



## Legislation Text

---

**File #:** O-286-20, **Version:** 1

---

Zoning & Planning Committee

### **Amending Toledo Municipal Code, Part Eleven, Subsection 1112.0202(C) - Composition; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

The proposed text amendment to modify TMC§1112.0202(C) - *Composition*, will allow for the addition of a Board of Zoning Appeals alternate for the Plan Commission member. Currently TMC§1112.0202(C) requires that one member of the Board of Zoning Appeals shall also be a member of the Plan Commission. Unfortunately, this provision does not allow there to be an appointed alternate on behalf of the Plan Commission member. The proposed text amendment will provide an option for the Plan Commission to appoint an alternate elector as a member of the Board of Zoning Appeals as shown in Exhibit “A”.

The current Zoning Code text reads, “*The other five members shall have been electors of the City for at least 3 years preceding the date of their appointment. One of such electors shall also be a member of the Plan Commission*”. *Whereas the proposed text amendment will include “or appointed alternate” at the end of said section.*

Staff recommends approval of the proposed text amendment in order to provide an option for an alternate member, appointed by the Plan Commission, to be a member of the Board of Zoning Appeals. The appointed member would need to satisfy the Plan Commission’s criteria for the position with a background and/or specialization in planning policy. Additionally, staff recommends approval of the proposed text amendment because it corrects an inconsistency in the Zoning Code where appointed members are typical across government review boards and commissions. Furthermore, appointed members on behalf of the Plan Commission will satisfy the intent and purpose of their membership on the Board of Zoning Appeals, due to their background in planning. Therefore, the proposed text amendment will meet the challenge of a changing condition.

On June 11, 2020 the Toledo City Plan Commission considered and recommended approval of the requested text amendment.

On July 15, 2020, Toledo City Council, Zoning & Planning Committee reviewed, and sent without recommendation 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 1112.0202(C), which reads as follows:

#### **1112.0200 | Board of Zoning Appeals**

**1112.0201 Creation**

A Board of Zoning Appeals is hereby established.

**1112.0202 Composition**

The Board of Zoning Appeals shall consist of seven members.

- A. One of such members shall be a member of the City Council who shall serve during his or her current elected term as councilperson.
- B. One member shall be the Director of Public Service or his or her designee.
- C. The other five members shall have been electors of the City for at least 3 years preceding the date of their appointment. One of such electors shall also be a member of the Plan Commission.
- D. The Mayor may, with the advice and consent of the City Council, appoint two designated alternates. One alternate shall be a member of City Council, to serve as a substitute for the appointed councilperson and one shall be a member of the Plan Commission, to serve as a substitute for the appointed Plan Commission member.

Be amended to read as follows:

**1112.0200 | Board of Zoning Appeals**

**1112.0201 Creation**

A Board of Zoning Appeals is hereby established.

**1112.0202 Composition**

The Board of Zoning Appeals shall consist of seven members.

- A. One of such members shall be a member of the City Council who shall serve during his or her current elected term as councilperson.
- B. One member shall be the Director of Public Service or his or her designee.
- C. The other five members shall have been electors of the City for at least 3 years preceding the date of their appointment. One of such electors shall also be a member of the Plan Commission *or appointed alternate*.
- D. The Mayor may, with the advice and consent of the City Council, appoint two designated alternates. One alternate shall be a member of City Council, to serve as a substitute for the appointed councilperson and one shall be a member of the Plan Commission, to serve as a substitute for the appointed Plan Commission member.

SECTION 2. 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 8, nays 0.

Passed: August 11, 2020, as an emergency measure: yeas 8, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

August 13, 2020  
Wade Kapszukiewicz  
Mayor