

**AMENDED ORDINANCE NO. 25 - 21**

**BY: Jessica Saad**

**An ordinance to amend Sections 1220.03, 1220.05, 1223.06, and 1223.08 to specify the membership, quorum, and majority vote of the Board of Zoning Appeals and Planning and the Architectural Review Board**

**WHEREAS,** The Architectural Review Board (ARB) and the Board of Zoning Appeals and Planning (BZAP) provide a critical service to the City in analyzing and approving proposed zoning and construction work in the City; and

**WHEREAS,** Continuity of board attendance between concurrent meetings can be critical to a well-considered outcome; and

**WHEREAS,** When one or two board members are missing from a meeting, the current rule requiring a majority of the full board for approval as opposed to a majority of those in attendance can disadvantage applicants in that it can necessitate super majority votes, and can lead to alternates being pressed to vote on an application they may not be fully familiar with if information was conveyed at prior meetings that they did not attend; and

**WHEREAS,** This ordinance is intended to encourage greater continuity between commission and board meetings and to provide better service to applicants throughout the approval process;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

**Section 1.**

That Chapter 1220.03 is hereby amended as follows:

**1220.03 MEMBERSHIP, TERM AND ORGANIZATION.**

(a) The Board of Zoning and Planning shall consist of seven (7) regular members and up to **two (2)** alternate members consisting of electors of the City not holding other municipal office.

(b) The members are to be appointed by the Mayor and approved by the majority of Council for terms of three (3) years each. Any vacancy during the term of a member shall be filled by an alternate member appointed by the mayor. Alternate members shall serve only during the absence of a regular Board member.

(c) The Board shall designate a Secretary. The duties of the Secretary shall be as designated in the Rules and Regulations as adopted by the Board from time to time.

## Section 2.

That Chapter 1220.05 is hereby amended as follows:

### 1220.05 QUORUM AND MAJORITY VOTE REQUIRED.

(a) Four (4) members shall constitute a quorum to conduct business, provided, however, that two (2) members, including the Chairperson, shall constitute a quorum for the purpose of adjourning a meeting.

(b) **A majority Four (4) votes** of the Board membership **in attendance** shall be required for rendering a final decision on any matter or proposal, including, for the Board, the forwarding to the City Council of a recommendation. (Ord. 29-16. Passed 11-15-16.)

## Section 3.

That Chapter 1223.06 is hereby amended as follows:

### 1223.06 MEMBERSHIP, TERM AND ORGANIZATION.

(a) The Architectural Review Board shall consist of five (5) regular members and up to **two (2)** alternate members consisting of electors of the City not holding other municipal office.

(b) The members are to be appointed by the Mayor and approved by the majority of Council for terms of three (3) years each. Any vacancy during the term of a member shall be filled by an alternate member appointed by the mayor. Alternate members shall serve only during the absence of a regular Board member.

(c) The Board shall designate a Secretary. The duties of the Secretary shall be as designated in the Rules and Regulations as adopted by the Board from time to time.

## Section 4.

That Chapter 1223.08 is hereby amended as follows:

### 1223.08 QUORUM AND MAJORITY VOTE REQUIRED.

(a) Three (3) members shall constitute a quorum to conduct business, provided, however, that two (2) members, including the Chairperson, shall constitute a quorum for the purpose of adjourning a meeting.

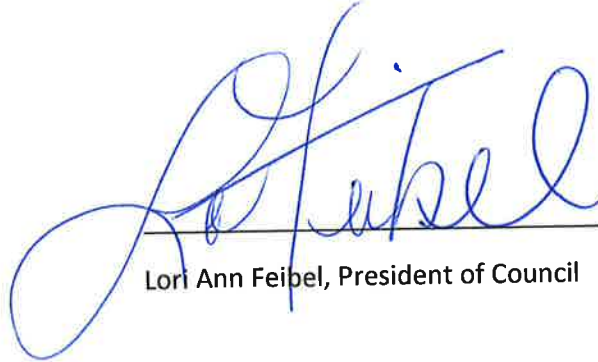
(b) ~~Three affirmative votes of members of the Board are~~ **A majority of the Board membership in attendance** is required to approve a final decision on any matter or proposal, including the forwarding to the Board of Zoning and Planning of a recommendation. ~~Fewer than three affirmative votes shall constitute a denial.~~

(c) Any member who has a conflict on any matter before the Board shall not participate in the matter in any way, including its presentation, discussions, or vote. However, a member may participate as an owner-applicant before the Board for property the member owns or has a legal right or interest in.

**Section 5.**

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed June 22, 2021

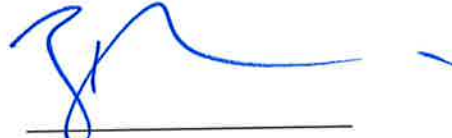


Lori Ann Feibel, President of Council

Attest: June 22, 2021

William Harvey, Clerk of Council

Approved: June 22, 2021



Benjamin Kessler, Mayor

First Reading: May 25, 2021

Second Reading:

Third Reading:

