

ORDINANCE NO. 9 -04

BY: Richard Weber

An Ordinance to grant a Councilmatic Variance pursuant to Section 1264.14(c) (2) of the Codified Ordinances for property located at 2651 East Main Street, to permit the property, which is zoned Mixed Use Commercial, to be used for outdoor sales of Girl Scout cookies for the period of February 27, 2004 through March 21, 2004 and to declare an emergency.

Whereas, more than 400 girls in the Bexley Service Unit gain self-esteem, learn new skills, perform public service and have fun through activities sponsored through Girl Scouts USA; and,

Whereas, such fun requires money, largely earned from the annual cookie sale; and,

Whereas, the lingering economic recession and outbreak of corporate restructurings have closed numerous traditional booth sale venues, including K-Mart and Big Bear; and,

Whereas, the local Girl Scouts are desperate for a place to hold sales to support their outings, including camping and works of public service; and,

Whereas, Mike Disser, the owner of the new Moe's Southwest Grill, has generously agreed to donate to the Girl Scouts the use of his parking lot at 2651 East Main Street (the old Montana Mills Bread Company site) for the purpose of conducting cookie booth sales. **NOW, THEREFORE,**

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

Section 1. Troops affiliated with the Bexley Service Unit of Girls Scouts USA should be and hereby are granted a Councilmatic Variance pursuant to Section 1264.14(c)(2) to hold cookie booth sales in the parking lot of the future Moe's Southwest Grill at 2651 East Main Street. Sales will begin Friday, February 27, 2004 and ending no later than March 21, 2004.

Section 2. Sale hours will be restricted to weeknights between 4:00 p.m. and ending before dark, and on weekends, from 10:00 a.m. to 6:00 p.m.

Section 3. Signage measuring no greater than 25 square feet will be attached to a vehicle from which cookies will be distributed. Girls will be restricted to the private property and, for safety reasons, will not stand on the public right-of-way. Some girls may be holding homemade placards inside the parking lot boundaries.

Section 4. That the approval of the variance will not have an adverse effect on the surrounding properties or neighborhood, would assist in providing a service to the residents that is not currently available within the city, would encourage community-oriented shopping, and would comply with Council's power and authority to grant variances as set forth in Section 1264.14(c)(2).

Section 5. That the proposed outdoor sale of Girl Scout cookies is compatible with the recognized permitted uses in the Mixed Use Commercial Zoning District, produces substantial justice, and is not contrary to the public interest.

Section 6. That this variance shall expire on March 21, 2004, unless extended by Council.

Section 7. That this Ordinance is hereby declared to be an emergency necessary for the public health and welfare, said emergency being the need to implement the Councilmatic Variance prior to February 27, 2004, and shall take effect and be in force upon its signing by the Mayor.

Passed: 2/24/04, 2004

John B. Paly
President of Council

Attest: [Signature]
Clerk of Council

Approved: 2/24, 2004

[Signature]
David H. Madison, Mayor

2-10-04 First Reading
2-24-04 Second Reading
3 Reading Rule Suspended
Passed