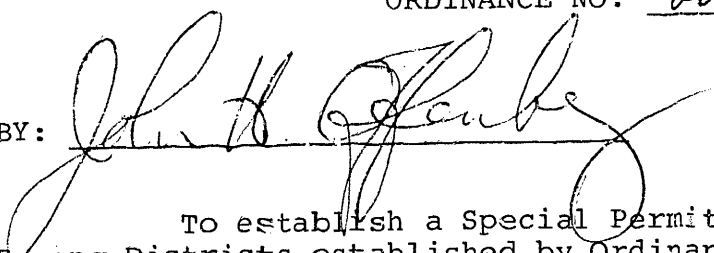


ORDINANCE NO. 20 -79

BY:


To establish a Special Permit Use category within the Zoning Districts established by Ordinance 8-72 and to amend, by addition, the supplementary regulations pertaining generally and uniformly to the arrangement and development of land and structures within the Zoning District.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Section 1. Within the City, no buildings or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used for the following specified use or uses, except on Special Permit by the Board of Zoning Appeals.

Section 2. Adult book store, adult motion picture theater or adults only entertainment establishments may be permitted to locate within 500 feet of a residentially zoned district or use upon presentation to the Board of Zoning Appeals of a validated petition requesting such special use, signed by in excess of 50% of those persons owning, residing and maintaining permanent business establishments within 500 feet of the proposed location.

Section 3. The Board of Zoning Appeals shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in the above section. The rules shall provide that the circulator of the petition requesting the special use shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the Rules of the Board of Zoning Appeals, and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon. The Board of Zoning Appeals shall not consider the application for special use set forth in this section until the above described petition shall have been filed and verified.

Section 4. Adult book stores, adult motion picture theaters, adults only entertainment establishments, shall be permitted to locate within 2000 feet of each other if the following findings are made by the Board of Zoning Appeals.

- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties.
- (2) That the proposed use will not enlarge or encourage the development of a blighting influence.
- (3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
- (4) That all applicable regulations of this section will be observed.

Section 5. Ordinance No. 8-72 is hereby amended in accordance with this legislation.

Section 6. This ordinance is hereby declared to be an emergency measure because control of installation as provided herein is necessary for the preservation of the public peace, health, welfare and safety, and shall take effect and be in force from and after its passage and approval by the Mayor.

PASSED: _____, 1979

President of Council

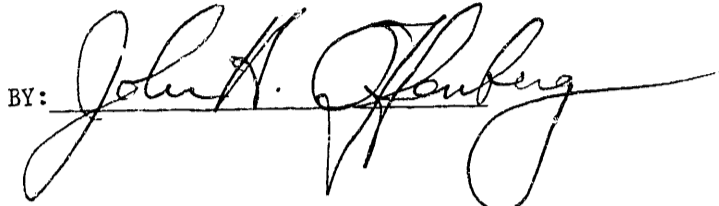
ATTEST: _____
Clerk of Council

APPROVED: _____, 1979

Mayor

1st reading 12/1/79
2nd reading 2/12/79 - tabled until 7/24/79
continued until Sept 11, 1979 -
9/11/79 - second hearing - ordinance amended
continued to Oct 23, hearing
continued to Nov 13, hearing
3rd reading - 11/13/79
adopted

ORDINANCE NO. 20-79

BY: 

To establish a Special Permit Use category within the Zoning Districts established by Ordinance 8-72 and to amend, by addition, the supplementary regulations pertaining generally and uniformly to the arrangement and development of land and structures within the Zoning Districts.

WHEREAS: The City of Bexley is a high intensive residential community with very limited commercial areas, and the City has a great interest in protecting and preserving the quality and character of its residential neighborhoods as well as its limited commercial areas through effective land use planning; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Section 1. Within the City, no buildings or premises shall be used and no buildings shall be erected, constructed, or developed nor any existing building reconstructed or remodeled which are arranged, intended or designed to be used for the following specified use or uses, except on Special Permit by the Board of Zoning Appeals:

(A) Adult book store, adult motion picture theatre, or adults only entertainment establishments may be permitted to locate within 500 feet of a residentially zoned district or use upon presentation to the Board of Zoning Appeals of a validated petition requesting such special use, signed by in excess of 50% of those persons owning, residing and maintaining permanent business establishments within 500 feet of the proposed location.

Section 2. The Board of Zoning Appeals shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in the above section. The rules shall provide that the circulator of the petition requesting the special use shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the Rules of the Board of Zoning Appeals, and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon. The Board of Zoning Appeals shall not consider the application for special use set forth in this section until the above-described petition shall have been filed and verified.

Section 3. Adult book stores, adult motion picture theatres, adults only entertainment establishments or any business offering any combination of such uses shall be permitted to locate within 2,000 feet of each other if the following findings are made by the Board of Zoning Appeals.

- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties.
- (2) That the proposed use will not enlarge or encourage the development of a blighting influence.
- (3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
- (4) That all applicable regulations of this section will be observed.
- (5) That the proposed use shall not be permitted within 500 feet of a church, school, park, playground, or in any other area in which large numbers of minors regularly travel or congregate.

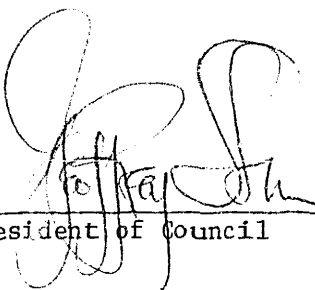
Section 4. Definitions. As used in this ordinance:

- (A) Adult Book Store. Adult book store means an establishment which has a substantial or significant portion of its stock in trade, books, magazines, or other periodicals, films, or mechanical or non-mechanical devices, which establishment excludes minors by virtue of age, and which adult materials are obscene or harmful to juveniles as defined by the Ohio Revised Code §2907.01, Sections E and F.
- (B) Adult Motion Picture Theatre. Adult motion picture theatre means an enclosed motion picture theatre or motion picture drive-in theatre presenting materials for observation by the patrons therein, which theatre excludes minors by virtue of age, and has a substantial or significant portion of materials for observation, which materials are obscene or harmful to juveniles as defined by the Ohio Revised Code §2907.01, Sections E and F.
- (C) Adults Only Entertainment Establishment. Adults only entertainment establishment means an establishment which features totally nude, topless, bottomless, strippers, male or female impersonators or similar entertainment or services, which establishment excludes minors by virtue of age and which entertainment or services are obscene or harmful to juveniles as defined by Ohio Revised Code §2907.01, Sections E and F.

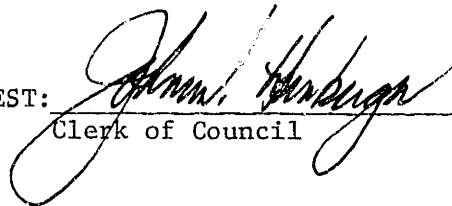
Section 5. Ordinance No. 8-72 is hereby amended in accordance with this legislation.

Section 6. This ordinance is hereby declared to be an emergency measure because control of installation as provided herein is necessary for the preservation of the public peace, health, welfare and safety, and shall take effect and be in force from and after its passage and approval by the Mayor.

PASSED: Nov 13, 1979



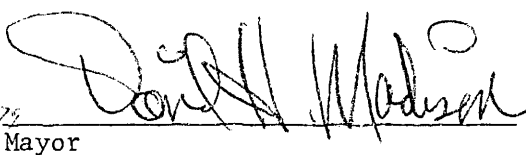
President of Council

ATTEST: 

Clerk of Council

APPROVED: Nov 13, 1979

1st reading - 5/22/79
2nd reading - 6/12/79 - tabled until 7/24/79
7/24/79 - continued until Sept 11, 1979
9/11/79 - second hearing - amended
continued to Oct 23 hearing
10/23/79 - continued to Nov 13
3rd reading - 11/13/79 - adopted



Mayor