

BY: 

To establish and identify a Special Permit Use category, as defined in Section 1264.16, Bexley Code, within the Zoning Districts of the City of Bexley, for amusement arcades, 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,
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 as an amusement arcade, except on Special Permit by the Board of Zoning Appeals.

Section 2. The Board of Zoning Appeals shall have the power to grant such Special Permit where it is shown that the special use as an amusement arcade can be granted without substantial detriment to the public good, without substantial impairment of the general purpose and intent of the Zoning District in which the use is proposed to be located, and without significant incompatibility with the general character of the neighborhood.

Section 3. In making the determination provided for in Section 2, above, the Board of Zoning Appeals shall consider, among other, whether:

- (1) The proposed use will be contrary to the public interest or injurious to nearby properties;
- (2) The proposed use will enlarge or encourage the development of a blighting influence;
- (3) The establishment of an additional regulated use in the area will be contrary to any program of neighborhood stabilization or interfere with any program of urban renewal;
- (4) All applicable regulations of this section will be observed;
- (5) The proposed use will be within 500 feet of a church, school, park, playground, or in any other area in which large numbers of minors regularly travel or congregate.
- (6) The proposed use will be within 500 feet of another amusement arcade,
- (7) The proposed use will be located in one of the following zoning districts: community commercial, general commercial or commercial service.

Section 4. The Board of Zoning Appeals shall further have the power, in the event that a Special Permit use is granted, to impose such requirements and conditions regarding the location, character, and other features of the proposed use or structure as the Board deems necessary to carry out the intent and purpose of the Zoning Code and to otherwise safeguard the public safety and welfare.

Section 5. The Board of Zoning Appeals shall also have the power, upon application of the City Solicitor, to revoke any special permit use whose condition has been violated, after notice and opportunity to conform have been given.

Section 6. Definition: As used in this Ordinance:

(A) Amusement Arcade. "Amusement arcade" means any place of business at which five (5) or more game machines are located for the use of entertainment of persons patronizing the place of business.

(B) Game Machine. "Game machine" means any amusement device which, upon the insertion of a coin, token, slug, or card, operates or may be operated for use as a game or a contest or test of skill.

(C) Amusement Device. "Amusement device" means any machine, device, or instrument which upon the insertion of a coin, token, slug, or card, operates or may be operated for use as a game, a contest or test of skill or other amusement of any description. "Amusement device" does not include vending machines.

Section 7. Chapters 1240 through 1268, Bexley Code (Ordinance No. 8-72) are hereby amended in accordance with this legislation.

Section 8. This ordinance shall take effect and be in force from and after the earliest period allowed by law after its passage and approval by the Mayor.

Passed: Sept 14, 1982

Attest:

John L. Henricks
CLERK OF COUNCIL

John L. Henricks
PRESIDENT OF COUNCIL - Pro Tem

APPROVED:

Sept 14, 1982

David H. Madison
DAVID H. MADISON, Mayor

July 13, 1982 - First reading
(Public Hearing set for Sept. 14th)
July 27, 1982 - Second reading
Sept 14, 1982 - Third reading
Adopted