

**AMENDED ORDINANCE NO. 11 - 21**

**By: Jessica Saad**

**An ordinance to amend Amended Chapter 1230, Definitions; Chapter 1252.15, Accessory Uses and Structures; and Chapter 1223.05, Demolition; in order to provide for additional regulations and criteria related to the construction and demolition of accessory uses and structures in the City.**

**WHEREAS,** A garage and accessory structures working group, comprised of members of the Architectural Review Board and Board of Zoning and Planning, has been meeting to facilitate amendments to Bexley’s code regulating the design, placement, and specification of Accessory Uses and Structures; and

**WHEREAS,** The amendments, incorporate in the Ordinance below, are intended to ensure preservation of Bexley’s architectural fabric and to provide design criteria for the development of new or replacement Accessory Structures and Uses;

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

**Section 1.**

That Chapter 1230 is hereby amended to add the following definitions:

“Base Floorplate” means the gross floor area of the first floor of a structure.

“Dormer, Functional” means a roofed structure set vertically in a structure projecting through a sloping roof, and containing occupiable space.

“Dormer, Non-Functional” means a roofed structure set vertically in a structure projecting through a sloping roof for decorative purposes only, and not containing occupiable space or a window that provides transparency into or out of the occupiable space.

“Eave” means the lower border of a roof that overhangs the wall of a building.

“Eave Height” means the height of the wall where it meets the bottom of the soffit. In the instance of a structure without a soffit, Eave Height will be synonymous with the First Floor Wall Height.

“Finished Accessory Structure Attic Floor Area” means the gross calculated floor area of the second story of an accessory structure based upon a maximum 4’ knee wall, and inclusive of vertical penetrations, with structural capacity that could accommodate occupiable space.

“First Floor Wall Height” means the height at the top of the first floor wall, measured from the interior floor to the top of the tallest non-gabled wall.

**Section 2.**

That the definition of a “Story, Residential” in Chapter 1230 is hereby amended as follows:

"Story" means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement is considered as one-half a story if one-half to two-thirds of its volume is above the average level of adjacent ground (before construction), and as one story if over two-thirds of its volume is above the level of adjacent ground or if it is used as a separate dwelling unit or establishment. An attic is considered as a story if it contains two-thirds or more as much volume as the story immediately below in the building or if it is used as a separate dwelling unit or establishment. Buildings containing split-levels of stories are considered by the maximum number of stories in any individual section of the building. **This definition does not apply to any accessory structure or use.**

**Section 3.**

That Chapter 1252.15 is hereby amended to read as follows:

**1252.15 ACCESSORY USES AND STRUCTURES.**

An accessory use or structure shall be permitted in association with a principal residential structure provided that the following requirements are met:

- (a) Maximum building footprint, building height, eave height, Finished Accessory Structure Attic Floor Area maximums, and functional dormer allowance shall be as follows:**

Lot size:	Maximum building footprint	Maximum building height	Maximum eave height	Maximum Finished Accessory Structure Attic Floor Area to base floorplate ratio	Functional Dormer special permit requirement
Less than 6,000 square feet	624 square feet	18'	9'	50%	Special Permit required
6,000 to 13,999 square feet	624 square feet	18'	9'	50%	Special Permit required
14,400 square feet or greater	720 square feet	20'	10'	50%	Special Permit Not Required
24,000 square feet or greater	936 square feet or 35% of the primary structure floorplate	25'	14'	75%	Special Permit Not Required

- (b) The width of the accessory use or structure may not exceed:**
- a. 60% of the lot width in the instance of detached garages
  - b. 40% of the lot width in the instance of other accessory structures or uses
  - c. No accessory structures combined may exceed 60% of the lot width
- (c) Special permits for functional dormers shall be based upon the following considerations:**
- a. The extent to which proposed dormers would face onto adjacent property; windowed dormers that face inward or onto an alley are preferred over windowed dormers facing onto adjacent property.

- b. The setback of the proposed accessory structure; setbacks in excess of district requirements provide a greater distance between adjacent properties and uses and, in instances where windowed dormers face onto adjacent property, are desirable.
- c. The design and massing of dormers facing onto adjacent property.
- (d) Dormers shall be designed based upon the following design requirements:
  - d. Dormers may not occupy more than 50% of the eave length on either side of a gabled structure and must be recessed a minimum of 2' behind the first floor exterior walls.
    - i. Special permits may be sought for dormer exterior walls that are even with the first floor exterior wall, based upon architectural appropriateness.
  - e. Any dormer with an individual width in excess of 30% of the eave length must face the interior of the lot.
  - f. Dormer ridge height shall be at least 1' below primary ridge height.
  - g. The design of the structure shall take into account the balance of any dormers between sides of the structure.
- (e) In the R-12 zoning district, **maximum building footprint of the accessory use or structure shall be the lesser of 312 square feet per dwelling unit or up to thirty-five percent (35%) or less of the building footprint of the principal use or structure.**
- (f) It shall not contain or be used as a Dwelling Unit, and may not contain more than two of the following elements: a bedroom; a kitchen; or a bathroom, ~~so long as it does not qualify as a dwelling unit as defined in Chapter 1230.~~
- ~~(g) It shall not exceed one story in height, ridgeline not to exceed 20' without approval from the Board of Zoning and Planning. Such special permit shall be strictly limited to permitting additional height of the accessory structure and shall not be used to apply conditions to restrict its use.~~
- ~~(h) No story in an accessory structure shall exceed ten feet.~~
- (i) **Accessory structure and use placement and design shall be based upon the following criteria:**
  - a. **Accessory structures and uses shall be permitted only in the rear yard and shall be at least three feet from all property and right-of-way lines, provided that ample yard space is left open for the entrance and use of fire protection equipment.**
  - b. **Accessory structures and uses with outward facing dormers shall be set back at least 10' from property lines.**
  - c. **Detached garages shall not be located less than ten feet from a principal structure.**
  - d. **Detached garages accessible from an alley must demonstrate adequate turn-in radius to allow for vehicular ingress and egress.**
  - e. **For corner lots in residential districts, accessory uses and structures shall be located a minimum of five feet farther back from the side street than the principal structure is allowed.**
  - f. **A garage must be able to functionally accommodate vehicles, with operational garage bay doors and adequate depth for standard sized vehicles.**

**Section 4.**

That Section 1223.05(g) be created as follows:

(g) Demolition of detached garages. In order to preserve the historic stock of enclosed off-street parking spaces within the City, no detached garage 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. In no circumstance shall demolition of a detached garage be approved without a replacement plan, if said demolition would reduce the number of enclosed parking spaces below two enclosed off-street parking spaces.

**Section 5.**

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed \_\_\_\_\_, 2021

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Lori Ann Feibel, President of Council

Attest: \_\_\_\_\_, 2021  
William Harvey, Clerk of Council

Approved: \_\_\_\_\_, 2021

\_\_\_\_\_  
Benjamin Kessler, Mayor

First Reading:  
Second Reading:  
Third Reading: