

ORDINANCE NO. 85-90BY: Albert J. Myers

An Ordinance to amend Sections 1264.19, 1264.20 and 1264.21 of the Codified Ordinances of the City of Bexley to establish procedures for amendment of the Zoning Code.

WHEREAS, Council has the power and authority to amend, supplement, change or repeal any provisions of this Zoning Code; and,

WHEREAS, Council has determined that it would be desirable to establish local procedures, as provided for in Ohio Revised Code Chapter 713, for amending, supplementing, changing or repealing any provision of this Zoning Code. NOW, THEREFORE,

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

Section 1. That Sections 1264.19, 1264.20 and 1264.21 of the Codified Ordinances be, and the same hereby are, amended to read as follows:

1264.19 AMENDMENTS.

Council may, by ordinance, subject to the procedures provided by law PROVISIONS OF SECTION 1264.20, amend, supplement, change or repeal the regulations, restrictions and boundaries ANY PROVISION of this Zoning Code BY AN AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF THE MEMBERS OF COUNCIL. Amendments to this Zoning Code may be initiated by adoption of a motion by the Planning Commission, by adoption of a resolution by Council or by the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by such amendment. It shall be the duty of the Planning Commission to submit its written recommendations regarding all applications or proposals for amendments to Council. THE PLANNING COMMISSION SHALL REVIEW ALL PROPOSED AMENDMENTS TO THIS ZONING CODE AND APPLICATIONS FOR CHANGES IN DISTRICT BOUNDARIES AND MAKE ITS WRITTEN RECOMMENDATION TO COUNCIL ON EACH PROPOSED AMENDMENT OR CHANGE PURSUANT TO SUCH RULES OF PROCEDURES AS SHALL, FROM TIME TO TIME, BE ADOPTED BY THE PLANNING COMMISSION.

1264.20 PROCEDURE FOR AMENDMENTS TO CHAPTER 1252 AND CHANGES IN ZONING DISTRICTS.

(a) Applications for a change of district boundaries as shown on the Official Zoning Map shall be submitted to the Planning Commission upon such forms and accompanied by such data and information as may be prescribed for that purpose by the Planning Commission. Each proposal for a zone change shall be accompanied by a reproducible vicinity map at a scale approved by the Zoning Officer, showing the property lines, streets and existing and proposed zoning for the property and for nearby properties. Amendments to this Zoning Code may be initiated by adoption of a motion by the Planning Commission, by adoption of a resolution by Council or by the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by such amendment.

(b) COUNCIL SHALL HOLD A PUBLIC HEARING ON ALL PROPOSED AMENDMENTS TO CHAPTER 1252 OF THIS ZONING ORDINANCE AND ALL PROPOSED CHANGES TO THE OFFICIAL ZONING MAP AND SHALL ACT ON SUCH PROPOSED AMENDMENTS AND CHANGES IN ACCORDANCE WITH THE FOLLOWING PROCEDURES:

- (1) FOLLOWING INTRODUCTION OF THE AMENDING ORDINANCE, AT A REGULAR OR SPECIAL MEETING OF COUNCIL, COUNCIL SHALL FIX A DATE FOR A PUBLIC HEARING ON SUCH ORDINANCE BEFORE COUNCIL.
- (2) NOTICE OF HEARING BEFORE COUNCIL SHALL BE PUBLISHED ONCE IN ONE OR MORE NEWSPAPERS CIRCULATED GENERALLY IN THE CITY AND TO WHICH THE GENERAL PUBLIC WITHIN THE CITY RESORTS FOR PASSING EVENTS OF A POLITICAL NATURE IN THE CITY, WHICH NEWSPAPER NEED NOT BE A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE MEANING OF SECTION 713.12 OF THE OHIO REVISED CODE, AT LEAST THIRTY DAYS PRIOR TO THE DATE FIXED FOR THE HEARING. THE NOTICE SHALL INCLUDE THE PLACE, TIME AND DATE OF THE HEARING AND A SUMMARY OF THE AMENDING ORDINANCE. FAILURE OF A NEWSPAPER TO PUBLISH ACCURATELY OR TIMELY A PROPERLY SUBMITTED NOTICE SHALL NOT INVALIDATE ADOPTION OF THE AMENDING ORDINANCE. THE TEXT OR COPY OF SUCH AMENDING ORDINANCE, TOGETHER WITH THE APPLICATION, MAPS OR PLANS OR COPIES THEREOF, FORMING PART OF OR REFERRED TO IN SUCH ORDINANCE SHALL BE ON FILE, FOR PUBLIC EXAMINATION, IN A PLACE DESIGNATED IN THE NOTICE FOR AT LEAST 30 DAYS PRIOR TO THE HEARING, AND ANY REQUIRED WRITTEN RECOMMENDATION SUBMITTED BY THE PLANNING COMMISSION AND BOARD OF ZONING APPEALS SHALL BE ON FILE, FOR PUBLIC EXAMINATION, IN THE PLACE DESIGNATED IN THE NOTICE FOR OTHER DOCUMENTS FOR AT LEAST SEVEN DAYS PRIOR TO THE HEARING.
- (3) IF THE ORDINANCE PROPOSES TO RE-ZONE OR RE-DISTRICT TEN OR FEWER PARCELS OF LAND, AS LISTED ON THE TAX DUPLICATE, A NOTICE CONTAINING THE INFORMATION REQUIRED BY SUBSECTION (2) HEREOF SHALL ALSO BE SENT BY FIRST CLASS MAIL TO ALL PROPERTY OWNERS WITHIN, CONTIGUOUS TO OR DIRECTLY ACROSS A STREET FROM THE AREA WHICH IS THE SUBJECT OF THE PROPOSED AMENDMENT, NOT LESS THAN 20 DAYS PRIOR TO THE DATE FIXED FOR THE HEARING. FAILURE OF ANY SUCH PROPERTY OWNERS TO RECEIVE MAIL NOTICE SHALL NOT INVALIDATE ADOPTION OF THE AMENDING ORDINANCE.
- (4) AT THE TIME FIXED FOR THE PUBLIC HEARING, COUNCIL SHALL ALLOW TESTIMONY FROM ALL PERSONS INTERESTED IN THE AMENDING ORDINANCE.
- (5) THE AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF THE MEMBERS OF COUNCIL SHALL BE REQUIRED FOR PASSAGE; PROVIDED, HOWEVER, THAT IF THE PLANNING COMMISSION OR THE BOARD OF ZONING APPEALS ARE REQUIRED TO SUBMIT A WRITTEN RECOMMENDATION TO COUNCIL ON THE PROPOSED AMENDMENT TO CHAPTER 1252 OF THIS ZONING CODE OR THE PROPOSED CHANGE TO THE OFFICIAL ZONING MAP, AND ANY ONE OR MORE OF THEM SHALL RECOMMEND AGAINST ADOPTION OF SUCH AMENDMENT OR CHANGE, THE AFFIRMATIVE VOTE OF AT LEAST THREE FOURTHS OF THE MEMBERS OF COUNCIL SHALL BE REQUIRED FOR PASSAGE.

1264.21 PROCEDURE FOR APPROVAL OF A PLANNED UNIT DISTRICT.

Planned unit development, with applications for amendment to PUR District or PUC District zoning, shall follow the procedures set forth in Section 1264.19 and 1264.20 and shall also conform to the following provisions:

- (a) Preliminary and final approval shall be required of a detailed development plan by Council, with review and written advice from ~~the Zoning Officer~~; the Planning Commission and the Board of Zoning Appeals.

- (b) The detailed development plan shall include existing and proposed topography, property lines, land use, structures, streets, rights of way, utilities, number of dwellings, floor space of nonresidential use, off-street parking, open yards and similar items and/or text, explaining and demonstrating how the proposed development will fit the intent of this Zoning Code and justify not meeting the standard zoning district regulations.
- (c) Final approval of the detailed development plan shall be granted only after it has been found that:
- (1) Any exception from standard zoning district requirements appropriate for the site is warranted by the design and other amenities incorporated in the plan.
 - (2) Any exception from the standard zoning district requirements will not be detrimental to other residents of the City and surrounding areas or to the public facilities and services in the City and surrounding areas or to the public facilities and services in the City and surrounding areas.
 - (3) Each individual unit of the development will meet the intent of this Zoning Code if full development of the plan fails; or that development is programmed in such a manner that at the end of any one stage of development the development will meet the intent of this Zoning Code.
- (d) If no construction has begun within two years after Council approval, the approval and zoning certificate shall be void and the land shall revert to the zoning district in effect immediately prior to approval.

Section 2. That Sections 1264.19, 1264.20 and 1264.21 of the Bexley Zoning Code as presently in effect are hereby repealed in their entirety.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: January 22, 1990

Robert L. Schmitz
President of Council

Attest: J. W. [Signature]
Clerk of Council

Approved: Jan. 22, 1990
David H. Madison
Mayor

Nov. 13, 1990 - 1st reading
Nov. 27, 1990 - 2nd reading
Dec. 11, 1990 - 3rd reading
tabled
Jan. 22, 1991 - adopted

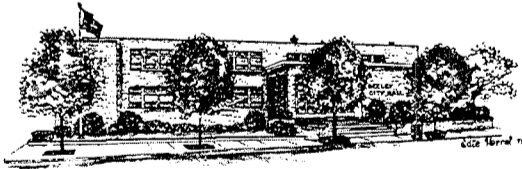
NOTICE OF PUBLIC HEARING

In accordance with Ohio Revised Code Section 713.12, a public hearing will be held by the Council of the City of Bexley, Ohio at 7:00pm, Tuesday, January 8, 1991, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 85-90.

This Ordinance, if approved, will amend Chapter 1260 of the Bexley Codified Ordinances relating to procedures for amendment of the Zoning Code. A copy of the proposed legislation is on file at the office of the Mayor, 2242 E. Main Street, Bexley, Ohio, and is available for public inspection during regular business hours.

COLUMBUS DISPATCH

Please publish Wednesday, December 5, 1990



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