

## **ORDINANCE NO. 04 - 24**

By: Sam Marcellino

**An Ordinance To Amend Sections 1226.12, 1230.61, 1254.03, 1254.09, 1254.11 and 1254.13, of the Codified Ordinances of the City of Bexley, Planning and Zoning Code To Repeal Sections 1254.05, 1254.12 of the City's Codified Ordinances and Enact New Sections 1254.05 and 1254.12, and to Amend the Zoning Classification and Official Zoning Map for All Property Located in the Commercial Service (CS) District and Certain Property in the Low Density Multifamily Residential (R-12) District to Mixed-Use Commercial (MUC) and Livingston Avenue District (LA) Overlay.**

**WHEREAS**, the Joint Livingston Avenue Plan, adopted by Council via Ordinance 20-22, detailed long-term goals and urban development principles for the commercial portion of the Livingston Avenue corridor, including enhanced pedestrian spaces; development of new structures to the street frontage; encouraging mixed-use commercial and affordable and market rate housing; relocating parking to the rear of properties; and encouraging rear access roads and consolidated curb cuts, among other recommendations; and

**WHEREAS**, the City wishes to further incorporate the provisions of the Livingston Avenue Plan into the commercial zoning district along Livingston Avenue; and

**WHEREAS**, zoning and overlay districts allow for unique and appropriate development opportunities that are harmonious with surrounding uses and in keeping with adopted plans and strategies of the City; and

**WHEREAS**, City Council has determined that it is in the interest of the city and the health, safety and welfare of the residents, property owners, public and city to amend the existing Planning and Zoning Code and Official Zoning Map as specified herein.

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

### **Section 1.**

That Section 1226.12 Conditional Uses of the Bexley Codified Ordinances is hereby amended as follows:

#### **1226.12 CONDITIONAL USES.**

The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, ~~and only if,~~ it meets the intent of this Zoning Code ~~and the intent of the zoning district in which the property is located,~~ fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has no obligation to approve ~~a~~ **one or more** Conditional Uses for any property. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use **or uses** will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. ~~Such uses shall only be approved if the applicant proves all the following factors are met:~~ **The following factors shall be considered and weighed by the Board when making a determination upon a Conditional Use:**

- (a) The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.
- (b) The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
- (c) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- (d) The property and any proposed modifications meet or satisfy the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted, except that BZAP may grant minor area variances necessary for the proposed conditional use.
- (e) The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.
- (f) The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
- (g) The use is in character, ~~and~~ keeping and compatible with the adjacent structures and uses **or uses permitted or conditionally permitted in the zoning classification.**
- (h) Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

**Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval. The Zoning Officer shall have the discretion and authority to delay the requirement to obtain a construction permit**

**by up to one year if an application for extension is received before the requirement for the filing of a construction permit expires.**

An approved Conditional Use must be substantially operational within 2 years of its approval. ~~Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval.~~ **BZAP shall have the discretion and authority to grant an extension of a Conditional Use permit if an application for extension is received before the Conditional Use permit expires.** A Conditional Use permit may be revoked by BZAP if the Board finds the conditions of approval of the existing Conditional Use permit are not met or maintained, the property ceases to be operated as an approved Conditional Use, or the continuance of the Conditional Use would pose a substantial risk to the public health, safety and welfare. A Conditional Use permit shall not be revoked without providing notice to the permit holder and the opportunity to be heard. A Conditional Use permit shall automatically expire if it ceases operation for more than one year.

## **Section 2.**

That Section 1230.61 Multifamily Dwelling is hereby amended as follows:

"Multifamily dwelling" means a building consisting of three or more dwelling units including condominiums, with various arrangements of entrances and party walls, ~~other than a~~ **including one or more** townhouses.

## **Section 3.**

That Section 1254.03, Mixed Use Commercial District (MUC) is hereby amended as follows:

### **1254.03 MIXED USE COMMERCIAL DISTRICT (MUC).**

The purpose of this District designated by the symbol "MUC" in this zoning code and on the official zoning map is to allow and encourage a strong local shopping and business center in the City. Mixed-use development should be allowed and encouraged.

Intersections, in particular, provide opportunities for mixed-use development that is integrated vertically and horizontally with adjacent properties and uses. Goals of the District include encouraging redevelopment with infill, new forms of mixed-use residential, commercial, office and pedestrian-oriented retail development, increasing development of residential spaces ~~within mixed-use projects~~ to provide additional support for retail oriented activities and supporting the ~~movement~~ **creation of complementary commercial, offices, retail** and residential uses individually or in combination in the District ~~above retail~~. Development standards within the District

should be flexible to promote appropriate redevelopment while preserving and enhancing the unique character of the District through the adoption and application of design guidelines.

#### **Section 4.**

That Section 1254.05 Commercial Service (CS) is hereby repealed and that new Section 1254.05 titled Livingston Avenue District (LA) is hereby enacted as follows:

##### **1254.05 LIVINGSTON AVENUE DISTRICT (LA).**

The Livingston Avenue District designated by the symbol "LA" in this Zoning Code and on the official zoning map, is an overlay district, the purpose of which is to facilitate the implementation of plans and vision for the revitalization of the City's mixed-use corridor and business area on Livingston Avenue. The LA District is intended to permit a diverse mix of individual and mixed land uses. Livingston Avenue District development applications are reviewed according to section 1254.12 and Council approved plans that affect the LA District including the Joint Livingston Avenue Plan, to promote redevelopment while creating a unique character of Livingston Avenue.

#### **Section 5.**

That Section 1254.09, Identification of Uses is hereby amended as follows:

##### **1254.09 IDENTIFICATION OF USES**

Uses specifically listed for one district but not included in another are intentionally omitted from the latter; uses specifically listed as Conditional Uses but not included as permitted uses are intentionally omitted as permitted uses. Uses not specifically defined in this Zoning Code carry their customary meanings. Questions of definition pertaining to uses allowed **and similar uses which may also be allowed** shall be decided by the Board of Zoning and Planning based on the intent of this Zoning Code and the intent of any district in question. Uses not listed as permitted or conditional in the following table **and uses that have not been determined by BZAP to be similar uses** are prohibited. Permitted uses are designated by "P" and Conditional Uses by "C" below.

**The following are designated as permitted and conditionally permitted uses in Bexley Zoning Districts as follows:**

USES	MUC	GC	CP: ZONE 1	CP: ZONE 2	OS
Retail sales to include general merchandise, food, apparel and accessories, home furnishings and equipment, drug stores, gift and specialty shops, sporting goods, office supplies and hardware	P	P	-	P	-
Retail services to include photographic studios, dry cleaners, barber and beauty shops, and small item repair services	P	P	-	P	-
Retail sales providing a special convenience service	-	C	-	-	-
Automotive repair	-	C	-	-	-
Automotive service stations / car wash	-	C	-	-	-
Restaurant	P	C	-	P	-
Tavern	P	-	-	P	-
Beverage / liquor store	C	-	-	C	-
Administrative, business, professional and similar office uses	P	P	-	P	-
Essential services	P	P	P	P	P
Accessory structures	P	P	P	P	P
Outdoor facility in association with other permitted use as specified in Main Street Guidelines	P	-	-	-	-
Outdoor facility in association with permitted use	C	C	-	-	-
Drive-through or outdoor facility in association with a	C	-	-	-	-

USES	MUC	GC	CP: ZONE 1	CP: ZONE 2	OS
non-food permitted use other than outdoor display					
Hotel or motel	C	-	-	C	-
Commercial parking lot	C	C	-	C	-
Other commercial or office uses similar to permitted uses and fulfilling intent of the district	C	C	-	C	-
Bed and Breakfast	C	-	-	C	-
Public uses	C	C	C	C	P
Quasi-public uses	C	C	-	C	P
Public service facility	C	C	C	C	C
Commercial amusement and recreation	C	C	-	-	-
Adult Use Cannabis Operator; Adult Use Cannabis Cultivator, or Adult Use Cannabis Dispensary	-	-	-	-	-
Funeral homes	C	C	-	C	-
Campus uses	-	-	P	P	-
<del>R-6 permitted uses (see Chapter 1252)</del>	-	-	<del>P</del>	-	-
<del>R-12 permitted uses (see Chapter 1252)</del>	-	-	<del>P</del>	-	-
Dwelling units on <b>all or any portion of</b> first floor, <b>including multi-family dwellings</b>	C		C	C	€
Dwelling units above first floor, <b>including multi-family dwellings</b>	P		C	P	€
<b>Single-family or Two-family dwellings</b>	-	-	P	-	-
Institutional uses associated with campus uses	-	-	C	-	-

USES	MUC	GC	CP: ZONE 1	CP: ZONE 2	OS
P = Permitted Use; C = Conditional Use					

The following are designated as Conditional Uses in the Livingston Avenue District (LA) overlay and supplement the uses or supersede any conflicting permitted or conditional uses in the underlying zoning district.

USES	LA
Retail sales providing a special convenience service	C
Automotive repair	C
Automotive service stations/car wash	C
Tavern	C
Drive through in association with food service, where permitted by Bexley City Charter	C
P = Permitted Use; C = Conditional Use	

#### **Section 6.**

That Section 1254.12 Commercial Service Design Standards is hereby repealed and replaced with Section 1254.12 Livingston Avenue District (LA) Design Standards as follows:

#### **1254.12 LIVINGSTON AVENUE DISTRICT (LA) DESIGN STANDARDS.**

The purpose of the Livingston Avenue District (LA) Design Standards is to apply standards designed for the Livingston Avenue corridor overlay district, the purpose of which is to facilitate the implementation of plans and vision for the City's mixed-use area on Livingston Avenue. The design standards are intended to establish, reinforce, enhance and unify the character and pedestrian-oriented amenities and development patterns of mixed-use commercial corridors; implement appropriate building standards that accommodate redevelopment and establish continuity and consistency along the corridors; and promote development that features pedestrian amenities, landscaping, façade transparency, rear parking lots, quality architecture, and appropriately scaled lighting.

The Livingston Avenue District Design Standards outlined in Chapter 1254.12, supersede design standards for all areas contained in the Livingston Avenue District overlay, regardless of underlying zoning district.

CATEGORY	DESIGN STANDARDS
Applicability	<ul style="list-style-type: none"> <li>a. The placement, construction, or reconstruction of a principal building and/or the alteration of its site, is subject to all standards and requirements of the Livingston Avenue (LA) Design Standard.</li> <li>b. The extension or expansion of a building towards a public street is subject to all the applicable provisions herein.</li> <li>c. Exterior alteration of a primary building frontage is subject to applicable provisions of Section 1254.12 below.</li> <li>d. The construction or installation of a new parking lot, graphic, exterior lighting, fencing, landscaping, or other accessory structure is subject to all the applicable provisions herein.</li> </ul>
Buildings	<ul style="list-style-type: none"> <li>e. A principal building shall be oriented to address and be nearly parallel to a primary street. Nearly parallel means within 15 degrees of being parallel.</li> <li>f. The minimum building setback along public rights-of-way is eighteen (18) feet from the curb. The maximum building setback is thirty (30) feet from the curb, except where a Public-Private Setback Zone is provided. Where a Public-Private Setback Zone is provided, a maximum setback of forty (40) feet from the curb is permitted for up to 50% of the building frontage, provided that a major portion of such setback shall be used to create outdoor pedestrian spaces and landscape features.</li> <li>g. The width of a principal building along a primary building frontage shall be a minimum of eighty (80) percent of the lot width. For those properties with a conditional use for a drive-thru, BZAP may permit the drive-thru width to count toward this minimum primary building frontage requirement as a condition of the use.</li> <li>h. A principal building shall have its main front door facing and directly accessed from Livingston Avenue. This can include placement of the door at the corner of the building frontage and angled to address both Livingston Avenue and the side street or an adjacent area of the site.</li> <li>i. A principal building shall have four-sided architecture utilizing consistent design and materials on each side.</li> <li>j. A building frontage that exceeds a width of 50 feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of 15 feet to 35 feet along the entire building frontage. The use of windows and design features shall be used to break up large expanses of building walls on all exposed sides of a building.</li> </ul>



CATEGORY	DESIGN STANDARDS
	<p>k. For a primary building frontage of a commercial use, a minimum of 60 percent of the area between the height of two feet and ten feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet. For the secondary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of ten feet.</p> <p>l. For any new installation or replacement of upper story windows, the new/replacement windows must be clear/non-tinted glass.</p> <p>m. At least 30% of the second and third floor building frontages (as measured from floor to ceiling) must be window glass. This requirement may be waived if historic documentation (e.g. historic photos) from when the building was first constructed can be provided that shows a different percentage of window glass was used on the second and third floor building frontages. In such cases, the historic percentage must be maintained.</p> <p>n. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.</p> <p>o. No outdoor vending machines shall be located as to be visible from Livingston Avenue or any side street.</p> <p>p. Backlit awnings are not permitted.</p>
Pedestrian realm, landscaping and screening	<p>q. Sidewalks are required along all public streets. Sidewalks shall be clear of obstructions and align with adjacent sidewalks.</p> <p>r. The recommended minimum width of public sidewalks on Livingston Avenue is twelve feet (12'), however protrusions into the public right-of-way and sidewalks for outdoor pedestrian seating and other landscape features are encouraged, provided that a minimum clear sidewalk width of eight feet (8') is maintained.</p> <p>s. Landscape plantings, features, and pedestrian amenities shall be developed to create and accent pedestrian areas, and to soften the use of hardscape within the pedestrian zone.</p> <p>t. Street trees shall be required along all street frontages. The minimum number of shade trees required is determined by the formula of one tree per 30 lineal feet, or fraction thereof, of frontage.</p> <p>u. At the time of planting a new shade tree shall have a minimum 2.5 inch caliper trunk and new shrubs for screening shall have a minimum height of 24 inches, and be maintained at that height or greater.</p> <p>v. In areas without a grass tree lawn, a 2' accent strip shall be installed adjacent to the curb line.</p> <p>w. For all street tree planting beds, a 6' wide tree well with a minimum exposed space of 60 square feet shall be provided and edged in limestone curbing.</p>

CATEGORY	DESIGN STANDARDS
	<p>x. Landscape plantings shall be developed to break up expanses of pavement within off-street parking areas.</p> <p>y. All such landscape plantings and features shall be properly maintained, weeded, and watered, and any loss of plant materials shall be replaced in keeping with the approved landscape plan, or within minor modification to the landscape plan according to City Staff approval. The installation and operation of an irrigation system may be required for any planting area. In such cases, the irrigation system must remain operable.</p> <p>z. The use of landscape features such as pedestrian furniture, decorative railings, tree guards, trash receptacles, bollards and similar such accessories shall reference the Joint Livingston Avenue Plan.</p> <p>aa. A fence shall be provided along a lot line that borders a residentially zoned or used property at a height of 8 feet, as per the requirements in Section 1264.05.</p> <p>bb. A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a minimum 4-foot solid masonry or stone wall; or a minimum 4-foot decorative metal tube or solid metal bar fence (excluding chain link, wire mesh or other similar material), with a minimum 3-foot wide landscaped area along the parking lot side of the fence.</p> <p>cc. Landscaping is needed for surface parking lots in order to further screen parking from the view of public rights-of-way, provide mitigation for stormwater through reducing, slowing and cooling runoff, and to create visual relief from large pavement areas. This landscaping might be in well-designed border plantings that frame the lot or within landscape beds large enough to sustain successful plant growth.</p> <p>dd. Dumpsters shall be located behind the principal building and be screened from public view on all 4 sides, to the height of the dumpster.</p> <p>ee. Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view. Materials and design for ground-mounted screening shall be a masonry wall one foot taller than the utility/mechanical unit it screens and be compatible with the building materials and architectural design.</p>
Lighting	<p>ff. The height of any parking lot light pole/fixture shall not exceed 18 feet above grade.</p> <p>gg. When located within 25 feet of a residential district the height of a light fixture shall not exceed 14 feet above grade.</p> <p>hh. All lighting must use cut-off type fixtures, to limit glare, and avoid directing light onto neighboring property, streets, or toward the night sky.</p>
Parking and circulation	<p>ii. Paved areas for vehicular use, including parking, stacking and circulation aisles are not permitted between the principal building and a street right-of-</p>

CATEGORY	DESIGN STANDARDS																
	<p>way line. This standard does not apply to existing buildings unless they are expanded by fifty (50) percent or more in gross floor area.</p> <p>jj. Additional curb cuts are not permitted.</p> <p>kk. The maximum number of off-street parking spaces shall be one stall per 200 square feet of net floor area (5 per 1000), except for institutional uses.</p> <p>ll. Minimum parking ratios are as established below:</p> <table border="1" data-bbox="418 527 1263 1052"> <tr> <th>Land Use</th><th>Required Spaces (per 1,000 square feet)</th></tr> <tr> <td>Destination Retail (10,000 sf +/-)</td><td>4.0</td></tr> <tr> <td>Entertainment &amp; Restaurants</td><td>4.0</td></tr> <tr> <td>Food Market</td><td>4.0</td></tr> <tr> <td>Other Retail</td><td>3.0</td></tr> <tr> <td>Office – ground floor</td><td>2.5</td></tr> <tr> <td>Office – upper floors</td><td>2.0</td></tr> <tr> <td>Housing</td><td>1.0 per unit</td></tr> </table> <p>mm. Every on-street parking space along the frontage of the property shall count as half a space toward the minimum required parking. This total will be rounded down to the nearest whole number.</p> <p>nn. The provision of rear alley access will reduce the minimum required parking by two spaces.</p> <p>oo. For parcels without rear alley access, the minimum required parking will be reduced by two spaces for each rear cross-access agreement, up to a maximum of four spaces (one cross-access easement to each side adjoining property).</p> <p>pp. Shared parking agreements are allowed subject to the following standards:</p> <ol style="list-style-type: none"> <li>1. A reciprocal written agreement has been executed by all the parties concerned that assures the joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission.</li> <li>2. The BZAP may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement.</li> <li>3. Parking spaces to be shared must not be reserved for individuals or groups.</li> </ol>	Land Use	Required Spaces (per 1,000 square feet)	Destination Retail (10,000 sf +/-)	4.0	Entertainment & Restaurants	4.0	Food Market	4.0	Other Retail	3.0	Office – ground floor	2.5	Office – upper floors	2.0	Housing	1.0 per unit
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CATEGORY	DESIGN STANDARDS
	<p>4. Uses sharing a parking facility do not need to be contained on the same lot, but each use shall be a maximum of 500 feet from the closest parking space in the lot providing the shared spaces. A waiver of the maximum allowable distance between the use and associated shared parking may be approved by the BZAP with written justification and supporting information provided by the applicant.</p> <p>5. Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.</p> <p>6. Up to 30% of the parking spaces required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.</p> <p>7. Up to 75% of the parking spaces required predominantly evening uses may be shared with predominantly daytime uses.</p> <p>8. Up to 75% of the parking spaces required for uses exclusively in operation during the weekend may be shared with uses predominantly in operation on weekdays.</p> <p>qq. Bicycle parking shall be provided at the ratios as follows: A minimum of two bicycle spaces shall be provided for uses with over 10 vehicle parking spaces. Additional spaces shall be provided at a rate of one bicycle parking space per additional 10 vehicle parking spaces up to a maximum of 12 bicycle parking spaces.</p>

## **Section 7.**

That the design standards for curbing in the Mixed Use Commercial District in Section 1254.11 and the Main Street District in Section 1254.13 be amended to change the standards from granite curbing to limestone curbing as follows:

Section 1254.11 Mixed Use Commercial (MUC) Design Standards, subsection (q.) is hereby amended as follows:

- q. For all street tree planting beds, a minimum exposed space of 60 square feet shall be provided and edged in ~~granite~~ **limestone** curbing.

Section 1254.13 Main Street District (MS) Design Standards, subsection (w.) is hereby amended as follows:

- w. For all street tree planting beds, a minimum exposed space of 60 square feet shall be provided and edged in ~~granite~~ **limestone** curbing.

**Section 8.**

That the current zoning map of the City of Bexley is hereby amended to change the zoning classification of the following properties identified by their Franklin County Parcel Numbers and in the map below that were previously zoned Commercial Service (CS), which District has been repealed herein, to Mixed Use Commercial (MUC) and Livingston Avenue (LA) District Overlay.

020-002924	020-000351	020-003783	020-003805
020-003807	020-003066	020-003786	020-003064
020-003808	020-003067	020-003802	020-003499
020-004696	020-003537	020-003803	020-004491
020-004851	020-003539	020-003804	020-004497

That the current zoning map of the City of Bexley is hereby amended to change the zoning classification of the following properties identified by their Franklin County Parcel Numbers and in the map below that were previously zoned Low Density Multi-Family Residential (R-12) to Mixed Use Commercial (MUC) and Livingston Avenue (LA) District Overlay. The parcels are further identified by the map attached as “Exhibit A.”

020-003781	020-003813	020-003778	020-004516
020-004523	020-003814	020-003779	020-004517
020-003809	020-003815	020-003780	020-004518
020-003810	020-003492	020-003789	020-004519
020-003811	020-003493	020-004514	020-004520
020-003812	020-003494	020-004515	020-004521
			020-004522

All other zoning classifications and designations shall remain unchanged.

**Section 9.**

That the Zoning Officer is directed to make the change on the original zoning map in the City and the City Administration is directed to create a new Zoning Map in accordance with Section 8.

**Section 10.**

Should any provision of this Ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared unconstitutional or invalid.

**Section 11.**

That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2024

\_\_\_\_\_  
Monique Lampke, President of Council

Attest: \_\_\_\_\_

Matt McPeck, Clerk of Council

Approved: \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor Ben Kessler

4887-9439-9131v3