

Amended Ordinance 13 – 22

By: Matt Klingler

An Ordinance to amend 1220.02 Powers and Duties and 1226.18 Appeals to the Board of Zoning and Planning, in order to specify the applicant as the appellant in certain instances.

Whereas, The Board of Zoning and Planning can hear and decide appeals of decisions by the Zoning Officer or the Architectural Review Board for decisions made in their interpretation of the code; and

Whereas, Applications that can be approved by the Zoning Officer or that require approvals by the Architectural Review Board that do not otherwise require a variance, special use or conditional use permit, or any other review by the Board of Zoning Appeals and Planning, represent applications where the applicant has a zoning right to a project, subject to staff or architectural review; and

Whereas, Applications involving demolition can be contentious, and require a more rigorous review process; and

Whereas, All commercial applications that involve architectural review also require review by the Board of Zoning Appeals and Planning, and therefore this proposed amendment does not apply to commercial applications; and

Whereas, Council wishes to clarify the right of an applicant to construct a project that is allowed by right within the zoning code, conditional upon staff or architectural review; and

Whereas, the Board of Zoning Appeals and Planning,

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

Section 1.

That Section 1220.02 (I) be amended as follows:

(I) To hear and decide appeals from, and to review **final orders, adjudications, or decisions, or determinations** made by the Zoning Officer or the Architectural Review Board, **in accordance with 1226.18.**

Section 2:

That Section 1226.18 be amended as follows:

1226.18 APPEALS TO BOARD OF ZONING AND PLANNING.

- (a) The Board of Zoning and Planning (**hereinafter “Board”**) shall have the power to hear and decide appeals, **by an applicant**, from a **final order, adjudication, or decision** of the Zoning Officer or the Architectural Review Board which have been duly filed with the Zoning Officer within ten days of the date of the written **final order, adjudication, or decision** of the Architectural Review Board or the Zoning Officer or other administrative official in their interpretation of the provisions of this Zoning Code. The Board may, in conducting its hearing, reverse, affirm or modify the **final order, adjudication, or requirement, decision or determination** appealed. The decision of BZAP shall be subject to appeal to City Council as provided in Section [1226.19](#).
- (b) **In the instance of a final order, adjudication, or decision of the Architectural Review Board made concerning an application regulated in whole or in part by Section 1223.05, such final order, adjudication, or decision may be appealed by any Bexley property owner that is directly and adversely affected by such decision to the Board of Zoning and Planning (hereinafter “Board”).** The Board shall have the power to hear and decide appeals from a decision of the Architectural Review Board which have been duly filed with the Zoning Officer within ten days of the date of the written decision of the Architectural Review Board. The Board may, in conducting its hearing, reverse, affirm or modify the order, requirement, decision or determination appealed. The decision of the Board shall be subject to appeal to City Council as provided in Section [1226.19](#).

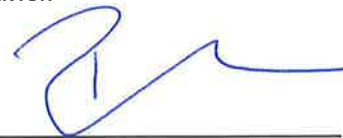
Section 3.

That this Ordinance shall go into effect, and be in force from and after the earliest period allowed by law.

Passed: May 10, 2022

Attest: 
Matthew McPeck, Clerk of Council


Troy D. Markham, President of Council

Approved: May 10, 2022

Benjamin Kessler, Mayor

First Reading: April 12, 2022
Second Reading: April 26, 2022
Third Reading: May 10, 2022