

By: Anne H. Porter

An Ordinance to provide for the submission of a proposed amendment to the Bexley City Charter to the electors at the general election to be held on November 3, 1998, to authorize the Auditor to deliver a certified copy of this Ordinance to the Board of Elections of Franklin County, Ohio and to declare an emergency.

WHEREAS, the Bexley City Charter and Ohio Constitution provide for the submission of proposed amendments to the City Charter upon receipt of petitions signed by ten percent of the electors of the City; and

WHEREAS, petitions setting forth a proposed amendment have been received by the City, and the Board of Elections of Franklin County, Ohio has determined that the petitions contain valid signatures of more than ten percent of the electors of the City; and

WHEREAS, this Council, having received petitions signed by the requisite percent of electors, is required to submit the proposed amendment to the electors; NOW, THEREFORE,

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

Section 1. That the following amendment, which proposes the enactment of a new Section 80 of the Bexley City Charter, be submitted to the electors of the City at the general election to be held on November 3, 1998:

SECTION 80 OF THE CHARTER OF THE CITY OF BEXLEY BE ENACTED AS FOLLOWS:

AS USED IN THIS SECTION, "DRIVE-THROUGH FOOD SERVICE FACILITY" MEANS ANY RETAIL OR SERVICE ESTABLISHMENT THAT SERVES FOOD AND/OR BEVERAGES AS PART OF ITS BUSINESS AND THAT PROVIDES A DESIGNATED PLACE WHERE PERSONS CAN DRIVE IN VEHICLES IN SUCH PROXIMITY TO THE ESTABLISHMENT THAT THEY CAN OR ARE PERMITTED TO CONDUCT THE MAJOR PORTION OF THEIR BUSINESS WITH THE ESTABLISHMENT WITHOUT HAVING TO EXIT THEIR VEHICLES.

1. NOTWITHSTANDING ANY PROVISION OF THIS CHARTER OR ANY REGULATIONS CONTAINED IN EXISTING ORDINANCES OF THE CITY, NO STRUCTURE SHALL BE CONSTRUCTED, ERECTED, CONVERTED, OR ALTERED FOR THE PURPOSE OF USING IT OR ANY PORTION OF IT AS A DRIVE-THROUGH FOOD SERVICE FACILITY ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT.

2. NO EXISTING USE OF ANY PROPERTY SITUATED WITHIN THE CITY OF BEXLEY SHALL BE ALTERED SO AS TO PERMIT THE OPERATION OF A DRIVE-THROUGH FOOD SERVICE FACILITY.

3. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER PERMITTING THE EXERCISE OF LEGISLATIVE, EXECUTIVE, OR ADMINISTRATIVE POWER, NO ZONING VARIANCE, APPROVAL OF CONDITIONAL USE OF PROPERTY, APPROVAL OF PLANS, OR PERMITS OR OTHER APPROVALS TO CONSTRUCT, ERECT, CONVERT, ALTER, MODIFY, USE OR OCCUPY ANY STRUCTURE SHALL BE APPROVED, GRANTED, AUTHORIZED, ISSUED, OR PERMITTED BY THE CITY OF BEXLEY IF THE STRUCTURE OR ANY PORTION THEREOF IS FOR THE OPERATION OF A DRIVE-THROUGH FOOD SERVICE FACILITY.

Section 2. That the Auditor in his capacity as Clerk of Council is hereby authorized and directed to certify a copy of this Ordinance and deliver it to the Board of Elections of Franklin County, Ohio on or before 4:00 P.M. on Thursday, August 20, 1998.

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 submit the proposed amendment to the Board of Elections by 4:00 P.M. on August 20, 1998 in order for it to be presented to voters at the election to be held on November 3, 1998, and shall go into effect upon its passage and approval by the Mayor.

Passed: August 18, 1998

*[Signature]*  
President of Council

Attest: *Richard A. Levin*  
Clerk of Council

Approved: Aug. 18, 1998

*[Signature]*  
David H. Madison, Mayor

8/18/98  
just reading. suspend second  
and third reading and  
adopt.