

ORDINANCE NO. 65 -02

By: Jeffrey L. McClelland

An Ordinance to amend Sections 1244.11, 1244.12, 1244.16, 1222.02, and 1230.04(b) of the Planning and Zoning Code, to enact a new Chapter 1224 and a new Section 1230.04(g) of the Planning and Zoning Code, and to amend Chapter 1256 of the Planning and Zoning Code in its entirety, for the purpose of implementing the Main Street Design Guidelines for future planning and development of the Main Street Redevelopment District.

WHEREAS, by Ordinance No. 28-98 passed on May 26, 1998, the Main Street District was established to facilitate the implementation of plans and vision for revitalization of the City's primary commercial area on Main Street; and

WHEREAS, the Main Street District will benefit from the development and application of appropriate physical design guidelines to supplement development standards already in effect under current zoning and environmental review laws and to facilitate quality redevelopment of the Main Street corridor; and

WHEREAS, the Bexley Development Office in conjunction with the Main Street Guidelines Steering Committee has studied, planned and prepared with Myers-Schmalenberger and Associates the Main Street Design Guidelines as the principal tools to insure and encourage compatible, high quality private development, restoration, rehabilitation and redevelopment within or adjacent to the Main Street District; and

WHEREAS, the Main Street Guidelines Steering Committee on June 26, 2002, Bexley Area Chamber of Commerce on July 10, 2002, Tree & Public Gardens Commission on July 17, 2002 and Main Street Redevelopment Commission on August 7, 2002 endorsed the Main Street Design Guidelines with the recommendation this Ordinance be submitted by the Development Office to the Council for passage; and

WHEREAS, City Council has adopted the Main Street Design Guidelines, and certain changes to the Planning and Zoning Code are required to implement the Guidelines;

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

Section 1. That Section 1244.11 of the Planning and Zoning Code is hereby amended as follows:

1244.11 MIXED USE COMMERCIAL DISTRICT (MUC).

The purpose of the MUC District is to allow and encourage a strong local shopping and business center in the City. Mixed-used development should be allowed and encouraged. Intersections, in particular, provide opportunities for mixed-use development that is integrated vertically and horizontally with adjacent properties and uses. Goals of the District include encouraging redevelopment with infill, new forms of mixed-use residential, commercial, office and pedestrian-oriented retail development,

increasing development of residential spaces within mixed-use projects to provide additional support for retail oriented activities and supporting the movement of offices and residential uses above retail. Development standards within the District should be flexible to promote appropriate redevelopment while preserving and enhancing the unique character of the District through the adoption and application of design guidelines.

Section 2. That Section 1244.12 of the Planning and Zoning Code is hereby amended as follows:

1244.12 GENERAL COMMERCIAL DISTRICT (GC).

At least one area of the City is appropriate for a broad range of commercial uses, but the area is not an integral part of the principal shopping district of the City and is characterized by limited traffic access and parking. This District needs a separate set of development standards, similar to the predominant scale and density of most sections of the City. Lot sizes and widths should be moderately large to insure ample space for each activity, for attractive landscaping and to avoid congestion. It is intended that the location of any General Commercial District be carefully planned to avoid conflict with residential areas, and it shall not be used for small sites mixed in with other uses.

Section 3. That Section 1244.16 of the Planning and Zoning Code is hereby amended as follows:

1244.16 MAIN STREET DISTRICT (MS).

The MS District is an overlay district, the purpose of which is to facilitate the implementation of plans and vision for the revitalization of the City's main commercial area on Main Street. The MS District includes other districts as sub-districts, including the MUC District, and is intended to permit a diverse mix of land uses. Unlike other districts, both the planning and administrative functions under the Planning and Zoning Code are vested in one body, the Main Street Redevelopment Commission, to streamline the regulatory process and to promote redevelopment while protecting the unique character of Main Street. Land use standards are intended to be flexible, with design guidelines promulgated, with Council approval, by the Commission being the primary tool to promote appropriate, high quality private development and public amenities.

Section 4. That Section 1222.02 of the Planning and Zoning Code is hereby amended as follows:

1222.02 APPLICATION OF DISTRICT.

The Bexley Environmental Review District shall be applicable to land presently or hereafter zoned within the Neighborhood Commercial District, Office Commercial District, General Commercial District, Commercial Service District or Open Space District, except any such District which is a sub-district of the Main Street District which shall be subject to Chapter 1224.

Section 5. That Section 1230.04(b) of the Planning and Zoning Code is hereby amended as follows:

1230.04 DISTRICT REQUIREMENTS.

(b) Office Commercial Zoning District.

- (1) Freestanding signs. No freestanding sign, including its frame and structure, shall exceed thirty-two square feet in area on any one side. In addition, the total display area of all freestanding signs on any one property shall not exceed sixty-four square feet. Neither the vertical nor the horizontal measurements of any freestanding sign shall exceed fifteen feet in length. Only one freestanding sign shall be permitted for each building.
- (2) Projecting signs. Each business may have one projecting sign on the front of the building, provided that no freestanding sign is used. The maximum size for a projecting sign shall be twelve square feet in area on any one side and the total display area of the projecting sign shall not exceed twenty-four square feet. The horizontal projection shall not exceed six feet in length.
- (3) Permanent window signs. Permanent window signs shall meet all the requirements of this chapter pertaining to wall signs.
- (4) Temporary window signs. Temporary window signs shall not require a permit if the following requirement is met: a temporary window sign shall not exceed an area of twenty-five percent (25%) of the window in which it is placed, but the maximum allowable coverage for all window signs on any one business is fifty square feet.
- (5) Wall signs. Each business may have not more than one wall sign on the front, one wall sign on each side and one wall sign on the rear of the building in which it is located. However, those businesses that are located on a lot which abuts a residential zoning district shall not be allowed to erect a wall sign on that side of the building facing such residential district without first receiving special permission therefor from the Bexley Environmental Review Board. The aggregate area of all wall signs for any single business may be equivalent to one square foot of sign area for each lineal foot of width of the building or part of a building occupied by such business, but such aggregate area shall not exceed seventy square feet. The width of the building shall be determined by measuring that portion of the building that fronts onto the street as determined by the front yard building setback of the Zoning Code.

Section 6. That a new Chapter 1224 of the Planning and Zoning Code is hereby enacted as follows:

CHAPTER 1224
Main Street District

1224.01 PURPOSE.

The Main Street District was established, among other things, to regulate certain uses and area requirements in the Mixed Use Commercial District, which is a sub-district of the Main Street District, and to control, encourage and regulate the character, design, placement and relationship of buildings, structures and spaces within the boundaries of the entire Main Street District.

1224.02 APPLICATION OF CHAPTER.

This chapter shall be applicable to land presently or hereafter zoned within the Main Street District and all sub-districts located within the Main Street District.

1224.03 MAIN STREET DISTRICT PLANS REVIEW.

(a) Main Street Redevelopment Commission. The Main Street Redevelopment Commission shall sit as the Main Street review authority.

(b) Review. No building, structure or space within the Main Street District shall be constructed, reconstructed, altered, moved, extended, razed, enlarged or changed in external appearance unless and until the plans and specifications for such building, structure or space, including the landscape plan for the premises on which it is or will be located, have been approved by the Commission. The Commission in reviewing such plans and specifications, shall examine the site plan, architectural style and building composition (including design elements such as entrances, storefronts, upper stories and mechanical screening), the exterior building materials and color, the location of uses within and the arrangement and massing of the buildings and structures on the premises, building height, lighting, signage, parking, the landscape plan and materials, and the impact of the site and design elements of the project upon the appearance and environment of the Main Street District and neighboring properties. The Commission, in deciding whether to approve an application under this chapter, shall determine that the site and design plans for such buildings, structures and spaces as proposed by the applicant are in keeping with the purpose and intent of the Main Street District, the applicable sub-district and the design guidelines contemplated by subsection (c) hereof and that such plans would not have a substantial detrimental impact on neighboring properties. The design and site plan review contemplated by this Chapter does not include the right to approve or disapprove proposed or existing uses or changes to the interior of an existing building or structure which do not change the external appearance of a building or site. Permitted or conditional uses within the District and applicable sub-district and are governed by Chapter 1252 and Section 1264.15, variances for non-permitted uses are governed by Section 1264.14, and nonconforming uses are governed by Sections 1264.01 to 1264.05, inclusive. Projects involving only interior changes to existing buildings and structures are subject to standard City plan review and building permit procedures.

(c) Main Street Design Guidelines. The Commission shall from time to time adopt and publish design guidelines for the District covering matters such as site planning, landscaping and screening, building design and materials, signage, parking, lighting and use of the public right-of way; provided, however, that such guidelines shall be subject to review and approval by Council. The Commission may grant variances from the design guidelines which shall be deemed to be in the nature of area or bulk variances.

(d) Delegation of Authority. The Commission may delegate to a qualified employee or agent the authority to review and approve, without further review and approval by the Commission, plans with respect to changes to existing buildings,

structures or spaces, involving compliance with provisions of the design guidelines expressly designated therein as being subject to delegated review as provided in this subsection. The staff may decline to review an application and submit it to the Board for its review, and an applicant whose plans have been reviewed by the staff may, upon request, have the plans reviewed by the Commission.

(e) Biennial Review. The Main Street Design Guidelines contemplated by subsection (c) shall, beginning in the year 2004, be reviewed biennially by the Commission which shall submit a written report to City Council on or before December 31 of the calendar year in which such review is to occur. The report shall include a review of the Guidelines, administrative policies and procedures and recommendations, if any, for changes to the Guidelines or the Planning and Zoning Code which affect such Guidelines. City Council may, upon consideration of the report, elect to continue, modify or terminate the Guidelines.

1224.04 REVIEW PROCEDURES.

(a) Approval shall be obtained from the Commission prior to any new construction, remodeling, reconstruction or other change which comes within the scope of this chapter.

(b) Subject to Section 1224.03(d), the responsibility of review and approval or denial of the application filed under this Chapter shall rest with the Commission. All applications requiring review by the Commission, rather than the staff, shall be filed with the Commission or its designee at least fourteen (14) days before a regularly scheduled Commission meeting; provided, however, that the Commission may, for good cause, waive the fourteen-day advance filing requirement and, in the case of changes to a plan previously approved by it, may reduce any applicable time period for notice to other property owners, and consider a new or amended application at any regular or special meeting of the Commission.

(c) The Commission shall review and approve, approve with modifications or conditions or disapprove each such application. An application may be tabled at the request of the applicant or the Commission. The City shall maintain, as an official record of the Commission's decision on an application, minutes of the meeting at which the application was considered.

1224.05 VIOLATIONS; EQUITABLE REMEDY.

(a) No person shall construct, reconstruct, alter, move, extend, raze, enlarge or change the external appearance of any building structure, or space within the Main Street District in violation of this chapter, including, without limitation, any condition imposed by the Commission in its approval of an application.

(b) In the event any building, structure or space located within the Main Street District is changed, or any construction occurs within the District, in violation of any of the provisions of this chapter or any condition imposed by the Commission in its approval of an application, then in addition to the penalty provided in Section 1224.99, the City may institute an appropriate action or proceeding to restrain, correct or abate any such violation or to require compliance with the provisions of this chapter.

1224.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provision of this chapter, including, without limitation, any condition imposed by the Commission in its approval of an application, shall be fined not more than two hundred fifty dollars

(\$250.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues after receipt of a violation notice. The owner or tenant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation or noncompliance may be found guilty of a separate offense and suffer the penalties herein provided.

(b) The assessment of the penalty in subsection (a) hereof shall not prevent the City from seeking and obtaining equitable relief as contemplated by Section 1224.05.

Section 7. That a new Section 1230.04(g) of the Planning and Zoning Code is hereby enacted as follows:

1230.04 DISTRICT REQUIREMENTS.

(g) **Mixed Use Commercial District.** Signage in this District shall be subject to the Main Street Guidelines as adopted from time to time by the Main Street Redevelopment Commission and approved by Council. In the event that provisions of the Main Street Guidelines relating to signage cease to be in effect or are unenforceable for any reason, signage in this District shall be subject to subsection (b) of this Section.

Section 8. That Chapter 1256 of the Planning and Zoning Code is hereby amended in its entirety as follows:

**CHAPTER 1256
Off-Street Parking and Loading Regulations**

1256.01	General regulations.	1256.05	Exceptions to the number
1256.02	Minimum number of spaces		of spaces required.
	required.	1256.06	Off-street loading
1256.03	Computing the number of		requirements.
	spaces.		
1256.04	Location of off-street		
	parking.		

1256.01 GENERAL REGULATIONS.

Off-street automobile parking spaces shall be provided for every land use on any lot or any time any building or structure is erected, enlarged or increased in capacity, or converted to a more intense use, in accordance with the following requirements:

- (a) Each parking space shall have an area of not less than 162 square feet (9x18) exclusive of access drives or aisles, and shall be reasonably accessible and maintained in good condition, provided that up to 25% of the required parking spaces may be met with parking spaces for compact cars with an area of not less than 132 square feet (8.5x16).

- (b) There shall be provision for convenient and safe ingress and egress to all parking spaces from an appropriate public street or alley.
- (c) All off-street parking areas, including access drives and aisles, shall be hard surfaced to provide a durable and dustless surface and shall be graded and maintained so that water does not unreasonably accumulate on such areas nor flow or drain onto adjacent property. All such areas shall be maintained in good condition, kept free of holes, trash and debris, and shall be adequately demarcated by periodic restriping or other means approved by the City.
- (d) An access drive shall not exceed the normal width necessary to allow for a convenient movement of traffic and shall not be used for temporary or permanent parking. In the R-1, R-2, R-3, R-6, R-12 and R-24 Districts, access drives shall not be less than 8 feet and no larger than 12.5 feet in width.
- (e) Any lighting used to illuminate any off-street parking area shall be arranged not to exceed 0.5 foot candles within 10 feet from the property line.
- (f) Whenever a parking area extends to a lot line, sidewalk, planter strip or part of a structure, a wheel stop device consisting of blocks, a permanent curb, expanded sidewalk or other suitable restraint shall be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any building, structure or landscaping. The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop to a property line or protected area shall be 2.5 feet, or as otherwise approved by the City.
- (g) Parking spaces shall be designated for the handicapped and may be used to compute the total number of spaces required. The number and location of the designated spaces shall comply with the Ohio Basic Building Code.
- (h) A parking plan shall be required for new off-street parking and for the revision of existing off-street parking, including, but not limited to, reduction, enlargement, restriping or remarking. In commercial, office, multifamily and open space zoning districts, the parking plans shall be reviewed and approved under Chapter 1222 or 1224, as appropriate. In single family zoning districts, the parking plan shall be reviewed and approved by the zoning officer. The parking plan shall be drawn to scale and shall illustrate existing conditions, right of way lines, property lines, pavement areas, approaches, grading, drainage, lighting, traffic patterns and landscaping.
- (i) Incidental signs erected to identify entrances, exits and operational instructions shall meet the requirements of Chapter 1230.
- (j) Construction of an access drive which requires the removal of trees within the public right-of-way shall receive the prior approval of the Tree and Public Gardens Commission which may condition its approval on the number, type, size and location of replacement trees and the charge, if any, to the property owner to compensate the City for the loss of the tree or trees being removed.
- (k) If any change in use or expansion results in an increase in the number of required off-street parking spaces of less than ten percent (10%) of the parking spaces previously provided or five (5) spaces, whichever is greater, no additional parking spaces shall be required.

1256.02 MINIMUM NUMBER OF SPACES REQUIRED.

A minimum number of off-street parking spaces shall be provided in accordance with the following schedule:

<u>Use</u>	<u>Required Off-Street Parking Spaces</u>
(a) Residential	Two spaces per dwelling unit
(b) High-intensive commercial uses, including eating and drinking places, barber and beauty shops, quick service food stores, cafeteria and similar uses	One space per 100 square feet of floor area
(c) Low-intensive commercial uses, including home furnishings and large item display establishments	One space per 500 square feet of floor area
(d) Special commercial uses with unique parking characteristics, e.g. hotel, theater or bowling alley	Based on approved formula or substantiated user estimates, but in no case less than one space per 500 square feet of floor area
(e) Retail sales, service or office uses, not classified above floor area	One space per 250 square feet of
(f) Public and quasipublic uses	Based on approved formula or substantiated user estimates, but in no case less than one space for each five persons sixteen years old or over the establishment is designed to serve.

Notwithstanding the foregoing, the minimum number of parking spaces for uses within the Mixed Use Commercial District shall be determined in accordance with the Main Street Guidelines as adopted from time to time by the Main Street Redevelopment Commission and approved by Council. In the event that provisions of the Main Street Guidelines relating to off-street parking cease to be in effect or are unenforceable for any reason, signage in this District shall be subject to the provisions set forth above.

1256.03 COMPUTING THE NUMBER OF SPACES.

Required off-street parking spaces shall be calculated in accordance with the following provisions:

- (a) Where two or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of their individual requirements.

(b) The parking spaces required shall be to the next highest whole number where a fractional space of more than one-half results in computation. Fractions of one-half or less shall be disregarded.

(c) Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, acceptable to the City, is filed with the application for environmental or plan review and approved under Section 1222.04 or Section 1224.04.

1256.04 LOCATION OF OFF-STREET PARKING.

Required off-street parking spaces shall be located subject to the following provisions:

- (a) Spaces shall be located on the same lot as the structure or use served, except as permitted in the MUC District by the Main Street Guidelines.
- (b) No spaces or aisles shall be located in the required front yard in an R-1, R-2, R-3, R-6, R-12, R-24 or OS District.
- (c) In the OC District, no spaces or aisles shall be located in front of the principal building or use.
- (d) In the NC, GC and CS Districts, parking spaces and aisles in the front yard must be set back ten feet. This set-back may be reduced with appropriate screening approved by the Board of Zoning Appeals.
- (e) In residential districts or on any lot directly adjoining a residential district, all off-street parking areas with three or more spaces shall be separated from an adjacent residential property by a yard space of ten feet or more, or by appropriate screening approved by the board or commission having jurisdiction.
- (f) In residential districts all off-street parking areas with two or less spaces shall be separated from adjacent residential property by a yard space of three feet or more or by appropriate screening approved by the Board of Zoning Appeals.

1256.05 EXCEPTIONS TO THE NUMBER OF SPACES REQUIRED.

Exceptions may be made to the number of off-street parking spaces required by an area variance. The following factors, among others, may be considered in the granting of such a variance:

- (a) Up to twenty-five percent of the required spaces may be eliminated for uses bordering on a street beginning or ending in the City where adequate on-street parking is available and it will not cause significant problems.
- (b) Spaces may be reduced, upon a showing of non-vehicular walk-in use or other factors affecting off-street parking needs. The reduction in spaces shall be in proportion to the substantiated non-vehicular use or other factors justifying such reduction.

Off-street parking within the Mixed Use Commercial District is subject to the Main Street Guidelines as provided in Section 1256.02. The Main Street Redevelopment Commission may condition a variance from the number of off-street spaces required by the Guidelines pursuant to this Section upon the payment of a fee to be deposited in a fund established by the City to finance the development of off-street parking within the Main Street District.

1256.06 OFF-STREET LOADING REQUIREMENTS.

In any district, in connection with every building or part thereof hereafter erected which is to be occupied by a retail sales use or other use similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, as part of the parking plan required by Section 1256.01(h), a location for the delivery and unloading of goods

in a manner which does not disrupt traffic or unreasonably disturb neighbors. If the board or commission having jurisdiction determines that an off-street loading space is necessary or appropriate, such space may be counted in determining the required minimum number of spaces under Section 1256.02.

Section 9. That existing Sections 1244.11, 1244.12, 1244.16, 1222.02, 1230.04(b) and 1230.04(g) and Chapter 1256 of the Planning and Zoning Code are hereby repealed.

Section 10. That this Ordinance shall go into full force and effect from and after the earliest date allowed by law.

Passed: 9-24, 2002



President of Council

Attest: 

Clerk of Council

Approved: 9/24, 2002



David H. Madison, Mayor

7/23/02 first reading
9/10/02 second reading
9/24/02 third reading