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PART TWELVE - PLANNING AND ZONING CODE

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- Chap. 1220. City Planning Commission.
 - Chap. 1222. Bexley Environmental Review District.
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 - Chap. 1228. Utility Installations.
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CHAPTER 1220
City Planning Commission

- 1220.01 Fees; independent architects
and planners.

CROSS REFERENCES

- City Planning Commission - see CHTR. Art. XIII
- Planning commissions - see Ohio R.C. Ch. 713
- Authority of Planning Commission re utility installations - see
P. & Z. 1228.01
- Application for change in zoning districts - see P. & Z. 1264.20
- Procedure for approval for a Planned Unit District - see P. & Z. 1264.21
- Bexley Environmental Review District - P. & Z. Ch. 1222
- Planning Commission to sit as Bexley Environmental Review Board -
see BLDG. & HOUS. 1432.03
- Subdivision proposals; flood damage considerations - see BLDG. & HOUS.
1444.15(d)
- Signs - see P. & Z. Ch. 1230

1220.01 FEES; INDEPENDENT ARCHITECTS AND PLANNERS.

The fees to be paid when applications are filed for hearings before the City Planning Commission shall be as established by Ordinance of Council and as set forth in Section 244.02 of the Administrative Code.

CHAPTER 1222
Bexley Environmental Review District

1222.01	Establishment of District; purpose.	1222.04	Environmental Review Board approval.
1222.02	Application of District.	1222.05	Violations; equitable remedy.
1222.03	Environmental Review Board.	1222.99	Penalty.

CROSS REFERENCES

Sign regulations - see P. & Z. Ch. 1230
Districts to which applicable - see P. & Z. Ch. 1244

1222.01 ESTABLISHMENT OF DISTRICT; PURPOSE.

The Bexley Environmental Review District is hereby established to control, encourage and regulate the character, design, placement and relationship of buildings, structures and spaces within the boundaries of the District.
(Ord. 44-92. Passed 10-13-92.)

1222.02 APPLICATION OF DISTRICT.

The Bexley Environmental Review District shall be applicable to land presently or hereafter zoned within the Neighborhood Commercial District, Office Commercial District, General Commercial District, Commercial Service District or Open Space District, except any such District which is a sub-district of the Main Street District which shall be subject to Chapter 1224. (Ord. 65-02. Passed 9-24-02.)

1222.03 ENVIRONMENTAL REVIEW BOARD.

(a) Planning Commission as Board. The Planning Commission shall sit as the Bexley Environmental Review Board.

(b) Regulations. No building, structure or space within the Bexley Environmental Review District 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. The Board, in reviewing such plans and specifications, shall examine the architectural design, the exterior surface treatment and color, 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 District. The Board shall endeavor to assure that the exterior appearance and environment of such buildings, structures and spaces will enhance the attractiveness and desirability of the District in keeping with its purpose and intent, encourage the orderly and harmonious development of the District in

keeping with the character of the District, improve residential amenities in any adjoining residential neighborhood and enhance and protect the public and private investment in the value of all land and improvements within the District and adjoining districts. The Board in the performance of these duties may from time to time adopt and publish guidelines with respect to overall project design, use of materials, lot layout and outdoor areas including landscaping, paved areas and pedestrian areas.

(c) Architectural Style. 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.
(Ord. 44-92. Passed 10-13-92.)

1222.04 ENVIRONMENTAL REVIEW BOARD APPROVAL.

(a) Approval shall be obtained from the Environmental Review Board prior to any new construction or any remodeling, reconstruction or other change which would come within the provisions of this chapter. (Ord. 44-92. Passed 10-13-92.)

(b) The responsibility of review and approval or denial of the application for approval shall rest with the Board. All applications for approval shall be made to the Mayor or his or her designee at least six days before a regularly scheduled Board meeting. The applicant shall submit with the application drawings, materials, sketches and such other items that indicate or identify the proposed exterior and environment of any new or existing building or structure within the Environmental Review District. The Board has the authority to approve variances to the Zoning Ordinance related to lot size, building setbacks, building height, parking requirements, signage, and other environmental review matters.
(Ord. 79-08. Passed 9-23-08.)

(c) The Board shall review and approve, approve with modifications or conditions or disapprove such applications within forty-five days of the meeting unless the application is tabled at the request of the applicant or the Board. The City shall maintain, as an official record of the approval, minutes of the meeting. Any applicant may appeal the decision of the Board to Council by filing a notice of appeal with the Clerk of Council within fourteen days after the decision of the Board is rendered. The decision of Council shall be final.
(Ord. 44-92. Passed 10-13-92.)

1222.05 VIOLATIONS; EQUITABLE REMEDY.

(a) No person shall construct, reconstruct, alter, move, extend, raze, enlarge or change the external appearance of any building, structure or use of land within the Bexley Environmental Review District, or maintain, change or install a sign in violation of this chapter. No person shall construct, reconstruct, alter, move, extend, raze, enlarge or change the external appearance of any building, structure or use of land within the Bexley Environmental District without compliance with, and permits as required by, the Building and Housing Code.

(b) In the event that any exterior change is made to any structure or building which is located within the Bexley Environmental Review District, or in the event that any construction occurs within the District in violation of any of the provisions of this chapter, then in addition to the penalty provided in Section 1222.99, the City may institute appropriate proceedings to enjoin such unlawful change or construction.
(Ord. 44-92. Passed 10-13-92.)

1222.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this Planning Code, including violations of conditions and safeguards established in various sections of this Planning Code, shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues after receipt of a violation notice. The owner or tenant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation or noncompliance may be found guilty of a separate offense and suffer the penalties herein provided.

(b) The application of the penalty in subsection (a) hereof shall not be deemed to prevent the enforced correction of prohibited conditions or the application of any other equitable remedy.

(Ord. 44-92. Passed 10-13-92.)

CHAPTER 1223
Bexley Architectural Review District

EDITOR'S NOTE: Architectural Review District
Residential Design guidelines were approved by Ordinance 48-00, passed September 12, 2000. By Ordinance 81-04, passed November 23, 2004, Chapter 1223 was extended indefinitely.

1223.01	Establishment; purpose.	1223.05	Violations; equitable remedy.
1223.02	Application of District.	1223.99	Penalty.
1223.03	Architectural Review Board.		
1223.04	Certificate of appropriateness.		

1223.01 ESTABLISHMENT; PURPOSE.

The City is principally a residential community. The City is fully developed with little vacant land and covers a compact geographic area. Residential property values have been maintained, in significant part, due to the City's unique physical attributes such as high quality homes built primarily in the early and mid 20th century and reflecting the diverse architectural styles and sizes of that period, distinctive established neighborhoods, and plentiful mature trees and landscaping on both public and private property. The demolition of existing residential structures, which frequently also results in the destruction or removal of mature trees and significant landscape features, may constitute an irreplaceable loss to the quality and character of a neighborhood and the City. 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 Bexley Architectural Review District is hereby established to maintain the quality of residential neighborhoods in the City; to promote, preserve and enhance the existing character of various residential neighborhoods in the City by encouraging the retention of buildings which have historic, architectural or cultural value or which are otherwise worthy of preservation, maintaining lot size and building scale appropriate to each neighborhood, and minimizing or avoiding the adverse potential impacts of vacant lots within fully developed neighborhoods; to promote and improve the quality of neighborhoods by permitting the demolition and replacement of existing residential buildings when they are not worthy of preservation or cannot be economically maintained or restored or when there are other compelling reasons to do so; to protect and preserve property values and the City's tax base; and to promote the general welfare by regulating the demolition or removal of existing structures, the exterior characteristics of new structures and the modification of existing structures throughout the District. (Ord. 23-03. Passed 4-22-03.)

1223.02 APPLICATION OF DISTRICT.

The Bexley Architectural Review District shall be applicable to land presently or hereafter zoned within the Low Density Single-Family District, Intermediate Density Single-Family District, Medium Density Single-Family District, High Density Single-Family Residential District and Low Density Multifamily Residential District. (Ord. 7-00. Passed 5-9-00.)

1223.03 ARCHITECTURAL REVIEW BOARD.

(a) Board of Zoning Appeals as Board. The Board of Zoning Appeals shall sit as the Bexley Architectural Board of Review.

(b) Review.

(1) Demolition or removal of existing structures. No primary building or structure or significant accessory structure such as a carriage house within the District 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. The application shall include the following: a statement from the applicant as to whether such structure is, or is not, historically, architecturally or otherwise worthy of preservation, together with relevant supporting information; the reasons for the proposed demolition, including proof of substantial economic hardship or unusual and compelling circumstances in the case of a structure which is historically, architecturally or otherwise worthy of preservation; a definite plan for reuse of the site, including, when a replacement structure is proposed, the information required by subsection (b)(2) hereof, and, when no replacement structure is proposed, a complete restoration and landscape plan, including a plan for the preservation (and replacement in the case of damage or destruction) of existing trees and other significant landscape features, together with the reasons for not building a replacement structure; 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. The Board, in deciding whether to issue a certificate of appropriateness approving the demolition or removal of an existing building or structure, shall determine that the structure to be demolished or removed is not historically or culturally significant or otherwise worthy of preservation or, if it is, that denial of a certificate of appropriateness would cause a substantial economic hardship or that demolition is justified by the existence of unusual and compelling circumstances. 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. The Board shall also apply the foregoing criteria in determining whether it shall recommend, pursuant to Section 1264.21(a) of the Zoning Code, approval of a detailed development plan for a Planned Unit District which contemplates the demolition or removal of existing structures or approval of an amendment to a detailed development plan for a Planned Unit District which contemplates the demolition or removal of existing structures. The Board in the performance of these duties may from time to time adopt and publish additional standards or guidelines; provided, however, that any such standards or guidelines shall be subject to review and approval by Council.

- A. Criteria to determine whether a structure is historically or culturally significant or otherwise worthy of preservation: The following criteria shall be used by the Board in determining whether a structure is historically or culturally significant or otherwise 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 identification of the structure as a work of an architect, artisan, engineer, landscape architect, builder or developer whose work is significant to the City, central Ohio, the state or nation.
 5. The identification of the structure with a public or private figure who significantly contributed to the City, central Ohio, the State or nation.
 6. 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
 7. The impact on the City's real property tax base of restoration versus replacement and/or removal.
- B. 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.
- C. 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 than 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.

- (2) Changes to existing structures not involving demolition. Subject to subsection (b)(1) hereof, no new building or structure within the District, including detached garages and other accessory structures but excluding walls, fences and signs, shall be constructed, and no existing building or structure within the District shall be enlarged or its architectural style and detail, including, but not limited to, the enclosure of a front porch, shall be changed, unless and until the plans and specifications for such structure or modification have been submitted to and reviewed by the Board, and the Board has issued a certificate of appropriateness. In the case of a new building or structure or a change to an existing structure which contemplates the removal of, or may result in damage to, existing trees or other landscaping, a landscape plan shall also be submitted for review and approval, and the Board may, as a condition of the certificate of appropriateness for the project, require a plan for the preservation (and replacement in the case of damage or destruction) of existing trees and other significant landscape features. The Board, in deciding whether to issue a certificate of appropriateness, shall determine that the proposed structure, modification, use and lot would be compatible with existing structures, uses and lots within the portion of the District in which the subject property is located. In conducting its review, the Board shall examine and consider, but not necessarily be limited to, the following elements: the architectural design, including, in case of an enlargement, the design of the existing structure; the exterior materials, texture and color; exterior details and relationships; height and building mass; the arrangement of buildings and structures on the property and their relationship to adjoining structures and properties; existing grades; the relationship of the design to the visual perspective of a pedestrian and adjoining properties; the size of structures and the resulting lot in relationship to other residences and lots within the portion of the District in which the subject property is located; the preservation of existing trees and significant landscape features and the impact of removing them on adjoining properties; and the use of landscape materials, when review of a landscape plan is required. The Board in the performance of these duties shall from time to time adopt and publish design guidelines; provided, however, that any such guidelines shall be subject to review and approval by Council.

(c) Delegation of Authority. The Board may delegate to a qualified employee of 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 pursuant to subsection (b) above or other routine matters, such as the approval of insignificant accessory structures. The design guidelines shall specify the provisions thereof 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.
(Ord. 23-03. Passed 4-22-03.)

1223.04 CERTIFICATE OF APPROPRIATENESS.

(a) No certificate of appropriateness shall be issued 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 1223.03.

(b) Subject to Section 1223.03(c), the responsibility of review and approval 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 fourteen days before a regularly scheduled Board meeting; provided, however, that the Board may, for good cause, waive the fourteen-day advance filing requirement and, in the case of changes to a plan previously approved by it, may reduce any applicable time period for notice to other property owners, and consider a new or amended application at any regular or special meeting of the Board.

(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. 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. Any applicant may appeal the decision of the Board to Council by filing a notice of appeal with the Clerk of Council within fourteen days after the decision of the Board is journalized in minutes approved by the Board. The decision of Council shall be final.
(Ord. 7-00. Passed 5-9-00.)

1223.05 VIOLATIONS; EQUITABLE REMEDY.

(a) No person shall construct, reconstruct, alter, move, extend, raze, enlarge or change the external appearance of any building or structure within the Bexley Architectural Review District in violation of this chapter, including, without limitation, any condition imposed by the Board in its approval of an application.

(b) In the event that any structure or building which is located within the Bexley Architectural Review District is changed, or any construction occurs within the District, in violation of any of the provisions of this chapter or any condition imposed by the Board in its approval of an application, then in addition to the penalty provided in Section 1223.99, the City may institute an appropriate action or proceeding to restrain, correct or abate any such violation or to require compliance with the provisions of this chapter.
(Ord. 7-00. Passed 5-9-00.)

1223.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter, including, without limitation, any condition imposed by the Board in its approval of an application, shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues after receipt of a violation notice. The owner or tenant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation or noncompliance may be found guilty of a separate offense and suffer the penalties herein provided.
(Ord. 7-00. Passed 5-9-00.)

CHAPTER 1224
Main Street District

1224.01	Purpose.	1224.04	Review procedures.
1224.02	Application of chapter.	1224.05	Violations; equitable remedy.
1224.03	Main Street District plans review.	1224.99	Penalty.

CROSS REFERENCES

District established - see P. & Z. 1244.16
District regulations - see P. & Z. 1252.03

1224.01 PURPOSE.

The Main Street District was established, among other things, to regulate certain uses and area requirements in the Mixed Use Commercial District, which is a sub-district of the Main Street District, and to control, encourage and regulate the character, design, placement and relationship of buildings, structures and spaces within the boundaries of the entire Main Street District. (Ord. 65-02. Passed 9-24-02.)

1224.02 APPLICATION OF CHAPTER.

This chapter shall be applicable to land presently or hereafter zoned within the Main Street District and all subdistricts located within the Main Street District and within the Campus Planning District. (Ord. 88-03. Passed 2-24-03.)

1224.03 MAIN STREET DISTRICT PLANS REVIEW.

(a) Main Street Redevelopment Commission. The Main Street Redevelopment Commission shall sit as the Main Street and Campus Planning District review authority.

(b) Review. No building, structure or space within the Main Street District or the Campus Planning District shall be constructed, reconstructed, altered, moved, extended, razed, enlarged or changed in external appearance unless and until the plans and specifications for such building, structure or space, including the landscape plan for the premises on which it is or will be located, have been approved by the Commission. The Commission, in reviewing such plans and specifications, shall examine the site plan, architectural style and building composition (including design elements such as entrances, storefronts, upper stories and mechanical screening), the exterior building materials and color, the location of uses within and the arrangement and massing of the buildings and structures on the premises, building height, lighting, signage, parking, the landscape plan and materials, and the impact of the site

and design elements of the project upon the appearance and environment of the Main Street District or the Campus Planning District and neighboring properties. The Commission, in deciding whether to approve an application under this chapter, shall determine that the site and design plans for such buildings, structures and spaces as proposed by the applicant are in keeping with the purpose and intent of the Main Street District, the applicable sub-district and the design guidelines contemplated by subsection (c) hereof, or with the purpose and intent of the Campus Planning District, the applicable zone and the campus plans contemplated by subsection (d) hereof, and that such plans would not have a substantial detrimental impact on neighboring properties. The design and site plan review contemplated by this chapter does not include the right to approve or disapprove proposed or existing uses or changes to the interior of an existing building or structure which do not change the external appearance of a building or site. Permitted or conditional uses within the districts and applicable sub-district or zone are governed by Chapter 1252 and Section 1264.15, variances for non-permitted uses are governed by Section 1264.14, and nonconforming uses are governed by Sections 1264.01 to 1264.05, inclusive. Projects involving only interior changes to existing buildings and structures are subject to standard City plan review and building permit procedures. (Ord. 88-03. Passed 2-24-03.)

(c) Main Street Design Guidelines. The Commission shall from time to time adopt and publish design guidelines for the Main Street District, including Zone 2 of the Campus Planning District, covering matters such as site planning, landscaping and screening, building design and materials, signage, parking, lighting and use of the public right-of-way; provided, however, that such guidelines shall be subject to review and approval by Council. The Commission may grant variances from the design guidelines which shall be deemed to be in the nature of area variances.

(d) Campus Planning District Plans. Capital University and Trinity Lutheran Seminary shall develop and submit to the Commission for its review and approval campus plans to guide development by each institution within the Campus Planning District, including development in Zone 2 which shall also be subject to the Main Street Design Guidelines. Such plans may be amended or replaced, from time to time, upon review and approval of the Commission. (Ord. 7-05. Passed 4-12-05.)

(e) Delegation of Authority. The Commission may delegate to a qualified employee or agent the authority to review and approve, without further review and approval by the Commission, plans with respect to changes to existing buildings, structures or spaces, involving compliance with provisions of the design guidelines expressly designated therein as being subject to delegated review as provided in this subsection. The staff may decline to review an application and submit it to the Board for its review, and an applicant whose plans have been reviewed by the staff may, upon request, have the plans reviewed by the Commission.

(f) Biennial Review. The Main Street Design Guidelines contemplated by subsection (c) shall, beginning in the year 2004, be reviewed biennially by the Commission which shall submit a written report to City Council on or before December 31 of the calendar year in which such review is to occur. The report shall include a review of the Guidelines, administrative policies and procedures and recommendations, if any, for changes to the Guidelines or the Planning and Zoning Code which affect such Guidelines. City Council may, upon consideration of the report, elect to continue, modify or terminate the Guidelines. (Ord. 88-03. Passed 2-24-03.)

1224.04 REVIEW PROCEDURES.

(a) Approval shall be obtained from the Commission prior to any new construction, remodeling, reconstruction or other change which comes within the scope of this chapter.

(b) Subject to Section 1224.03(d), the responsibility of review and approval or denial of the application filed under this chapter shall rest with the Commission. All applications requiring review by the Commission, rather than the staff, shall be filed with the Commission or its designee at least fourteen (14) days before a regularly scheduled Commission meeting; provided, however, that the Commission may, for good cause, waive the fourteen-day advance filing requirement and, in the case of changes to a plan previously approved by it, may reduce any applicable time period for notice to other property owners, and consider a new or amended application at any regular or special meeting of the Commission.

(c) The Commission 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 Commission. The City shall maintain, as an official record of the Commission's decision on an application, minutes of the meeting at which the application was considered.

(Ord. 65-02. Passed 9-24-02.)

1224.05 VIOLATIONS; EQUITABLE REMEDY.

(a) No person shall construct, reconstruct, alter, move, extend, raze, enlarge or change the external appearance of any building, structure or space within the Main Street District in violation of this chapter, including, without limitation, any condition imposed by the Commission in its approval of an application.

(b) In the event any building, structure or space located within the Main Street District is changed, or any construction occurs within the District, in violation of any of the provisions of this chapter or any condition imposed by the Commission in its approval of an application, then in addition to the penalty provided in Section 1224.99, the City may institute an appropriate action or proceeding to restrain, correct or abate any such violation or to require compliance with the provisions of this chapter.

(Ord. 65-02. Passed 9-24-02.)

1224.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter, including, without limitation, any condition imposed by the Commission in its approval of an application, shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues after receipt of a violation notice. The owner or tenant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation or noncompliance may be found guilty of a separate offense and suffer the penalties herein provided.

(b) The assessment of the penalty in subsection (a) hereof shall not prevent the City from seeking and obtaining equitable relief as contemplated by Section 1224.05.

(Ord. 65-02. Passed 9-24-02.)

CHAPTER 1225
Alum Creek Preservation District

1225.01	Definitions.	1225.11	Prohibited uses in riparian setbacks.
1225.02	Establishment and purpose.	1225.12	Non-conforming structures or uses in riparian setbacks.
1225.03	Findings.	1225.13	Variances within riparian setbacks.
1225.04	Applicability and compliance.	1225.14	Procedures for variances and appeals.
1225.05	Establishment of district.	1225.99	Penalties.
1225.06	Reference map.		
1225.07	Riparian setbacks.		
1225.08	Inclusion of floodplain and wetlands.		
1225.09	Applications and site plans.		
1225.10	Permitted uses in riparian setbacks.		

1225.01 DEFINITIONS.

(a) **ORDINARY HIGH WATER MARK:** The line between upland and bottom land which persists through successive changes in water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. (Ord. 36-12. Passed 11-27-12.)

1225.02 ESTABLISHMENT AND PURPOSE.

The following district is established to protect and enhance the functions of riparian areas by providing reasonable controls governing structures and uses within a riparian setback along that portion of Alum Creek that flows through the City of Bexley. (Ord. 36-12. Passed 11-27-12.)

1225.03 FINDINGS.

It is hereby determined that the portion of Alum Creek that flows through the city of Bexley contributes to the health, safety, and general welfare of the residents of Bexley. The specific purpose and intent of this district is to govern uses and developments within riparian setbacks that would impair the ability of riparian areas to:

- (a) Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
- (b) Protect Alum Creek's physical, chemical and biological characteristics and maintain Alum Creek's functions.
- (c) Preserve to the maximum extent practicable the natural drainage characteristics of the community and building sites.
- (d) Preserve to the maximum extent practicable natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.
- (e) Reduce the long term expense of remedial projects needed to address problems caused by inadequate storm water control.
- (f) Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, and storm water management practices that are the result of inadequate storm water control due to the loss of riparian areas.
- (g) Assist in stabilizing the banks of Alum Creek to reduce streambank erosion and the downstream transport of sediments.
- (h) Reduce pollutants in Alum Creek during periods of high flows by filtering, settling, and transforming pollutants before they enter Alum Creek.
- (i) Provide shade and nutrient inputs, thus regulating in-stream temperatures and providing food for aquatic communities.
- (j) Reduce the presence of nuisance species to maintain a healthy, diverse aquatic system.
- (k) Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
- (l) Benefit the Alum Creek watershed by minimizing encroachment on watercourse channels and the need for costly engineering solutions to protect structures and reduce property damage and threats to the safety of Alum Creek watershed residents; by contributing to the scenic beauty and environment of Alum Creek watershed; and by preserving the character and quality of life for the residents in the Alum Creek watershed, and corresponding property values.
(Ord. 36-12. Passed 11-27-12.)

1225.04 APPLICABILITY AND COMPLIANCE.

(a) Except as otherwise provided in Chapter 1225, all property located within a riparian setback from Alum Creek that is subject to this Section shall be preserved in its natural state.

(b) Any property owned by a local, State or Federal agency must comply with the provisions of Chapter 1225.

(c) In the event of a conflict between a provision of Chapter 1225 and any other provision of the Bexley City Code, or other adopted regulation, the more stringent regulation applies. (Ord. 36-12. Passed 11-27-12.)

1225.05 ESTABLISHMENT OF DISTRICT

The Alum Creek Preservation District is hereby established. This district applies to the riparian setbacks along that portion of Alum Creek that flows through the City of Bexley. (Ord. 36-12. Passed 11-27-12.)

1225.06 REFERENCE MAP.

The Franklin County Hydrography Dataset developed by the Franklin Soil and Water Conservation District may be used as a reference to determine the location of Alum Creek and the extent of required riparian setbacks. The dataset is an electronic map, created using GIS software. In the event of a conflict between the dataset and the application of a provision of Chapter 1225, the provision of Chapter 1225 will control. Although the dataset is a guide and believed to be accurate, the presence or absence of Alum Creek or riparian setbacks requiring protection shall be based upon actual conditions on the property. The Reference Map will be updated from time to time as observed or measured field conditions may change. Any changes to the Reference Map will be in accordance with all applicable federal or State of Ohio requirements related to riparian setbacks, storm water controls, flood control, or such other applicable laws or regulations.
(Ord. 36-12. Passed 11-27-12.)

1225.07 RIPARIAN SETBACKS.

Subject to the inclusion of floodplains and wetlands as determined by Chapter 1225, the extent of a riparian setback shall be delineated based upon the following method:

- (a) The setback distance from the centerline of the stream must be sized as the greater of the following:
 - (1) The regulatory 100-year floodplain based on Federal Emergency Management Agency (FEMA) mapping; or
 - (2) 100 feet from the center of Alum Creek.
- (Ord. 36-12. Passed 11-27-12.)

1225.08 INCLUSION OF FLOODPLAIN AND WETLANDS.

Where applicable, the following provisions governing floodplains and wetlands supersede Section 1225.07. In the event of a conflict among the following provision, the greatest setback distance applies.

- (a) Where a wetland is identified within a riparian setback, the riparian setback width must be extended to the outermost boundary of the wetland. Wetlands must be delineated through a site survey prepared by a qualified wetlands professional retained by the landowner using delineation protocols adopted by the U.S. Army Corps of Engineers at the time an application is made under this Chapter 1225.
(Ord. 36-12. Passed 11-27-12.)

1225.09 APPLICATIONS AND SITE PLANS.

Applicants submitting development applications are responsible for delineating riparian setbacks as required by this regulation.

1225.091 Site Plan Required. Applicants must identify all setbacks, if applicable, on site plans included with subdivision plans, land development plans, and/or zoning permit applications submitted to the appropriate Board or Commission, which may include the Bexley Board of Zoning Appeals, Bexley Planning Commission, Bexley Environmental Review Board, Bexley Architectural Board, or the Bexley Tree and Public Gardens Commission.

1225.092 Preparation of Site Plan. The site plan must be prepared and sealed by a professional engineer, surveyor, or landscape architect.

1225.093 Required Elements on Site Plans. Applicants must submit two (2) copies of the site plan.

This site plan must be submitted in addition to any other plan required in conjunction with a development proposal.

- (a) The site plan must include the following information:
- (1) The site boundaries with dimensions;
 - (2) The Drainage Area of the site;
 - (3) The locations of all watercourses and wetlands;
 - (4) The limits, with dimensions, of the riparian setbacks;
 - (5) The existing topography at contour intervals of two (2) feet;
 - (6) The location and dimensions of any proposed structures or uses, including proposed soil disturbance, in relationship to all watercourses;
 - (7) The proposed location of construction fencing delineating riparian setback area as required in Section 1225.094;
 - (8) North arrow, scale, date, and stamp bearing the name and registration number of the qualified professional who prepared the site plan;
 - (9) Soil types and locations;
 - (10) Other such information as may be reasonably necessary for the Board or Commission to ensure compliance with this regulation; and
 - (11) Narrative describing proposed uses and maintenance plan within the riparian setback.

1225.094 Construction Fencing Required. Prior to any soil disturbing activities occurring, the riparian setback must be clearly identified by the applicant on site with construction fencing as shown on the site plan and the fencing must be maintained throughout soil disturbing activities.

1225.095 No Approvals Without Required Site Plan. No approvals or permits will be issued by the Board or Commission without submission of a site plan as required by this regulation, including the prior identification of riparian setbacks on the affected land.

1225.096 Inspection Of Riparian Setbacks. Prior to soil disturbing activities authorized under this regulation, a preconstruction meeting at the proposed site shall occur to ensure that all riparian setbacks are adequately protected. The meeting shall be arranged by the property owner or designated, qualified representative of the City. The property owner, developer and site engineer shall meet with the representative of the City prior to beginning any earth-disturbing activity associated with the site.

1225.097 Review of Site Plans. Site plans submitted to the city involving sites between the centerline of Alum Creek and the first generally north-south public street to the east must consider the erodibility of the site and the extent to which submitted plans impact soil erosion. Such review should consider:

- (a) The extent to which existing non-invasive vegetation is removed or disturbed and the extreme erodibility of the soil.
- (b) The extent to which the requested approval impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback.
- (c) Soil-disturbing activities must minimize clearing to the extent practicable and must include the use of Best Management Practices necessary to minimize erosion and control sediment.
- (d) The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, has a negative environmental impact on the waterway. (Ord. 36-12. Passed 11-27-12.)

1225.10 PERMITTED USES IN RIPARIAN SETBACKS.

Open space uses that are passive in character are permitted in riparian setbacks, including but not limited to those listed in this Section 1225.10. No use permitted under this regulation allows trespass on privately held lands.

1225.101 Permitted Uses Not Requiring a Zoning Certificate. The following uses are permitted and do not require a certificate of zoning compliance:

- (a) Property Maintenance, Revegetation and/or Reforestation. The enjoyment, access, planting and maintenance of lawns, landscaping, shrubbery, or trees. Riparian setbacks may be revegetated and/or reforested with noninvasive plant species. Applicants or property owners are encouraged to seek guidance from Franklin County Soil and Water Conservation District.
- (b) Passive Recreational Activity.
 - (1) Non-motorized recreational uses such as hiking, fishing, hunting, picnicking, and similar passive recreational uses, as permitted by federal, state, and local laws.
 - (2) Unimproved trails and stream access points. Improved trails require a certification of zoning compliance as listed below in Section 1225.102. Unimproved trails and stream access points must meet the following development standards:
 - A. Surface: unimproved/earthen;
 - B. Width: maximum 5 feet;
 - C. No clearing of woody vegetation is permitted
- (c) The Following Non-Motorized Active Recreational Activities:
 - (1) Canoe or Kayak access points or ramps installed by the City of Bexley
- (d) Removal of Damaged or Diseased Trees, Invasive Species, or Noxious Weeds. Invasive species (as defined by the Ohio Department of Natural Resources), noxious weeds and damaged or diseased trees that endanger people or that pose a serious threat to property, may be removed. Special care should be taken to remove trees sparingly. Damaged or decaying trees serve important ecological functions such as supplying stream habitat and material for organisms that aid in organic decomposition as well as providing habitat for endangered species, such as Indiana bats. Applicants or property owners are encouraged to allow these seemingly-damaged trees to remain in their natural state. Applicants or property owners are further encouraged to seek assistance from Franklin County Soil and Water Conservation District for advice on maintaining these important ecological functions. Franklin County Soil and Water Conservation District can also provide information regarding best management practices in herbicide application techniques for controlling invasive species and noxious weeds in accordance with Ohio DNR and other applicable state and federal regulations.
- (e) Changes, alterations, or improvements outlined in Section 1225.101 may be reviewed by a qualified employee or agent of the City. The qualified employee or agent may review and approve plans, without further review and approval by the overseeing Board or Commission, with respect to changes, alterations, or improvements as provided for in this subsection. The staff may decline to review an application and submit it to the appropriate Board or Commission for its review, and an applicant whose plans have been reviewed by the staff may, upon request, have the plans reviewed by the appropriate Board or Commission.

(f) See additional exceptions to prohibited uses at 1225.112.

1225.102 Permitted Uses Requiring a Zoning Certificate. The following permitted uses require a zoning certificate as provided for in Section 1264.07 through 1264.11 of Bexley Code.

- (a) Fences and walls. Fences and walls that provide adequate surface water flow through, under or around, as determined by Franklin County Soil and Water Conservation District, are permitted.
- (b) Paved or otherwise improved trails. Construction of paved or otherwise improved trails in the riparian setback to further passive recreational uses is permitted with a development plan approved by the Board or Commission. Construction of paved or otherwise improved trails must meet the following development standards:
- (1) Paved trail surfaces must be improved with a pervious or semi-pervious material.
 - (2) Trail width is a maximum of 12 feet
 - (3) Clearing width is a maximum of 20 feet
 - (4) Trails that become damaged due to natural erosion:
 - A. May not be repaired, and
 - B. Must be moved upland or removed altogether and stabilized.
- (c) Crossings. Crossings through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in riparian setbacks. Mitigation of crossings may be required by state and federal agencies. A certificate of zoning compliance for a new crossing will only be issued when one or more of the following findings is made by the Board or Commission:
- (1) The parcel has no other existing access;
 - (2) The crossing is necessary for public health or safety;
 - (3) The applicant can demonstrate that important ecological protection and ecological benefits are realized, such as saving a mature woodlot, preventing habitat degradation, avoiding flow alteration, or ensuring passage for fish; or
 - (4) The applicant demonstrates that the new crossing is necessary to achieve important ecological protection goals, or maximized ecological benefit, and that the crossing can be installed and maintained with minimal environmental impacts.
- Such crossings may only be undertaken upon approval of a Crossing Plan by the Board or Commission in consultation with Franklin County Soil and Water Conservation District. Such activity must minimize disturbance to the riparian buffer and mitigate any disturbances.
- (d) Stream Quality Improvement Projects. Streambank stabilization, erosion control work, or large scale stream channel and riparian buffer restoration work along designated watercourses may be allowed, provided they comply with the following:
- (1) The project is ecologically compatible and substantially uses natural materials and native plant species where practical and available.
 - (2) The project must comply with the applicable portions of the Ohio DNR Rainwater and Land Development handbook.
 - (3) The project shall only be undertaken upon approval of a Stream bank Stabilization Plan by the Board or Commission.

(4) All streambank stabilization plans should provide long term streambank protection.

(5) All erosion control measures shall be limited to the purposes of stream quality protection and enhancing stream channel stability.

In reviewing this plan, the Board or Commission may consult with representatives of the Ohio Department of Natural Resources, Division of Natural Areas and Preserves or Division of Soil and Water Conservation; the Ohio EPA, Division of Surface Water; the Franklin County Soil and Water Conservation District; or other technical experts as necessary.

(e) The construction of athletic fields and Campus Uses between East Main Street and Astor Avenue, as if extended to Alum Creek. Development in this area must meet the following standard:

(1) Steps must be taken and a development and maintenance plan submitted to mitigate against erosion and runoff associated with development.

1225.103 Proof of compliance with outside permits. If any activities will occur below the ordinary high water mark, as defined in Section 1225.01, of Alum Creek, the applicant must submit proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification).

Proof of compliance is considered one of the following:

- (a) A comprehensive site plan and a copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
- (b) A comprehensive site plan and a copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.
(Ord. 36-12. Passed 11-27-12.)

1225.11 PROHIBITED USES IN RIPARIAN SETBACKS.

Any use not authorized under Section 1225.10 is prohibited in riparian setbacks.

1225.111 List of Prohibited Uses. Prohibited uses are not limited to those examples listed here:

- (a) Construction. Construction of buildings or structures of any kind or size are prohibited except as provided for in Sections 1225.112 and 1225.13. This restriction applies to new construction, and does not apply to existing residential structures and associated accessory structures.
- (b) Dredging or Dumping. Drilling, filling, dredging, excavation or dumping of soil, other earthen material, spoils, liquid, or solid materials is prohibited except as permitted under this regulation.
- (c) Roads or Driveways. Installation of roads or driveways is prohibited, unless approved in association with an approved crossing plan.
- (d) Motorized Vehicles. Use of motorized vehicles is prohibited, with the exception of emergency vehicles when necessary for public health and safety, or except as permitted under this regulation.
- (e) Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles. Establishment of parking spaces, parking lots, or loading/unloading spaces is prohibited.
- (f) New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Use of areas within riparian setbacks for the disposal or treatment of sewage is prohibited.

- (g) New Stormwater Management and Drainage Facilities. New stormwater management and drainage facilities including appurtenances thereto are prohibited within riparian setbacks.
- (h) Sediment and Erosion Controls. No structural sediment controls, such as a silt fence, a sediment settling pond, or other structural post-construction controls, may be used in a stream or the delineated setback, except as permitted in Section 1225.102.

1225.112 Exceptions to Prohibited Uses. The following activities are exempt from the restrictions set forth in Section 1225.11. The exceptions listed below do not apply to uses and structures that are non-conforming with respect to the requirements of the underlying zoning district. Such existing non-conforming uses and structures must comply with the requirements of the sections of the City of Bexley Zoning Code applicable to the Board or Commission reviewing the application.

- (a) The construction or reconstruction of any structure, or other impervious surface, permitted in the underlying zoning district on an existing, legal impervious surface on a lot of record developed with a use existing at the time of passage of this regulation.
- (b) The installation of conduits flowing from stormwater management facilities designed to treat stormwater.
- (c) All activities conducted by the City of Bexley that are necessary to provide and maintain public transportation infrastructure.
- (d) All activities conducted by the City of Bexley that are necessary to provide and maintain public drainage improvements.
- (e) See Permitted Uses in Riparian Setbacks at Section 1225.10.
(Ord. 36-12. Passed 11-27-12.)

1225.12 NON-CONFORMING STRUCTURES OR USES IN RIPARIAN SETBACKS.

The procedures for reviewing non-conforming structures and uses are set forth in the sections of the City of Bexley Zoning Code applicable to the Board or Commission reviewing the application. (Ord. 36-12. Passed 11-27-12.)

1225.13 VARIANCES WITHIN RIPARIAN SETBACKS.

(a) The Board or Commission may grant a variance to this Chapter 1225 as provided for in that section of the City of Bexley Zoning Code applicable to the Board or Commission reviewing the application. In addition to the findings required by that Section of the Zoning Code, the Board or Commission must consider the following:

- (1) The native vegetation of the property.
- (2) The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback. This determination must be based on sufficient technical and scientific data.
- (3) Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices necessary to minimize erosion and control sediment.
- (4) The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.

(b) In order to maintain the riparian setback to the maximum extent practicable, the Board or Commission may consider granting variations to other area or setback requirements imposed on a property by the sections of the City of Bexley Zoning Code applicable to the Board or Commission reviewing the application.

(c) The City of Bexley recognizes that variance applications may need to be submitted for planned development in the following areas:

- (1) The commercial sites on the north and south side of East Main Street which border the creek.
- (2) Capital University's development and expansion area north of Astor Avenue and south of East Main Street.
- (3) The targeted redevelopment area at Livingston and Mayfield.

The above represent areas of anticipated future development, and it is understood and expected that variances will be granted for developments in these development zones, provided however that any development plans that require a variance will limit the impact to native vegetation, address flood control, erosion control, and water quality impact.
(Ord. 36-12. Passed 11-27-12.)

1225.14 PROCEDURES FOR VARIANCES AND APPEALS.

The procedures for granting variances and appeals of the determinations of the Board or Commission are set forth in those sections of the City of Bexley of the Zoning Code applicable to the Board or Commission reviewing the application.
(Ord. 36-12. Passed 11-27-12.)

1225.99 PENALTIES.

The penalties for violation of any provision of this Chapter 1225 are set forth in the sections of the City of Bexley Zoning Code applicable to the Board or Commission reviewing the application. (Ord. 36-12. Passed 11-27-12.)

CHAPTER 1228
Utility Installations

- 1228.01 Permit required; application; authority of Council, City Engineer and Planning Commission.
 1228.02 Application of chapter; regulations.
 1228.99 Penalty.

CROSS REFERENCES

Utilities generally - see S.U. & P.S. Ch. 1040
 Water - see S.U. & P.S. Ch. 1042
 Sewers - see S.U. & P.S. Ch. 1044
 Gas - see S.U. & P.S. Ch. 1046
 Electricity - see S.U. & P.S. Ch. 1048
 Telephones - see S. U. & P. S. Ch. 1050

1228.01 PERMIT REQUIRED; APPLICATION; AUTHORITY OF COUNCIL, CITY ENGINEER AND PLANNING COMMISSION.

No storm or sanitary sewer, gas, water, electric power or telephone line or other structure or facility constructed or intended for use in connection with such lines shall be constructed above, below or upon the surface of the ground within the limits of the City until permission therefor has been granted by Council. The person seeking such permit shall make application therefor to the Director of Public Service and shall file with such application detailed plans and specifications, which plans shall show the proposed locations of all lines, structures or other improvements, together with information as to the purpose of such construction, the area to be served thereby and such other information as the City Engineer may deem pertinent. Such application and related information shall be submitted to the City Engineer for his study and recommendation to Council from an engineering standpoint, and shall also be submitted to the City Planning Commission for its study and recommendation as to the effect of such construction on City planning and development. The permit shall be denied if Council finds that such construction and operation will constitute a hazard to the public health or safety, or will have a seriously adverse effect on City planning and development, or will preempt a location, right of way or facility that may be reasonably necessary to the future provision of streets, public utilities, functions or services by the City which may reasonably be anticipated to be required of the City. In passing upon the application for a permit, Council shall take into consideration the availability to the applicant of other means of extending its services, by alterations of its plans, specifications or locations, should the granting of such permit be deemed to conflict with the interests of the City.
 (Ord. 22-56. Passed 5-9-56.)

1228.02 APPLICATION OF CHAPTER; REGULATIONS.

This chapter shall apply to all persons, firms, corporations, municipalities or agencies, public or private, other than the City and persons, firms and corporations contracting with the City for such construction, and shall apply whether the proposed construction is to be undertaken on public property or privately owned land, provided, however, that the construction of private or domestic service lines from an existing service or transmission line to service a parcel of ground or building thereon shall be exempt from the provisions of this chapter. Council may adopt regulations relative to such proposed construction and delegate to the City Engineer or other public officer or employee the right to grant such permits upon a finding that the proposed construction complies with such regulations in all respects. (Ord. 22-56. Passed 5-9-56.)

1228.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

CHAPTER 1230
Signs

1230.01	Definitions.	1230.10	Exceptions for service stations.
1230.02	Sign approvals; permit requirements and exemptions.	1230.11	Nonconforming signs.
1230.03	General provisions.	1230.12	Variances.
1230.04	District requirements.	1230.13	Unsafe and unsightly signs.
1230.05	Illuminated signs.	1230.14	Revocation of permits.
1230.06	Special signs; political signs.	1230.15	Removal of signs.
1230.07	Real estate signs.	1230.16	Canvas awnings.
1230.08	Temporary signs.	1230.17	Theater signs.
1230.09	"A" frame signs.	1230.18	Violations.
		1230.19	Air rights lease contracts.
		1230.99	Penalty.

CROSS REFERENCES

Unlawful traffic signs - see TRAF. 414.07
 Attaching to trees - see S.U. & P.S. 1026.06
 Sign permit fees - see BLDG. 1430.02
 Unsafe signs - see BLDG. 1476.04

1230.01 DEFINITIONS.

(a) "Co-op sign" means an on-premises sign that both identifies and promotes an establishment on the site and promotes a specific product or service that is not the principal product or service available at the site.

(b) "Freestanding sign" means any sign that has as its support metal columns, pipe, angle iron framing or a similar type of support, which is permanent in nature and which is affixed to the realty.

(c) "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.

(d) "Off-premises 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.

(e) "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, executrix, administrator, administratrix, 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.

(f) "Projecting sign" means any sign projecting more than twelve inches from the wall of a building.

(g) "Self-propelled sign" means any sign that is mounted on or attached to a self-propelled vehicle.

(h) "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 advertise or promote 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.

(i) "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.

(j) "Temporary sign" means a banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like material and displayed for a period not to exceed thirty days.

(k) "Wall sign" means any sign attached to, painted on or erected against the exterior wall of a building or structure which is an integral part of the exterior 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.

(l) "Window sign" means a sign affixed to or within three feet of the inside of a window in view of the general public. "Window sign" does not include merchandise on display. The "area of a window" means all glass facing a street.

(m) "Permanent window sign" means any sign applied to the window using a paint not removable with water or using gold or silver leaf or laminated glass, stained glass or the like. Any sign that is constructed of a permanent-type material and is erected within three feet of a window so as to be seen from any public place and is erected for a period that exceeds thirty days shall be considered a permanent window sign.

(n) "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.
(Ord. 43-92. Passed 10-13-92.)

1230.02 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 Bexley Environmental Review Board 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) Temporary real estate signs with an area of twelve square feet or less for the sale or lease of property;
 - (2) Professional nameplates not exceeding two square feet in area;
 - (3) Small announcements indicating address, hours of operation, bankcard affiliation and similar information, not to exceed a total of two square feet for all announcements;

- (4) Temporary window signs, provided that all of the provisions of this chapter have been met;
- (5) Bulletin boards not over eight square feet in area for public, charitable or religious institutions, when the same are located on the premises of such institutions;
- (6) "Open" signs not exceeding four square feet in area;
- (7) Uniform traffic signs either on public or private property, providing their use and location does not create a public safety problem; and,
- (8) Signs which serve a public purpose and have been erected or approved by the City.

(f) Incidental signs are permitted in any district listed in this chapter, and are subject to environmental review.
(Ord. 43-92. Passed 10-13-92.)

1230.03 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.

(b) 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. All other signs may extend not more than thirty feet in the air, measured from the street level.

(e) On a corner lot, only one pole shall be permitted within twelve feet of the corner of such lot.

(f) Any sign on a corner lot which is within twelve feet of the corner of such lot shall be at least seven feet above the highest point of the sidewalk, unless such sign is a wall sign and the flat side of such sign is attached to the front or side of a building. No sign base within twelve feet of the corner is permitted to extend more than six inches above grade.

(g) No sign shall be attached to, painted on or otherwise displayed on a light standard, fence, wall, post, pole, portable supporting device or other structure except as specifically authorized by this chapter.

(h) Except as provided in Sections 1230.06 and 1230.07, no sign shall be permitted other than that which pertains to the principal business being carried on on the premises on which the sign is located. Such signs shall only identify the principal business being carried on on the premises and the principal product or service available at that specific location.

- (i) The following types of signs are not permitted:
- (1) Flashing signs;
 - (2) Moving signs;
 - (3) Off-premises signs;
 - (4) Co-op signs;
 - (5) Self-propelled signs;
 - (6) Signs on wheels or trailers;
 - (7) Signage projecting from equipment;
 - (8) Changeable copy signs (except for public and quasipublic institutions and theaters); and
 - (9) Air activated or inflatable attractions or devices.
- (Ord. 43-92. Passed 10-13-92.)

1230.04 DISTRICT REQUIREMENTS.

(a) Neighborhood Commercial and General Commercial Zoning District.

- (1) Freestanding signs. Freestanding signs are prohibited.
- (2) Projecting signs. Projecting signs are prohibited.
- (3) Permanent window signs. Permanent window signs shall meet all the requirements of this District pertaining to wall signs.
- (4) Temporary window signs. Temporary window signs shall not require a permit if the following requirement is met: a temporary window sign shall not exceed an area of twenty-five percent (25%) of the size of the window in which it is placed, but the maximum allowable coverage for all window signs on any one business is fifty square feet.
- (5) Wall sign. Each business may have not more than one wall sign on the front, one wall sign on each side and one wall sign on the rear of the building in which it is located. However, those businesses that are located on a lot that abuts a residential zoning district shall not be allowed to erect a wall sign on that side of the building facing such residential district without first receiving special permission therefor from the Bexley Environmental Review Board.
The aggregate area of all wall signs for any single business may be equivalent to one square foot of sign area for each lineal foot of width of the building or part of a building occupied by such business, but such aggregate area shall not exceed seventy square feet. The width of the building shall be determined by measuring that portion of the building that fronts onto the street as determined by the front yard building setback of the Zoning Code.
(Ord. 43-92. Passed 10-13-92.)

(b) Office Commercial Zoning District.

- (1) Freestanding signs. No freestanding sign, including its frame and structure, shall exceed thirty-two square feet in area on any one side. In addition, the total display area of all freestanding signs on any one property shall not exceed sixty-four square feet. Neither the vertical nor the horizontal measurements of any freestanding sign shall exceed fifteen feet in length. Only one freestanding sign shall be permitted for each building.
- (2) Projecting signs. Each business may have one projecting sign on the front of the building, provided that no freestanding sign is used. The maximum size for a projecting sign shall be twelve square feet in area on any one side and the total display area of the projecting sign shall not exceed twenty-four square feet. The horizontal projection shall not exceed six feet in length.
- (3) Permanent window signs. Permanent window signs shall meet all the requirements of this chapter pertaining to wall signs.
- (4) Temporary window signs. Temporary window signs shall not require a permit if the following requirement is met: a temporary window sign shall not exceed an area of twenty-five percent (25%) of the window in which it is placed, but the maximum allowable coverage for all window signs on any one business is fifty square feet.
- (5) Wall signs. Each business may have not more than one wall sign on the front, one wall sign on each side and one wall sign on the rear of the building in which it is located. However, those businesses that are located on a lot which abuts a residential zoning district shall not be allowed to erect a wall sign on that side of the building facing such residential district without first receiving special permission therefor from the Bexley Environmental Review Board.
The aggregate area of all wall signs for any single business may be equivalent to one square foot of sign area for each lineal foot of width of the building or part of a building occupied by such business, but such aggregate area shall not exceed seventy square feet. The width of the building shall be determined by measuring that portion of the building that fronts onto the street as determined by the front yard building setback of the Zoning Code.
(Ord. 65-02. Passed 9-24-02.)

(c) Commercial Service Zoning District.

- (1) Freestanding signs. No freestanding sign, including its frame and structure, shall exceed forty square feet in area on any one side. In addition, the total display area of all freestanding signs on any one property shall not exceed eighty square feet. Neither the vertical nor the horizontal measurements of any freestanding sign shall exceed fifteen feet in length. Only one freestanding sign shall be permitted for each building.

- (2) Projecting signs. Each business may have one projecting sign on the front of the building, provided that no freestanding sign is used. The maximum size for a projecting sign shall be twenty-four square feet in area on any one side and the total display area of the projecting sign shall not exceed forty-eight square feet. The horizontal projection shall not exceed six feet in length.
- (3) Permanent window signs. Permanent window signs shall meet all requirements of this District pertaining to wall signs.
- (4) Temporary window signs. Temporary window signs shall not require a permit if the following requirement is met: a temporary window sign shall not exceed an area of twenty-five percent (25%) of the size of the window in which it is placed, but the maximum allowable coverage for all window signs on any one business is fifty square feet.
- (5) Wall signs. Each business may have not more than one wall sign on the front, one wall sign on each side and one wall sign on the rear of the building in which it is located. However, those businesses that are located on a lot that abuts a residential zoning district shall not be allowed to erect a wall sign on that side of the building facing such residential district without first receiving special permission therefor from the Bexley Environmental Review Board.
The aggregate area of all wall signs for any single business may have an area equivalent to three square feet of sign area for each lineal foot of width of the building or part of a building occupied by such business, but such aggregate area for all wall signs shall not exceed seventy square feet. The width of the building shall be determined by measuring that portion of the building that fronts onto the street as determined by the front yard building setback of the Zoning Code.

(d) Planned Unit Residential and Planned Unit Commercial Zoning Districts. Signage in these Districts for new construction of the PUR or PUC development shall be included in the detailed development plan as required by Section 1264.21 of the Zoning Code.

No sign shall be erected for existing PUR and PUC developments without first being approved by Council. Approval of signage in these Districts shall be granted only after it has been found that:

- (1) The proposed signage is appropriate for the site and is warranted by the design and other amenities incorporated in the sign plan.
- (2) The proposed signage will not be detrimental to other residents of the City and surrounding areas or to the public facilities and services in the City and surrounding areas.

(e) Open Space Zoning District. No sign shall be erected in this District without first being approved by the Bexley Environmental Review Board. Approval of a sign in this District shall be granted only after it has been found that:

- (1) The proposed sign is appropriate for the site and is warranted by the design and other amenities incorporated in the sign plan.
- (2) The proposed sign will not be detrimental to other residents of the City and surrounding areas or to the public facilities and services in the City and the surrounding areas.

(f) Residential Zoning Districts. No permanent sign shall be erected in residential districts without first being approved by the Bexley Environmental Review Board. Approval of a sign in these districts shall be granted only if the sign complies with the following:

- (1) Signs shall be permitted where six or more dwelling units constitute one development or project; each development shall be limited to one sign located at the principal entrance.
- (2) Permitted signs shall be incorporated into architectural or landscaping features.
- (3) No sign face shall exceed twelve square feet in area on any one side.
- (4) Display shall be limited to the name, address and purpose of the address and/or a readily recognizable symbol pertaining to the development.
- (5) The proposed sign is appropriate for the site and is warranted by the design and other amenities incorporated in the Sign Plan.
- (6) The proposed sign shall not be detrimental to other residents of the City and surrounding areas or to the public facilities and services in the City and surrounding areas. (Ord. 43-92. Passed 10-13-92.)

(g) Mixed Use Commercial District. Signage in this District shall be subject to the Main Street Guidelines as adopted from time to time by the Main Street Redevelopment Commission and approved by Council. In the event that provisions of the Main Street Guidelines relating to signage cease to be in effect or are unenforceable for any reason, signage in this District shall be subject to subsection (b) of this section. (Ord. 65-02. Passed 9-24-02.)

(h) Campus Planning District. No permanent sign shall be erected in this District without first being approved by the Main Street Redevelopment Commission, unless it complies with a signage program approved by the Main Street Redevelopment Commission. Signage in any portion of the District erected on Main Street shall also be subject to the Main Street Guidelines. (Ord. 88-03. Passed 2-24-03.)

1230.05 ILLUMINATED SIGNS.

(a) All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with provisions of the current edition of the National Electrical Code and shall be inspected by the Electrical Inspector.

(b) Every illuminated sign shall be constructed of metal or other equally noncombustible material.

(c) No mounted lamp fitting of the gooseneck type shall be permitted on any sign with the exception of a roof sign.

(d) No sign shall contain electric bulbs, lamps, fixtures or equipment of a nature resembling flasher signals or traffic lights and the light from signs shall not interfere with the vision of motorists. (Ord. 43-92. Passed 10-13-92.)

1230.06 SPECIAL SIGNS; POLITICAL SIGNS.

(a) Signs used for announcing special public or institutional events or the erection or remodeling or repair of a building or the architect, builder or contractor therefor may be displayed so long as they do not exceed 16 square feet in area in residential districts or 24 square feet in other districts and a maximum height of four feet and they are displayed for a period of not more than 30 days plus the construction period. Not more than one such sign shall be displayed on any property.

(b) Signs supporting or opposing political candidates or issues may be displayed so long as the size of an individual political sign does not exceed four (4) square feet. (Ord. 74-06. Passed 11-14-06.)

1230.07 REAL ESTATE SIGNS.

(a) A sign not exceeding twelve square feet in area and advertising the sale, rental or lease of the premises on which the sign is located is permitted. Real estate "open house" signs are permitted only when a house is open for inspection and only on the premises for which such sign is applicable. In addition to the "open house" sign on the premises which are for sale, not more than two "open house" directional signs are permitted for each open house location on the following conditions:

- (1) The signs shall be erected only during the period commencing one-half hour before and ending one-half hour after the open house.
- (2) The signs shall be erected on private property with the consent, which may be oral, of the property owner.
- (3) The real estate broker whose directional signs are being used shall agree in writing to indemnify and hold the City harmless from any liability arising out of or in connection with the use of such signs, such written agreement to be in a form approved by the City Attorney.
All such "open house" signs shall not exceed five feet in height.

(b) "For sale" or "for rent" signs shall be removed not later than ten days after the contract for sale or rent of the property has been consummated. Signs indicating that the property has been sold shall not be displayed for more than ten days.

(c) Not more than one real estate sign shall be permitted on any property. (Ord. 43-92. Passed 10-13-92.)

1230.08 TEMPORARY SIGNS.

Temporary banners, signs or decorative materials shall be permitted only if the following conditions are met:

- (1) Such banners, signs and decorative materials shall not be displayed for more than thirty days excepting that: banners, signs and decorative materials announcing a special event shall not be displayed for more than fourteen days preceding the event and are to be removed within six days following the event; and any such banners, signs and decorative materials associated with the opening of a new business may be displayed fifteen days preceding the opening and for forty-five days following the opening.
- (2) The total area of all temporary banners, signs and decorative materials shall be limited to a total of twenty-five square feet at any one time for any individual business; but in the case of window signs, none shall exceed twenty-five percent (25%) of the size of the window in which they are placed.
(Ord. 43-92. Passed 10-13-92.)

1230.09 "A" FRAME SIGNS.

"A" frame signs, and other signs of a similar portable design, are permitted when the following criteria are met:

- (a) No "A" frame signs shall be utilized until a sign permit has been issued by the Building Department. Required before a permit may be issued is a consent hold harmless agreement indemnifying and holding the City harmless from any liability arising out of or in connection with the use of such signs, such written agreement to be in a form approved by the City Attorney, and a certificate of liability insurance acceptable to the City.
 - (b) One "A" frame sign per property shall be allowed.
 - (c) "A" frame signs shall be limited to a maximum of six square feet in area, four feet six inches in height from grade and three feet in width.
 - (d) "A" frame signs may be displayed only during the hours of operation of the business, and shall be stored out of public view when not in use. Failure to remove the signs during nonbusiness hours shall automatically revoke the permit.
 - (e) "A" frame signs shall be located off of the City right of way and be placed so as to not obstruct pedestrian or vehicular traffic.
 - (f) "A" frame signs shall be secured to prevent movement from wind and weather.
 - (g) All "A" frame signs are subject to the review and approval of the Zoning Officer or his or her designee.
- (Ord. 43-92. Passed 10-13-92.)

1230.10 EXCEPTIONS FOR SERVICE STATIONS.

Automobile service stations whose principal business is the sale of automobile fuel may display signs in addition to those authorized in Sections 1230.03 through 1230.07. Such additional signs shall not exceed three in number, each having a total aggregate display area, including the sign, the frame and the surrounding surfaces, of not more than nine square feet. The top of such sign shall not extend in height more than four feet above the finished grade of the service station. Such signs may be freestanding or temporary, but shall not be located nearer to the street on any side than the gasoline pump islands that are nearest to such street and such signs shall not be subject to the permit requirements of Section 1230.02.

(Ord. 43-92. Passed 10-13-92.)

1230.11 NONCONFORMING SIGNS.

- (a) A sign or other advertising structure in existence prior to the effective date of this chapter that does not conform with the provisions of this chapter is considered to be nonconforming.
- (b) A sign or other advertising structure that does not conform with the provisions of this chapter shall be allowed to continue its nonconforming status if the sign was legal on or before the effective date of this chapter, subject to the provisions of this chapter.
- (c) A nonconforming sign shall not be relocated or replaced unless it is brought into compliance within the provisions of this chapter.

(d) A nonconforming sign shall only be maintained or repaired in accordance with the following provisions:

- (1) The size and structural shape shall not be changed or altered.
- (2) The copy may be changed provided that the change applies to the original nonconforming use associated with the sign and that the change is made by the activity or person who was the owner of the sign at the time the sign became nonconforming. The copy shall not be enlarged. Any subsequent owner or user shall bring the sign into compliance.
- (3) If damage occurs to the sign to the extent of fifty percent (50%) or more of its original cost, the sign shall be brought into compliance. Where the damage to the sign is less than fifty percent (50%) of the structure or its original cost, the sign shall be repaired to its original configuration within sixty days, and if not so repaired shall thereafter be brought into compliance or demolished.
(Ord. 43-92. Passed 10-13-92.)

1230.12 VARIANCES.

(a) The Bexley Environmental Review Board, in addition to the power given it in Chapter 1222, shall have power to authorize, upon application, variances from the provisions of this chapter for properties within the Bexley Environmental Review District where there are special physical conditions which:

- (1) Are due to exceptional narrowness, shallowness, shape, topographic conditions or other extraordinary situations peculiar to the premises itself;
- (2) Differentiate the premises from other premises in the district and general area;
- (3) Prevent a reasonable return in service, use or income as compared to other conforming premises in the same district; and
- (4) Are due to the historic significance of the property.

Any such variance shall be necessary to preserve a substantial property right the hindrance of which resulted from this chapter, and shall be in harmony with the public interest.

Nothing herein shall be construed as authorizing the Board to effect changes in the Zoning Map or to add to the uses permitted in any district.

(b) The Bexley Environmental Review Board shall have power to authorize, upon application, variances from the provisions of this chapter for properties outside the Environmental Review District where there are special physical conditions which:

- (1) Are due to exceptional narrowness, shallowness, shape, topographic conditions or other extraordinary situations peculiar to the premises itself;
- (2) Differentiate the premises from other premises in the district and general area;
- (3) Prevent a reasonable return in service, use or income as compared to other conforming premises in the same district; and
- (4) Are due to the historic significance of the property.

Any such variance shall be necessary to preserve a substantial property right the hindrance of which resulted from this chapter, and shall be in harmony with the public interest.

Nothing herein shall be construed as authorizing the Board to effect changes in the Zoning Map or to add to the uses permitted in any district.

(Ord. 43-92. Passed 10-13-92.)

1230.13 UNSAFE AND UNSIGHTLY SIGNS.

(a) If the Zoning Officer finds that any sign or other advertising structure regulated herein is unsafe, insecure or unsightly, or is a menace to the public, or has been constructed or erected or is being maintained in violation of any of the provisions of this chapter, he or she shall give written notice to the permittee or owner thereof. If the permittee or owner fails to remove or alter the structure so as to comply with the standards herein set forth within ten days after such notice, such sign or other advertising structure may be removed, or altered to comply, by the Zoning Officer at the expense of the permittee or owner of the property upon which it is located.

(b) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ten days after written notification from the Zoning Officer and, upon failure to comply with such notice within the time specified in such order, the Zoning Officer is hereby authorized to cause the removal of such sign and any structure to which such sign is attached. (Ord. 43-92. Passed 10-13-92.)

1230.14 REVOCATION OF PERMITS.

All rights and privileges acquired under the provisions of this chapter are mere licenses revocable at any time by Council and all such permits shall contain this provision. (Ord. 43-92. Passed 10-13-92.)

1230.15 REMOVAL OF SIGNS.

(a) Temporary signs in existence on the effective date of this chapter which do not comply with the provisions of this chapter, and all other signs heretofore erected or displayed without legal authorization or as to which a nonconforming use has not been established, shall be removed within ten days after delivery of written notice to that effect by the Zoning Officer to the owner or occupant of the premises on which such signs are located.

(b) No sign shall be permitted on a building premises for longer than two weeks after the business to which such sign pertains has ceased operating on such premise. (Ord. 43-92. Passed 10-13-92.)

1230.16 CANVAS AWNINGS.

Canvas awnings to protect windows from rain or sunshine may be erected and maintained in Environmental Review Districts if approved by the Environmental Review Board. If approved, the framework and all parts thereof are to be made of metal, and no part of such awning or of any support therefor that extends over the sidewalk shall be less than seven feet above the highest point of the sidewalk. (Ord. 43-92. Passed 10-13-92.)

1230.17 THEATER SIGNS.

Signs in or on theaters shall conform to the regulations applicable to the zoning district in which such theaters are located, as provided in Section 1230.04, in addition to the other provisions of this chapter. (Ord. 43-92. Passed 10-13-92.)

1230.18 VIOLATIONS.

No person shall construct, erect, replace, re-erect or remodel any sign in violation of any of the provisions of this chapter. (Ord. 43-92. Passed 10-13-92.)

1230.19 AIR RIGHTS LEASE CONTRACTS.

The Mayor and Auditor shall have the authority to enter into air rights lease agreements with businesses wishing to construct commercial signage that would encroach into the City's Right of Way. Prior to entering into such a contract, Environmental Review Board approval must be obtained for the proposed signage. The terms of the lease must provide for cancellation at any time by the City with 90 days notice; require the tenant to maintain the sign; and provide general liability and property damage insurance with the City of Bexley named as an additional insured. Any such leases shall be executed in writing and approved by the City Attorney. (Ord. 08-13. Passed 2-26-13.)

1230.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this Planning Code, including violations of conditions and safeguards established in various sections of this Planning Code, shall be fined not more than two hundred and fifty dollars (\$250.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues after receipt of a violation notice. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation or noncompliance may be found guilty of a separate offense and suffer the penalties herein provided.

(b) The application of the penalty in subsection (a) hereof shall not be deemed to prevent the enforced correction of prohibited conditions or the application of any other equitable remedy.
(Ord. 43-92. Passed 10-13-92.)

TITLE FOUR - Zoning

- Chap. 1240. General Provisions.
- Chap. 1244. Establishment and Intent of Districts.
- Chap. 1248. Official Zoning Map.
- Chap. 1252. District Regulations.
- Chap. 1256. Off-Street Parking and Loading Regulations.
- Chap. 1260. Supplementary Regulations.
- Chap. 1264. Administration and Penalty.
- Chap. 1268. Definitions.

CHAPTER 1240
General Provisions

- 1240.01 Title.
- 1240.02 Intent.
- 1240.03 Interpretation.
- 1240.04 Separability.

CROSS REFERENCES

- Division of municipal corporation into zones - see Ohio R.C. 713.06
- Notice and hearing on municipal zoning regulations - see Ohio R.C. 713.12
- Effect of zoning on laws and charters; continuance in newly created municipality - see Ohio R.C. 713.14
- Retroactive zoning ordinances prohibited - see Ohio R.C. 713.15
- Administration and penalty - see P. & Z. Ch. 1264
- Definitions - see P. & Z. Ch. 1268

1240.01 TITLE.

This Title Four of Part Twelve - the Planning and Zoning Code shall be known as the Zoning Code. (Ord. 8-72. Passed 5-9-72.)

1240.02 INTENT.

It is the intent of this Zoning Code to preserve, protect and enhance existing development and use of land in the City and to facilitate and encourage sound and orderly new development, in appropriate locations compatible with existing development and beneficial to the City, in the interest of the public health, safety, convenience, comfort, prosperity and general welfare. It is the further intent to divide the incorporated area of the City into zoning districts and to regulate the use and development of land in each district, and in all districts, according to sound principles of community and land use planning. It is intended that the regulations be uniform and fair to each class or kind of structure or land, while allowing limited flexibility; for unique conditions and innovative development. (Ord. 8-72. Passed 5-9-72.)

1240.03 INTERPRETATION.

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements necessary to meet the intent of this Zoning Code. Words and phrases shall be interpreted as set forth in Chapter 1268.
(Ord. 8-72. Passed 5-9-72.)

1240.04 SEPARABILITY.

If any chapter, section, clause, provision or portion of this Zoning Code is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other chapter, section, clause, provision or portion of this Zoning Code which is not in itself held invalid or unconstitutional.
(Ord. 8-72. Passed 5-9-72.)

CHAPTER 1244
Establishment and Intent of Districts

<p>1244.01 Establishment and intent generally.</p> <p>1244.02 Low Density Single-Family Residential District (R-1).</p> <p>1244.03 Intermediate Density Single-Family Residential District (R-2).</p> <p>1244.04 Medium Density Single-Family Residential District (R-3).</p> <p>1244.05 High Density Single-Family Residential District (R-6).</p> <p>1244.06 Low Density Multifamily Residential District (R-12).</p> <p>1244.07 Medium Density Multifamily Residential District (R-24).</p>	<p>1244.08 Planned Unit Residential District (PUR).</p> <p>1244.09 Neighborhood Commercial District (NC).</p> <p>1244.10 Office Commercial District (OC).</p> <p>1244.11 Mixed Use Commercial District (MUC).</p> <p>1244.12 General Commercial District (GC).</p> <p>1244.13 Commercial Service District (CS).</p> <p>1244.14 Planned Unit Commercial District (PUC).</p> <p>1244.15 Open Space District (OS).</p> <p>1244.16 Main Street District (MS).</p> <p>1244.17 Campus Planning District (CP).</p>
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CROSS REFERENCES

Division of municipal corporation into zones - see Ohio R.C. 713.06

Bexley Environmental Review District - see P. & Z. Ch. 1222

General provisions - see P. & Z. Ch. 1244

District boundaries - see P. & Z. 1248.02

Zoning of newly annexed areas - see P. & Z. 1248.03

Procedure for change in zoning districts - see P. & Z. 1264.20

1244.01 ESTABLISHMENT AND INTENT GENERALLY.

The following zoning districts listed and described in this chapter are hereby established for the City. For the interpretation of the Zoning Code, the zoning districts have been formulated to realize the general intent of the Code as set forth in Section 1240.02. In addition, the specific intent of each zoning district shall be as follows in this chapter. (Ord. 12-89. Passed 5-23-89.)

1244.02 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT
(R-1).

This District is intended to preserve an area of existing single-family residential development at the lowest density compatible with the existing scale and character of this section of the City. This section needs to be protected from random new development or redevelopment of a higher density or incompatible use. The R-1 Zoning District is intended to preserve the established density and scale of this area. Any development or redevelopment of a moderately higher residential density should generally be allowed only by planned unit development, in appropriate locations and carefully designed to harmonize with nearby development.

(Ord. 12-89. Passed 5-23-89.)

1244.03 INTERMEDIATE DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2).

This District is intended to preserve an area of existing single-family residential development at an intermediately low density compatible with the existing scale and character of this section of the City. This section needs to be protected from random new development or redevelopment of a higher density or incompatible use. The R-2 Zoning District is intended to preserve the established density and scale of this area. Any development or redevelopment of a moderately higher residential density should generally be allowed only by planned unit development, in appropriate locations and carefully designed to harmonize with nearby development.

(Ord. 12-89. Passed 5-23-89.)

1244.04 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT
(R-3).

This District is intended to preserve areas of existing single-family residential development at a moderately low density compatible with the existing scale and character of these sections of the City. These sections need to be protected from random new development or redevelopment of a higher density or incompatible use. The R-3 Zoning District is intended to preserve the established density and scale of these areas. Any development or redevelopment of a moderately higher residential density should generally be allowed only by planned unit development, in appropriate locations and carefully designed to harmonize with nearby development.

(Ord. 12-89. Passed 5-23-89.)

1244.05 HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT
(R-6).

This District is intended to preserve areas of existing single-family residential development at a high density without overcrowding the land. Much of the City is presently developed in this use and approximately at this density. Overcrowding in these areas must be avoided, especially as there is a scarcity of open land available for play space within convenient walking distance. Any redevelopment to higher residential densities and apartment types should be allowed only in an orderly redevelopment pattern and generally only to a low multifamily residential density.

(Ord. 12-89. Passed 5-23-89.)

1244.06 LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT (R-12).

This District is intended to allow limited areas for multifamily residential development compatible with the scale and character of the community as a whole. It is recognized that several small areas of the community are appropriate for a higher residential density than is reasonable for single-family residential development, but that these areas should be compatible with nearby single-family development. It is also recognized that some areas of moderate single-family residential density will be desirable for redevelopment. Low density and multifamily residential development will allow for this needed development or redevelopment at an appropriate scale and density.

(Ord. 12-89. Passed 5-23-89.)

**1244.07 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL DISTRICT
(R-24).**

The location of the City close-in to the center of a large metropolitan area has created a demand for medium-high density apartment dwellings within the City. Such apartments are also desirable for the community to provide more diversity in housing opportunities, but except for a few locations, they are generally incompatible with the scale and character of the City. The R-24 District is intended to allow medium density multifamily dwelling development, as close to the general character and scale of the community as possible, in a few carefully selected locations. The locations are meant to include only those sites with adequate accessibility to large thoroughfares, minimum nuisance to nearby low density land uses and other site characteristics generally considered desirable medium-high density multifamily residential development. Developments of this density should be encouraged into planned unit development if possible.

(Ord. 12-89. Passed 5-23-89.)

1244.08 PLANNED UNIT RESIDENTIAL DISTRICT (PUR).

It is recognized that generally on larger tracts of land and with careful, thoughtful planning certain advantages can be gained by allowing greater flexibility in the land use types and development standards. The PUR District is intended to allow greater flexibility in residential land use and development standards while still insuring a compatible relationship to nearby uses and preventing overcrowded development. A detailed development plan is required for review and acceptance by the City and must be followed once accepted. It is further intended that the development plan must show how the proposed development will be fully compatible with nearby development and the community land use and thoroughfare pattern as a whole before acceptance is granted by the City.

(Ord. 12-89. Passed 5-23-89.)

1244.09 NEIGHBORHOOD COMMERCIAL DISTRICT (NC).

Within the City there is at least one area of existing commercial development serving as a small scale, convenience shopping and service center to a surrounding residential neighborhood. The Neighborhood Commercial District is intended to preserve this function and scale in harmony with surrounding and nearby development. This District may also be used to allow other neighborhood commercial centers to develop, if supported by appropriate planning studies, although any new centers should be encouraged to use the Planned Unit Commercial District for development.

(Ord. 12-89. Passed 5-23-89.)

1244.10 OFFICE COMMERCIAL DISTRICT (OC).

Commercial development in the City along major arterials should be separated into distinct use districts with appropriate development standards to avoid conflicting activities, incompatible scale and premature obsolescence. At least one section of the City along a major arterial is substantially developed for office use and has evidenced a strong trend toward attractive new office development. The Office Commercial District is intended to protect such a district from incompatible use and require appropriate development standards to insure long lasting development.

(Ord. 12-89. Passed 5-23-89.)

1244.11 MIXED USE COMMERCIAL DISTRICT (MUC).

The purpose of the MUC District is to allow and encourage a strong local shopping and business center in the City. Mixed-use development should be allowed and encouraged. Intersections, in particular, provide opportunities for mixed-use development that is integrated vertically and horizontally with adjacent properties and uses. Goals of the District include encouraging redevelopment with infill, new forms of mixed-use residential, commercial, office and pedestrian-oriented retail development, increasing development of residential spaces within mixed-use projects to provide additional support for retail oriented activities and supporting the movement of offices and residential uses above retail. Development standards within the District should be flexible to promote appropriate redevelopment while preserving and enhancing the unique character of the District through the adoption and application of design guidelines. (Ord. 65-02. Passed 9-24-02.)

1244.12 GENERAL COMMERCIAL DISTRICT (GC).

At least one area of the City is appropriate for a broad range of commercial uses, but the area is not an integral part of the principal shopping district of the City and is characterized by limited traffic access and parking. This District needs a separate set of development standards, similar to the predominant scale and density of most sections of the City. Lot sizes and widths should be moderately large to insure ample space for each activity, for attractive landscaping and to avoid congestion. It is intended that the location of any General Commercial District be carefully planned to avoid conflict with residential areas, and it shall not be used for small sites mixed in with other uses.

(Ord. 65-02. Passed 9-24-02.)

1244.13 COMMERCIAL SERVICE DISTRICT (CS).

At least one area of the City is presently developed for primarily quick-stop commercial service use. It is characterized by large lot use, ample off-street parking and convenient automobile access. Its use should be protected from conflicting activities and incompatible scales. As traffic or shopping patterns change, redevelopment should be encouraged as an office district.

(Ord. 12-89. Passed 5-23-89.)

1244.14 PLANNED UNIT COMMERCIAL DISTRICT (PUC).

The primary purpose of this District is to allow and encourage innovative redevelopment in or immediately surrounding the Community Commercial District. The PUC District should allow redevelopment of larger areas, including some noncommercial districts where appropriate, if locations are carefully planned and adequate safeguards are provided. A detailed development plan is required for review and acceptance by the City and must be followed once accepted. The PUC District is also intended for possible use in relation to other commercial centers or areas when its use is supported by detailed planning studies.

(Ord. 12-89. Passed 5-23-89.)

1244.15 OPEN SPACE DISTRICT (OS).

The purpose of the OS District is to provide standards for the use, development and redevelopment of large public and quasipublic uses, institutions, parks and recreation areas. Although they normally present many desirable qualities of open space enjoyment, large public and quasipublic uses may contribute to street congestion, overcrowding, incompatible scale and other neighborhood and community problems. They should conform to their own appropriate zoning standards. It is intended that small public and quasipublic uses be included as conditional uses within the other districts.
(Ord. 12-89. Passed 5-23-89.)

1244.16 MAIN STREET DISTRICT (MS).

The MS District is an overlay district, the purpose of which is to facilitate the implementation of plans and vision for the revitalization of the City's main commercial area on Main Street. The MS District includes other districts as sub-districts, including the MUC District, and is intended to permit a diverse mix of land uses. Unlike other districts, both the planning and administrative functions under the Planning and Zoning Code are vested in one body, the Main Street Redevelopment Commission, to streamline the regulatory process and to promote redevelopment while protecting the unique character of Main Street. Land use standards are intended to be flexible, with design guidelines promulgated, with Council approval, by the Commission being the primary tool to promote appropriate, high quality private development and public amenities.
(Ord. 65-02. Passed 9-24-02.)

(EDITOR'S NOTE: The Main Street Redevelopment Commission has been established under Chapter 286 of the Administrative Code to exercise all powers of the Planning Commission and Board of Zoning Appeals in assisting the City in the revitalization and development of Main Street and its environs.)

1244.17 CAMPUS PLANNING DISTRICT (CP).

Capital University and Trinity Lutheran Seminary are primary influences on the southwest portion of the City. The facilities and programming needs of these institutions in the past have impacted, and in the future will continue to impact, this area. The area also includes the western end of the East Main Street, an area appropriate for mixed use redevelopment, which would enhance the City's business corridor and tax base. Capital University and Trinity Lutheran Seminary are major property owners that must be participants in any such redevelopment.

The Southwest Bexley Master Plan adopted by Council concluded that it was in the best interests of the neighborhood and major stakeholders in the area to establish an agreed area for future campus growth west to Alum Creek and to maintain the area to the east of the campuses as a single family, primarily owner-occupied, area. The purpose of this District is to encourage the orderly, planned growth of the Capital University and Trinity Lutheran Seminary campuses pursuant to long range planning strategies developed by the institutions in cooperation with each other and the City and to encourage mixed use redevelopment of East Main Street.

Principles to be followed by the City, Capital University and Trinity Lutheran Seminary when considering campus expansion and development include:

- (a) An existing structure may not be demolished until and unless a replacement use or structure has been approved by the Main Street Redevelopment Commission as set forth in Chapter 1480 in accordance with a campus plan which has also been approved by the Main Street Redevelopment Commission as set forth in Part Twelve - Planning and Zoning Code.

- (b) New development that requires additional public services must not adversely affect public services to other property owners in the area.
- (c) At the edges of the campus, the massing, scale and height of new buildings should be appropriate to the location in terms of distance to, scale and height of surrounding structures.
- (d) New development, infilling and redevelopment should be designed to a high standard, appropriate to the setting of the university, seminary and community. Priority consideration should be given to the following:
 - (1) Buffers provided between the institution and adjacent residential areas.
 - (2) Adequate parking provided off the street, including, when appropriate, the use of parking structures, to maximize green space.
 - (3) Nuisances screened from public and neighborhood view.
 - (4) Accesses oriented to major streets.
 - (5) Open and/or public spaces.
- (e) Homes, such as those adjacent to the university along Astor Avenue, College Avenue, Euclaire Avenue, Francis Avenue, Mound Street and Sheridan Avenue, require special consideration when any new development, infilling and redevelopment is considered close to the boundary.
- (f) Mixed use development, rather than solely academic uses, should be considered for properties on East Main Street.

The District is divided into two zones. The bulk of the District is located in Zone 1 where permitted uses are limited to campus uses, related institutional uses and existing residential uses. Zone 2 consists of an area adjacent to Main Street. Zone 2 is appropriate for mixed use development compatible with the redevelopment of Main Street under the Main Street Guidelines, and therefore, certain retail and commercial uses are permitted and encouraged in this zone. (Ord. 88-03. Passed 2-24-03.)

CHAPTER 1248
Official Zoning Map

- 1248.01 Adoption by reference.
1248.02 District boundaries.
1248.03 Zoning of newly annexed areas.

CROSS REFERENCES

- Division of municipal corporation into zones - see Ohio R. C. 713.06
General provisions - see P. & Z. Ch. 1240
Establishment and intent of districts - see P. & Z. Ch. 1244
Procedure for change in zoning districts - see P. & Z. 1264.20

1248.01 ADOPTION BY REFERENCE.

The locations of districts established in Chapter 1244 are hereby established on the map which is designated as the "Official Zoning Map." Such Map and all the notations, references and other information shown thereon are hereby adopted as a part of this Zoning Code and have the same force and effect as if fully set forth or described herein. The original Map, properly attested, shall be and remain on file in the City office designated by the Mayor. (Ord. 8-72. Passed 5-9-72.)

1248.02 DISTRICT BOUNDARIES.

The district boundary lines on the Official Zoning Map are intended to follow lot lines or centerlines of streets and alleys. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale and dimensions appearing on the Map. (Ord. 8-72. Passed 5-9-72.)

1248.03 ZONING OF NEWLY ANNEXED AREAS.

All areas which in the future may be annexed to the City by ordinances which become effective after the date of this section (Ordinance 29-73, passed November 27, 1973) shall be placed in and considered to be in the R-1 Zoning District, as the same is set forth in Section 1252.03, and shall be governed by all of the provisions thereof. (Ord. 12-89. Passed 5-23-89.)

CHAPTER 1252
District Regulations

- 1252.01 Compliance with regulations.
- 1252.02 Identification of uses.
- 1252.03 District regulations.
- 1252.031 Restriction on drive-through food service facilities.

CROSS REFERENCES

- Restriction in location of buildings and structures - see Ohio R.C. 713.07
- Restrictions on height of buildings and structures - see Ohio R.C. 713.08
- Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09
- Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10
- Bexley Environmental Review District - see P. & Z. Ch. 1222
- General provisions - see P. & Z. Ch. 1240
- Establishment and intent of districts - see P. & Z. Ch. 1244

1252.01 COMPLIANCE WITH REGULATIONS.

No structure shall be erected, converted or altered, nor shall any structure or land be used, except for a purpose allowed in the district in which the structure or land is located as identified by the Official Zoning Map, except as provided in this Zoning Code. No structure shall be erected, enlarged or altered except in conformity with the district regulations, the off-street parking and loading regulations and the supplementary regulations of this Zoning Code for the district in which such structure is located as identified by the Official Zoning Map. No part of a yard or other open space required about any structure for the purpose of complying with the provisions of this Zoning Code shall be included as a part of a yard or other space similarly required for another structure.
(Ord. 8-72. Passed 5-9-72.)

1252.02 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 Appeals based on the intent of this Zoning Code and the intent of any district in question.
(Ord. 8-72. Passed 5-9-72.)

1252.03 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:

(a) Low Density Single-Family Residential District.

Zoning Map Symbol	R-1
Permitted Uses	Single-family dwellings Accessory uses and structures essential services
Conditional Uses	Public uses Quasipublic uses Public service facility Home occupation
Minimum Lot Requirements	
Area	36,000 feet
Width	150 feet
Depth	240 feet
Minimum Depth Requirements	
Front	30 feet or average existing dwelling setback, whichever is greater
Rear	30 percent of lot depth, but need not exceed 75 feet
Each Side	One-sixth of lot width, but need not exceed 25 feet. However, corner lots must meet additional requirements as stated in Section 1260.03
Maximum Lot Coverage	25 percent
Maximum Height of Principal Building	2-1/2 stories, and shall not exceed 40 feet
Requirements for New Private Streets	No new private street, which must be approved by Council, shall be constructed closer than 240 feet to an existing adjacent lot line. However, this requirement shall not apply to lot lines on the opposite side of any existing public right of way.

(b) Intermediate Density Single-Family Residential District.

Zoning Map Symbol	R-2
Permitted Uses	Single-family dwellings Accessory uses and Structures Essential services

- (b) Intermediate Density Single-Family Residential District (Cont.)
- | | |
|--------------------------------------|--|
| Conditional Uses | Public uses
Quasipublic uses
Public service facility
Home occupation |
| Minimum Lot Requirements | |
| Area | 24,000 feet |
| Width | 120 feet |
| Depth | 200 feet |
| Minimum Depth Requirements | |
| Front | 30 feet or average existing dwelling setback, whichever is greater |
| Rear | 30 percent of lot depth, but need not exceed 65 feet |
| Each Side | One-sixth of lot width, but not exceed 25 feet. However, corner lots must meet additional requirements as stated in Section 1260.03. |
| Maximum Lot Coverage | 25 percent |
| Maximum Height of Principal Building | 2-1/2 stories, and shall not exceed 40 feet |
| Requirements for New Private Streets | No new private street, which must be approved by Council, shall be constructed closer than 200 feet to an existing adjacent lot line. However, this requirement shall not apply to lot lines on the opposite side of any existing public right of way. |
- (c) Medium Density Single-Family Residential District.
- | | |
|-------------------|--|
| Zoning Map Symbol | R-3 |
| Permitted Uses | Single-family dwellings
Accessory uses and structures
Essential services |
| Conditional Uses | Public uses
Quasipublic uses
Public service facility
Home occupation |

- (c) Medium Density Single-Family Residential District (Cont.).
- | | |
|--------------------------------------|--|
| Minimum Lot Requirements | |
| Area | 14,400 square feet or 19,200 square feet for corner lots |
| Width | 90 feet, or 120 feet for corner lots |
| Depth | 160 feet |
| Minimum Depth Requirements | |
| Front | 30 feet or average existing dwelling setback, whichever is greater |
| Rear | 30 percent of lot depth, but need not exceed 50 feet |
| Each Side | One-sixth of lot width, but not exceed 15 feet. However, corner lots must meet additional requirements as stated in Section 1260.03 |
| Maximum Lot Coverage | 25 percent |
| Maximum Height of Principal Building | 2-1/2 stories, and shall not exceed 40 feet |
| Requirements for New Private Streets | No new private street, which must be approved by Council, shall be constructed closer than 120 feet to an existing adjacent lot line. However, this requirement shall not apply to lot lines on the opposite side of any existing public right of way. |
- (d) High Density Single-Family Residential District.
- | | |
|--------------------------|--|
| Zoning Map Symbol | R-6 |
| Permitted Uses | Single-family dwellings
Accessory uses and structures
Essential services |
| Conditional Uses | Public uses
Quasipublic uses
Public service facility
Home occupation |
| Minimum Lot Requirements | |
| Area | 6,000 feet or 8,400 square feet for corner lots |
| Width | 50 feet, or 70 feet for corner lots |
| Depth | 120 feet |

- (d) High Density Single-Family Residential District (Cont.).
- | | |
|--------------------------------------|---|
| Minimum Yard Requirements | |
| Front | 30 feet or average existing dwelling setback, whichever is greater |
| Rear | 20 percent of lot depth, but need not exceed 30 feet |
| Each Side | One-sixth of lot width, but need not exceed 8 feet. However, corner lots must meet additional requirements as stated in Section 1260.03. |
| Maximum Lot Coverage | 35 percent |
| Maximum Height of Principal Building | 2-1/2 stories, and shall not exceed 35 feet |
| Requirements for New Private Streets | No new private street, which must be approved by Council, shall be constructed closer than 80 feet to an existing adjacent lot line. However, this requirement shall not apply to lot lines on the opposite side of any existing public right of way. |
- (e) Low Density Multifamily Residential District.
- | | |
|--------------------------|--|
| Zoning Map Symbol | R-12 |
| Permitted Uses | Two-family dwellings
Multifamily dwellings not exceeding 4 dwelling units per structure
Townhouses not exceeding 6 attached dwellings
Accessory uses and structures
Essential services |
| Conditional Uses | Single-family dwellings
Public uses
Quasipublic uses
Public service facility |
| Minimum Lot Requirements | |
| Area | 7,000 square feet and a minimum of 3,500 square feet per dwelling unit |
| Width | 50 feet for one dwelling unit plus an additional 10 feet for each additional dwelling unit |

- (e) Low Density Multifamily Residential District (Cont.).
 Minimum Yard Requirements
- | | |
|--------------------------------------|--|
| Front | 30 feet |
| Rear | 20 percent of lot depth, but need not exceed 30 feet |
| Each Side | 8 feet |
| Maximum Lot Coverage | 35 percent |
| Maximum Height of Principal Building | 2-1/2 stories, and shall not exceed 35 feet |
- (f) Medium Density Multifamily Residential District.
- | | |
|--------------------------------------|---|
| Zoning Map Symbol | R-24 |
| Permitted Uses | Townhouses
Multifamily dwellings not exceeding 12 dwelling units per structure
Accessory uses and structures
Essential services |
| Conditional Uses | Multifamily dwellings containing more than 12 but not more than 24 dwelling units per structure
Rooming house, boarding house or dormitory |
| Minimum Lot Requirements | |
| Area | 7,200 square feet and a minimum of 1,800 square feet per dwelling unit |
| Width | 80 feet plus an additional 10 feet per dwelling unit over 4 units, but need not exceed 150 feet |
| Minimum Yard Requirements | |
| Front | 30 feet but shall not be less than 1/3 the sum of the height and length of the principal building as it faces the front |
| Rear | 20 feet but shall not be less than 1/4 the sum of the height and length of the principal building as it faces the rear |
| Each Side | 8 feet but shall not be less than 1/6 the sum of the height and length of the principal building as it faces each respective side |
| Maximum Lot Coverage | 45 percent |
| Maximum Height of Principal Building | 3 stores, and shall not exceed 40 feet |

(g)	<u>Planned Unit Residential District.</u>	
	Zoning Map Symbol	PUR
	Permitted Uses	The following, with approval by Council as set forth in Chapter 1264: Single-family dwelling Two-family dwelling Townhouse Multifamily dwelling Accessory uses and structures Essential services Public uses Quasipublic uses Public service facility (Not applicable)
	Conditional Uses	
	Minimum Lot Requirements	
	Area	90,000 square feet
	Width	300 feet
	Depth	300 feet
	Minimum Yard Requirements	None specified, but must be approved by Council, as set forth in Chapter 1264, which shall consider all applicable official planning studies including, but not limited, the Recommendations Report Apartment Location and Neighborhood Improvement Study and Bexley Neighborhood Stabilization Plan
	Maximum Lot Coverage	45 percent, but must be approved by Council, as set forth in Chapter 1264, which shall consider all applicable official planning studies, including, but not limited to, the Recommendations Report Apartment Location and Neighborhood Improvement Study and the Bexley Neighborhood Stabilization Plan
	Maximum Height of Principal Building	None specified, but must be approved by Council, as set forth in Chapter 1264, which shall consider all applicable official planning studies, including, but not limited to, the Recommendations Report Apartment Location and Neighborhood Improvement Study and the Bexley Neighborhood Stabilization Plan

- (h) Neighborhood Commercial District.
- | | |
|--------------------------------------|---|
| Zoning Map Symbol | NC |
| Permitted Uses | Grocery stores, drug stores, beauty shops, barber shops, dry cleaning pick-up stations, and professional offices
Accessory uses and structures
Essential services |
| Conditional Uses | Retail sales, retail services, and offices of a scale and intensity similar to permitted uses
Dwelling units on the second floor with a minimum lot area of 1,800 square feet per dwelling unit
Public uses
Quasipublic uses |
| Minimum Lot Requirements | (no district requirement) |
| Minimum Yard Requirements | |
| Front | 30 feet |
| Rear | 25 feet |
| Each Side | (no district requirement) |
| Maximum Height of Principal Building | 2 stories, and shall not exceed 30 feet |
- (i) Office Commercial District.
- | | |
|--------------------------------------|--|
| Zoning Map Symbol | OC |
| Permitted Uses | Administrative, business, professional and similar office uses
Essential services
Accessory uses and structures |
| Conditional Uses | Drive-in or outdoor facility developed in association with a permitted use except as provided in Section 1252.031
Photographic studios, funeral homes, educational and research services, clinics and similar uses
Quasipublic uses
Public service facility |
| Minimum Lot Requirements | |
| Area | 6,000 square feet |
| Width | 50 feet |
| Minimum Yard Requirements | |
| Front | 30 feet |
| Rear | 25 feet |
| Each Side | (no district requirement) |
| Maximum Height of Principal Building | 2 stories, and shall not exceed 35 feet |
- (Ord. 12-89. Passed 5-23-89.)

(j)	<u>Mixed Use Commercial District</u>	MUC
	Zoning Map Symbol	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
	Permitted Uses	Retail services to include photographic studios, dry cleaners, barber and beauty shops, eating places and small item repair services Administrative, business, professional and similar office uses Dwelling units above first floor Essential services Accessory uses and structures Outdoor display or use in association with other permitted use as specified in Main Street Guidelines (Ord. 66-02. Passed 9-24-02.)
	Conditional Uses	Drive-in or outdoor facility in association with a permitted use other than outdoor display Commercial amusement and recreation Hotel or motor hotel Commercial parking lot Other commercial or office uses similar to permitted uses and fulfilling intent of the district Dwelling units on first floor Public uses Quasipublic uses Public service facility (Ord. 7-05. Passed 4-12-05.)
	Minimum Lot Requirements	None
	Minimum Yard Requirements	None specified, but must be approved by the Main Street Redevelopment Commission under Main Street Guidelines
	Maximum and Minimum Height of Principal Building	None specified, but must be approved by the Main Street Redevelopment Commission under Main Street Guidelines.

(k)	<u>General Commercial District.</u> Zoning Map Symbol Permitted Uses	GC 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 Retail services to include photographic studios, dry cleaners, barber and beauty shops, eating places and small item repair service Administrative, business, professional and similar office uses Essential services Accessory uses and structures
	Conditional Uses	Outdoor facility in association with permitted use Commercial amusement and recreation Hotel or motor hotel Commercial parking lot Other commercial or office uses similar to permitted uses and fulfilling intent of district Dwelling units Public uses Quasipublic uses Public service facility
	Minimum Lot Requirements	
	Area	10,000 square feet
	Width	100 feet
	Minimum Yard Requirements	
	Front	10 feet
	Rear	25 feet
	Each Side	No district requirement
	Maximum Height of Principal Building (Ord. 66-02. Passed 9-24-02.)	2 stories, and shall not exceed 30 feet
(l)	<u>Commercial Service District.</u> Zoning Map Symbol Permitted Uses	CS Retail services to include personal and repair services, and eating places Essential services Accessory uses and structures
	Conditional Uses	Drive-in or outdoor facility developed in association with a permitted use except as provided in Section 1252.031 Automobile repair Service stations Retail sales providing a special convenience service Offices Public uses Quasipublic uses Public service facility

Minimum Lot Requirements	
Area	10,000 square feet
Width	100 feet
Minimum Yard Requirements	
Front	30 feet
Rear	25 feet
Each Side	(no district requirement)
Maximum Height of Principal Building (Ord. 19-14. Passed 5-27-14.)	2 stories, and shall not exceed 35 feet
(m) <u>Planned Unit Commercial District.</u>	
Zoning Map Symbol	PUC
Permitted Uses	With approval by Council as set for in Chapter 1264 All permitted and conditional uses of any zoning district in this Zoning Code provided that commercial uses occupy at least 50 percent of the gross floor area
Conditional Uses	(not applicable)
Minimum Lot Requirements	
Area	2 acres
Width	250 feet
Depth	250 feet
Minimum Yard Requirements	None, but must be approved by Council as set forth in Chapter 1264
Lot Coverage	A minimum of 20 percent of the lot area must be devoted to open pedestrian walkways and landscaping
Maximum Height of Principal Building	None, but must be approved by Council as set forth in Chapter 1264
(n) <u>Open Space District.</u>	
Zoning Map Symbol	OS
Permitted Uses	Public uses Quasipublic uses Accessory uses and structures Essential services
Conditional Uses	Public service facility Dwelling units developed in association with a permitted use
Minimum Lot Requirements	
Area	5 acres
Width	(no requirement)

(n) <u>Open Space District (Cont.).</u>	
Minimum Yard Requirements	
Front	30 feet but shall not be less than 1/3 the sum of the height and length of the principal building as it faces each side
Rear and Each Side	20 feet but shall not be less than 1/4 the sum of the height and length of the principal building as it faces each side
Maximum Lot Coverage	45 percent average for all contiguous land under one ownership
Maximum Height of Buildings	3 stories or 45 feet, but with adequate yards may be waived with a special permit from the Board of Zoning Appeals.

(Ord. 12-89. Passed 5-23-89.)

(o) <u>Main Street District.</u> *	
Zoning Map Symbol	MS
Permitted Uses	See applicable sub-district
Conditional Uses	See applicable sub-district
Minimum Lot Requirements	See applicable sub-district
Minimum Yard Requirements	See applicable sub-district
Height of Principal Building	See applicable sub-district

(Ord. 66-02. Passed 9-24-02.)

* (EDITOR'S NOTE: The Main Street Redevelopment Commission has been established under Chapter 286 of the Administrative Code to exercise all powers of the Planning Commission and Board of Zoning Appeals in assisting the City in the revitalization and development of Main Street and its environs.)

(p) <u>Campus Planning District.</u>	
Zoning Map Symbol	CP
Permitted Uses	
Zone 1	Campus uses Essential services R-6 permitted uses existing on January 1, 2003 R-12 permitted uses existing on January 1, 2003 Accessory uses and structures

(p) Campus Planning District (Cont.)

Zone 2	Campus uses Essential services Retail sales and services which are permitted uses in MUC Administrative, office and commercial uses which are permitted uses in MUC Residential uses which are permitted uses in MUC Accessory uses and structures
Conditional Uses	
Zone 1	Institutional uses associated with campus uses Public service facility Public uses
Zone 2	Conditional uses in MUC Public service facility Public uses
Minimum Lot Requirements	None, 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 Main Street Redevelopment Commission as set forth in Chapter 1224.
Minimum Yard Requirements	None, 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 Main Street Redevelopment Commission as set forth in Chapter 1224.
Maximum and Minimum Height of Principal Building	None, 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 Main Street Redevelopment Commission as set forth in Chapter 1224.

(Ord. 88-03. Passed 2-24-03; Ord. 7-05. Passed 4-12-05.)

1252.031 RESTRICTION ON DRIVE-THROUGH FOOD SERVICE FACILITIES.

(a) Notwithstanding the district regulations contained in Section 1252.03, no structure shall be constructed, erected, converted or altered for the purpose of using it or any portion of it as a drive-through food service facility on or after the effective date of this legislation.

(b) No existing use of any property situated within the City shall be altered so as to permit the operation of a drive-through food service facility.

(c) No zoning variance, approval of conditional use of property, approval of plans, or permits or other approvals to construct, erect, convert, alter, modify, use or occupy any structure shall be approved, granted, authorized, issued or permitted by the City if the structure or any portion thereof is for the operation of a drive-through food service facility. (Init. Ord. Approved by voters 11-5-96.)

CHAPTER 1256
Off-Street Parking and Loading Regulations

1256.01	General regulations.	1256.05	Exceptions to the number of spaces required.
1256.02	Minimum number of spaces required.	1256.06	Off-street loading requirements.
1256.03	Computing the number of spaces.	1256.07	Circular driveways.
1256.04	Location of off-street parking.		

CROSS REFERENCES

Parking generally - see TRAF. Ch. 452
 Parking in violation of set-back lines - see TRAF. 452.19
 General provisions - see P. & Z. Ch. 1240
 Parking and storage of certain vehicles - see P. & Z.
 1260.14
 Administration and penalty - see P. & Z. Ch. 1264

1256.01 GENERAL REGULATIONS.

Off-street automobile parking spaces shall be provided for every land use on any lot or any time any building or structure is erected, enlarged or increased in capacity, or converted to a more intense use, in accordance with the following requirements:

- (a) Each parking space shall have an area of not less than 162 square feet (9x18) exclusive of access drives or aisles, and shall be reasonably accessible and maintained in good condition, provided that up to 25% of the required parking spaces may be met with parking spaces for compact cars with an area of not less than 136 square feet (8.5 x 16 feet).
- (b) There shall be provision for convenient and safe ingress and egress to all parking spaces from an appropriate public street or alley.
- (c) All off-street parking areas, including access drives and aisles, shall be hard surfaced to provide a durable and dustless surface and shall be graded and maintained so that water does not unreasonably accumulate on such areas nor flow or drain onto adjacent property. All such areas shall be maintained in good condition, kept free of holes, trash and debris, and shall be adequately demarcated by periodic restriping or other means approved by the City. (Ord. 65-02. Passed 9-24-02.)
- (d) An access drive shall not exceed the normal width necessary to allow for a convenient movement of traffic and shall not be used for temporary or permanent parking. In the R-1, R-2, R-3, R-6, R-12 and R-24 Districts, access drives shall not be less than 8 feet and no larger than 12.5 feet in width and, except in the R-24 District, shall not occupy more than 25% of the front yard. Except as otherwise provided in Section 1256.07 for circular driveways, no more than one driveway or entrance leading from a street shall be permitted within the front yard of any property located in the R-1, R-2, R-3, R-6 or R-12 District. (Ord. 44-08. Passed 6-10-08.)

- (e) Any lighting used to illuminate any off-street parking area shall be arranged not to exceed 0.5 foot candles within 10 feet from the property line.
- (f) Whenever a parking area extends to a lot line, sidewalk, planter strip or part of a structure, a wheel stop device consisting of blocks, a permanent curb, expanded sidewalk or other suitable restraint shall be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any building, structure or landscaping. The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop to a property line or protected area shall be 2.5 feet, or as otherwise approved by the City.
- (g) Parking spaces shall be designated for the handicapped and may be used to compute the total number of spaces required. The number and location of the designated spaces shall comply with the Ohio Basic Building Code.
- (h) A parking plan shall be required for new off-street parking and for the revision of existing off-street parking, including, but not limited to, reduction, enlargement, restriping or remarking. In commercial, office, multifamily and open space zoning districts, the parking plans shall be reviewed and approved under Chapter 1222 or 1224, as appropriate. In single family zoning districts, the parking plan shall be reviewed and approved by the Zoning Officer. The parking plan shall be drawn to scale and shall illustrate existing conditions, right of way lines, property lines, pavement areas, approaches, grading, drainage, lighting, traffic patterns and landscaping.
- (i) Incidental signs erected to identify entrances, exits and operational instructions shall meet the requirements of Chapter 1230.
- (j) Construction of an access drive which requires the removal of trees within the public right-of-way shall receive the prior approval of the Tree and Public Gardens Commission which may condition its approval on the number, type, size and location of replacement trees and the charge, if any to the property owner to compensate the City for the loss of the tree or trees being removed.
- (k) If any change in use or expansion results in an increase in the number of required off-street parking spaces of less than ten percent (10%) of the parking spaces previously provided or five (5) spaces, whichever is greater, no additional parking spaces shall be required.
(Ord. 65-02. Passed 9-24-02.)

1256.02 MINIMUM NUMBER OF SPACES REQUIRED.

A minimum number of off-street parking spaces shall be provided in accordance with the following schedule:

<u>Use</u>	<u>Required Off-Street Parking Spaces</u>
(a) Residential	Two spaces per dwelling unit
(b) High-intensive commercial uses, including eating and drinking places, barber and beauty shops, quick service food stores, cafeteria and similar uses	One space per 100 square feet of floor area
(c) Low-intensive commercial uses, including home furnishings and large item display establishments	One space per 500 square feet of floor area

<u>Use</u>	<u>Required Off-Street Parking Spaces</u>
(d) Special commercial uses with unique parking characteristics, e.g. hotel, theater or bowling alley	Based on approved formula or substantiated user estimates, but in no case less than one space per 500 square feet of floor area
(e) Retail sales, service or office uses, not classified above	One space per 250 square feet of floor area
(f) Public and quasipublic uses	Based on approved formula or substantiated user estimates, but in no case less than one space for each five persons sixteen years old or over the establishment is designed to serve.

Notwithstanding the foregoing, the minimum number of parking spaces for uses within the Mixed Use Commercial District shall be determined in accordance with the Main Street Guidelines as adopted from time to time by the Main Street Redevelopment Commission and approved by Council. In the event that provisions of the Main Street Guidelines relating to off-street parking cease to be in effect or are unenforceable for any reason, parking in this District shall be subject to the provisions set forth above.
(Ord. 65-02. Passed 9-24-02.)

1256.03 COMPUTING THE NUMBER OF SPACES.

Required off-street parking spaces shall be calculated in accordance with the following provisions:

- (a) Where two or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of their individual requirements.
- (b) The parking spaces required shall be to the next highest whole number where a fractional space of more than one-half results in computation. Fractions of one-half or less shall be disregarded.
- (c) Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, acceptable to the City, is filed with the application for environmental or plan review and approved under Section 1222.04 or Section 1224.04.
(Ord. 65-02. Passed 9-24-02.)

1256.04 LOCATION 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.
- (b) No spaces or aisles shall be located in the required front yard in an R-1, R-2, R-3, R-6, R-12, R-24 or OS District.
- (c) In the OC District, no spaces or aisles shall be located in front of the principal building or use.

- (d) In the NC, GC and CS Districts, parking spaces and aisles in the front yard must be set back ten feet. This setback may be reduced with appropriate screening approved by the Board of Zoning Appeals.
- (e) 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.
- (f) 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 the Board of Zoning Appeals. (Ord. 65-02. Passed 9-24-02.)

1256.05 EXCEPTIONS TO THE NUMBER OF SPACES REQUIRED.

Exceptions may be made to the number of off-street parking spaces required by an area variance. The following factors, among others, may be considered in the granting of such a variance:

- (a) Up to twenty-five percent of the required spaces may be eliminated for uses bordering on a street beginning or ending in the City where adequate on-street parking is available and it will not cause significant problems.
- (b) Spaces may be reduced, upon a showing of non-vehicular walk-in use or other factors affecting off-street parking needs. The reduction in spaces shall be in proportion to the substantiated non-vehicular use or other factors justifying such reduction.

Off-street parking within the Mixed Use Commercial district is subject to the Main Street Guidelines as provided in Section 1256.02. The Main Street Redevelopment Commission may condition a variance from the number of off-street spaces required by the Guidelines pursuant to this section upon the payment of a fee to be deposited in a fund established by the City to finance the development of off-street parking within the Main Street District. (Ord. 65-02. Passed 9-24-02.)

1256.06 OFF-STREET LOADING REQUIREMENTS.

In any district, in connection with every building or part thereof hereafter erected which is to be occupied by a retail sales use or other use similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, as part of the parking plan required by Section 1256.01(h), a location for the delivery and unloading of goods in a manner which does not disrupt traffic or unreasonably disturb neighbors. If the board or commission having jurisdiction determines that an off-street loading space is necessary or appropriate, such space may be counted in determining the required minimum number of spaces under Section 1256.02. (Ord. 65-02. Passed 9-24-02.)

1256.07 CIRCULAR DRIVEWAYS.

In the R-1, R-2, R-3, R-6 and R-12 Districts, circular driveways may be permitted on lots having a minimum front yard lot width at the street right-of-way of at least one hundred fifty (150) feet along a single street, provided that said driveways comply with the general regulations, as applicable, set forth in Section 1256.01 and the following additional requirements:

- (a) There shall be no more than two (2) points of ingress/egress, which points shall be separated by a minimum distance of at least thirty (30) feet.
- (b) No point of ingress/egress shall be closer than thirty (30) feet from an intersection.

- (c) No circular driveway, exclusive of curb returns, shall exceed 12.5 feet in width.
- (d) The driveway surface shall not occupy more than 25% of the required front yard.
- (e) Circular driveways shall be located so as to avoid damage to or removal of trees within the public right-of-way.
- (f) Circular driveways shall serve as an access corridor leading from a street to a garage or approved off-street parking space. Circular driveways shall not be used for temporary or permanent parking.
- (g) A permit shall be obtained prior to the installation of a circular driveway.

For purposes of this section and for the regulation of circular driveways, a circular driveway is defined as an access corridor located, in whole or in part, within the front yard and leading from a street to a garage or other approved off-street parking space(s) which has more than one (1) point of ingress/egress at the street. Points of ingress/egress at an alley, as defined in Section 410.03, shall not be included within this definition.

(Ord. 44-08. Passed 6-10-08.)

CHAPTER 1260
Supplementary Regulations

1260.01	Interpretation.	1260.14	Parking and storage of motor vehicles, recreational vehicles, etc.
1260.02	Visibility at intersections in residential districts.	1260.15	Exceptions to height regulations.
1260.03	Yard requirements for corner lots.	1260.16	Home occupations.
1260.04	Through lots.	1260.17	Signs.
1260.05	Side yards in commercial districts.	1260.18	Fire hazards.
1260.06	Access from buildings to streets.	1260.19	Radioactivity or electrical disturbance.
1260.07	Permitted encroachments into yards.	1260.20	Noise.
1260.08	Yards not otherwise required.	1260.21	Vibration.
1260.09	Erection of more than one principal structure on a lot.	1260.22	Air pollution.
1260.10	Discontinued uses; vacant lots and buildings.	1260.23	Erosion.
1260.11	Accessory uses and structures.	1260.24	Water pollution.
1260.12	Private swimming pools.	1260.25	Adult entertainment.
1260.13	Temporary structures.	1260.26	Amusement arcades.
		1260.27	Excessive deviation from established front yard set-backs in Residential Districts.

CROSS REFERENCES

Restrictions in location and height of buildings and structures - see Ohio R. C. 713.07, 713.08
 Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see Ohio R. C. 713.09
 Parking in violation of set-back lines - see TRAF. 452.19
 General provisions - see P. & Z. Ch. 1240
 District regulations - see P. & Z. Ch. 1252

1260.01 INTERPRETATION.

The following regulations, pertaining generally and uniformly to the arrangement and development of land and structures within the zoning districts established in Chapter 1244, are hereby established and adopted as supplementary to the district regulations and the off-street parking and loading regulations contained in Chapter 1252 and Chapter 1256, respectively. (Ord. 8-72. Passed 5-9-72.)

1260.02 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS.

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 fifty feet from the point of intersection.

(Ord. 8-72. Passed 5-9-72.)

1260.03 YARD REQUIREMENTS FOR CORNER LOTS.

Yard requirements along the side street of a corner lot shall be as follows:

- (a) In residential districts, the yard requirement shall be: for lots of forty feet or less it shall be ten feet, for lots of forty to fifty feet it shall be fifteen feet, for lots of fifty to 100 feet it shall be twenty feet, for lots of 100 to 150 feet it shall be twenty-five feet, and for lots over 150 feet it shall be thirty feet, except that in the R-24 District it shall not be less than one-fourth the sum of the height and length of the principal building as the building faces the side street.
 - (b) In residential districts, accessory uses and detached structures shall be located a minimum of five feet farther back from the side street than the principal structure is allowed.
 - (c) In commercial districts, the yard requirement shall be ten feet.
- (Ord. 12-89. Passed 5-23-89.)

1260.04 THROUGH LOTS.

On through lots, no structure or accessory use shall be permitted within twenty feet of the rear lot line.

(Ord. 8-72. Passed 5-9-72.)

1260.05 SIDE YARDS IN COMMERCIAL DISTRICTS.

For every building in any commercial district, there shall be a side yard along one side of such building of sufficient width to permit fire-fighting equipment to reach the rear yard, and the same shall be kept clear for the passage and use of such equipment for a width of not less than eight feet. However, if the rear yard abuts on a public alley or street, only the standard district regulation for side yards need apply.

Wherever a lot in a commercial district is adjacent on its side to a lot in a residential or open space district, the lot in the commercial district shall be required to provide a side yard of not less than eight feet.

(Ord. 8-72. Passed 5-9-72.)

1260.06 ACCESS FROM BUILDINGS TO STREETS.

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

(Ord. 8-72. Passed 5-9-72.)

1260.07 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, walls and landscaping shall be permitted in any required yard or along the edge of any yard, provided that no fence or wall is permitted in the required front yard without a special permit from the Board of Zoning Appeals.
- (b) Eaves, cornices, window sills and belt courses may project into any required yard a distance not to exceed three feet.
- (c) Unenclosed porches may extend eight feet into the required front yard. If uncovered, a porch may extend four feet into a required side yard. Porches in the required rear yard are permitted if they meet all accessory use requirements.
- (d) Parking areas shall be permitted in required yards only as specified in Chapter 1256.
- (e) Accessory structures and uses shall be permitted in the rear yard but 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. Detached garages shall not be located less than ten feet from a principal structure.

(Ord. 8-72. Passed 5-9-72.)

1260.08 YARD NOT OTHERWISE REQUIRED.

(EDITOR'S NOTE: Former Section 1260.08 was repealed by Ordinance 12-89, passed May 23, 1989.)

1260.09 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT.

In any district except districts R-1, R-2, R-3 and R-6, more than one structure containing a principal use may be erected on a single lot, provided that yard and other requirements of this Zoning Code shall be met for each structure as though it were on an individual lot except as allowed in PUR and PUC Districts.

(Ord. 12-89. Passed 5-23-89.)

1260.10 DISCONTINUED USES; VACANT LOTS AND BUILDINGS.

Any principal use or building, where the use is discontinued for a period of ninety days or more, shall be secured from illegal entry, damage and hazard to or from the general public, and shall be maintained in a condition compatible with occupied uses and buildings nearby. Any outdoor facilities or special equipment shall be removed, enclosed or otherwise cared for in a manner protecting the public interest. Use of the lot for parking or similar uses, without a special permit from the Board of Zoning Appeals, shall be deemed a new principal use and shall be subject to all the regulations of this Zoning Code.

(Ord. 8-72. Passed 5-9-72.)

1260.11 ACCESSORY USES AND STRUCTURES.

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

- (a) It shall be thirty-five percent (35%) or less of the footprint of the principal use or structure, except where additional space is necessary to meet off street parking requirements. Credit for residential off-street parking requirements shall be 576 square feet when the accessory structure is located within ten feet of the rear property line and 528 square feet when in any other location.

- (b) It shall not contain or be used as a dwelling unit.
- (c) It shall not exceed one story in height without a special permit from the Board of Zoning Appeals.
- (d) It shall meet all yard requirements of a principal use except as specified in Section 1260.07.
- (e) Special equipment in a commercial district may be allowed a reduction of the above requirements where it meets the intent of the Zoning Code with a special permit from the Board of Zoning Appeals.
(Ord. 98-00. Passed 12-12-00.)

1260.12 PRIVATE SWIMMING POOLS.

A private swimming pool shall be permitted as an accessory use to any permitted residential use provided it meets the requirements of Chapter 1464 of the Building and Housing Code.

(Ord. 8-72. Passed 5-9-72.)

1260.13 TEMPORARY STRUCTURES.

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress and shall meet the requirements of this Zoning Code for accessory structures except with a special permit from the Board of Zoning Appeals.

(Ord. 8-72. Passed 5-9-72.)

1260.14 PARKING AND STORAGE OF MOTOR VEHICLES, RECREATIONAL VEHICLES, ETC.

(a) No automotive vehicle or trailer of any kind or type without current license plates shall be parked or stored on any residential property other than in completely enclosed buildings. A maximum of one boat or one unoccupied recreational vehicle may be stored in the rear yard on any residentially zoned property if it has a current license, meets the requirements of this Zoning Code for accessory structures and is adequately screened by a seventy-two inch high solid fence or nondeciduous landscape material. No commercial vehicle shall be parked or stored on any property in a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools and materials to premises where labor using such tools and materials is to be performed during the actual time of parking. A commercial vehicle is a commercial tractor, commercial car, truck, motorbus, house trailer or semitrailer, as defined in Ohio R. C. 4501.01 or Chapter 402 of these Codified Ordinances.

(Ord. 69-83. Passed 12-13-83)

(b) No commercial motor vehicle repair and/or service shall occur in the City of Bexley, Ohio, other than in a completely enclosed building on any commercial property.

(Ord. 38-10. Passed 11-25-10.)

1260.15 EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in Chapter 1252 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. However, such appurtenances shall not exceed the district height limitations by more than fifty percent without a special permit from the Board of Zoning Appeals.
(Ord. 8-72. Passed 5-9-72.)

1260.16 HOME OCCUPATIONS.

A home occupation may be allowed as a conditional use as specified in Chapter 1252 provided that the following additional conditions are met:

- (a) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

- (c) There shall be no change in the outside appearance of the building or premises, or other visible or nuisance evidence of the conduct of such home occupation.
- (d) There shall be no sales in connection with a home occupation.
- (e) No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home occupation shall be met off the street and other than in a required front yard.
(Ord. 8-72. Passed 5-9-72.)

1260.17 SIGNS.

Signs shall be allowed only as specified and defined in Chapter 1230.
(Ord. 8-72. Passed 5-9-72.)

1260.18 FIRE HAZARDS.

Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
(Ord. 8-72. Passed 5-9-72.)

1260.19 RADIOACTIVITY OR ELECTRICAL DISTURBANCE.

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point, other than that of the creator of such disturbance.
(Ord. 8-72. Passed 5-9-72.)

1260.20 NOISE.

Objectionable noise which is due to volume, frequency or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
(Ord. 8-72. Passed 5-9-72.)

1260.21 VIBRATION.

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
(Ord. 8-72. Passed 5-9-72.)

1260.22 AIR POLLUTION.

No pollution of air by fly-ash, dust, vapors, odors, smoke or other substance shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
(Ord. 8-72. Passed 5-9-72.)

1260.23 EROSION.

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
(Ord. 8-72. Passed 5-9-72.)

1260.24 WATER POLLUTION.

Water pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.
(Ord. 8-72. Passed 5-9-72.)

1260.25 ADULT ENTERTAINMENT.

(a) As used in this section:

- (1) "Adult book store" means an establishment which has a substantial or significant portion of its stock in trade, books, magazines or other periodicals, films or mechanical or nonmechanical devices, which establishment excludes minors by virtue of age and which adult materials are obscene or harmful to juveniles as defined in Ohio R. C. 2907.01(E) and (F).
- (2) "Adult motion picture theater" means an enclosed motion picture theater or motion picture drive-in theater presenting materials for observation by the patrons therein, which theater excludes minors by virtue of age and has a substantial or significant portion of materials for observation, which materials are obscene or harmful to juveniles as defined in Ohio R. C. 2907.01(E) and (F).
- (3) "Adults only entertainment establishment" means an establishment which features totally nude, topless or bottomless strippers, male or female impersonators or similar entertainment or services, which establishment excludes minors by virtue of age and which entertainment or services are obscene or harmful to juveniles as defined in Ohio R. C. 2907.01(E) and (F).

(b) Within the City, no building or premises shall be used and no building shall be erected, constructed or developed, nor any existing building reconstructed or remodeled, which is arranged, intended or designed to be used for an adult book store, adult motion picture theater or adults only entertainment establishment, except pursuant to a special permit issued by the Board of Zoning Appeals. Such uses may be permitted to locate within 500 feet of a Residential District or use upon presentation to the Board of a validated petition requesting such special use, signed by in excess of fifty percent of those persons owning, residing and maintaining permanent business establishments within 500 feet of the proposed location.

(c) The Board shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in subsection (b) hereof. The rules shall provide that the circulator of the petition requesting the special use shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Board and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon. The Board shall not consider the application for special use set forth in this section until the above described petition has been filed and verified.

(d) Adult book stores, adult motion picture theaters, adults only entertainment establishments or any business offering any combination of such uses shall be permitted to locate within 2,000 feet of each other if the following findings are made by the Board:

- (1) The proposed use will not be contrary to the public interest or injurious to nearby properties.
- (2) The proposed use will not enlarge or encourage the development of a blighting influence.
- (3) The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation or interfere with any program of urban renewal.
- (4) All applicable regulations of this section will be observed.
- (5) The proposed use will not be permitted within 500 feet of a church, school, park, playground or in any other area in which large numbers of minors regularly travel or congregate.
(Ord. 20-79. Passed 11-13-79.)

1260.26 AMUSEMENT ARCADES.

(a) Within the City, no building or premises shall be used, and no building shall be erected, constructed or developed, nor shall any existing building be reconstructed or remodeled, which is arranged, intended or designed to be used, as an amusement arcade, except by special permit of the Board of Zoning Appeals.

(b) The Board shall have the power to grant a special permit where it is shown that the special use as an amusement arcade can be granted without substantial detriment to the public good, without substantial impairment of the general purpose and intent of the zoning district in which such use is proposed to be located, and without significant incompatibility with the general character of the neighborhood.

(c) In making the determination to grant a special permit according to subsection (b) hereof, the Board shall consider whether or not any or all of the following apply:

- (1) The proposed use will be contrary to public interest or injurious to nearby properties.
- (2) The proposed use will enlarge or encourage the development of a blighting influence.
- (3) The establishment of an additional regulated use in the area will be contrary to any program of neighborhood stabilization or interfere with any program of urban renewal.
- (4) All applicable provisions of this section will be observed.
- (5) The proposed use will be within 500 feet of a church, school, park or playground or in any other area in which large numbers of minors regularly travel or congregate.
- (6) The proposed use will be within 500 feet of another amusement arcade.
- (7) The proposed use will be located in a Community Commercial, General Commercial or Commercial Service District.

(d) If a special permit use is granted, the Board may impose further requirements and conditions regarding the location, character and other features of the proposed use or structure, as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

(e) The Board may, upon application of the City Solicitor, revoke any special permit use a condition of which has been violated, after notice and opportunity to conform have been given.

(Ord. 40 -82. Passed 9-14-82.)

**1260.27 EXCESSIVE DEVIATION FROM ESTABLISHED FRONT YARD
SET-BACKS IN RESIDENTIAL DISTRICTS.**

(a) A special permit from the Board of Zoning Appeals shall be required for an accessory use or structure in Residential R-1, R-2, R-3 and R-6 Residential Districts where the principal structure deviates by more than twenty percent from the established front yard set-back line.

(b) If a special permit is granted, the Board may impose further requirements and conditions regarding the location, character and other features of the proposed accessory use or structure as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

(Ord. 72-87. Passed 12-8-87.)

**CHAPTER 1262
Fences and Walls**

1262.01	Intent.	1262.04	Prohibited fences.
1262.02	Front yard restrictions.	1262.05	Variations.
1262.03	Side and rear yard restrictions.	1262.06	Permit required; fee.
		1262.99	Penalty.

CROSS REFERENCES

Fencing motor vehicle and recreation vehicle storage -
see P. & Z. 1260.14

Private swimming pool fences - see BLDG. & HOUS. 1464.04,
1464.11

1262.01 INTENT.

It is hereby declared to be the intent of this chapter to regulate the placement of fencing, walls or any combination thereof within the front, side and rear yards of any property within residential zoning districts. It is further the purpose of this chapter to maintain clear visibility of vehicular and pedestrian traffic on adjacent streets, alleys and sidewalks that may otherwise be affected by fencing and/or wall locations and heights; to maintain an orderly appearance and reduce any negative impact upon other properties where such fencing or walls are directly visible from and adjacent to public streets; and, therefore, to regulate the location, height and material composition of fences, landscaping and overall general fence characteristics.

(Ord. 25-89. Passed 1-13-89.)

1262.02 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 that 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 Residential District by Council pursuant to Section 1264.21; and except that 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 (a) to (e) hereof, and issuance of a permit by the Building Department; and except that 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. Fences and walls above forty-two inches in height or any fence or wall located on a City right of way may be allowed with a variance from Council. The Board and Council shall consider the following criteria in reviewing such applications:

- (a) The proposed decorative landscape wall or fence is compatible with other properties in the neighborhood as identified in the Bexley Neighborhood Stabilization Plan.
- (b) 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.
- (c) 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.
- (d) The installation of such fence and/or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.
- (e) No chain link, wire mesh, concrete block or other similar type material shall be installed as a decorative landscape wall or fence unless the applicant can justify the appropriateness of this material in the design and landscape plan.
(Ord. 78-90. Passed 11-27-90.)

1262.03 SIDE AND REAR YARD RESTRICTIONS.

No person shall erect any fence or wall in any residential zoning district, unless and until such fence or wall is located within a Planned Unit Residential District and is part of the detailed development plan approved by Council pursuant to Section 1264.21 or meets the following requirements:

- (a) Interior Lots. No fence, wall or combination thereof shall exceed seventy-two inches in height as measured from the average grade of that portion of the lot in the rear or side yard. No side yard fence shall extend beyond the front set-back line of the house. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall be included within the seventy-two inch maximum height restriction. Any fence or wall erected along the front set back line, side or rear property lines must have the finished and not the structural side facing the adjacent property, or street. Interior lots having rear lot lines coincident with alley right of way shall be permitted to place the structural side of the fence facing the alley right of way.
- (b) Corner Lots. No fence, wall or combination thereof shall exceed forty-two inches in height in the side yard set-back area as it faces a public or private street. Any fence or wall erected on a lot located at the intersection of two or more streets must have the finished and not the structural side facing the adjacent property alley or street. Fencing or walls exceeding forty-two inches in height, but in no case higher than seventy-two inches, as measured from the average grade, may be allowed with a special permit from the Board of Zoning Appeals. The Board shall consider the following criteria in reviewing such applications:

- (1) The proposed side yard fence or wall on the street side of a corner lot exceeding forty-two inches in height is compatible with other properties in the neighborhood as identified in the Bexley Neighborhood Stabilization Plan.
- (2) The height of such fence or wall shall not exceed seventy-two inches. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall not be included within the seventy-two inch maximum height.
- (3) A landscaping plan must be filed with the application for a special permit, indicating how such fencing or wall is to be screened from the street side elevation. The landscape plan 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.
- (4) The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.
(Ord. 25-89. Passed 1-13-89.)

1262.04 PROHIBITED FENCES.

No person shall erect or maintain anywhere in the City a fence or wall equipped with or having barbed wire, spikes, sharp points or any similar device or an electrical charge sufficient to cause shock.

(Ord. 25-89. Passed 1-13-89.)

1262.05 VARIANCES.

The Board of Zoning Appeals shall have the authority to hear the requests for variances from the provisions of this chapter. Variances may be granted only where unique characteristics of the property created an unnecessary hardship. Variances which allow the structural side of a fence to face an adjacent property shall be granted only where unique characteristics create an unnecessary hardship and written consent from the affected adjacent property owner(s) has been filed with the Board. Variance requests shall be filed in conformity with the rules and regulations of the Board.

(Ord. 25-89. Passed 1-13-89.)

1262.06 PERMIT REQUIRED; FEE.

No person shall erect a fence or wall that complies with the provisions of this chapter until a construction permit for the same has been issued by the City, the cost of such permit to be as provided in Section 244.01. Repair or replacement of fifty percent (50%) or more of an existing fence shall be deemed to be construction of a new fence and requires a construction permit. The filing fee for a special permit or variance application shall be as set forth in Section 244.01 of the Administrative Code, which fee is in addition to the fence construction fee. By issuance of a permit, the City does not warrant the location of property lines. The burden of certifying the location of property lines shall be borne by the property owner constructing the fence and/or wall.

(Ord. 25-89. Passed 1-13-89.)

1262.99 PENALTY.

Penalties for violation of this chapter shall be as provided for in Section 1264.99.

(Ord. 25-89. Passed 1-13-89.)

CHAPTER 1264
Administration and Penalty

1264.01	Nonconformities in general.	1264.14	Variances.
1264.02	Conforming structures and uses on nonconforming lots.	1264.15	Conditional uses.
1264.03	Alteration, reconstruction or extension of nonconforming structures.	1264.16	Special permits.
1264.04	Continuation, expansion or change of nonconforming uses.	1264.17	Changes and extensions of nonconforming uses.
1264.05	Nonconformities which are required to conform.	1264.18	Appeals involving performance requirements.
1264.06	Zoning Officer.	1264.19	Amendments.
1264.07	Zoning certificate required.	1264.20	Procedure for amendments to Chapter 1252 and changes in zoning districts.
1264.08	Application for zoning certificate; plans; contents of certificates.	1264.21	Procedure for approval of a Planned Unit District.
1264.09	Zoning certificate time limit.	1264.22	Establishment of schedule of fees, charges and expenses; collection procedure.
1264.10	Building permits.	1264.23	Fees.
1264.11	Construction and use to be as provided in zoning certificate.	1264.24	Main Street Redevelopment Commission.
1264.12	Board of Zoning Appeals; membership; rules.	1264.99	Penalty; equitable remedies.
1264.13	Appeals.		

CROSS REFERENCES

City Planning Commission - see CHTR. Art. XIII; P. & Z. Ch. 1220
 Administrative board; powers and duties - see Ohio R.C. 713.11
 Violations of zoning ordinance may be enjoined - see Ohio R.C. 713.13
 General provisions - see P. & Z. Ch. 1240
 Definitions - see P. & Z. Ch. 1268

1264.01 NONCONFORMITIES IN GENERAL.

Existing lots, structures and accessory development or the use of lots and/or structures which would not be allowed under the regulations for the zoning district in which they are located or under the other regulations of this Zoning Code shall be considered as nonconforming. It is the intent of this Zoning Code to permit nonconformities to continue, not to encourage their continued use or expansion and to require reasonable terms for their conformity where no unreasonable hardship is expected.
 (Ord. 8-72. Passed 5-9-72.)

1264.02 CONFORMING STRUCTURES AND USES ON NONCONFORMING LOTS.

The construction of a conforming structure and/or the conduct of a conforming use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or use in the zoning district in which the lot is located, provided that all other requirements, including minimum yards and off-street parking, are met.
(Ord. 8-72. Passed 5-9-72.)

1264.03 ALTERATION, RECONSTRUCTION OR EXTENSION OF NONCONFORMING STRUCTURES.

Principal and/or accessory structures which, by reason of their size, type or location on the lot, or otherwise in conflict with the regulations of the zoning district in which they are located, may be altered, reconstructed or extended only in such manner that the alteration, reconstruction or extension will comply with the regulations of this Zoning Code.
(Ord. 8-72. Passed 5-9-72.)

1264.04 CONTINUATION, EXPANSION OR CHANGE OF NONCONFORMING USES.

The nonconforming use of a lot and/or a structure may be continued, expanded or changed subject to the following provisions:

- (a) Change of a nonconforming use shall be allowed to a permitted use of the zoning district in which the nonconforming use is located.
- (b) On approval of the Board of Zoning Appeals, a nonconforming use may be changed to a conditional use or a use found to be more nearly in character with the zoning district than the existing nonconforming use.
- (c) On approval of the Board of Zoning Appeals, a nonconforming use may be expanded within an existing structure manifestly arranged or developed for such use.
- (d) No nonconforming use may be re-established where such nonconforming use has been discontinued for a period of six months. Any structure specifically designed and generally limited to the discontinued nonconforming use shall be removed from the lot as soon as possible after the six-month period and in no case more than one year after the use has been discontinued.
- (e) The nonconforming use of any structure damaged by fire, explosion, flood, riot or act of God may be continued and used as before any such calamity, provided the structure has not been destroyed to an extent of more than one-half the replacement cost at the time of destruction, and provided such reconstruction is started within one year of such calamity and is continued in a reasonable manner until completed.
- (f) A nonconforming use shall cease to enjoy its exemption from the Zoning Code and shall be discontinued:
 - (1) If such nonconforming use is defined and declared to be unlawful or to constitute a nuisance by Ohio R.C. Titles 29 or 37 and/or Chapters 612 to 672, inclusive, of these Codified Ordinances, or

- (2) If any activity, which is defined and declared to be unlawful or to constitute a nuisance by Ohio R.C. Titles 29 or 37 and/or Chapters 612 to 672, inclusive, of these Codified Ordinances, is conducted, permitted, continued or exists in or on the lot and/or structure subject to such nonconforming use; and upon such discontinuance the use of such lot and/or structure shall thereafter conform to the Zoning Code.
- (g) Any use requiring a special permit under this Zoning Code shall be deemed a nonconforming use for purposes of this section and any other section of this chapter dealing with nonconformities, and any such special permit shall terminate upon the discontinuance of a nonconforming use pursuant to subsection (f) hereof.
(Ord. 77-91. Passed 2-25-92.)

1264.05 NONCONFORMITIES WHICH ARE REQUIRED TO CONFORM.

The following uses or structures, where nonconforming, are required to be in conformity with this Zoning Code within a period of two years after the lessee or owner thereof is given official notice of the nonconformity, except where the lessee or owner can demonstrate that such conformity would cause an equal or greater violation of other regulations in this Zoning Code or would work an unreasonable hardship on the owner or lessee;

- (a) Off-street parking or loading, including lack thereof;
- (b) Signs;
- (c) Accessory uses or structures in the flood plain;
- (d) Accessory uses or structures in required yards;
- (e) Accessory or supplemental uses for which the structure was not primarily intended; and
- (f) Similar uses and structures where conformity would not place an unreasonable hardship on the owner or lessee.

(Ord. 8-72. Passed 5-9-72.)

1264.06 ZONING OFFICER.

Until such time as Council authorizes the employment of a separate Zoning Officer, an administrative employee of the City designated by the Mayor, and confirmed by Council, shall serve as the Zoning Officer and shall administer the Zoning Code. An appeal from a decision of the Zoning Officer may be made to the Board of Zoning Appeals, as provided in Section 1264.13.

(Ord. 12-89. Passed 5-23-89.)

1264.07 ZONING CERTIFICATES REQUIRED.

No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building, structure or land be established or changed in use, until a zoning certificate has been issued therefor by the Zoning Officer. The Zoning Officer shall issue a certificate if, and only if, the structure, building or premises, and the proposed use thereof, conform with all the requirements of this Zoning Code, or if directed to do so by the Board of Zoning Appeals or Council, as allowed by this Zoning Code.

(Ord. 8-72. Passed 5-9-72.)

1264.08 APPLICATION FOR ZONING CERTIFICATE; PLANS; CONTENTS OF CERTIFICATES.

Every application for a zoning certificate shall be accompanied by a plot plan in triplicate and such other plans and information needed to satisfy the Zoning Officer and the Board of Zoning Appeals that the provisions of this Zoning Code will be met. One copy of the plans shall be returned to the applicant, marked as approved or disapproved. Every zoning certificate shall state that the structure or the proposed use of a structure or land complies with all the provisions of this Zoning Code. Copies of all applications, plans and zoning certificates shall be maintained by the Zoning Officer. (Ord. 8-72. Passed 5-9-72.)

1264.09 ZONING CERTIFICATE TIME LIMIT.

Zoning certificates shall only be issued for, and shall only be valid for, a period of six months, except for planned unit developments as set forth in Section 1264.21. Zoning certificates may be renewed by the Zoning Officer. (Ord. 8-72. Passed 5-9-72.)

1264.10 BUILDING PERMITS.

A building permit shall not be issued prior to the granting of an approved and valid zoning certificate by the Zoning Officer. (Ord. 8-72. Passed 5-9-72.)

1264.11 CONSTRUCTION AND USE TO BE AS PROVIDED IN ZONING CERTIFICATE.

Zoning certificates issued on the basis of plans and applications approved by the Zoning Officer or others as specified in this Zoning Code authorize only the use, arrangement and construction set forth in such approved plans and applications. Use, arrangement or construction at variance with or in addition to that authorized shall be deemed a violation of this Zoning Code. (Ord. 8-72. Passed 5-9-72.)

1264.12 BOARD OF ZONING APPEALS; MEMBERSHIP; RULES.

There is hereby established a Board of Zoning Appeals which shall consist of seven regular members and four alternate members appointed by the Mayor and approved by Council. The Mayor with the approval of Council shall choose a successor to fill any vacancies. Each regular member shall serve a term of three years. The alternate members shall be appointed from the ranks of former members of the Board and shall serve for a period of three years. The alternate members shall serve only during the absence of a regular member. One member only of the Planning Commission may be appointed to the Board of Zoning Appeals. The Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Zoning Code. (Ord. 39-02. Passed 5-28-02.)

1264.13 APPEALS.

The Board of Zoning Appeals shall have the power to hear and decide appeals which have been duly filed with the Zoning Officer where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Officer or other administrative official in the interpretation of the provisions of this Zoning Code. The Board may reverse, affirm or modify the order, requirement, decision or determination appealed and to that end shall have all powers of the Zoning Officer. (Ord. 8-72. Passed 5-9-72.)

1264.14 VARIANCES.

(a) Requests for variances from this Zoning Code shall be heard and decided by Council or the Board of Zoning Appeals as permitted under the provisions of this chapter.

(b) The Board of Zoning Appeals shall have the power to authorize variances from the provisions of this Zoning Code. A variance is a modification of the provisions of this Zoning Code where such modification will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Zoning Code.

Variances may be granted only where the following requirements are met:

- (1) Literal enforcement of this Zoning Code will result in an unnecessary hardship with respect to the property.
- (2) The unnecessary hardship is caused by unique characteristics of the property which are not applicable to other properties in the same district, and the unique characteristics do not result from the actions of the applicant.
- (3) The variance observes the intent of this Zoning Code, produces substantial justice and is not contrary to the public interest.

Notwithstanding the foregoing, no variance from the minimum lot requirements of any district shall be granted by the Board of Zoning Appeals, the authority to grant such variances being reserved to Council pursuant to subsection (c)(1) of this section.

(c) Council may grant the following zoning variances:

- (1) A variation in the lot or yard requirements of any district where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions, if such variance will not have a materially adverse effect on the surrounding property or neighborhood and is not contrary to the public interest;
- (2) A use of the property not permitted by the zoning district established on the property, if such use will not have a materially adverse effect on the surrounding property or neighborhood, if such use is not contrary to the public interest and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan; and
- (3) A variation from any other provision of this Zoning Code, if such variance will alleviate some hardship or difficulty, will not have a materially adverse effect on the surrounding property or neighborhood, is consistent with the general purposes of this Zoning Code and is not contrary to the public interest.

In authorizing a variance, Council may attach conditions and require such guarantee or bond as it deems necessary to assure compliance with the objectives of this Zoning Code. (Ord. 51-88. Passed 12-12-88.)

1264.15 CONDITIONAL USES.

(a) The Board of Zoning Appeals shall have the power to approve applications for conditional uses specified in Chapter 1252. 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.

(Ord. 8-72. Passed 5-9-72.)

(b) The City Planning Commission shall have the power to grant Conditional Uses in all non-residentially zoned districts. Such uses shall only be approved based on consideration of the following factors; including but not limited to:

- (1) Is the use consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines?
- (2) Will the use 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?
- (3) Will the use be hazardous to or have a negative impact on existing or future surrounding uses?
- (4) Will the use meet or satisfy 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?
- (5) Does the use create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal?
- (6) Is the use consistent with and/or furthers the City's economic goals?
- (7) Does the use result in a net increase in assessed value or tax revenue to the City?
- (8) Does the use enhance economic development through job creation, tax revenues to the City, attraction of people, or increased economic activity?
- (9) Does the use serve a compelling public need, regardless of its ability to meet economic development goals? (Ord. 13-10. Passed 4-13-10.)

1264.16 SPECIAL PERMITS.

The Board of Zoning Appeals shall have the power to grant special permits as authorized in this Zoning Code. A special permit shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the provision authorizing the special permit and complies with all other provisions of this Zoning Code. Special permits shall not be granted unless specifically authorized in this Zoning Code and unless any special conditions required are fully met.

(Ord. 8-72. Passed 5-9-72.)

1264.17 CHANGES AND EXTENSIONS OF NONCONFORMING USES.

The Board of Zoning Appeals shall have the power to permit changes and extensions of nonconforming uses as follows:

- (a) A nonconforming use of a less objectionable nature maybe substituted for an existing, legal nonconforming use.
 - (b) An existing, legal nonconforming use which occupies only a portion of an existing structure may be extended throughout such structure manifestly arranged or developed for such use.
 - (c) The Board may impose such requirements and conditions as it may deem necessary for the protection of adjacent properties and the public interest.
- (Ord. 8-72. Passed 5-9-72.)

1264.18 APPEALS INVOLVING PERFORMANCE REQUIREMENTS.

In appeals to the Board of Zoning Appeals from decisions of the Zoning Officer involving performance requirements (Sections 1260.19 to 1260.25), the procedure may include the following:

- (a) The Board may require a plan of the proposed construction or development, a description of any proposed machinery or special equipment and specifications for the same to be used in meeting the performance requirements.
- (b) The Board may require reference of the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant. (Ord. 8-72. Passed 5-9-72.)

1264.19 AMENDMENTS.

Council may, by ordinance, subject to the provisions of Section 1264.20, amend, supplement, change or repeal any provision of this Zoning Code by an affirmative vote of at least a majority of the members of Council. Amendments to this Zoning Code, including changes to district boundaries as shown on the Official Zoning Map, may be initiated by introduction of an ordinance by a member of Council amending, supplementing, changing or repealing a provision of this Zoning Code as contemplated by the preceding sentence, by adoption of a motion by the Planning Commission proposing such amendment, including a change to district boundaries as shown on the Official Zoning Map, or by the filing of an application by at least one owner of property within the area to be affected by such change proposing a change of district boundaries as shown on the Official Zoning Map. The Planning Commission shall review all proposed amendments to this Zoning Code and applications for changes in district boundaries and make its written recommendation to Council on each proposed amendment or change pursuant to such rules or procedures as shall, from time to time, be adopted by the Planning Commission. (Ord. 139-05. Passed 1-24-06.)

1264.20 PROCEDURE FOR AMENDMENTS TO CHAPTER 1252 AND CHANGES IN ZONING DISTRICTS.

(a) Applications for a change of district boundaries as shown on the Official Zoning Map shall be submitted to the Planning Commission upon such forms and accompanied by such data and information as may be prescribed for that purpose by the Planning Commission. Each proposal for a zone change shall be accompanied by a reproducible vicinity map at a scale approved by the Zoning Officer, showing the property lines, streets and existing and proposed zoning for the property and for nearby properties.

(b) Council shall hold a public hearing on all proposed amendments to Chapter 1252 and all proposed changes to the Official Zoning Map and shall act on such proposed amendments and changes in accordance with the following procedures:

- (1) Following introduction of the amending ordinance, at a regular or special meeting of Council, Council shall fix a date for a public hearing on such ordinance before Council.
- (2) Notice of the hearing before Council shall be published once in one or more newspapers circulated generally in the City and to which the general public within the City resorts for passing events of a political nature in the City; which newspaper need not be a newspaper of general circulation within the meaning of Ohio R.C. 713.12, at least thirty days prior to the date fixed for the hearing. The notice shall include the place, time and date of the hearing and a summary of the amending ordinance. Failure of a newspaper to publish accurately or timely a

properly submitted notice shall not invalidate adoption of the amending ordinance. The text or copy of such amending ordinance, together with the application, maps or plans or copies thereof, forming part of or referred to in such ordinance shall be on file, for public examination, in a place designated in the notice for at least thirty days prior to the hearing, and any required written recommendation submitted by the Planning Commission and Board of Zoning Appeals shall be on file, for public examination, in the place designated in the notice for other documents for at least seven days prior to the hearing.

- (3) If the ordinance proposes to rezone or redistrict ten or fewer parcels of land, as listed on the tax duplicate, a notice containing the information required by subsection (b)(2) hereof shall also be sent by first class mail to all property owners within, contiguous to or directly across a street from the area which is the subject of the proposed amendment, not less than twenty days prior to the date fixed for the hearing. Failure of any such property owners to receive mail notice shall not invalidate adoption of the amending ordinance.
- (4) At the time fixed for the public hearing, Council shall allow testimony from all persons interested in the amending ordinance.
- (5) The affirmative vote of at least a majority of the members of Council shall be required for passage; provided, however, that if the Planning Commission or the Board of Zoning Appeals is required to submit a written recommendation to Council on the proposed amendment to Chapter 1252 of this Zoning Code or the proposed change to the Official Zoning Map, and any one or more of them shall recommend against adoption of such amendment or change, the affirmative vote of at least three fourths of the members of Council shall be required for passage. (Ord. 85-90. Passed 1-22-90.)

1264.21 PROCEDURE FOR APPROVAL OF A PLANNED UNIT DISTRICT.

Planned unit development, with applications for amendments to the PUR District or PUC District zoning shall follow the procedures set forth in Section 1264.19 and 1264.20 and shall also conform to the following provisions:

- (a) Preliminary and final approval shall be required of a detailed development plan by Council, with review and written advice from the Planning Commission and the Board of Zoning Appeals.
- (b) The detailed development plan shall include existing and proposed topography, property lines, land use, structures, streets, rights of way, utilities, number of dwellings, floor space of nonresidential use, off-street parking, open yards and similar items and/or text, explaining and demonstrating how the proposed development will fit the intent of this Zoning Code and justify not meeting the standard zoning district regulations.
- (c) Final approval of the detailed development plan shall be granted only after it has been found that:
 - (1) Any exception from standard zoning district requirements appropriate for the site is warranted by the design and other amenities incorporated in the plan.

- (2) Any exception from the standard zoning district requirements will not be detrimental to other residents of the City and surrounding areas or to the public facilities and services in the City and surrounding areas.
- (3) Each individual unit of the development will meet the intent of this Zoning Code if full development of the plan fails; or that development is programmed in such a manner that at the end of any one stage of development, the development will meet the intent of this Zoning Code.
- (d) If no construction has begun within two years after Council approval, the approval and zoning certificate shall be void and the land shall revert to the zoning district in effect immediately prior to approval.
(Ord. 85-90. Passed 1-22-90.)

1264.22 ESTABLISHMENT OF SCHEDULE OF FEES, CHARGES AND EXPENSES; COLLECTION PROCEDURE.

Council shall establish a schedule of fees, charges and expenses and a collection procedure for zoning certificates, appeals and other matters pertaining to the Zoning Code. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
(Ord. 8-72. Passed 5-9-72.)

1264.23 FEES.

The fees to be paid when applications are filed for zoning certificates, variances and rezonings shall be as established by ordinance of Council and as set forth in Section 244.01 of the Administrative Code.

1264.24 MAIN STREET REDEVELOPMENT COMMISSION.

Notwithstanding any other provision of the Codified Ordinances of the City which is or may be deemed to the contrary, the Main Street Redevelopment Commission shall, for all purposes of the Planning and Zoning Code (Part 12 of the Codified Ordinances), be substituted for the Planning Commission or the Board of Zoning Appeals and shall exercise all powers thereof with respect to the Main Street District.
(Ord. 28-98. Passed 5-26-98.)

1264.99 PENALTY; EQUITABLE REMEDIES.

Whoever violates or fails to comply with any of the provisions of this Zoning Code, including violations of conditions and safeguards established in various sections of this Zoning Code, shall be fined not more than two hundred and fifty dollars (\$250.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues after receipt of a violation notice. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation or noncompliance may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 12-89. Passed 5-23-89.)

CHAPTER 1268
Definitions

1268.01	Interpretation of terms.	1268.24	Multifamily dwelling.
1268.02	Accessory use or structure.	1268.25	Outdoor facility.
1268.03	Average setback.	1268.26	Permitted use.
1268.04	Building.	1268.27	Principal use of structure.
1268.05	Building height.	1268.28	Professional offices.
1268.06	Building length.	1268.29	Public service facility.
1268.07	Campus use.	1268.30	Public uses.
1268.08	Commercial uses.	1268.31	Quasipublic use.
1268.09	Conditional use.	1268.32	Retail sales and retail services.
1268.10	Corner lot.	1268.33	Screening.
1268.11	Drive-through facility.	1268.34	Service station.
1268.12	Dwelling.	1268.35	Townhouse.
1268.13	Dwelling unit.	1268.36	Single-family dwelling.
1268.14	Essential services.	1268.37	Standard zoning district.
1268.15	Fill.	1268.38	Story.
1268.16	Floods; area limits.	1268.39	Structure.
1268.17	Floor area.	1268.40	Through lot.
1268.18	Institutional use.	1268.41	Two-family dwelling.
1268.19	Lot.	1268.42	Walk-in use.
1268.20	Lot coverage.	1268.43	Yards.
1268.21	Lot depth.		
1268.22	Lot of record.		
1268.23	Lot width.		

CROSS REFERENCES
General definitions - see ADM. 202.02

1268.01 INTERPRETATION OF TERMS.

For the purposes of the Zoning Code, certain terms and words used herein shall be interpreted according to the definitions presented in this chapter. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future tense, the singular includes the plural and the plural includes the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied." The word "lot" includes the words "plot or parcel;" the word "property" is meant to include a lot and the improvement thereon. Except as defined below, all words used in this Zoning Code shall carry their customary meanings.
(Ord. 8-72. Passed 5-9-72.)

1268.02 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 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. (Ord. 8-72. Passed 5-9-72.)

1268.03 AVERAGE SETBACK.

"Average setback" means the average distance back for a structure from the front lot line on any street where principal structures have been erected on at least twenty-five percent of the lots situated between two adjacent streets. (Ord. 8-72. Passed 5-9-72.)

1268.04 BUILDING.

"Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property. (Ord. 8-72. Passed 5-9-72.)

1268.05 BUILDING HEIGHT.

"Building height" means the vertical distance measured from the average elevation of the ground at the front of the building (before construction) to the highest point of the roof for flat roofs, to the mean height between eaves and ridge for gable, hip and gambrel roofs and to the mean height between the top line of the roof face or roof side and the ridge for mansard roofs. (Ord. 8-72. Passed 5-9-72.)

1268.06 BUILDING LENGTH.

"Building length" means the length of the building wall most nearly parallel with the front, rear or side yard in question. (Ord. 8-72. Passed 5-9-72.)

1268.07 CAMPUS USE.

"Campus use" means classrooms, laboratories, and research facilities, libraries, administrative and faculty offices, performance and meeting facilities, worship facilities, athletic and recreation facilities, student housing and dormitories, student services and activity facilities, and supporting services and facilities of an institution of higher learning offering one or more curricula leading to a degree, certificate or diploma recognized or accepted by the State of Ohio or by a nationally recognized accrediting organization. (Ord. 88-03. Passed 2-24-03.)

1268.08 COMMERCIAL USES.

(a) "High-intensive commercial use" means a commercial use customarily or by design serving a relatively large number of persons, including customers, patrons and employees, per measurement of floor area during the average peak hour of service.

(b) "Low-intensive commercial use" means the same as subsection (a) hereof, except serving a relatively small number of persons. (Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.09 CONDITIONAL USE.

"Conditional use" means a use permitted within a zoning district but requiring review and approval by the Board of Zoning Appeals for compatibility with the intent of the district, appropriate location within the district and any additional requirements necessary to ensure its compatibility. (Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.10 CORNER LOT.

"Corner lot" means a lot located at the intersection of two or more streets, as well as a lot abutting on a curved street if the interior angle formed by the tangents of the curve is 135 degrees or less as depicted in Figure 1 below. The front of a corner lot shall be determined on the basis of the recorded plat, but it may be determined otherwise by the Board of Zoning Appeals in unusual circumstances if required to accomplish the intent of the Zoning Code. (Ord. 12-89. Passed 5-23-89; Ord. 88-03. Passed 2-24-03.)

1268.11 DRIVE-THROUGH FACILITY.

(a) "Drive-through facility" means any retail or service establishment that provides a designated place where persons can drive in vehicles in such proximity to the establishment that they can or are permitted to conduct the major portion of their business with the establishment without having to exit their vehicles.

(b) "Drive-through food service facility" means a retail or service establishment described in subsection (a) hereof that serves food and/or beverages as part of its business. (Init. Ord. Approved by voters 11-5-96; Ord. 88-03. Passed 2-24-03.)

1268.12 DWELLING.

"Dwelling" means a building consisting of one or more dwelling units, as follows:

- (a) Single-family dwelling, consisting of one dwelling unit only;
- (b) Two-family dwelling, consisting of two dwelling units only; and
- (c) Multifamily dwellings, consisting of three or more dwelling units only.

(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.13 DWELLING UNIT.

"Dwelling unit" means space within a building designed for occupancy by one family for living purposes and having 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. (Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.14 ESSENTIAL SERVICES.

"Essential services" means the erection, construction, alteration or maintenance, by public utilities or municipal or other government agencies, of underground gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection

therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.15 FILL.

"Fill" means any material used to build up, or having the effect of building up, low ground which would reduce the flood carrying capacity in the flood plains.

(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.16 FLOODS; AREA LIMITS.

"Area limits of flood" means the flood plains of a river as recognized or supported by the latest studies and surveys of official government agencies, including the Department of Natural Resources, State of Ohio, and the Corps of Engineers, U. S. Department of the Army.

(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.17 FLOOR AREA.

"Floor area" means the floor area of the specified use, excluding stairs, washrooms, elevator shafts, storage spaces and similar areas.

(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.18 INSTITUTIONAL USE.

"Institutional use" means facilities of a charitable or philanthropic nature such as hospitals, health clinics, child care, and educational, religious, social service and arts agencies and organizations. (Ord. 88-03. Passed 2-24-03.)

1268.19 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 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.

(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.20 LOT COVERAGE.

"Lot coverage" means the ratio of enclosed ground floor area of all buildings on a lot plus the ground area of all required off-street parking and loading spaces to the horizontally projected area of the lot, expressed as a percentage.

(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.21 LOT DEPTH.

"Lot depth" means the average horizontal distance between front and rear lot lines.

(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.22 LOT OF RECORD.

"Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.23 LOT WIDTH.

"Lot width" means the average horizontal distance between side lot lines.
(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.24 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.
(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.25 OUTDOOR FACILITY.

"Outdoor facility" means outdoor display of sale items or outdoor provision of services, other than drive-in facilities.
(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.26 PERMITTED USE.

"Permitted use" means a use specifically allowed within a zoning district.
(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.27 PRINCIPAL USE OF STRUCTURE.

"Principal use of structure" means the main or primary use of a structure or of a lot.
(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.28 PROFESSIONAL OFFICES.

"Professional offices" means offices and related spaces for professional services as are provided by doctors, lawyers, architects, engineers and similar professions.
(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.29 PUBLIC SERVICE FACILITY.

"Public service facility" means the erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewerage service.
(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.30 PUBLIC USES.

"Public uses" means public parks, schools and administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.
(Ord. 8-72. Passed 5-9-72; Ord. 88-03. Passed 2-24-03.)

1268.31 QUASIPUBLIC USE.

"Quasipublic use" means places of worship, public, private and parochial schools (pre-school through 12), and related facilities.
(Ord. 88-03. Passed 2-24-03.)

1268.32 RETAIL SALES AND RETAIL SERVICES.

"Retail sales" and "retail services" shall not, unless expressly specified as a permitted use or conditional use in Chapter 1252, include any of the following: animal kennel; automobile repair or service in conjunction with any other use; bar/night club; check cashing, payday lender or similar business; convenience store or similar use, including, without limitation, a carryout, beverage store or liquor store; equipment and/or vehicle rental; expansion of any existing automobile repair or service business; flea market or other temporary retail sales; instant bingo parlor or other establishment operating a game or scheme of chance; pawn shop; retail sale of automobiles or automobile parts and supplies; small loan company; or tattoo/body piercing.
(Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.33 SCREENING.

"Screening" means any acceptably designed wall, fence or planting arrangement of appropriate height and density maintained in good condition.
(Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.34 SERVICE STATION.

"Service station" means any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major body or mechanical repair work.
(Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.35 TOWNHOUSE.

"Townhouse" means a series of three or more dwelling units, designed similar to attached or semidetached single-family dwelling units, each with a ground floor and an individual entrance.
(Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.36 SINGLE-FAMILY DWELLING.

"Single-family dwelling" means a building consisting of a single dwelling unit only, separated from other dwelling units by open space.
(Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.37 STANDARD ZONING DISTRICT.

"Standard zoning district" means a zoning district established in this Zoning Code other than a planned unit district, PUR or PUC.
(Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.38 STORY.

"Story" means that part of a building between the surface of a floor and the ceiling immediately 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. (Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.39 STRUCTURE.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structure includes buildings, walls, fences and signs. (Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.40 THROUGH LOT.

"Through lot" means a lot, other than a corner lot, with frontage on more than one street. (Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.41 TWO- FAMILY DWELLING.

"Two-family dwelling" means a building consisting of two dwelling units which may be either attached side by side or one above the other. (Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.42 WALK-IN USE.

"Walk-in use" means patronage of a building or use by persons not needing automobile parking nearby by reason of living or working nearby, use of mass transit or similar reasons. (Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)

1268.43 YARDS.

(a) "Front yard" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

(b) "Rear yard" means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

(c) "Side yard" means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards. (Ord. 8-72. Passed 5-9-72; Ord. 47-00. Passed 9-12-00; Ord. 88-03. Passed 2-24-03.)