

## **Proposed Amended Ordinance 15 - 25**

**By: Sam Marcellino**

**An Ordinance to amend the Codified Ordinances to permit Accessory Dwelling Units under specified conditions; to enact new Sections 1266.24, 1290.01, and 1290.02 of the Codified Ordinances; and to amend Section 1252.15 (f) of the Codified Ordinances.**

**WHEREAS,** the City of Bexley is committed to maintaining a high quality of life for its residents by encouraging thoughtful, sustainable, and inclusive housing policies; and

**WHEREAS,** Accessory Dwelling Units (ADUs) provide a flexible housing option that supports aging in place, intergenerational living, and the creation of modestly sized rental opportunities within established neighborhoods; and

**WHEREAS,** permitting ADUs under reasonable development standards can expand housing availability while maintaining the scale and character of Bexley's single-family residential districts; and

**WHEREAS,** the Board of Zoning and Planning has reviewed and recommended adoption of development standards to regulate ADUs in a manner consistent with the City's planning goals; and

**WHEREAS,** Council finds it necessary and appropriate to amend the zoning code to allow accessory dwelling units subject to specific limitations that protect neighborhood character and ensure proper site development;

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

### **Section 1.**

**That the following definitions be added to Chapter 1230:**

#### **Accessory Dwelling Unit**

An "Accessory Dwelling Unit (ADU)" is a self-contained residential dwelling unit that is subordinate in size and located on the same lot as a principal single-family dwelling. An ADU may be attached to or detached from the principal dwelling unit.

#### **"Permanent Occupant"**

"Permanent Occupant" means a person who resides or intends to reside in a dwelling unit for a period of 30 consecutive days or more, with no present intent to establish a principal residence elsewhere. This includes individuals who receive mail at the address, maintain personal belongings on the premises, or otherwise use the property as their primary residence. This term

excludes transient guests, temporary occupants, or individuals residing in the dwelling for fewer than 30 consecutive days, unless otherwise defined by the applicable code.

**“Principal Residence”**

**“Principal residence” means the dwelling unit that the property owner physically occupies as their primary home for a minimum of 210 days during any given calendar year. Indicators of principal residency include, but are not limited to: use of the address for voter registration, driver’s license, tax filings, utility bills, or other official documents. A property owner may claim only one dwelling unit as their principal residence at any given time**

**Section 2.**

That Chapter 1266.24 Accessory Dwelling Units is hereby created as follows:

**Section 1266.24 – Accessory Dwelling Units (ADUs)**

**a) Purpose.**

The purpose of this section is to allow for the creation of Accessory Dwelling Units (ADUs) in a manner that is consistent with the residential character of Bexley neighborhoods while expanding housing options and supporting multi-generational living.

**b) General Standards.**

**1) Zoning Districts Permitted.**

ADUs shall be permitted in all zoning districts that permit single-family residential uses.

**2) Number of Units Allowed.**

**Only one ADU is permitted per single-family residential lot.**

**3) Size and Configuration.**

A) The ADU shall not exceed the maximum allowable square footage for an accessory structure **in accordance with 1252.15, Accessory Uses and Structures.**

B) The ADU shall contain no more than one (1) bedroom, **and shall be occupied by no more than two permanent occupants.**

**4) Occupancy Requirements.**

**Either the principal dwelling unit or the ADU must be occupied by an owner of the property as their principal residence.**

**5) Parking.**

**A minimum of one of the two** off-street parking spaces required for the principal dwelling unit by the base zoning district shall be designated to serve the ADU.

**6) Lot Coverage.**

The addition of an ADU shall not cause the total lot coverage to exceed the maximum lot coverage ratio permitted in the underlying zoning district.

**7) Setbacks / Landscaping**

**A) Setbacks**

- (i) **Side and rear yard setback:** the minimum ADU side and rear yard setback is the lesser of 10 feet or the sideyard setback measurement for the principal structure as per the underlying zoning district.

- (a) **A special permit for setbacks of no less than 3' may be granted at the sole discretion of the Board of Zoning and Planning based upon the following factors, all intended to take into consideration the objective to provide for a meaningful buffer between the ADU and the property line:**

- (i) **Instances in which occupiable space is at a further distance from the property line than the exterior building envelope.**
  - (ii) **The extent to which window placement respects the privacy of adjacent property.**
  - (iii) **The extent to which landscape screening is provided between the ADU and the property line.**

**8) Variances.**

Area variances shall be heard by the Board of Zoning and Planning in accordance with 1226.11, provided however that the following criteria shall *not* be considered for area variance hearings involving an ADU application:

- A) Whether the property in question will yield a reasonable return;**

**c) Approval Process.**

- 1) Zoning and Building Permits Required.** An ADU shall require zoning and building permits in accordance with the procedures established by the City of Bexley.

- 2) Annual Limit.**

- A) No more than twenty-five (25) new ADU registrations will be permitted per year.**

- B) ADU registrations will be accepted in the order received, and any waiting list will rollover into succeeding years.**

**d) Registration Requirement.**

- 1) Initial Registration.** Prior to occupancy of an ADU, the property owner shall file an Accessory Dwelling Unit Registration Form with the City's Building Department. The registration shall include:

- A) The name and contact information of the property owner; and**
  - B) A statement of whether the principal dwelling or the ADU will be rented (if applicable); and**
  - C) Proof of owner-occupancy of one of the dwelling units; and**
  - D) Any other documentation required by the Director to confirm compliance with this section.**

- 2) Registration Fee.** The initial and renewal registration fee shall be \$100.

- 3) Registration Requirement for Pre-existing ADUs.**

- A) ADUs that pre-exist the date of passage of this section must apply for registration within one year of the effective date of this section.**

- B) Prior to certification of continued occupancy, pre-existing ADUs must successfully complete a building code inspection by the Chief Building Official or their designee, and remedy any resultant recommended code corrections.**

- C) **Registration of pre-existing ADUs shall not count towards the annual cap on new ADU registrations.**
- 4) **Ongoing Compliance.** The registration must be ~~updated and~~ renewed every two (2) years, or within thirty (30) days of any change in ~~occupancy status or~~ ownership of the property.
- 5) **Revocation.** Failure to maintain compliance with this section will result in revocation of the right to operate the ADU and may subject the property owner to enforcement action under the City's zoning and housing codes.

### **Section 3.**

**That 1252.15 (f) be amended as follows:**

- (f) **Unless duly registered in accordance with Section 1266.24,** it shall not be used as a dwelling unit and may not contain more than two of the following elements: a bedroom; a kitchen; or a bathroom.

### **Section 4.**

**That Section 1226.99 shall be removed, and that Section 1290.01 be created as follows:**

#### **1290.01 PENALTY.**

- (a) Whoever violates or fails to comply with any of the provisions of this Planning and Zoning Code for which no penalty is otherwise provided is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) The application of the penalty in subsection (a) hereof shall not be deemed to prevent the enforced correction of prohibited conditions or the application of any other equitable remedy.

## **Section 5.**

That Section 1290.02 be created as follows:

### **1290.02 ORGANIZATIONAL PENALTIES.**

Regardless of the penalties provided in Section 1290.01, an organization convicted of violating or failing to comply with any of the provisions of this Planning and Zoning Code shall be fined, in accordance with this section. The court shall fix the fine as follows:

<b>Type of Misdemeanor</b>	<b>Maximum Fine</b>
First degree	\$5,000.00
Second degree	\$4,000.00
Third degree	\$3,000.00
Fourth degree	\$2,000.00
Minor	\$1,000.00
Misdemeanor not specifically classified	\$2,000.00
Minor misdemeanor not specifically classified	\$1,000.00

(a) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this section.

(b) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this section, then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.

(c) This section does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section [606.08](#) of the City of Bexley Code of Ordinances, either in addition to or in lieu of a fine imposed pursuant to this section.

**Section 6.**

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

Passed: \_\_\_\_\_, 2025

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

Attest: \_\_\_\_\_  
Matt McPeck, Clerk of Council

Approved: \_\_\_\_\_, 2025

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

First Reading:  
Second Reading:  
Third Reading: