50004

HAUGHTON PLACE LOT 2

SECTION 3. That this ordinance is hereby declared to be an emergency measure and shall take effect and be in force 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 for the further reason that the ordinance must be immediately effective in order for the redevelopment of an area and to allow an applicant who has met all requirements established by the City to proceed henceforth, in a timely manner.

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