

RESOLUTION NO. 2 - 07

By: Richard Weber

A Resolution declaring a moratorium on the issuance of approvals for the construction of private driveway entrances for circular driveways under Section 1024.01 of the Streets, Utilities and Public Services Code until August 1, 2007 and declaring an emergency.

WHEREAS, the construction of circular driveways is an issue of public comment and concern regarding public safety, planning and the appropriate regulation of the public right of way and tree lawn; and

WHEREAS, the Codified Ordinances do not presently prohibit or regulate circular driveways; and

WHEREAS, the Board of Zoning Appeals has requested that this Council place a moratorium of the construction of circular driveways so that Board may consider the pros and cons of circular driveways, receive public comment and submit a recommendation thereon to this Council, and a copy of the motion adopted by the Board is attached hereto and incorporated herein by reference; and

WHEREAS, it is appropriate to place a moratorium on the construction of circular driveways during the review and discussion process;

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

Section 1. No approval for the construction of private driveway entrances for a circular driveway shall be issued by the City under Section 1024.01 of the Streets, Utilities and Public Services Code, and no circular driveway which had not received written approval of the City prior to January 23, 2007 shall be constructed, until August 1, 2007. Failure to comply with this Resolution shall constitute a violation of Section 1024.01 and shall be subject to the penalty provided in Section 1024.99. Nothing in this Resolution or Chapter 1024 shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this Resolution.

Section 2. This Resolution is an emergency measure necessary for the immediate protection of the public health, safety or welfare, said emergency being the need to preclude construction of circular driveways until there effect has been assessed and appropriate legislative action, if any, enacted, and shall be in full force and effect from and after passage and approval by the Mayor.

Passed: 3/19, 2007

Helen Mac Murray
President of Council

Attest: [Signature]
Clerk of Council

01.23.07 First Reading
2.27.07 Second Reading
3.13.07 Third Reading
Passed

Approved: 3/19, 2007

[Signature]
David H. Madison, Mayor

MOTION

WHEREAS, a significant number of circular driveways have been installed in Bexley in the last year; and

WHEREAS, circular driveways can have a debilitating effect upon the character and heritage of the City by reducing the wide areas of green space within Bexley's residential neighborhoods, promoting the parking of vehicles within front yard areas, negatively impacting existing street trees and reducing the tree lawn area in which trees can be planted; and

WHEREAS, existing planning and zoning regulations do not adequately address the installation of circular drives in residential areas and are in need of revision in order to provide sufficient safeguards and standards to preserve the character and heritage of Bexley's residential neighborhoods and to reduce the adverse impacts which may arise as the result of the installation and use of circular drives; and

WHEREAS, the Board of Zoning Appeals believes that it is in the best interest of the City and its residents for Bexley City Council to approve a moratorium on the construction of circular drives for a period of six months in order to allow the Board of Zoning Appeals sufficient time to develop a circular drive policy for presentation to City Council.

Based upon the foregoing, upon motion of Mr. Peter Bardwell, seconded by Mr. Jim Merkel, the Bexley Board of Zoning Appeals hereby respectfully requests that Bexley City Council approve a moratorium on the construction of circular drives for a period of six months during which time the Board of Zoning Appeals will develop a proposed policy addressing the installation and use of circular drives in Bexley's residential neighborhoods to be presented to Council as proposed legislation in order to regulate circular drives for the benefit of the entire community.