

**ORDINANCE NO. 22-11**

By: \_\_\_\_\_

**AN ORDINANCE TO PROCEED WITH PLACING ON THE  
BALLOT CERTAIN PROPOSED AMENDMENTS TO THE  
CHARTER OF THE CITY OF BEXLEY REGARDING  
PERMITTING DRIVE-THROUGH FOOD SERVICE USES  
ON CERTAIN PROPERTY ON LIVINGSTON AVENUE**

WHEREAS, the City Charter Review Commission has met and reviewed the current City Charter; and

WHEREAS, said Charter Commission has formally recommended to the Council of the City of Bexley to place the question of whether or not the electors of Bexley wish to have certain amendments made to the Charter of the City of Bexley, which amendment will permit drive-through food service on certain property on Livingston Avenue; and

WHEREAS, pursuant to Article XVIII, section 9 of the Ohio Constitution, amendments to the Charter may be submitted to the electors by a two-thirds vote of City Council,

**THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY,  
OHIO, TWO-THIRDS OF THE MEMBERS OF COUNCIL CONCURRING:**

SECTION 1 That the proposed amendment to Section 80 of Article XIX and the addition of Section 81 of Article XIX of the Charter of the City of Bexley, Ohio, which are set forth in detail in the document attached hereto as Exhibit A and incorporated herein by reference, be placed on the ballot for consideration by the electors of the City of Bexley at the November 8, 2011 general election.

SECTION 2. That the question to be submitted on the ballot shall be as follows:

Shall the Charter of the City of Bexley be amended to permit drive-through food service uses on Livingston Avenue to the west of College Avenue?

SECTION 3. This Ordinance shall go into full force and effect at the earliest time allowed by law

Passed \_\_\_\_\_, 2011

\_\_\_\_\_  
President of Council

Attest \_\_\_\_\_  
Clerk of Council

Approved. \_\_\_\_\_, 2011

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John M. Brennan, Mayor

APPROVED AS TO FORM.

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Legal Counsel

First Reading: \_\_\_\_\_, 2011

Second Reading: \_\_\_\_\_, 2011

Third Reading: \_\_\_\_\_, 2011

## EXHIBIT A

**Section 80. Drive-Through Food Service Facility** 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. Except as otherwise provided in Subsection 4. below. 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. Except as otherwise provided in Subsection 4. below. 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. Except as otherwise provided in Subsection 4. below. 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  
(Added Nov. 3, 1998.)

4. Notwithstanding the foregoing provisions, Section 80 of this Charter shall not be applicable to any drive-through food service facility located or proposing to be located on property which is adjacent to and has frontage on the north side of Livingston Avenue and which is situated west of College Avenue. (Amended Nov. 8, 2011)

### Section 81. Effective Date of 2011 Amendments to Charter.

The amendments to this Charter proposed by Ordinance Nos. 22-11, 23-11 and 24-11, adopted on \_\_\_\_\_, 2011, if such amendments are approved by a majority of the persons voting at the election held on November 8, 2011, shall take effect on January 1, 2012.

The amendment to this Charter proposed by Ordinance No. 21-11, adopted on \_\_\_\_\_, 2011, if such amendments are approved by a majority of the persons voting at the election held on November 8, 2011, shall take effect on January 1, 2014. (Amended Nov. 8, 2011)