

AN ORDINANCE NO. 415

By Mr. Frye.

An Ordinance providing for the zoning or districting of the Village of Bexley, and the regulation of the location, bulk, height and uses of buildings and other structures and premises.

WHEREAS, the Village of Bexley is a residential suburb of the City of Columbus and the street, sewer and water systems of the said Village have been designed and constructed for residential use and would prove inadequate for more congested development, and the territory hereinafter made available for business and industrial use is deemed sufficient for such purposes, and

WHEREAS, it is the desire of the citizens of said Village, and of this council, to preserve the present character of the village and thereby to prevent congestion, and

WHEREAS, the planning Commission of said village, created by ordinance duly passed by this council, has framed and adopted a plan for dividing the village into zones or districts, representing the recommendations of said commission, for the limitation and regulation of the height, the bulk and location, and the uses of buildings and other structures and of premises in such zones or districts, and

WHEREAS, the said Planning Commission has certified to this council such plan for the districting or zoning of the said village according to the uses, height, bulk and location of buildings and other structures, and the uses of premises, now therefore

Be it ordained, by the Council of the Village of Bexley, Ohio that

Article I. In the interest of the promotion of the public health, safety, convenience, comfort, prosperity or general welfare, the location of buildings and other structures and of premises to be used for trade, industry, residence or other uses within said village shall be, and hereby are regulated and restricted; the height of buildings and other structures hereafter erected or altered within said village shall be, and hereby is regulated and limited; and the bulk and location of buildings and other structures hereafter erected or altered within said village, the percentage of lot occupancy, set back building lines and the area of yards, courts and other open spaces shall be, and hereby are regulated (all as provided in the said plan framed, adopted and certified by the planning commission), and for the carrying out of the purposes of this ordinance, the said village is hereby divided into districts (as provided by said plan) and for each of the said districts regulations designating the kinds or classes of trades, industries, residences or other purposes for which buildings

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or other structures or premises may be permitted to be erected, altered or used, subject to special regulations, are hereby imposed, (all as set forth in the said plan, which is hereby adopted, and made a part of this ordinance) as follows:

(Plan adopted by the Planning Commission)

Section 1. This plan divides the Village of Bexley into zones or districts representing the recommendations of the Planning Commission of said village, in the interest of the public health, safety, convenience, comfort, prosperity or general welfare, for the limitations and regulation of the height, the bulk and location (including percentage of lot occupancy, set back building lines, and area and dimensions of yards, courts and other open spaces), and the uses of buildings and other structures and of premises in such zones or districts.

Section 2. For the said purposes the said Village shall be divided into districts of three classes, as follows:

Section 2a. Class 1, or single family house districts. Any and all parts of the said village, and all lots and lands lying therein, not specifically herein described as Class 2 and Class 3, shall be Class 1 Districts.

Section 2b. Class 2, or two family house districts. The following described parts of said village, and all lots and lands lying therein, shall be Class 2 Districts.

The area lying within the following described boundaries: beginning at lot line 150 ft. south of Main St. on the west side of Bexley Drive running westerly to west corporation line, thence south to southerly corporation line, thence east to a line 207 1/2 ft. east of lot lines on the east side of Sheridan Ave. (said line is midway between the west lot lines of Winchester Pike and College Ave. and the east lot lines of Sheridan Ave.) thence north following a line midway between Winchester Pike and College Ave. on the east and Sheridan Ave. and Bexley Drive on the west to a point 200 ft. west of College Ave. and 375 ft. south of Main Street, thence westerly to the east lot line of lots 1/4 on Bexley Drive, ^{thence north to the north line of lot 1/4 on Bexley Drive} then west to Bexley Drive which is approximately 100 ft. south of the beginning.

The area lying within the following described boundaries is also included in section 2b Class 2; all property bounded on the west and alley 150 ft. east of Cassidy Ave. beginning at the north corporation line running south to a point 120 ft. east of Cassidy Ave. and the northern line of the present Louis Frey Section (which is 120-59/100 ft. south of Columbus Ave.) thence east to corporation line at a point 128-55/100 ft. south of Columbus Ave. thence north following eastern corporation line to the intersection of northern corporation line, thence west following northern corporation line to the beginning which

point is 121-44/100 ft. east of Cassidy Ave.

Section 2a Class 3, or retail business districts. The following described parts of the said village and all lots and lands lying therein, shall be Class 3 districts:

The area lying on the north and south sides of Main St. extending from the west corporation line (known as Alum Creek) to the east corporation line (known as Gould Road): said retail or business district to extend only to the depth of one lot line on the north approximately 161 ft. and to the depth of one lot line on the south approximately 150 ft. Said depths of business district to vary only in accordance with the depth of single lots as now platted and shown on plan.

All property on the north side of Livingston Ave. beginning at the West corporation line (known as Alum Creek) thence easterly to a point approximately 200 ft. east of Winchester Pike or College Avenue; said retail or business district to extend northerly only to the depth of one lot line of such lots abutting thereon approximately 138 ft. as shown by measurements of such lots abutting on said thoroughfare Livingston Ave.

All property on south side of Broad Street extending from Hartley Road on the west to the easternly corporation line (known as Gould Road) on the east; said retail or business district to extend southerly to not more than 200 ft. which is the approximate depth of lot lines according to present platting as now shown on plans.

All property on the south side of Maryland Ave. lying between alley on the west which is approximately 121-44/100 ft. east of Cassidy Ave. and Hemlock Street on the east; said retail or business district to extend south only to alley running east and west which is a point 120 ft. south of Maryland Ave. lot line as shown on plan of said lots abutting thereon and as now platted.

All property lying between Front St. on the north, Maryland Ave. on the south, Hemlock St. on the east; said areas shown on plan in the shape of a flatiron strip. All business buildings to be erected strictly in accordance with provisions heretofore or hereinafter mentioned and subject to permits issued by the City Council.

Section 3. The map which accompanies said plan, showing the boundaries of the districts described in Section 2 to 2a inclusive of this plan, is hereby declared a part thereof.

Section 4. No buildings or other structures or premises shall be erected, altered or used in any district for any kind or class or trade, industry, residence or other purpose other than such as are specifically permitted in such districts by this plan, and the height, bulk and location of buildings and other

structures hereafter erected or altered (including percentage of lot occupancy, set back building lines, and area of yards, courts and other open spaces) shall conform to the regulations herein contained.

Section 5. In class 1 districts single family dwelling houses only (with necessary and proper outbuildings and fences) shall be permitted, and such houses shall be occupied by not more than one family per house, "family" being defined as any number of persons living and cooking together as a single housekeeping unit. Provided, however, that any building heretofore erected or now in use within such district for residence of more than one family shall be permitted to continue in such use. And further provided that churches, schools, public libraries, public museums, community center buildings, public recreation buildings, private clubs, or public parks and playgrounds may be erected and used within such district by special permit granted by the City Council hereinafter provided for.

Section 5a. In Class 1 districts no building or other structure shall be erected to a height of more than 24 stories.

Section 5b. In Class 1 districts no house shall be erected on any lot or parcel of land containing less than 7,500 sq. ft. per house, provided that one single family dwelling may be erected on any lot now separately owned, or on any numbered lot in a recorded subdivision now on record in the office of the County Recorder.

Section 5c. In Class 1 districts no building or other structure shall be erected nearer to the street line (meaning thereby the boundary line between the lot and the area dedicated for highway purposes along the front of the lot) than 30 ft.; provided, however, that if on any street dwelling houses have been erected on at least 25 per cent of the lots situated between two adjacent streets, then the average distance back from the street line of the houses already built in such square shall be the set back line for such square instead of the 30 feet herein established.

Section 5d. In Class 1 districts, for every building erected there shall be a sideyard on each side, each side yard being not less than 1/6 of the total width of the lot; provided, however, that such side yard need not exceed 8 feet in width on each side; where two or more houses are erected on the same lot or parcel of land, there shall be at least 16 feet clear space between such houses, and a side yard not less than 8 feet in width between each side lot line and the nearest house on such lot or parcel.

The provisions of this section may be modified by the City Council in cases where the location of existing buildings on adjacent lots rendered such modifications advisable for the carrying out of the purposes of this plan.

Section 5g. In Class 1 districts each house shall be provided with a backyard of the same width as the lot; and of a depth from the house to the rear lot line of at least 30% of the depth of the lot; provided, however, that the depth of such backyard need not exceed 40 feet. Detached garages for not exceeding two automobiles, and other proper outbuildings, may be erected in such backyard, but shall not be erected closer to the street line than 90 feet. Garages for more than two automobiles may be erected by special permit, provided that the yard space available is, in the judgment of the City Council, suitable.

Section 5f. In Class 1 districts, no building shall be erected on a corner lot nearer than 20 feet to the side street line, (meaning the boundary line between such lot and the area dedicated for highway purposes along the side thereof), and any detached garage or other out-building shall be erected as far from such side street line as possible, and in no case nearer to such side street line than 30 feet.

Section 6. In Class 2 districts dwelling houses only (with necessary and proper outbuildings and fences) shall be permitted, and such houses shall be designed for the use of and occupied by not more than two families per house, "family" being defined as in Section 5. Provided, however, that in any building heretofore erected or now in use ^{within each district for more than two families} shall be permitted to continue, and further provided that multiple dwellings for the use and occupation of not more than four families may be erected and used in such district by special permit of the City Council in accordance with plans and specifications submitted to and approved by said Council.

Section 6a. In Class 2 districts no buildings or other structures shall be erected to a height of more than 2½ stories.

Section 6b. In class 2 districts no dwelling shall be erected for the use of two families on any lot or parcel of land containing less than 6,000 sq. ft., and no three or four family multiple dwelling shall be erected on any lot or parcel of land containing less than 3,500 sq. ft. per family.

Section 6c. All provisions set forth in Section 5c, 5d, 5e and 5f of this plan as applying to Class 1 districts, shall apply in full to Class 2 districts, and no building or premises shall be erected, altered or used in Class 2 districts except in conformity therewith.

Section 6d. In Class 2 districts any building or use permitted in Class 1 districts shall be permitted, subject to all conditions contained in Sections 5 to 6f, inclusive, of this plan.

Section 7. In Class 3 districts buildings and premises may be erected and used for retail stores, banks, offices, studios, telephone exchanges, fire stations, theatres (including moving pictures), halls, private clubs, restaurants, bakeries, gasoline filling stations, or any building or used which in the opinion of the City Council is of a character similar to those enumerated in this Section. The manufacture of articles for sale at retail on the premises may be permitted by special action of the City Council.

Section 7a. In Class 3 districts no building shall be erected to a height of more than four stories.

Section 7b. In Class 3 districts no building shall be erected nearer to the street line (as defined in Section 5e) than 30 feet.

Section 7c. In Class 3 districts, for every building erected, there shall be a side yard along one side of such building of sufficient width to permit fire fighting equipment to reach the rear yard, and the same shall be kept clear for the passage and use of such equipment for a width of not less than 8 feet. Provided, however, that if the rear yard abuts on a public alley or street, such side yard shall not be required.

Section 7d. In Class 3 districts each building shall be provided with a rear yard not less than 20 ft. in depth from the rear line of the building to the rear line of the lot, and of the same width as the lot. Garages and other proper outbuildings may be erected in such rear yard, provided that ample space be left open for the entrance and use of fire apparatus.

Section 7e. In Class 3 districts no building shall be erected on a corner lot nearer than 10 ft. to the side street line (as defined in Section 5f) and any detached garage or other outbuilding shall be at least 20 ft. from the side street line.

Section 8. Article 1. No buildings or premises shall hereafter be erected, altered or used in any district for any of the following purposes: multiple dwelling (except as provided in Section 5 and 6 of this plan), bill boards or advertising signs, refuse dumps, veterinary hospitals, scrap iron or junk storage, reduction plants, sewage disposal plants, explosive storage, wholesale produce, manufacture of fertilizer, acids, explosives, glue or soap, stock yards, or any other purpose which may cause noxious odors, danger of explosion, undue fire hazard, or such noise as to be a public nuisance. No premises shall be used for sand or gravel pits except by special permit issued by the City Council on satisfactory guarantees that such pits will be properly

refilled to suitable elevation for building permits within reasonable time.

Article 2. This ordinance shall be enforced by the Village Engineer, Village Marshall, and the Clerk of the Board of Public Affairs.

Article 3. The owner or owners of any building or premises where anything in violation of this ordinance shall be committed, and any architect, builder or contractor who assists in the commission of any such violation, and any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or any requirements thereof or who shall build in violation of any statement of plans submitted and approved thereunder, shall, for every and each violation or noncompliance be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty dollars nor more than two hundred dollars, and each day during which such violation or noncompliance shall continue shall constitute a separate offense.

Article 4. The classes, districts, building lines, parts, provisions and regulations forming part of or established by this ordinance are hereby declared to be independent classes, districts, building lines, parts, provisions and regulations and the declaring of any such class, district, building line, part provision or regulation thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other class, district, building line, part, provision or regulation hereof.

Article 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the Village of Bexley for the reason that various uses of property inconsistent with the proposed plan of village development herein provided are believed to be imminent and that such uses would permanently injure and partially nullify such orderly plan of development.

Article 6. This ordinance is intended to create a safe and sane community and for the express purpose of the beautification of our Village, therefore, a place in which any one should desire to live. Any act committed within the corporation lines on the part of any resident of or any one not a resident of said Village, which would be considered as a detriment to the community, without obtaining special permission of the City Council whether such acts are especially mentioned or not in any part of this ordinance, will be considered by The City Council as a misdemeanor and subject to the laws and conditions as layed down in Article 5 of this ordinance.

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This ordinance shall go into effect immediately upon its passage.

Passed.- March 27, 1925

S. M. Roderick
S. M. Roderick
Clerk.

Stephen E. Ludwig
Stephen E. Ludwig
Mayor.

I, S. W. Roderick, Clerk of the Village of Bexley, State of Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the council, as follows: Main Street and Parkview Avenue, Main Street and College Avenue, Main Street and Drexel Avenue, Broad Street and Drexel Avenue and Parkview Avenue and State Avenue, each for a period of fifteen days commencing on the 2nd day of April, 1925.

S. W. Roderick
Clerk of the Village of Bexley, Ohio