

AMENDED ORDINANCE NO. 77-91

By: John H. Offenberq

An Ordinance to amend Section 1264.04 of the Codified Ordinances of the City of Bexley to provide for the termination of any nonconforming use which is a nuisance and to declare an emergency.

Section 1. That Section 1264.04 of the Codified Ordinances is hereby amended as follows:

1264.04 CONTINUATION, EXPANSION OR CHANGE OF NONCONFORMING USES.

The nonconforming use of a lot and/or a structure may be continued, expanded or changed subject to the following provisions:

- (a) Change of a nonconforming use shall be allowed to a permitted use of the zoning district in which the nonconforming use is located.
- (b) On approval of the Board of Zoning Appeals, a nonconforming use may be changed to a conditional use or a use found to be more nearly in character with the zoning district than the existing nonconforming use.
- (c) On approval of the Board of Zoning Appeals, a nonconforming use may be expanded within an existing structure manifestly arranged or developed for such use.
- (d) No nonconforming use may be re-established where such nonconforming use has been discontinued for a period of six months. Any structure specifically designed and generally limited to the discontinued nonconforming use shall be removed from the lot as soon as possible after the six-month period and in no case more than one year after the use has been discontinued.
- (e) The nonconforming use of any structure damaged by fire, explosion, flood, riot or act of God may be continued and used as before any such calamity, provided the structure has not been destroyed to an extent of more than one-half the replacement cost at the time of destruction, and provided such reconstruction is started within one year of such calamity and is continued in a reasonable manner until completed.
- ~~(f) A conditional use as allowed within a zoning district shall be considered as a conforming use.~~
- (F) A NONCONFORMING USE SHALL CEASE TO ENJOY ITS EXEMPTION FROM THE ZONING CODE AND SHALL BE DISCONTINUED (i) IF SUCH NONCONFORMING USE IS DEFINED AND DECLARED TO BE UNLAWFUL OR TO CONSTITUTE A NUISANCE BY TITLES 29 OR 37 OF THE OHIO REVISED CODE AND/OR CHAPTERS 612 TO 672, INCLUSIVE, OF THE CODIFIED ORDINANCES OF THE CITY, OR (ii) IF ANY ACTIVITY, WHICH IS DEFINED AND DECLARED TO BE UNLAWFUL OR TO CONSTITUTE A NUISANCE BY TITLES 29 OR 37 OF THE OHIO REVISED CODE AND/OR CHAPTERS 612 TO 672, INCLUSIVE, OF THE CODIFIED ORDINANCES OF THE CITY, IS CONDUCTED, PERMITTED, CONTINUED OR EXISTS IN OR ON THE LOT AND/OR STRUCTURE SUBJECT TO SUCH NONCONFORMING USE; AND UPON SUCH DISCONTINUANCE THE USE OF SAID LOT AND/OR STRUCTURE SHALL THEREAFTER CONFORM TO THE ZONING CODE.

(G) ANY USE REQUIRING A SPECIAL PERMIT UNDER THIS ZONING CODE SHALL BE DEEMED A NONCONFORMING USE FOR PURPOSES OF THIS SECTION AND ANY OTHER SECTION OF CHAPTER 1264 DEALING WITH NONCONFORMITIES, AND ANY SUCH SPECIAL PERMIT SHALL TERMINATE UPON THE DISCONTINUANCE OF A NONCONFORMING USE PURSUANT TO SUBSECTION (F) OF THIS SECTION.

Section 2. That Section 1264.04 as presently in effect is hereby repealed.

Section 3. That this Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to eradicate the risks to the public associated with the existence of nuisances within the City, and shall go into full force and effect immediately upon its passage and approval by the Mayor.

Passed: February 25, 1992

Mark Mauer
President of Council

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

Approved: Feb. 25, 1992

D. Madison
David H. Madison, Mayor

Dec. 17, 1991 - 1st reading
Jan. 14, 1992 - 2nd reading
Jan. 28, 1992 - 3rd reading
tabled
Feb. 25, 1992 - Amended
Adopted