

## AN ORDINANCE NO. 455.

By Mr. Manly.

To approve a plat of "Cheek Bretners" Addition.

Be it ordained by the Council of the Village of Bexley, State of Ohio:

Section 1. That the Plat of "Cheek Bretners" Addition to said village and being a subdivision of 8 67/100 acres of land in said village, described in a deed from Annie Ralston to Cheek Bretners, recorded in Deed Book 710 page 406 of Franklin County deed records, be and the same hereby is approved; and, that the dedication to public use of all streets, alleys and easements shown on said plat, not heretofore dedicated, be and the same hereby is accepted and confirmed.

Section 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed October 23, 1923.

Attest:

*L. W. Ralston*  
Clerk

*J. E. Luning*  
Mayer

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RTCA

## AN ORDINANCE NO. 466.

By Mr. Manly

To provide for the zoning or districting of the Village of Bexley, and the regulation, restriction and limitation of the uses, height, bulk and location of buildings or other structures and premises in said village; and to repeal Ordinance No. 41b entitled "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", passed March 27, 1923.

WHEREAS, the Village of Bexley, Ohio, is a residential suburb of the City of Columbus, Ohio, and the streets, sewers and water systems of said village have been designed and constructed for residential uses and would prove inadequate for more congested development, and the territory hereinafter mentioned made available for business and industrial uses 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 prevent congestion, and,

WHEREAS, the planning commission of said village created by ordinance, duly passed by its council has framed and adopted a plan for dividing said village into zones or districts, representing the recommendations of the commission, in the interest of the public health, safety, convenience, comfort, prosperity or general welfare for the regulation, restriction and limitation of the height, bulk and location, including percentage of lot occupancy, set back lines, and the 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 and,

WHEREAS, said planning commission has certified to this council such plan for zoning and districting said village according to the uses, height, bulk and location of buildings and other structures and of premises in such zones or districts, NOW THEREFORE,

BE IT ORDAINED by the council of the Village of Bexley, State of Ohio:

Article 1. That, in the interest of the promotion of the public health, safety, convenience, comfort, prosperity and general welfare, the location of buildings or other structures and of premises in said village to be used for trade, industry, residence or other uses; the height of buildings and other structures hereafter erected or altered in said village; the bulk and location of buildings and other structures hereafter erected or altered in said village; and the percentage of lot occupancy, set back building lines and the area of yards, courts and other open spaces be and hereby are regulated, restricted and limited in the manner and form provided in the plan framed, adopted and certified as aforesaid; that for the purpose of carrying out and enforcing such regulations, restrictions and limitations and the provisions of this ordinance, said village hereby is divided into three zones or districts designated as Class I, Class II and Class III, as provided by said plan; and that for each of said zones or districts, the regulations, restrictions and limitations embodied in said plan designating the kinds or classes of trades, industries, residences or other purposes for which buildings 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 said plan.

Article II. That the plan framed, adopted and certified to this council by said planning commission hereby is adopted, embodied in and made a part of this ordinance, as follows:

A plan framed and adopted by the Planning Commission of the Village of Bexley, Ohio, for dividing said village into zones or districts, representing the recommendations of the Commission, in the interest of the public health, safety, convenience, comfort, prosperity or general welfare, for the limitations and regulation of the height, 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 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, to-wit:

The area lying within the following described boundaries: Beginning at a point in the west corporation line 105 ft. north of the north line of Livingston Avenue running thence east parallel with and 105 ft. therefrom to a point 264 ft. from the center of College Avenue; thence northerly and parallel with College Avenue to a point 165 ft. from the center line of Livingston Avenue measured parallel with College Avenue; thence east and parallel with Livingston Avenue to a point one-half way between Bexley Drive and College Avenue; thence northerly and one-half way between College Avenue and Bexley Drive and said Bexley Drive as projected to a point in the north line of Jenn Hikes Amended Subdivision; thence west with said north line to the east line of Bexley Drive Subdivision; thence northerly with the east line of said subdivision to the south line of Lot No. 1 of said subdivision; thence west with said south line to the center line of Bexley Drive; thence northerly with the said center line to the north line extended of lot No. 19 of said subdivision; thence west with the north line of said lot No. 19 to the north-west corner of said lot; thence west and parallel with Main Street to the west corporation line; thence southerly with the west corporation line to the place of beginning.

The area lying within the following described boundaries is also included in Section 2b, class 2; beginning at a point in the west line of Drexel Avenue 150 feet south of the south line of Bryden Road; thence westerly and parallel with Bryden Road and 150 feet therefrom 154.4 feet to a point; thence south and parallel with Drexel Avenue 105.43 feet to a point in the north line of Lot No. 5 of Capital University subdivision; thence westerly with the north line of said Lot No. 5 37.9 feet to a point; thence southerly 145.9 feet to a point, said point being the northwest corner of Lot No. 1 of Capital University Subdivision; thence easterly and parallel with Main Street and 192 feet therefrom to the west line of Drexel Avenue; thence northerly with the west line of Drexel Avenue to the place of beginning.

The area lying within the following described boundaries is also included in Section 2b, Class 2; all property bounded on the west by the center line of the first alley south of Cassady Avenue, on the south by the center line of the first alley south of Columbus Avenue, on the east by the east corporation line, and on the north by the center line of the first alley north of Allegheny Avenue.

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

Beginning at a point in the west corporation line in Alum Creek and 150 feet north of the north line of Main Street; thence east and parallel with Main Street and 150 feet therefrom to the center line of the first alley east of Parkview Avenue; thence north with the center line of said alley 58.56 feet to a point; thence east and parallel with Main Street and 208.56 feet therefrom to the east line of Lot No. 9 of G. M. Tussing's Subdivision; thence south 16.56 feet to a point in the north line of Lot No. 1 of Capital University Subdivision; thence east with north line of Lots No. 1, 2 and 3 to the center line of Drexel Avenue; thence south with the center line of Drexel Avenue 23 feet to a point; thence east and parallel with Main Street and 167 feet therefrom to the east corporation line; thence south with the east corporation line to a point 150 feet south of the south line of Main Street; thence west and parallel with the south line of Main Street and 150 feet therefrom to the center line of Pleasant Ridge Avenue, thence north with the said center line to the center line of Main Street; thence west with the center line of Main Street to the center line of Bexley Drive; thence south with the center line of Bexley Drive to a point 150 feet from the south line of Main Street; thence west with the north line of Lot No. 19 of Bexley Drive Subdivision to the west line of said subdivision; thence west and parallel with Main Street to the west corporation line; thence north with the west corporation line to the place of beginning.

All property bounded on the west by Hartley Road, by Broad Street on the north, by the east corporation line on the east and on the south by a line parallel with Broad Street and 208 feet therefrom.

All property bounded on the west by the center line of the first alley east of Cassady Avenue, on the south by the center line of the first alley north of Allegheny Avenue, on the east by the east corporation line and on the north by the north corporation line.

All property on the north side of Livingston Avenue bounded as follows:

Beginning at a point in the north line of Livingston Avenue at the division line between Lots No. 5 and No. 6 of Brooks' Parcel Plat; thence north with the said division line to the north-east corner of Parcel No. 4; thence west with the north line of Parcel No. 4 to the east line of College Avenue; thence westerly to a point in the west line of College Avenue; thence westerly to a point in the west line of College Avenue which point is 165 feet from the center of Livingston Avenue measured on the line of College Avenue; thence west and parallel with Livingston Avenue to a point 264 feet west of the center line of College Avenue; thence southerly and parallel with College Avenue to a point 105 feet north of the north line of Livingston Avenue; thence westerly and parallel with Livingston Avenue and 105 feet therefrom to the west corporation line; thence southerly with the west corporation line to the north line of Livingston Avenue; thence east with the north line of Livingston Avenue to the place of beginning.

Section 3. The map which accompanies this plan, showing the boundaries of the districts described in Section 2 to 2c 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 of 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 house-keeping 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 recreation buildings, private clubs, or public parks and playgrounds may be erected and used within such district by special permit granted by the Council hereinafter provided for.

Section 5a. In Class 1 districts no building or other structure shall be erected to a height of more than 2½ 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 buildings or other structures or any part thereof 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 sideyard on each side, each sideyard being not less than 1/6 of the total width of the lot; provided, however, that such side yard need not exceed 3 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 sidelet line and the nearest house on such lot or parcel. The provisions of this section may be modified by the council in cases where the location of existing buildings on adjacent lots rendered such modifications advisable for the carrying out of the purpose of this plan.

Section 5e. 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 council, suitable. Provided further that in cases where lots shown on duly recorded plats have a depth of seventy (70) feet or less the distance from the house to the rear lot line shall be at least 15% of the length of the lot and garages may be constructed on said lots within forty-five (45) feet of the front thereof.

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; provided, however, on corner lots having a width of fifty feet or less, the building set back line shall be at least ten (10) feet from the side street line; and all detached garages or other outbuildings shall be constructed at least twenty (20) feet from the side street line.

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 such district for more than two families such use 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 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 2 1/2 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 ordinance as applying to Class 1 districts, shall apply in full to Class 2 districts, and no building shall be erected, or premises 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 Section 5 and 5f, 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 use which in the opinion of the 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 council.

Provided that if single or two family houses are constructed in business districts, all provisions set forth in Sections 5c, 5d, 5e and 5f of this ordinance as applying to Class 1 districts, and Sections 5 and 5f applying to Class 2 districts shall apply in full to Class 3 districts.

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 6 ft. 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 feet 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. 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 6 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 council on satisfactory guarantees that such pits will be properly refilled to suitable elevation for building permits within reasonable time.

Article III. That an administration board to administer the details of the application of the regulations, restrictions and limitations provided by the plan, framed, adopted and certified as aforesaid, hereby is created; that said administration board shall consist of three electors of said village, appointed by the mayor, subject to the approval of council, one for one year, one for two years, and one for three years, and the successor each for the term of three years; and that the power to hear and determine appeals from refusal of building permits by building commissioners or other officers, to permit exceptions to and variation from the district regulations and to administer the regulations as specified therein hereby is delegated to such board. The members of such board shall serve without compensation, but shall be entitled to be reimbursed for any necessary expenses incurred in the discharge of their duties. The Board may employ a Secretary at such rate of compensation as may be fixed by the council. All meetings of the administration board shall be public. The board shall keep minutes of its proceedings showing the vote on every question. The board shall adopt from time to time such rules and

regulations as may be necessary to carry into effect the provisions of this ordinance.

Article IV. 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 or 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 V. 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 VI. 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 VII. 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 council whether such acts are especially mentioned or not in any part of this ordinance, will be considered by the council as a misdemeanor and subject to the laws and conditions as laid down in Article 4 of this ordinance.

Article VIII. This ordinance shall be enforced by the inspector of buildings under the direction of the Administration Board.

Article IX. This ordinance shall take effect and be in force immediately upon its passage.

Passed October 23, 1923.



Attest:

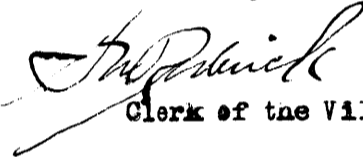
S. W. Rederick,

  
Clerk

S. E. Ludwig,

Mayer

I, S. W. Rederick, 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 Platte Avenue, each for a period of fifteen days commencing on the 15<sup>th</sup> day of October, 1923.



Clerk of the Village of Bexley, Ohio

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