

**ORDINANCE NO. 08 - 20**

By: Jessica Saad

**An Ordinance amending sections 1218.04, 1220.02, 1220.05, 1220.06, 1223.03, 1223.05, 1223.07, 1223.08, 1223.09, 1226.08, 1226.11, 1226.12, 1230.02, 1230.26, 1230.45, 1230.48, 1230.60, 1230.82, 1234.04, 1234.10, 1252.10, 1252.11, 1254.09, 1254.10, 1254.14, 1256.02, 1256.04, 1256.05, 1256.07, 1256.08, 1256.09, 1256.11, 1260.02, 1260.03, 1260.04, 1260.05, 1260.07, 1262.02, 1262.04, 1264.02, 1264.03, 1266.11, and 1266.14 enacting sections 1226.081, 1230.285 and 1266.18 of the Codified Ordinances of the City of Bexley, Planning and Zoning Code.**

**WHEREAS**, Bexley City Council initiated a comprehensive review of its entire Planning and Zoning Code which had not received a comprehensive update since its enactment by Ordinance No. 8-72 in 1972, and, via Ordinance 29-16, effectuated necessary changes; and

**WHEREAS**, the corresponding revised version of the Planning and Zoning Code of the city of Bexley has been in place for several years, and several adjustments are felt necessary based upon the experience of the City staff and boards charged with administering the code; and

**WHEREAS**, these proposed changes were referred to the Board of Zoning Appeals and Planning for public hearing and review, and City Council has received comments and recommendations of approval from the Board of Zoning Appeals and Planning; and

**WHEREAS**, City Council has also held public hearings upon the proposed amendments; and

**WHEREAS**, City Council has determined that it is in the interest of the city and the health, safety and welfare of the residents, property owners, public and city to amend the existing Planning and Zoning Code as specified herein.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Bexley, County of Franklin, State of Ohio, that:

**Section 1.** Sections 1218.04, 1220.02, 1220.05, 1220.06, 1223.03, 1223.05, 1223.07, 1223.08, 1223.09, 1226.08, 1226.11, 1226.12, 1230.02, 1230.26, 1230.45, 1230.48, 1230.60, 1230.82, 1234.04, 1234.10, 1252.10, 1252.11, 1254.09, 1254.10, 1254.14, 1256.02, 1256.04, 1256.05, 1256.07, 1256.08, 1256.09, 1256.11, 1260.02, 1260.03, 1260.04, 1260.05, 1260.07, 1262.02, 1262.04, 1264.02, 1264.03, 1266.11, and 1266.14 of the Codified Ordinances of the City of Bexley, Planning and Zoning Code are hereby amended as detailed in the attached "Exhibit A"; and that sections 1226.081, 1230.285 and 1266.18 of the

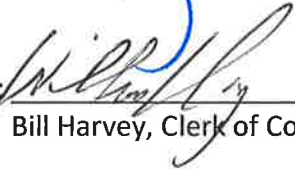
Codified Ordinances of the City of Bexley, Planning and Zoning Code are hereby enacted as detailed in the attached "Exhibit A".

**Section 2.** Should any provision of this Ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared unconstitutional or invalid.

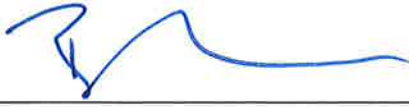
**Section 3.** This Ordinance shall be in full force and effect from and after the earliest period allowed by law. The amendments to the Codified Ordinances of the City of Bexley adopted in this Ordinance shall be effective on the date provided in this Ordinance.

Passed July 14, 2020

  
Lori Ann Feibel, President of Council

Attest:   
Bill Harvey, Clerk of Council

Approved: March 10, 2020

  
Ben Kessler, Mayor

First Reading: 1-28-20

Second Reading: 2-11-20

Third Reading: 2-25-20

Tabled: 2-25-20

## Ordinance No. 08-20 EXHIBIT A

### AMENDMENTS TO CODIFIED ORDINANCES OF THE CITY OF BEXLEY, PLANNING AND ZONING CODE

#### 1218.04

#### ZONING OFFICER

(a) Powers and Duties

The Zoning Officer, or the Zoning Officer's official designee, shall be charged with the administration of Zoning Code and, in particular, shall have the jurisdiction, authority, and duties described below:

- (1) To meet with those persons having an interest in this Zoning Code, other questions of land use, and related City plans and policies.
- (2) To conduct zoning compliance reviews regarding any permit pertaining to the use of land, buildings or structures.
- (3) To issue permits for temporary uses requiring administrative approval.
- (4) To conduct other administrative approvals as provided by this Zoning Code.
- (5) To review any plans submitted for such review, and to make decisions or recommendations, as appropriate, to the BZAP, ARB or City Council on such plans.
- (6) To approve certificates of appropriateness that do not require approval of the Board of Zoning and Planning or Architectural Review Board.
- ~~(6)~~(7) **To review planning and zoning applications received by the City, to notify and require applicants to provide all signatures, materials and supporting documentation required by the rules and ordinances of the city and its boards and commissions and to refuse to place any incomplete application on the agenda of any recommending or decision making authority until the application is complete and all required materials have been submitted.**

(b) Procedures

- (1) General Authority to Enact Rules and Procedures  
The Zoning Officer, consistent with the express standards, purposes, and intent of this Zoning Code, may promulgate, adopt, and issue such procedural rules, regulations, and forms as are necessary to the effective administration and enforcement of the provisions of this Zoning Code.
- (2) Staff Assistance to the BZAP and ARB  
The Zoning Officer shall make staff and consulting assistance available to the BZAP and ARB. The Zoning Officer or such person as the Zoning Officer designates shall in that capacity:
  - (A) **Require complete zoning applications and prepare meeting agendas.**
  - ~~(A)~~(B) Attend the meetings of each such body.
  - ~~(B)~~(C) Inform each such body with a summary of all relevant facts and information at the Zoning Officer's disposal with respect to any matter brought before such body.
  - ~~(C)~~(D) Assist each such body by performing research and/or arranging for research on matters brought before such body.
  - ~~(D)~~(E) Perform such other duties as may be assigned to the Zoning Officer by this Code, the Mayor, the City Council, the BZAP, and the ARB.

1220.02

**POWERS AND DUTIES.**

The Board of Zoning and Planning review shall be applicable to all zoning districts within the City of Bexley. The BZAP shall have the following powers and duties under the provisions of this Zoning Ordinance:

- (a) To initiate, hear, review, and make recommendations to City Council upon applications for amendments to this Zoning Ordinance and Map, including applications for planned unit developments, pursuant to Chapter 1256, Planned Unit Development District.
- (b) To hear, review, and approve, approve with conditions, modify or disapprove applications for Conditional Use Permits **pursuant to the Zoning Code.**
- (c) To approve proposed uses that are not listed that it determines are substantially similar to a permitted or conditionally permitted use listed in the Zoning Code.
- (d) To review and approve, approve with modifications or conditions or disapprove site plans.
- (e) To prepare and participate in and to make recommendations to the City Council for adopting an official Strategic Plan or similar plans for the City, and from time to time to recommend to the Council such amendments as it may deem appropriate.
- (f) To aid and assist the City Council and the departments of the City in implementing the City's adopted land use policies and in planning, developing, and completing specific projects.
- (g) To review and report on any matters referred to it by the City Council.
- (h) To review, hear and make decisions upon applications for the subdivision, resubdivision, or combination of any parcels or tracts of land.
- (i) To review and make recommendations to the City Council regarding improvements to public land.
- (j) To hold public hearings upon any of the issues which fall within its authority and jurisdiction to consider.
- (k) To recommend to the City Council that the Council should revoke Conditional Use Permits if the established conditions for the Conditional Use Permit are violated.
- (l) To hear and decide appeals from, and to review orders, decisions, or determinations made by the Zoning Officer or the Architectural Review Board.
- (m) To hear and decide upon applications for variances from the requirements of this Zoning Ordinance pursuant to **the Zoning Code**~~Section 1226.12, Variances.~~
- (n) To hear and decide upon applications to change an existing nonconforming use to a use of similar conformity.
- (o) To issue subpoenas to compel the attendance of witnesses at quasi-judicial hearings before the Board.
- (p) To grant special permits as authorized in this Zoning Code pursuant to Section 1226.13.
- (q) To hear, review and determine Certificates of Appropriateness regarding new development, alterations or additions in the MS and CP zoning districts and for any applications in all zoning districts that require a variance, **conditional use**, or a change in zoning district.
- (r) To make its special knowledge and expertise available to any official, department, board, or commission of the City to aid them in the performance of their respective duties relating to the planning, development, zoning and its administration of the City.
- (s) To request, review and consider advisory opinions deemed necessary to assist them in their review before making a determination on any application or appeal before it.
- ~~(s)~~(t) To consider the recommendations of the Architectural Review Board in making its determination.
- ~~(t)~~(u) To remand any application to the Architectural Review Board for its consideration, additional consideration and recommendation to BZAP or for final determination by ARB on issues identified by the BZAP for a Certificate of Appropriateness.

- ~~(u)~~(v) **To determine if it requires the services of an independent architect or planner to assist in reviewing and making a determination on an application, and to retain such services as provided in 244.02(2).**

**1220.05 QUORUM AND MAJORITY VOTE REQUIRED**

- (a) Four (4) members shall constitute a quorum to conduct business, provided, however, that two (2) members, including the Chairperson, shall constitute a quorum for the purpose of adjourning a meeting.
- (b) Four (4) **affirmative** votes of **members of the Board** ~~membership shall be~~ **are** required ~~for rendering to~~ **approve** a final decision on any matter or proposal, including, ~~recommendations for the Board, the forwarding to the City Council of a recommendation.~~ **Fewer than four (4) affirmative votes shall constitute a denial.**
- ~~(b)~~(c) **Any member abstaining from the vote on any matter before the Board shall not participate in the matter or its deliberation, unless the member is the owner-applicant.**

**1220.06 GENERAL REVIEW PROCEDURES**

- (a) Approval shall be obtained from the Board of Zoning and Planning prior to any new construction, exterior remodeling, reconstruction or other change which comes within the scope of this chapter.
- (b) No building, structure or space shall be constructed, reconstructed, altered, moved, extended, razed, enlarged or changed in external appearance unless and until the plans and specifications for such building or structure and the landscaping plan for the premises on which it is or will be located have been approved by the Board, except when a certificate of appropriateness or demolition permit has been granted by the Architectural Review Board or its delegate. The Board, in reviewing such plans and specifications, shall examine the arrangement of buildings and structures on the premises, the use of signage, the means of integrating parking, the use of landscape materials and the impact of the proposed project on the surrounding properties to determine the effect the project will have upon the appearance and environment of the City. The Board shall endeavor to assure that the exterior appearance and site design of such buildings, structures and spaces will enhance the attractiveness and desirability of the applicable zoning district, and encourage orderly and harmonious development in keeping with the character of the zoning district.
- (c) Except in the Main Street District, the Board, in the performance of its duties, shall not attempt to prescribe the style of architecture so long as the architectural style and design under consideration meet the standards set forth above and may be based upon a recommendation of the Architectural Review Board as requested by the Board of Zoning and Planning. Within the Main Street District, the Board shall base its approval on review of the MS District standards and the main Street Design Guidelines.
- (d) For applications within the Main Street District, the Mixed Use Commercial District, and the Commercial Service District that impact the streetscape and street trees within the public right-of-way, the Bexley Tree and Public Gardens Commission (TPGC) shall review such plans and make a recommendation to the Board. For those parts of an application involving landscape features on the subject property but outside the public right-of-way, the Board may elect to have such plans reviewed by the TPGC for their recommendation.
- ~~(d)~~(e) **BZAP shall consider and weigh the recommendations of the Architectural Review Board in making its determination.**

- (e)(f) The responsibility of review and approval, approval with modifications and/or conditions or denial of the application filed under this chapter shall rest with the Board of Zoning and Planning. All applications requiring review by the BZAP, rather than the staff, shall be filed with the BZAP or its designee at least four (4) weeks before a regularly scheduled BZAP meeting; provided, however, that the BZAP may, for good cause, waive the 4 week advanced filing requirement, provided that public notice is in accordance with the adopted BZAP Rules and Regulations, and provided that the Building Department, in its sole discretion, has adequate time to review and process the application. The Board's decision to hear an application that has been submitted after the 4 week deadline shall constitute a waiver of the filing deadline.
- (f)(g) The Board shall review and approve, approve with modifications or conditions or disapprove each such application. The Board shall issue a written record of action on each application which shall be provided to the applicant. An application may be tabled at the request of the applicant or the BZAP. The City shall maintain, as an official record, the Board's written record of action of the decision on an application and the minutes of the meeting at which the application was considered.

**1223.03**

**POWERS AND DUTIES**

The Architectural Review Board has the following responsibilities:

- (a) To hear, review and approve, approve with conditions, modify or disapprove applications for Certificates of Appropriateness regarding new development, alterations or additions in the R-1, R-2, R-3, R-6, R-12, MUC (except in the Main Street District), CS, GS and OS zoning districts where no variances, **conditional use** or zoning changes **is** are required.
- (b) To **timely** hear, review and provide a recommendation to the Board of Zoning and Planning for Certificates of Appropriateness regarding new development, alterations or additions in the MS and CP zoning districts and for any applications in all zoning districts that require a variance, **conditional use** or a change in zoning district.
- (c) **To hear, review and approve, approve with conditions, modify or disapprove applications for Certificates of Appropriateness, on remand from the Board of Zoning and Planning following its granting of a variance or conditional use as directed by the BZAP.**
- ~~(e) To protect the value, appearance, and use of property on which buildings are constructed or altered.~~
- (d) To maintain a high character of community development, and to ensure the compatibility of new development.
- (e) To protect public health, safety, convenience and welfare.
- (f) To protect real estate within the City from impairment or destruction of value.
- (g) To preserve buildings, structures and sites of historic significance as part of the City's most important cultural, educational and economic assets.
- (h) To regulate the design, use of materials, finish grade lines, dimensions, orientation and location of all main and accessory buildings to be erected, moved, altered, remodeled or repaired, through the granting of a Certificate of Appropriateness.
- (i) ~~To establish and enforce~~ **make recommendation to BZAP City Council on** design policies, procedures and guidelines, such as the Main Street Design Guidelines.
- (j) To make recommendations to the City Council on policies and ordinances that may encourage preservation of buildings, structures and sites of historic significance.
- (k) To review and determine the demolition or removal of existing structures.
- (l) To require landscape plans for any proposed projects involving the construction of a primary building or structure, and to require Tree and Public Gardens Commission review and approval of the same.

1223.05

**DEMOLITION OR REMOVAL OF EXISTING STRUCTURES.**

Recognizing the need to balance the benefits of preserving the City's existing quality and character against the benefits of responsible renewal and redevelopment of the City's aging housing stock, the Architectural Review Board is charged with reviewing all applications for Certificates of Appropriateness where any demolition, complete or partial, is requested within the R-1, R-2, R-3, R-6, R-12, or ~~PUR~~ **residential-only structures in PUD** districts.

- (a) No primary building or structure or significant accessory structure such as a carriage house shall be demolished, partially demolished or removed until an application with respect to such demolition or removal has been submitted to and reviewed by the Board, and the Board has issued a Certificate of Appropriateness, except when demolition is determined by the Building Department to be required to abate a nuisance or eliminate an unsafe building as defined in Section 1476.01 of the Building and Housing Code.
- (b) Application for Demolition. The application shall include the following:
  - (1) A statement ~~from the applicant~~ as to whether such structure is, or is not, historically or architecturally significant and worthy of preservation, together with relevant supporting information;
    - i. In the case of a structure which is historically or architecturally significant and worthy of preservation, the reasons for the proposed demolition, including proof of substantial economic hardship or unusual and compelling circumstances.
  - (2) **A site plan showing existing structures, driveways, and all existing trees and shrubs.**
  - (3) A definite plan for reuse of the site, including proposed replacement structures, **landscaping**, a time schedule for the replacement project, and an assessment of the effect of the demolition and proposed replacement project on the subject property and the neighborhood.
- (c) Process for Review. The Board, in deciding whether to issue a certificate of appropriateness approving the demolition or removal of an existing building or structure, shall determine the following:
  - (1) That the structure to be demolished or removed is not historically or architecturally significant and worthy of preservation or;
  - (2) If it is historically or architecturally significant and worthy of preservation, that denial of a certificate of appropriateness would cause:
    - i. A substantial economic hardship, or;
    - ii. That demolition is justified by the existence of unusual and compelling circumstances.
  - (3) The Board may request and consider, among other evidence, a report concerning the proposed demolition and existing structure from a registered architect, historical conservator or other person with appropriate preservation experience.
  - (4) The Board shall also apply the criteria in this section in determining whether it shall recommend, pursuant to Section 1256 of the Zoning Code, approval of a development plan or an amendment to a development plan for a Planned Unit District, which contemplates the demolition or removal of existing.
- (d) Criteria to determine preservation significance. The following criteria shall be used by the Board in determining whether a structure is historically or culturally significant and worthy of preservation:
  - (1) The age and condition of the structure.
  - (2) The quality of the structure's architectural design, detail, use of materials or construction.

- (3) The importance of the structure to the character and quality of the neighborhood.
  - (4) The significance of the design or style of the structure to the historical, architectural or cultural development of the City, central Ohio, the State or nation; or
  - (5) The impact on the City's real property tax base of restoration versus replacement and/or removal.
- (e) Criteria to determine substantial economic hardship. The following criteria shall be used by the Board in determining whether denial of a certificate of appropriateness would cause a substantial economic hardship:
- (1) Denial of a certificate will result in a substantial reduction in the economic value of the property.
  - (2) Denial of a certificate will result in a substantial economic burden because the structure cannot be maintained in its current form at a reasonable cost.
  - (3) Denial of a certificate will result in a substantial economic burden because the cost of preserving or restoring the structure will impose an unreasonable financial burden.
- (f) Criteria to determine unusual and compelling circumstances: The following criteria shall be used by the Board in determining whether the certificate is justified by the existence of unusual or compelling circumstances:
- (1) The preservation or restoration of the structure is not structurally feasible.
  - (2) The proposed replacement plan is superior to retention of the existing structure.
  - (3) The proposed replacement plan is more compatible that the existing structure with existing structures and uses within the portion of the District in which the subject property is located.
  - (4) Demolition is required to eliminate a condition which has a materially adverse effect on adjoining properties or the neighborhood, and demolition is consistent with the purposes of this chapter.

1223.07

**MEETINGS, HEARINGS AND PROCEDURES**

- (a) Regular meetings of the Architectural Review Board may be held at the call of the Chairperson, or when the Zoning Officer indicates that there is an agenda item to be heard, or as provided by rule of the Architectural Review Board. Special meetings shall be called at the request of the Chairperson or of any three (3) members of the Architectural Review Board or at the request of the City Council.
- (b) The Architectural Review Board may adopt its own rules of procedure, not in conflict with this Zoning Ordinance, as it deems proper and necessary. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Board.
- ~~(b)~~(c) **An application requiring a recommendation by the Architectural Review Board to the Board of Zoning and Planning may only be tabled at the request of the applicant. Otherwise, the Architectural Review Board shall make a recommendation to the Board of Zoning and Planning for approval, approval with modifications or conditions, disapproval, or remand back to the Architectural Review Board for final determination of the certificate of appropriateness. If no such recommendation is made to BZAP prior to the date application is set to come before BZAP for hearing, the application shall proceed to BZAP without a recommendation from ARB unless the applicant agrees to continue both the ARB and BZAP hearings.**



**1223.08 QUORUM AND MAJORITY VOTE REQUIRED**

- (a) Three (3) members shall constitute a quorum to conduct business, provided, however, that two (2) members, including the Chairperson, shall constitute a quorum for the purpose of adjourning a meeting.
- (b) Three (3) **affirmative** votes of **members of the Board** ~~membership shall be~~ are required **to approve** ~~for rendering~~ a final decision on any matter or proposal, including, ~~for the Board,~~ the forwarding to the Board of Zoning and Planning of a recommendation. **Fewer than three (3) affirmative votes shall constitute a denial.**
- ~~(b)~~(c) **Any member abstaining from the vote on any matter before the Board shall not participate in the matter or its deliberation, unless the member is the owner-applicant.**

**1223.09 CERTIFICATE OF APPROPRIATENESS**

- (a) No certificate of appropriateness shall be issued by the Architectural Review Board until an application has been filed with the Board. Such application shall be on a form furnished by the Board and shall, at a minimum, contain information regarding the elements for review set forth in Section 1223.04.
- (b) The responsibility of review and approval, approval with conditions or modifications, or denial of the application for approval shall rest with the Board. All applications requiring review by the Board, rather than the staff, shall be made to the Board or its designee at least 4 weeks before a regularly scheduled Board meeting; provided, however, that the ARB may, for good cause, waive the 4 week advanced filing requirement, provided that public notice is in accordance with the adopted ARB Rules and Regulations, and provided that the Building Department, in its sole discretion, has adequate time to review and process the application.
- (c) The Board 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 Board, **when the Board is making the final determination on the application.** The City shall maintain, as an official record of the Board's decision on an application, minutes of the meeting at which the application was considered.
- (d) Delegation of Authority. The Board may delegate to a qualified employee or consultant to the City the authority to review and approve plans and issue a certificate of appropriateness with respect to changes to existing buildings or structures, without further review and approval by the Board, in cases involving compliance with design guidelines adopted by the Board and approved by Council pursuant to this Zoning Code or other routine matters, such as the approval of insignificant accessory structures. The design guidelines shall specify the provisions there of which may be reviewed and approved by the staff pursuant to this delegation. The staff may, however, decline to review an application and submit it to the Board for its review. An applicant whose plans have been removed by the staff may, upon request, have such plans reviewed by the Board.

**1226.08 ZONING CERTIFICATE TIME LIMIT**

Zoning certificates shall only be issued for, and shall only be valid for a period of one year, except for planned unit developments as set forth in Chapter 1256. **If construction has not begun within that year, the Zoning Officer shall have the discretion and authority to extend the zoning certificate approval for an additional one-year period if an application for extension is received before the issued zoning certificate expires. If no construction has begun at the end of this extension, the zoning certificate shall become null and void, and a new zoning certificate shall be required.** ~~Zoning certificates may be renewed by the Zoning Officer.~~

1226.081

**CERTIFICATES OF APPROPRIATENESS TIME LIMIT**

Certificates of appropriateness shall only be issued for, and shall only be valid for a period of one year. If construction has not begun within that year, the Zoning Officer shall have the discretion and authority to extend the certificate of appropriateness approval for an additional one-year period if an application for extension is received before the issued certificate of appropriateness expires. If no construction has begun at the end of this extension, the certificate of appropriateness shall become null and void, and a new certificate of appropriateness shall be required.

1226.11

**VARIANCES**

- (a) Requests for variances from this Zoning Code shall be heard and decided by Council or the Board of Zoning and Planning as permitted under the provisions of this chapter. **In granting a variance pursuant to this section, the BZAP or Council may impose such requirements and conditions as each deems necessary to carry out the intent and purpose of the zoning code and otherwise safeguard the public health, safety and welfare. BZAP and Council shall follow the same procedures for notice of public hearing as provided in the Rules and Regulations of the BZAP.**
- (b) Nature of variance. On a particular property extraordinary circumstances may exist, making a strict enforcement of the applicable requirements of this Code unreasonable, and therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the BZAP or City Council shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.
- (c) Area (Non Use) Variances. The BZAP shall have the power to grant area (non-use) variances from the provisions of this Zoning Code except for a variance from the minimum lot requirements of any district, which may only be determined by City Council applying the standards for an area variance. **City Council shall also have the authority to grant other area variances only in conjunction with a variance from the minimum lot requirements of any district or a use variance. -City Council may request and consider the recommendation of any city board or commission for requirements and conditions when determining any variance.** BZAP and City Council shall only approve a request for an area (non-use) variance in cases where the evidence demonstrates that the literal enforcement of this Code will result in practical difficulty and the granting of a variance complies with the purpose and intent of this Code. The following factors shall be considered and weighed by the Board when making a determination upon any area (non-use) variances by a preponderance of the evidence:
  - (1) whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - (2) whether the variance is substantial;
  - (3) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - (4) whether the variance would adversely affect the delivery of governmental services (*e.g.*, water, sewer, garbage);
  - (5) whether the property owner purchased the property with knowledge of the zoning restriction;
  - (6) whether the property owner's predicament feasibly can be obviated through some method other than a variance;
  - (7) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

(d) Use variances. Only City Council shall have the power to grant use variances from the provisions of this Zoning Code. ~~City Council shall also have the authority to grant area variances from the minimum lot requirements of in any district pursuant to the area variance standards provided in paragraph (c) above, only in conjunction with a use variance.~~ City Council may request and consider the recommendation of any city board or commission for requirements and conditions when determining any variance. Final approval of a use variance shall only be granted by the City Council in cases where there is evidence that there are unnecessary hardships if strict compliance with the terms of the Code is required which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Such hardship must be demonstrated by clear and convincing evidence that there are exceptional or extraordinary circumstances or conditions. The following factors shall be considered and weighed by Council when making a determination upon any use variance:

- (1) The property cannot be put to an economically viable use under any of the permitted uses in the Zoning District;
- (2) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- (3) The hardship condition is not created by any action or inaction of the applicant;
- (4) That the proposed use will not alter the essential character of or be detrimental to adjacent property and the surrounding neighborhood;
- (5) The granting of the variance will not adversely affect the public health, safety or general welfare;
- (6) The variance will be consistent with the general spirit and intent of the Code; and
- (7) The variance sought is the minimum which will afford relief to the applicant.

(e) Expiration of Variance.

- (1) If construction has not begun or the variance established within one year of the final approval of an area (non-use) variance granted by the Board of Zoning and Planning, the variance shall expire. The Zoning Officer shall have the discretion and authority to extend the variance approval for an additional one-year period if an application for extension is received before the authorization expires. If no construction has begun at the end of this extension, the variance shall become null and void, and a new variance shall be required for any development requiring a variance on that property.
- (2) If within one year of the final approval of any variance granted by City Council, the approved use is not established, construction has not been commenced, or the variance established, the variance shall expire. City Council may extend the variance approval for an additional one-year period if an application for extension is received by the Clerk of Council before the authorization expires. If the use has not been established or construction has not begun at the end of this extension, the variance shall become null and void, and a new variance shall be required for any use or development requiring a variance on that property.

#### 1226.12

#### CONDITIONAL USES

The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has

no obligation to approve a Conditional Use. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves **all** the following factors are met:

- (a) The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.
- (b) The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
- (c) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- (d) **The property and any proposed modifications use-meets or satisfyies the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted, except that BZAP may grant minor area variances necessary for the proposed conditional use.**
- (e) The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.
- (f) The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
- (g) The use is in character and keeping and compatible with the adjacent structures and uses.
- (h) Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

An approved Conditional Use must be substantially operational within 2 years of its approval. Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval. A Conditional Use permit may be revoked by BZAP if the Board finds the conditions of approval of the existing Conditional Use permit are not met or maintained, the property ceases to be operated as an approved Conditional Use, or the continuance of the Conditional Use would pose a substantial risk to the public health, safety and welfare. A Conditional Use permit shall not be revoked without providing notice to the permit holder and the opportunity to be heard. A Conditional Use permit shall automatically expire if it ceases operation for more than one year.

**1230.02 ACCESSORY USE OR STRUCTURE.**

Accessory use or structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. ~~An accessory structure may be attached to or detached from the principal structure.~~ Parking structures or **parking** lots are accessory structures or uses except where they are the principal structure or use or where they are an integral part of the principal structure or use.

**1230.26 DWELLING UNIT.**

"Dwelling unit" means space within a building designed for occupancy by one family for living purposes and having all of the following permanent components: cooking, bathing, and toilet facilities; ~~provided that unless all members of a family are related by blood or marriage, or are domestic servants employed on the premises, no such family shall contain over five persons.~~

1230.285

**FAMILY.**

"Family" means a person living alone, or any of the following groups living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- (a) Any number of people related by blood, marriage, civil union, adoption, foster care, guardianship or other duly authorized custodial relationship, gratuitous guests, domestic help and not more than one (1) additional unrelated person. (Related by blood shall include only persons having one of the following relationships with another individual(s) residing within the same dwelling unit: parents, grandparents, children, sisters, brothers, grandchildren, stepchildren, first cousins, aunts, uncles, nieces and nephews);
- (b) Two (2) unrelated persons and any children related to either of them;
- (c) A cumulative total of up to three (3) adult persons. More than three (3) adult persons may qualify as a family pursuant to (d);
- (d) Persons living together as a functional family as determined by the criteria listed below. For the purpose of enforcing these regulations, it shall be assumed (presumptive evidence) that more than three (3) persons living together, who do not qualify as a family based on (a) or (b) of this definition, do not constitute a functional family. To qualify as a functional family, all of the following criteria shall be met:
  - (1) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by a functional family;
  - (2) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
  - (3) The group is permanent and stable. Evidence of such permanency and stability may include:
    - (A) The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
    - (B) Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
    - (C) Members of the household are employed in the area;
    - (D) The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
    - (E) There is common ownership of furniture and appliances among the members of the household; and
    - (F) The group is not transient or temporary in nature.

1230.45

**LOT.**

Lot" means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including any permitted building together with required yards and parking spaces, having its principal frontage upon a dedicated and improved public street or an approved private street. A lot may include a single lot of record, a portion of a lot of record or a combination of these, provided that in no case shall any residual lot or parcel be created which does not meet the requirements of this Zoning Code except as may be authorized by a variance from city council as provided in this Code.

1230.48

**LOT COVERAGE, OVERALL**

"Lot coverage, overall" means the ratio of "Lot coverage, building area" plus the ground area of all swimming pools, patios, driveways, all impervious surfaces, required off-street

parking and loading spaces to the horizontally projected area of the lot, expressed as a percentage.

**1230.60 MULTIFAMILY DWELLING**  
"Multifamily dwelling" means a building consisting of three or more dwelling units including condominiums, with various arrangements of entrances and party walls, other than a townhouse.

**1230.82 SUBDIVISION.**  
"Subdivision" means the division of any parcel of land shown as a unit or contiguous units on the last preceding general tax list and duplicate of real and public utility or the division of any existing tract, lot, or site as filed on a plat of record into two or more parcels, tracts, lots or sites, any one of which is less than five acres, and includes any further definitions provided in Chapters 1234 and 1236 of the Zoning Code. ~~with the Franklin County Auditor.~~

**1234.04 DEFINITIONS.**

(a) As used in these Subdivision Regulations:

(1) Subdivision" means either of the following:

(A) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership.

(B) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

(C) **The division of any existing tract, lot, or site of record into two or more parcels, tracts, lots or sites, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership.**

(2) Improvements" means street pavements, with or without curbs and/or gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees and other appropriate items.

(3) Lot" means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for building development.

(4) "Plat" means a map of a tract or parcel of land.

(5) Street" means a public way for the purposes of vehicular travel including the entire area within the rights of way.

**1234.10 CREATION OF NONCONFORMING LOTS PROHIBITED.**  
In no case shall any parcel (whether divided or undivided, conforming or nonconforming) be divided such that a lot with a width or area below the minimum requirements provided in this Zoning Code is created **unless a variance is granted by City Council as provided in this Code.**

**1252.10 ADDITIONAL YARD REQUIREMENTS**

- (a) Yard requirements along the side street of a corner lot shall be as follows:
  - (1) In residential districts, the side yard requirement **from the street side property line** shall be:
    - lots of 40 feet or less it shall be 10 feet
    - lots over 40 to 50 feet it shall be 15 feet
    - lots over 50 to 100 feet it shall be 20 feet
    - lots over 100 to 150 feet it shall be 25 feet
    - lots over 150 feet it shall be 30 feet
  - (2) In residential districts, accessory uses and detached structures shall be located a minimum of five feet farther back from the side street **property line** than the principal structure is allowed.
- (b) On through lots, no structure or accessory use shall be permitted within twenty feet of the rear lot line.
- (c) On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets in the area bounded by the curb lines of such corner lot and a line joining points along such curb lines ~~thirty~~ **thirty (30)** feet from the **corner curb** point of ~~where the streets intersection.~~

**1252.11 PERMITTED ENCROACHMENTS INTO YARDS**

The yard spaces required for a use or structure shall remain free of all uses or structures with the following exceptions:

- (a) Fences shall be permitted in any required yard or along the edge of any yard, unless regulated or prohibited by Chapter 1264, including provisions for corner lots.
- (b) Eaves, cornices, window awnings, window sills and belt courses, **window wells**, chimneys and window air conditioner units may project into any required yard a distance not to exceed two feet, **except that required egress windows with safety covers may encroach up to three feet and not above grade.**
- (c) Unenclosed porches may extend ten feet into the required front yard. If uncovered, a deck may extend four feet into a required side or rear yard.
- (d) Parking areas shall be permitted in required yards only as specified in Chapter 1262.
- (e) A proposed addition to a residential structure with a non-conforming side yard setback that meets all other zoning and building standards, may encroach up to two feet into the required side yard setback to no closer than 5 feet from the property line, provided that the proposed addition is at least 8 inches further from the property line than the building line of the existing enclosed living space of a principal structure and fire safety and Building Code requirements are met.
- (f) Accessory structures as provided in 1252.15(g).

**1254.09 IDENTIFICATION OF USES**

Uses specifically listed for one district but not included in another are intentionally omitted from the latter; uses specifically listed as Conditional Uses but not included as permitted uses are intentionally omitted as permitted uses. Uses not specifically defined in this Zoning Code carry their customary meanings. Questions of definition pertaining to uses allowed shall be decided by the Board of Zoning and Planning based on the intent of this Zoning Code and the intent of any district in question. Uses not listed as permitted or conditional in the following table are prohibited. Permitted uses are designated by "P" and Conditional Uses by "C" below:

ZONING DISTRICT USES – COMMERCIAL / INSTITUTIONAL						
USES	MUC	CS	GC	CP: ZONE 1	CP: ZONE 2	OS
Retail sales to include general merchandise, food, apparel and accessories, home furnishings and equipment, drug stores, gift and specialty shops, sporting goods, office supplies and hardware	P	P	P	-	P	-
Retail services to include photographic studios, dry cleaners, barber and beauty shops, and small item repair services	P	P	P	-	P	-
Retail sales providing a special convenience service	-	C	-	-	-	-
Automotive repair	-	C	C	-	-	-
Automotive service stations / car wash	-	C	-	-	-	-
Restaurant	P	P	C	-	P	-
Tavern	P	C	-	-	P	-
Beverage / liquor store	C	-	-	-	C	-
Administrative, business, professional and similar office uses	P	P	P	-	P	-
Dwelling units on first floor	C	C	-	-	C	C
Dwelling units above first floor	P	C	-	-	P	C
Essential services	P	P	P	P	P	P
Accessory structures	P	P	P	P	P	P
Outdoor facility in association with other permitted use as specified in Main Street Guidelines	P	-	-	-	-	-
Outdoor facility in association with permitted use	-	C	C	-	-	-
Drive-through or outdoor facility in association with a non-food permitted use other than outdoor display	C	C	-	-	-	-
Drive-through in association with food service, where permitted by Bexley City Charter	-	C	-	-	-	-
Hotel or motel	C	C	-	-	C	-
Commercial parking lot	C	-	C	-	C	-
Other commercial or office uses similar to permitted uses and fulfilling intent of the district	C	C	C	-	C	-
Bed and Breakfast	C	-	-	-	C	-
Public uses	C	C	C	C	C	P
<b>Boarding House</b>	-	-	-	C	-	-
Quasi-public uses	C	C	C	-	C	P
Public service facility	C	C	C	C	C	C
Commercial amusement and recreation	C	C	C	-	-	-
Funeral homes	C	C	C	-	C	-
Campus uses	-	-	-	P	P	-
R-6 permitted uses (see Chapter 1252)	-	-	-	P	-	-
R-12 permitted uses (see Chapter 1252)	-	-	-	P	-	-
Institutional uses associated with campus uses	-	-	-	C	-	-



ZONING DISTRICT USES – COMMERCIAL / INSTITUTIONAL						
USES	MUC	CS	GC	CP: ZONE 1	CP: ZONE 2	OS
* P = Permitted Use; C = Conditional Use						

**1254.10 DISTRICT REGULATIONS.**

The following district regulations are hereby adopted as minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

ZONING DISTRICT	MINIMUM LOT REQUIREMENTS	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT OF PRINCIPAL BUILDING	MINIMUM HEIGHT OF PRINCIPAL BUILDING
MUC	Not applicable	Front - 0 feet minimum, 15 feet maximum Rear - 10 feet minimum Side - No district requirement For areas in the Main Street District, none specified, but must be approved by the Board of Zoning and Planning under Section 1254.13 and the Main Street Guidelines	3 stories; for the Main Street District see MS District regulations below	
CS	Area - 10,000 square feet Width - 100 feet	Front - 10 feet minimum, 20 feet maximum Rear - 25 feet minimum Side - No district requirement	3 stories, and shall not exceed 45 feet	
GC	Area - 10,000 square feet Width - 100 feet	Front - 10 feet minimum Rear - 25 feet minimum Side - No district requirement	2 stories, and shall not exceed 30 feet	
CP: ZONE 1	Not applicable, except R-6 and R-12 permitted uses continue to be subject to requirements of R-6 and R-12, respectively, and all others must be approved by the Board of Zoning and Planning as set forth in Chapter 1220.	Front - 10 feet minimum Rear - 25 feet minimum Side - 8 feet minimum, except R-6 and R-12 permitted uses continue to be subject to requirements of R-6 and R-12, respectively  Minimum setbacks shall be established by the Board of Zoning and Planning from the outer edge of the campus district where adjacent to other uses, in keeping with respective setbacks for similar uses.	50 feet within 100 feet of the district boundary, except R-6 and R-12 permitted uses continue to be subject to requirements of R-6 and R-12, respectively. All others must be approved by the Board of Zoning and Planning as set forth in Chapter 1220.	
CP: ZONE 2	None, but all others must be approved by the Board of Zoning and Planning as set forth in Chapter 1220	Front - 5 feet maximum Rear - 25 feet minimum Side - No district requirement For areas in the Main Street District, none specified, but must be approved by the Board of Zoning and Planning under	50 feet for areas in the Main Street District, as in CP: Zone 1 for all others	

ZONING DISTRICT	MINIMUM LOT REQUIREMENTS	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT OF PRINCIPAL BUILDING	MINIMUM HEIGHT OF PRINCIPAL BUILDING
		Section 1254.13 and the Main Street Guidelines		
OS	Area - 5 acres Width - none	Front - 30 feet minimum Rear - 20 feet minimum Side - 20 feet minimum	3 stories or 45 feet, but with adequate yards may be waived with a special permit from the BZAP.	
MS	See applicable sub-district	Front - See Chapter 1254.13 Rear - 15 feet minimum Side - No district requirement	3 stories; up to 5 stories with special permit; <b>except west of Sheridan Ave. and south of Main St. 5 stories and up to 7 stories with a special permit.</b>	<b>2 stories except west of Sheridan Ave. and south of Main St. shall be 3 stories</b>

**1254.14 MAIN STREET DISTRICT SPECIAL PERMITS.**

Special permits to allow the maximum height of a structure as provided section 1254.10 of up to 5 stories, or up to 7 stories west of Sheridan Avenue and south of Main Street, may be granted based upon the following considerations:

- (a) The extent to which the proposed property and site design conform to the intent of the Main Street Design Guidelines
- (b) Setbacks from adjacent single family residential uses
- (c) Compatibility of architecture and site design to the surrounding uses and structures.

**1256.02 PERMITTED LOCATION AND SIZE**

A PUD may be located in a residential or commercial zone and only on a contiguous parcel with an area of 2 acres or more. **Council may grant a Special Use Permit for a PUD of less than 2 acres.**

**1256.04 RELATIONSHIP TO OTHER ORDINANCE PROVISIONS**

The relationship of PUD districts to other planning and zoning ordinance provisions is as follows:

- (a) Zoning Requirements. The specific setback, lot size, height limits and other dimensional requirements are waived, and the regulations for PUD's shall be those indicated in section 1256.05.
- (b) Platting Requirements. A PUD shall be exempt from the specific design requirements of the Subdivision Ordinance, except that when any parcel of land in a PUD is intended for individual ownership, sale or public dedication, the platting and procedural requirements of the Subdivision Ordinance and applicable state laws pertaining to the subdivision and conveyancing of land and the preparation of maps shall be followed.
- (c) Drainage, Stormwater and Erosion Control Plan. PUD development applications shall not be approved until a drainage, stormwater, and erosion control plan has been approved pursuant to City adopted policies.
- ~~(e)~~(d) Certificate of Appropriateness. A certificate of appropriateness shall be issued by staff if the proposal is in compliance with approved PUD standards. Any proposed minor modifications to the PUD standards shall require BZAP

review and approval. Any major modifications to the PUD standards shall require a recommendation by BZAP to City Council and approval by City Council.

1256.05

**DEVELOPMENT STANDARDS**

The following standards shall govern the interpretation and administration of this section:

- (a) Relationship of PUD Site to Adjacent Areas. The design of a Planned Unit Development shall take into account the relationship of the site to the surrounding areas, particularly the impact on the quality of life and character of immediately adjacent and surrounding neighborhoods and the City. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD.
- (b) Minimum Lot Requirements. The minimum lot size for the overall PUD is 2 acres. The minimum lot width is 250 feet.
- (c) Minimum Lot Size within a PUD. The minimum lot size provisions of other sections of the Zoning Ordinance are waived in a Planned Unit Development.
- (d) Density. A dwelling unit density of not more than fifty percent greater than that permitted by highest adjacent residential zone, rounded to the nearest whole number, provided that the open space amenities described in Section 1256.06 are met. Density increases consistent with the comprehensive plan may be allowed if the proposed development can be demonstrated to better meet natural resource protection, sustainable building design, or transit-oriented development goals. No specific commercial densities are established, but should be compatible with the character and scale of established adjacent districts and of established City plans and area design guidelines adopted by City Council.
- (e) Maximum Coverage. Building coverage and development of the site shall not exceed the percentage permitted by highest adjacent residential zone unless determined to be in conformance with adopted City plans and area design guidelines adopted by City Council.
- (f) Landscaping Required. All common open space shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the Tree and Public Gardens Commission. Natural landscape features which are to be preserved, such as existing trees, drainage ways, etc., may be accepted as part of the landscaping plan.
- (g) Setback and Side Yard Requirements. Setbacks from the exterior boundary line of the PUD area shall be comparable to or compatible with those of the existing development of adjacent properties, or, if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties or the Land Use Strategy adopted by City Council.
- (h) Setbacks or Side Yards Between Buildings. The standard setbacks and yard requirements between buildings may be waived in a PUD. Buildings may have common walls and, therefore, built to the property line as in townhouse construction.
- (i) Minimum Building Separation. Wherever buildings are separated, a minimum distance of ten feet shall be maintained between such buildings.
- (j) Off-Street Parking. Off-street parking shall be provided in a PUD in the same ratios for types of buildings and uses as required for the underlying zoning district, and as described in Chapter 1262. ~~Board of Zoning and Planning Planning Commission~~ may grant reduced parking in demonstrated cases of shared parking for compatible uses or reduced demand based on specialized development patterns focused on transportation alternatives.
- (k) Overlay Districts. Any PUD located in an Overlay District or Architectural Review District as defined in the Codified Ordinances of the City of Bexley shall comply with

the development standards of the District, except as otherwise provided to expressly vary in the Preliminary Plan.

- (l) Retail. Individual retail uses in any PUD shall be limited to 20,000 square feet in area

**1256.07**

**PRELIMINARY REVIEW**

The following procedure shall be followed in advance on the submittal of PUD development applications:

- (a) Pre-application conference. Before filing any application for a planned unit residential development the applicant shall submit preliminary plans to the Building Department for staff and the **Board of Zoning and Planning** ~~planning commission~~ information and review.

**1256.08**

**PRELIMINARY DEVELOPMENT PLAN**

The following procedure shall be followed for the review and approval of PUD Preliminary Development Plan applications:

- (a) Preliminary Development Plan. Preliminary approval shall be required of a detailed development plan by Council, with review and written advice from the Board of Zoning and Planning. Following the pre-application conference, the applicant shall submit a formal preliminary application for staff. The preliminary development plan shall include the following documents:
- (1) Application form indicating:
    - (A) Existing zoning
    - (B) Total site area
    - (C) Gross area of site in acres.
    - (D) Total number of dwelling units
    - (E) Total square footage of commercial uses
    - (F) Density
    - (G) Usable open space in acres.
    - (H) Common open space as percentage of overall residential areas.
  - (2) Legal description of site and statement of present ownership
  - (3) Description of the natural setting, including slope, topography, significant land forms, streams and rivers, trees and other vegetation, and scenic assets.
  - (4) Development schedule including dates of start, completion and phasing
  - (5) Intent as to final ownership, including plans for rental, sale or combination
  - (6) Site development map(s) depicting
    - (A) Topographic lines at five-foot intervals
    - (B) Water courses and flood hazard areas
    - (C) Natural features including major land forms and areas of significant tree cover
    - (D) Property lines; easements
    - (E) Existing streets
    - (F) Configuration and function of all buildings, noting proposed heights of each and distance between property line and nearest buildings
    - (G) Vehicular circulation, parking area, loading areas and storage areas (indicate number of parking spaces for use)
    - (H) Pedestrian circulation
    - (I) Areas of public and private open space
    - (J) Recreational facilities, if any
    - (K) Preliminary landscaping showing areas of tree removal, retention or addition
    - (L) Site grading plan
    - (M) Graphic scale with north arrow, date and title

- (N) A map of the vicinity within 500 feet of the proposed development showing significant land features and buildings
- (O) Any additional information required by staff and the **Board of Zoning and Planning**~~planning commission~~ as necessary to evaluate the character and impact of the proposed PUD.
- (7) Text detailing development standards for the proposed development, including site layout, architectural standards for all buildings including accessory structures, landscaping, lighting, signage, roadways, public facilities, and such other elements requested by the **Board of Zoning and Planning**~~Planning Commission~~.
- (8) Description of anticipated traffic impacts of the proposed PUD. A traffic study shall be provided by the applicant, if required by the City.
- (b) If the application meets the minimum requirements, it shall be reviewed at a public hearing held by the Board of Zoning and Planning. The Board of Zoning and Planning shall examine the proposal at the public hearing and consider the Preliminary Development Plan, information presented by the applicant, any technical planning assistance and the public.
- (c) The Board of Zoning and Planning shall decide if the proposal meets the requirements and conforms to the intent of this code and the comprehensive plan. The **Board of Zoning and Planning** ~~Planning Commission~~ may approve, disapprove, or impose changes or conditions of approval within 30 days from the date of the hearing unless the applicant consents to an extension of such time period.
- (d) A copy of the Board of Zoning and Planning action, or written recommendations shall be forwarded to the applicant and City Council. The City Council shall act upon the recommendation within a reasonable time after receipt of the Board of Zoning and Planning's report. The City Council may approve, approve with modifications, refer back to the ~~City Board of Zoning and Planning~~ ~~Planning Commission~~, disapprove, or provide written explanation to the applicant on why an extension is required for City Council action. City Council action shall be based upon the record of the Board of Zoning and Planning.
- (e) Within a maximum of six months following the approval of the preliminary development plan, the applicant shall file with the **Board of Zoning and Planning** ~~Planning Commission~~ a Final Development Plan containing the information required in detail. The **Board of Zoning and Planning** ~~Planning Commission~~ may, upon determination of just cause, extend the period for filing of the final development plan up to six months.
- (f) If the applicant fails to apply for Final Development Plan approval for any reason, the Preliminary Development Plan approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to the zoning and subdivision codes previously in place.

**1256.09**

**FINAL DEVELOPMENT PLAN**

The following procedure shall be followed for the review and approval of PUD Final Development Plan applications:

- (a) The **Board of Zoning and Planning** ~~Planning Commission~~ shall review the Final Development Plan application and staff recommendations. One minimum requirement for approval shall be that the Final Development Plan does not vary substantially from the previously approved Preliminary Development Plan. The Final Development Plan shall be deemed sufficiently consistent with the Preliminary Development Plan provided modification by the applicant does not involve one or more of the following:
  - (1) Violate any provisions of this section.

- (2) Involve a reduction of more than 10 percent of the area reserved for common open space and/or usable open space.
- (3) Increase the total ground area covered by buildings by more than 10 percent.
- (4) Increase density or number of dwellings units by more than 10 percent
- (5) Increase the square footage of commercial space by more than 10 percent.
- (6) Provided the increases do not exceed maximums previously established in this code.

If substantial compliance with the preliminary development plan is not established, the new plan must repeat the public hearing process for review of changes.

- (b) In addition to the requirements for the Preliminary Development Plan, the Final Development Plan shall include:
  - (1) Description of types of dwelling units and number of bedrooms in each
  - (2) Description of the types of commercial spaces and a listing of allowable and prohibited uses.
  - (3) Description of programs for insuring continued maintenance of common areas of the development
  - (4) Landscaping plan indicating generally: the location, type and size of existing or new plant materials, street furniture and other physical features including transformers, hydrants, walls and fences, trash storage areas, and retaining walls, the location, type and height of proposed street and walkway lighting, the location and design of signs to be included. Final details may be required to be approved by the Board of Zoning and Planning subsequent to final approval.
  - (5) Architectural plans depicting general typical floor plans with dimensions, elevations or renderings sufficient to indicate the design of all structures.
- (c) The Board of Zoning and Planning shall examine the Final Development Plan and determine whether it conforms to the approved Preliminary Development Plan. The Board of Zoning and Planning shall make a decision on the Final Development Plan within a reasonable time after the official date it has received the plan. If there is any significant discrepancy, the Board of Zoning and Planning may permit the applicant to revise the plan and resubmit it as a Final Development Plan within 30 days.
- (d) If the Board of Zoning and Planning does not approve a Final Development Plan, their specific reasons for disapproval shall be stated in writing and made part of the public record, as well as presented to the applicant.
- (e) Final approvals subject to modifications or conditions shall be agreed to by the applicant before formal acceptance.

**1256.11**

**EXPIRATION OF AUTHORIZATION**

- (a) If no construction has begun within one year of final approval of the PUD Final Development Plan, the approval shall expire. The **Board of Zoning and Planning** ~~planning commission~~ may extend approval for an additional one-year period if an application for extension is received before the authorization expires. If no construction has begun at the end of this extension, the Final Development Plan shall become null and void, and a new one shall be required for any development on subject property.
- (b) Upon the abandonment of a particular project authorized under this chapter or upon the expiration of two years from the final approval of a PUD which has not by then been completed or commenced with an extension of time for completion granted, the authorization shall expire and revert back to the previous zoning, thus the land and the structures thereon may be used only for a lawful purpose permissible within that previous zoning category.

**DEFINITIONS**

- (a) "Awning Sign" means a sign directly applied to the canopy or fabric overhang of a building awning.
- (b) "Freestanding sign" means a sign supported by or suspended from posts, pillars, columns, or other structures which are not a building or portion thereof. ~~This includes,~~ **excluding** ground-mounted or "monument" style signs.
- (c) "Ground-mounted (~~monument~~) sign" means a **monument** ~~type of freestanding sign~~ with a continuous vertical plane extending from the ground to the top of the sign.
- (d) "Incidental sign" means a sign having an above-grade height of not more than twenty-four inches or a total area of not more than eight square feet containing no advertising and typically erected to identify entrances, exits, operational instructions, public utility locations, etc.
- (e) "On-premise sign" means a sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is installed and maintained.
- (f) "Off-premise sign" means a sign used to identify, advertise or promote any person, product or service available principally at locations other than at the location of the sign.
- (g) "Owner" means any person who alone or jointly or severally with others, has charge, care or control of any property, as the holder of any estate or interest therein, or as an agent of the owner, or as an executor, administrator, trustee or guardian, or who is in possession of property by right, with the power of control. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.
- (h) "Projecting sign" means any sign projecting more than twelve inches from the wall of a building and includes all signs mounted perpendicular to the building face.
- (i) "Sign" means every sign, billboard, ground sign, freestanding sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, pole sign, marquee, awning, canopy, announcement, declaration, demonstration, display, illustration, insignia or similar device used to communicate the interests of any person or business when the same is placed out of doors in view of the general public or is visible to the general public from out of doors.
- (j) "Sign area" means the entire area within a continuous perimeter forming a basic geometric figure which encloses the message or display along with any frame or other material, color, internal illumination or other feature which forms an integral part of the sign and is used to differentiate such sign from the wall or supporting structure upon which it is placed. The necessary supports or uprights on which the sign may be placed are excluded from the sign area if they give the visual appearance of a single color and do not exceed eighteen inches in width and/or depth. For wall-mounted signs which consist of individually mounted letters, numbers or other symbols on a wall or fascia, the area of the sign shall be the area of a rectangle circumscribed around the letters, numbers or other symbols.
- (k) "Temporary sign" means a banner, pennant, or poster constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like material and displayed for a period not to exceed thirty days.
- (l) "Wall sign" means any sign attached to, painted on or erected against the exterior wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of such wall, building or structure.
- (m) "Window area" means all glass facing a street.
- (n) "Window sign" means a sign visible from the exterior of a building that is attached to, painted on, etched in, or within three feet of the inside of a building's transparent surfaces. "Window sign" does not include merchandise on display.
- (o) "Temporary window sign" means any temporary sign applied to or erected within three feet of a window so as to be visible from any public place for a period not to exceed thirty days.

1260.03

**SIGN APPROVALS; PERMIT REQUIREMENTS AND EXEMPTIONS**

- (a) Any sign, except as otherwise specifically provided herein, to be erected within the boundaries of any zoning district shall be subject to the provisions of such district and the person intending to erect such sign shall obtain approval from the Board of Zoning and Planning or its designee prior to such erection. The provisions of this chapter with regard to the location, type, number and design of such signs shall be maximums for property within any district and the Board or its designee may further specify the location, type, number and design of such signs so as to insure reasonable compatibility with the goals of such district.
- (b) Except as otherwise specifically provided herein, no sign shall be constructed, erected, replaced, re-erected or remodeled within the limits of the City by any person until a permit for the same has been issued by the Building Department. Such permits shall be granted only upon the basis of representations indicating the exact size, all colors, samples of materials and the specific relationship of the sign to the property on which it is located and the surrounding properties. Permits for signs subject to the jurisdiction of the Board shall not be issued until approval has been obtained.
- (c) The fee for each permit shall be as provided in Section 244.01 of the Administrative Code.
- (d) Any request for a variance from the provisions hereof, or any request for a permit for a sign not specifically permitted hereunder shall be submitted to the Board for its final decision.
- (e) No permit or approval shall be required for the following signs:
  - (1) All regulatory, informational, identification, or directional signs required by law or government entity;
  - (2) Signs which serve a public purpose and have been erected or approved by the City;
  - (3) Temporary signs in residential zoning districts, **except off-premise signs;**
  - (4) Identification signs in a residential district not exceeding two square feet in area provided that all of the provisions of this chapter have been met, **except off-premise signs;**
  - (5) Incidental signs in non-residential districts not exceeding a total of four square feet for all signs with no single sign greater than two square feet;
  - (6) Signs on equipment or machines used by the general public relating to their cost, operation and use not to exceed three (3) square feet;
  - (7) Temporary window signs, provided that all of the provisions of this chapter have been met, **except off-premise signs;**
- (f) Incidental signs are permitted in any district listed in this chapter, and are subject to review by Zoning Official.

1260.04

**GENERAL PROVISIONS**

- (a) No permanent sign shall be placed on or above any public right of way except publicly-owned signs, such as traffic control signs and directional signs. Temporary signs may be erected with the consent of the Mayor or designee.
- (b) No sign shall be located where the sign would obstruct or interfere with a required doorway, other required means of ingress or egress or traffic visibility. No sign shall be placed, installed, erected or constructed in such a manner as to obstruct any fire escape or any door or window giving access to a fire escape.
- (c) Every wall sign or freestanding sign shall be securely attached to the building wall or a suitable metal support by iron or other metal anchors, bolts, supports, chains, cables or steel rods.
- (d) A sign attached to a building may extend not more than three feet above the roof or parapet of such building, whichever is higher.



PUD application. The standards outlined in this chapter shall serve as a general guide allocating PUD parking minimums, with possible reductions made for the potential sharing of parking and utilization of cross-access easements.

**1262.04 LOCATIONS 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, or based on an overall parking plan in the CP or PUD Districts.
- (b) No spaces, ~~or~~ aisles, or any portion of a driveway that does not access a rear yard parking space or garage shall be located in the front yard in an R-1, R-2, R-3, R-6, R-12 or OS District.
- (c) In the GC and CS Districts, parking spaces and aisles in the front yard must be set back ten feet to provide room for a landscape buffer of a minimum 8' in width. This setback may be reduced with appropriate screening approved by the Board of Zoning and Planning.
- (d) 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.
- (e) 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 Zoning Officer.

**1264.02 FRONT YARD RESTRICTIONS**

No person shall erect any fence or wall in any residential zoning district, between the front yard setback line and the street. Except with the following exceptions:

- (a) Fences or walls which do not comply with this section may be allowed if approved as part of a detailed development plan for a Planned Unit Development District;
- (b) Decorative landscaping walls and fences which do not exceed twenty-four inches in height above ground level may be allowed after review in accordance with subsections (c)(1) through (c)(5) hereof, and issuance of a permit by the Building Department; and
- (c) Decorative landscaping walls and fences which exceed twenty-four inches in height above ground level but not more than forty-two inches above ground level may be allowed with a special permit from the Board of Zoning Appeals and Planning. The Board of Zoning and Planning shall consider the following criteria in reviewing such applications:
  - (1) The proposed decorative landscape wall or fence is compatible with other properties in the neighborhood.
  - (2) The height of the fence or wall does not exceed the size permitted as above when measured from the average grade of the yard where the fence or wall is to be installed. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall be included in the maximum height.
  - (3) Posts, columns and finials may extend up to 6" above the maximum allowed height of the fence panels.
  - (4) A landscaping plan shall be filed with the application indicating how such fencing and/or wall is to be integrated with existing front yard landscaping.
  - (5) The installation of such fence and/or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.

should be designed in such a way as to mitigate the impact of a solid fence or wall as it relates to the street and other properties.

- (5) The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.
- (6) No chain link, wire mesh or other similar material shall be installed on lot lines adjacent to public rights-of-way.

**1266.11**

**BED & BREAKFAST**

~~Bed and breakfasts shall be a Conditional Use in the R-1, R-2, R-3, MUC and CP Zone 2 Districts of the City of Bexley as established in the Zoning Code. All Bed & Breakfast uses shall conform to the following conditions:~~

- (a) The owner of the bed-and-breakfast must reside in and continue to reside in the dwelling as his/her/their principal residence. The owner will provide a sworn statement certifying to such residency upon request of the Code Enforcement Officer.
- (b) Residential buildings incorporating bed-and-breakfast as a Conditional Use shall be a minimum of 2,000 square feet in living area.
- (a) The length of stay within a bed-and-breakfast shall be a maximum duration of one week or seven consecutive days, and documentation verifying the length of stay of each guest, such as a registration ledger or receipts will be made available to the Code Enforcement Officer or the Building Department upon request.
- (b) Guest rooms may not be used as legal residences in order to enroll children into a school district.
- (c) Meals served on the premises may only be for the guests of the facility.
- (d) A minimum of one parking space shall be provided for each guest unit. Two additional spaces shall be provided for the owner-operator in addition to those for the guest units. Driveways may be used as off-street parking areas except for that portion of a driveway located between the front façade of the structure and the public ROW.
- (e) Parking shall be screened by a solid wood fence, masonry wall or hedge at least six feet high along the property line adjacent to a residential property.
- (f) No bed and breakfast shall be located within 400 feet of another bed and breakfast facility unless waived by Board of Zoning and Planning.
- (g) No more than one employee shall be permitted to work on the premises at any time, and none shall be present between the hours of 11:00 p.m. and 6:00 a.m. For purposes of this section, members of the owner's immediate family who are residents on the premises shall not be considered employees, whether or not paid.
- (h) One sign shall be permitted identifying the property as a bed-and-breakfast inn. The sign shall not exceed three square feet in area, shall be set back a minimum of three feet from the road right-of-way and shall contain no information other than identification of the premises as the named bed-and-breakfast inn.
- (i) The Board of Zoning and Planning's review of the application and site plan shall include but not be limited to the following considerations:
  - (1) Adequacy and arrangement of vehicle traffic access and circulation.
  - (2) Location, arrangement, appearance and sufficiency of off-street parking.
  - (3) Location, arrangement, size and design of lighting and signs.
  - (4) Relationship and compatibility of proposed use (bed-and-breakfast) to uses of adjacent parcels in the immediate vicinity, together with their scale.
  - (5) Adequacy, type and arrangement of trees, shrubs, fences and other landscaping or improvement constituting a visual or noise-detering buffer between the site and adjacent or adjoining uses.
  - (6) Any other matter which may affect the health, welfare and safety of the community as a whole and the parcels in the immediate vicinity of the site.

concrete pavement. Onsite parking shall be provided behind the rear building line, and shall be screened from the street and from adjacent properties. Variances to these parking standards may only be provided by City Council.