

CODIFIED ORDINANCES OF BEXLEY

PART TWELVE – PLANNING AND ZONING CODE

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1218.01 SUMMARY OF AUTHORITY

The administrative and decision-making bodies and officials listed below, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Zoning Ordinance in the manner described in Chapter 1218, Administrative and Decision- Making Bodies and Officials and Chapter 1226, Administrative Review Procedures.

1218.02 BOARD OF ZONING AND PLANNING: POWERS AND DUTIES

EDITORS' NOTE: Provisions relating to the Board of Zoning and Planning are codified in Chapter 1220

1218.03 ARCHITECTURAL REVIEW BOARD: POWERS AND DUTIES

EDITORS' NOTE: Provisions relating to the Architectural Review Board are codified in Chapter 1223

1218.04 ZONING OFFICER

(a) Powers and Duties

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

- (1) To meet with those persons having an interest in this Zoning Code, other questions of land use, and related City plans and policies.
- (2) To conduct zoning compliance reviews regarding any permit pertaining to the use of land, buildings or structures.
- (3) To issue permits for temporary uses requiring administrative approval.
- (4) To conduct other administrative approvals as provided by this Zoning Code.
- (5) To review any site plans submitted for such review, and to make decisions or recommendations, as appropriate, to the BZAP or City Council on such site plans.
- (6) To approve certificates of appropriateness that do not require approval of the Board of Zoning and Planning or Architectural Review Board.

(b) Procedures

(1) General Authority to Enact Rules and Procedures

The Zoning Officer, consistent with the express standards, purposes, and intent of this Zoning Code, may promulgate, adopt, and issue such procedural rules, regulations, and forms as are necessary to the effective administration and enforcement of the provisions of this Zoning Code.

(2) Staff Assistance to the BZAP

The Zoning Officer shall make staff and consulting assistance available to the BZAP. The Zoning Officer or such person as the Zoning Officer designates shall in that capacity:

- (A) Attend the meetings of each such body.

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- (B) Inform each such body with a summary of all relevant facts and information at the Zoning Officer's disposal with respect to any matter brought before such body.
 - (C) Assist each such body by performing research and/or arranging for research on matters brought before such body.
 - (D) Perform such other duties as may be assigned to the Zoning Officer by this Code, the Mayor, the City Council, and the BZAP.
- (3) Records
The Zoning Officer shall maintain:
- (A) Permanent and current records of this Zoning Code, including all maps, amendments, variances, conditional use and planned unit development approvals and denials, interpretations, and decisions rendered respectively by the BZAP and the Zoning Officer together with relevant background files and materials.
 - (B) A current file of all notices of violations and revocations of Conditional Use Permits issued by or entrusted to the Zoning Officer's office for such time as necessary to ensure continuous compliance with the provisions of this Zoning Code.
- (4) Zoning Text and Map
The Zoning Officer shall have available for reproduction or electronic display at least one (1) up-to-date copy of both the Zoning Code text and the Zoning Map, as per Chapter 1248, Official Zoning Map.
- (5) Receipts, Processing, and Referral of Applications
The Zoning Officer shall receive all applications required to be filed pursuant to this Zoning Code. Upon receipt of any such application, the Zoning Officer shall see to its processing, including its referral to and retrieval from each official, department, board, or commission of the City or other government agency, with any interest or duty with respect to such application. Whenever the BZAP, the City Council or the Mayor so request, the Zoning Officer shall conduct or cause to be conducted such surveys, investigations, and field studies and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as shall be necessary and appropriate to the processing of any application filed pursuant to this Zoning Code.
- (6) Time Extensions
The Zoning Officer, upon written request, may for good cause shown and without any notice or hearing grant extensions of any time limit imposed on an applicant or permittee by this Zoning Code except the time for referendum or appeal or, unless the ordinance or resolution shall expressly provide otherwise, by any ordinance or resolution of any body acting pursuant to this Zoning Code. The total period of time granted by such extension or extensions shall not exceed the length of the original time period, and requests for any further extension may only be granted by the applicable hearing body.

CHAPTER 1220. BOARD OF ZONING AND PLANNING

- 1220.01 Purpose
 - 1220.02 Powers and duties
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1220.01 PURPOSE

The Board of Zoning and Planning (BZAP) is established and given its authority as provided by the City charter and by ordinance of the City Council. The Board of Zoning and Planning is hereby established to control, encourage and regulate the character, design, placement and relationship of buildings, structures and spaces within the City of Bexley. The BZAP is responsible for reviewing and recommending to City Council a Strategic Plan or similar plans for the physical development of the City, the City Transportation Plan, the official Zoning Map and Zoning Code amendments and/or enactments, amendments to zoning regulations, preliminary plans and final plats. BZAP shall have authority to make administrative approvals as provided in this Zoning Code.

1220.02 POWERS AND DUTIES.

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

- (a) To initiate, hear, review, and make recommendations to City Council upon applications for amendments to this Zoning Ordinance and Map, including applications for planned unit developments, pursuant to Chapter 1256, Planned Unit Development District.
- (b) To hear, review, and approve, approve with conditions, modify or disapprove applications for Conditional Use Permits.
- (c) To approve proposed uses that are not listed that it determines are substantially similar to a permitted or conditionally permitted use listed in the Zoning Code.
- (d) To review and approve, approve with modifications or conditions or disapprove site plans.
- (e) To prepare and participate in and to make recommendations to the City Council for adopting an official Strategic Plan or similar plans for the City, and from time to time to recommend to the Council such amendments as it may deem appropriate.
- (f) To aid and assist the City Council and the departments of the City in implementing the City's adopted land use policies and in planning, developing, and completing specific projects.
- (g) To review and report on any matters referred to it by the City Council.
- (h) To review, hear and make decisions upon applications for the subdivision, resubdivision, or combination of any parcels or tracts of land.

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- (i) To review and make recommendations to the City Council regarding improvements to public land.
- (j) To hold public hearings upon any of the issues which fall within its authority and jurisdiction to consider.
- (k) To recommend to the City Council that the Council should revoke Conditional Use Permits if the established conditions for the Conditional Use Permit are violated.
- (l) To hear and decide appeals from, and to review orders, decisions, or determinations made by the Zoning Officer or the Architectural Review Board.
- (m) To hear and decide upon applications for variances from the requirements of this Zoning Ordinance pursuant to Section 1226.12, Variances.
- (n) To hear and decide upon applications to change an existing nonconforming use to a use of similar conformity.
- (o) To issue subpoenas to compel the attendance of witnesses at quasi-judicial hearings before the Board.
- (p) To grant special permits as authorized in this Zoning Code pursuant to Section 1226.13.
- (q) To hear, review and determine Certificates of Appropriateness regarding new development, alterations or additions in the MS and CP zoning districts and for any applications in all zoning districts that require a variance or a change in zoning district.
- (r) To make its special knowledge and expertise available to any official, department, board, or commission of the City to aid them in the performance of their respective duties relating to the planning, development, zoning and its administration of the City.
- (s) To request, review and consider advisory opinions deemed necessary to assist them in their review before making a determination on any application or appeal before it.

1220.03 MEMBERSHIP, TERM AND ORGANIZATION

- (a) The Board of Zoning and Planning shall consist of seven (7) regular members and up to three (3) alternate members consisting of electors of the city not holding other municipal office.
- (b) The members are to be appointed by the Mayor and approved by the majority of Council for terms of three (3) years each. . Any vacancy during the term of a member shall be filled by an alternate member appointed by the mayor. Alternate members shall serve only during the absence of a regular Board member.
- (c) The Board shall designate a Secretary. The duties of the Secretary shall be as designated in the Rules and Regulations as adopted by the Board from time to time.

1220.04 MEETINGS, HEARINGS AND PROCEDURES

- (a) Regular meetings of the Board of Zoning and Planning may be held at the call of the Chairperson, or when the Zoning Officer indicates that there is an agenda item to be heard, or as provided by rule of the Board of Zoning and Planning. Special meetings shall be called at the request of the Chairperson or of any three (3) members of the Board or Commission or at the request of City Council or the Mayor.
- (b) All meetings and hearings of the Board of Zoning and Planning shall be open to the public except for executive sessions, which shall be held for such purposes and in such manner as authorized by the City Charter or by ordinance of City Council. Deliberations of quasi-judicial decisions are not required to be held in a public meeting.

- (c) The Board of Zoning and Planning may adopt its own rules of procedure, not in conflict with this Zoning Ordinance, as it deems proper and necessary. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Board

1220.05 QUORUM AND MAJORITY VOTE REQUIRED

- (a) Four (4) members shall constitute a quorum to conduct business, provided, however, that two (2) members, including the Chairperson, shall constitute a quorum for the purpose of adjourning a meeting.
- (b) Four (4) votes of the Board membership shall be required for rendering a final decision on any matter or proposal, including, for the Board, the forwarding to the City Council of a recommendation.

1220.06 RULES AND REGULATIONS

The Board of Zoning and Planning may adopt its own rules of procedure, not in conflict with this Zoning Ordinance, as it deems proper and necessary. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Board.

1220.07 GENERAL REVIEW PROCEDURES

- (a) Approval shall be obtained from the Board of Zoning and Planning prior to any new construction, exterior remodeling, reconstruction or other change which comes within the scope of this chapter.
- (b) No building, structure or space shall be constructed, reconstructed, altered, moved, extended, razed, enlarged or changed in external appearance unless and until the plans and specifications for such building or structure and the landscaping plan for the premises on which it is or will be located have been approved by the Board, except when a certificate of appropriateness or demolition permit has been granted by the Architectural Review Board or its delegate. The Board, in reviewing such plans and specifications, shall examine the arrangement of buildings and structures on the premises, the use of signage, the means of integrating parking, the use of landscape materials and the impact of the proposed project on the surrounding properties to determine the effect the project will have upon the appearance and environment of the City. The Board shall endeavor to assure that the exterior appearance and site design of such buildings, structures and spaces will enhance the attractiveness and desirability of the applicable zoning district, and encourage orderly and harmonious development in keeping with the character of the zoning district.
- (c) Except in the Main Street District, the Board, in the performance of its duties, shall not attempt to prescribe the style of architecture so long as the architectural style and design under consideration meet the standards set forth above and may be based upon a recommendation of the Architectural Review Board as requested by the Board of Zoning and Planning. Within the Main Street District, the Board shall base its approval on review of the MS District standards and the main Street Design Guidelines.
- (d) For applications within the Main Street District, the Mixed Use Commercial District, and the Commercial Service District that impact the streetscape and street trees within the public right-of-way, the Bexley Tree and Public Gardens Commission (TPGC) shall review such plans and make a recommendation to the Board. For those parts of an application involving landscape features on the subject property but outside the public right-of-way, the Board may elect to have such plans reviewed by the TPGC for their recommendation.
- (e) The responsibility of review and approval, approval with modifications and/or conditions or denial of the application filed under this chapter shall rest with the Board of Zoning and Planning. All applications requiring review by the BZAP, rather than the staff, shall be filed with the BZAP or its designee at least four (4) weeks before a regularly scheduled BZAP meeting; provided, however, that the

BZAP may, for good cause, waive the 4 week advanced filing requirement, provided that public notice is in accordance with the adopted BZAP Rules and Regulations, and provided that the Building Department, in its sole discretion, has adequate time to review and process the application. The Board's decision to hear an application that has been submitted after the 4 week deadline shall constitute a waiver of the filing deadline.

- (f) The Board shall review and approve, approve with modifications or conditions or disapprove each such application. The Board shall issue a written record of action on each application which shall be provided to the applicant. An application may be tabled at the request of the applicant or the BZAP. The City shall maintain, as an official record, the Board's written record of action of the decision on an application and the minutes of the meeting at which the application was considered.

1220.08

MAIN STREET DISTRICT AND CAMPUS PLANNING DISTRICT REVIEW The Main Street District is an overlay district that was established, to regulate certain requirements in the underlying zoning districts (sub-districts) that are within and subject to 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. The Main Street District includes zoning standards in section 1254.13. Deviation from these minimum zoning standards will require granting of a variance by the BZAP pursuant to Section 1226.11.

The Campus Planning District was established to regulate certain uses and area requirements in the Campus Planning District, which includes Zone 1, primarily consisting of the Capital University campus, and Zone 2, which is a sub-district of and subject to the Main Street District.

- (a) 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 (if relevant), have been approved by the Board of Zoning and Planning. The BZAP, in reviewing the plans and specifications for the building, structure or space for which approval is necessary, shall examine the site plan, and all other factors relevant to the request in application, which may include the location of uses within and the arrangement and massing of the buildings and structures on the premises, building height, building elevation, 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 BZAP will also consider the architectural style and building composition (including design elements such as entrances, storefronts, upper stories and mechanical screening), and exterior building materials and color, based upon a recommendation of the Architectural Review Board as requested by the BZAP.

The Board, in deciding whether to approve an application under this section, 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 (b) hereof, or with the purpose and intent of the Campus Planning District, the applicable zone and the campus plans contemplated by subsection (c) hereof, and that such plans would not have a substantial detrimental impact on neighboring properties. The design and site plan review contemplated by this section 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 Chapter 1254 and Section 1226.13, variances for non-permitted uses and non-use (area) variances are governed by Section 1226.12, and nonconforming uses are governed by Sections 1226.01 to 1226.05, inclusive. Projects involving only interior changes to existing buildings and structures are subject to standard City plan review and building permit procedures.

- (b) Main Street District Regulations, Standards and Design Guidelines. In addition to the regulations and standards of the Main Street District provided for in Chapter 1254, the Board may from time to time adopt and publish design guidelines for the Main Street District, including Zone 2 of the Campus Planning District. Design guidelines may cover matters such as site planning, landscaping and screening, building design and materials, signage, parking, lighting and use of the public right-of-way, not otherwise regulated by Chapter 1254. Such guidelines shall be subject to review and approval by Council. Within the Main Street District, the Board shall base its approval on review of the MS District standards and the Main Street Design Guidelines. The design guidelines shall guide the Board in its review and determination of applications in the Main Street District, however the Board may approve an application that it determines, based upon the context and circumstances, meets the standards and the overall intent of the Main Street Design Guidelines.
- (c) Campus Planning District Plans. In addition to the regulations and uses of the Campus Planning District provided for in Chapter 1254, the Board may from time to time adopt and publish plans for the Campus Planning District, covering matters such as campus development, site planning, landscaping and screening, building design and materials, signage, parking, lighting, use of the public right-of-way and impact upon the neighboring properties; provided, however, that such plans shall be subject to review and approval by Council. The plans shall guide the Board in its review and determination of applications in the Campus Planning District, however the Board may approve an application that it determines, based upon the context and circumstances, meets the overall intent of the Campus Planning District Plans and Campus District Uses and Regulations.
- (d) Delegation of Authority. The Board may delegate to a qualified employee or agent the authority to review and approve, without further review and approval by the Board, plans with respect to changes to existing buildings, structures or spaces, involving compliance with provisions of Chapter 1254 and the design guidelines expressly designated by the Board 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 BZAP.
- (e) 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 Board in its approval of an application.
- (f) 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 Board in its approval of an application, then in addition to the penalty provided in Section 1220.99, 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.

1220.09 FEES AND COSTS; INDEPENDENT CONSULTANTS.

The fees to be paid when applications or appeals are filed for hearings before the Board of Zoning and Planning shall be as established by Ordinance of Council and as set forth in Section 244.02 of the Administrative Code. The cost of any independent consultants or independent laboratory analysis, testing or review that City Council, the Board of Zoning and Planning or Staff deem necessary to assist them in their review shall be also paid by the applicant.

1220.10 VIOLATIONS; EQUITABLE REMEDY

- (a) No person shall violate or fail 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.
- (b) In the event that there is a violation of any of the provisions of this chapter or any condition imposed by the Board in its approval of an application by any person, then in addition to the penalty provided in Section 1220.99, 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.

1220.99 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.

CHAPTER 1223. ARCHITECTURAL REVIEW

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1223.01 ESTABLISHMENT; PURPOSE

The City is fully developed with little vacant land and covers a compact geographic area. High quality architecture and overall aesthetic and physical attributes in the residential, commercial, and mixed-use districts of Bexley have played a large part in maintaining residential property values and the overall quality of life in the City. 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 commercial and housing stock, the Architectural Review Board (ARB) is hereby established to maintain the quality of residential neighborhoods and commercial corridors 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 and commercial corridors 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 City.

1223.02 APPLICATION OF REVIEW

All properties in the City of Bexley are subject to Architectural Review. The Architectural Review Board shall review the architectural style and building composition (including design elements such as entrances, storefronts, upper stories and mechanical screening), and exterior building materials and color, for any application review in zoning districts outlined in 1223.03 (a), and will provide a recommendation to the Board of Zoning and Planning (BZAP) in zoning districts outlined in 1223.03 (b).

1223.03 POWERS AND DUTIES

The Architectural Review Board has the following responsibilities:

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

1223.04 CHANGES TO EXISTING STRUCTURES NOT INVOLVING DEMOLITION

No new building or structure, including detached garages and other accessory structures but excluding walls, fences and signs, shall be constructed, and no existing building or structure 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.

- (a) The Board, in deciding whether to issue a certificate of appropriateness, shall determine that the proposed structure or modification would be compatible with existing structures within the portion of the District in which the subject property is located.
- (b) 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.
- (c) In conducting its review, the Board shall examine and consider, but not necessarily be limited to, the following elements:
 - i. Architectural design, new or existing
 - ii. Exterior materials, texture and color
 - iii. Exterior details
 - iv. Height and building mass
 - v. Preservation of existing trees and significant landscape features
- (d) 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.

1223.05

DEMOLITION OR REMOVAL OF EXISTING STRUCTURES.

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

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

- (4) The significance of the design or style of the structure to the historical, architectural or cultural development of the City, central Ohio, the State or nation; or
- (5) The impact on the City's real property tax base of restoration versus replacement and/or removal.
- (e) Criteria to determine substantial economic hardship. The following criteria shall be used by the Board in determining whether denial of a certificate of appropriateness would cause a substantial economic hardship:
 - (1) Denial of a certificate will result in a substantial reduction in the economic value of the property.
 - (2) Denial of a certificate will result in a substantial economic burden because the structure cannot be maintained in its current form at a reasonable cost.
 - (3) Denial of a certificate will result in a substantial economic burden because the cost of preserving or restoring the structure will impose an unreasonable financial burden.
- (f) Criteria to determine unusual and compelling circumstances: The following criteria shall be used by the Board in determining whether the certificate is justified by the existence of unusual or compelling circumstances:
 - (1) The preservation or restoration of the structure is not structurally feasible.
 - (2) The proposed replacement plan is superior to retention of the existing structure.
 - (3) The proposed replacement plan is more compatible 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.

1223.06 MEMBERSHIP, TERM AND ORGANIZATION

- (a) The Architectural Review Board shall consist of five (5) regular members and up to three (3) alternate members consisting of electors of the city not holding other municipal office.
- (b) The members are to be appointed by the Mayor and approved by the majority of Council for terms of three (3) years each. Any vacancy during the term of a member shall be filled by an alternate member appointed by the mayor. Alternate members shall serve only during the absence of a regular Board member.
- (c) The Board shall designate a Secretary. The duties of the Secretary shall be as designated in the Rules and Regulations as adopted by the Board from time to time.

1223.07 MEETINGS, HEARINGS AND PROCEDURES

- (a) Regular meetings of the Architectural Review Board may be held at the call of the Chairperson, or when the Zoning Officer indicates that there is an agenda item to be heard, or as provided by rule of the Architectural Review Board. Special meetings shall be called at the request of the Chairperson or of any three (3) members of the Architectural Review Board or at the request of the City Council.
- (b) The Architectural Review Board may adopt its own rules of procedure, not in conflict with this Zoning Ordinance, as it deems proper and necessary. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Board.

1223.08 QUORUM AND MAJORITY VOTE REQUIRED

- (a) Three (3) members shall constitute a quorum to conduct business, provided, however, that two (2) members, including the Chairperson, shall constitute a quorum for the purpose of adjourning a meeting.
- (b) Three (3) votes of the Board membership shall be required for rendering a final decision on any matter or proposal, including, for the Board, the forwarding to the Board of Zoning and Planning of a recommendation.

1223.09 CERTIFICATE OF APPROPRIATENESS

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

1223.10 FEES AND COSTS; INDEPENDENT CONSULTANTS.

The fees to be paid when applications or appeals are filed for hearings before the Board of Zoning and Planning shall be as established by Ordinance of Council and as set forth in Section 244.02 of the Administrative Code. The cost of any independent consultants or independent laboratory analysis, testing or review that City Council, the Board of Zoning and Planning or Staff deem necessary to assist them in their review shall be also paid by the applicant.

1223.11 VIOLATIONS; EQUITABLE REMEDY

- (a) No person shall construct, reconstruct, alter, move, extend, raze, enlarge or change the external appearance of any building or structure 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 is changed, or any construction occurs, 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.

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.

CHAPTER 1226. ADMINISTRATIVE REVIEW PROCEDURES

- 1226.01 Nonconformities in general
 - 1226.02 Nonconforming lots
 - 1226.03 Conforming structure and uses on nonconforming lots
 - 1226.04 Alteration, reconstruction or extension of nonconforming structures
 - 1226.05 Continuation, expansion or change of nonconforming uses
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 - 1226.07 Application for zoning certificate; plans; contents of certificates
 - 1226.08 Zoning certificate time limit
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 - 1226.10 Construction and use to be as provided in zoning certificate
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 - 1226.13 Special permits
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 - 1226.15 Procedure for amendments and changes
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 - 1226.17 Establishment of schedule of fees, Charges and expenses; Collection procedure
 - 1226.18 Appeals to Board of Zoning and Planning
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 - 1226.99 Penalty; Equitable remedies
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1226.01 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.

1226.02 NONCONFORMING LOTS

- (a) Non-conforming Lots: Any lot or parcel that does not meet the requirements of the regulations for the zoning district in which it is located or this Zoning Code shall be considered a nonconforming lot.
- (b) If two (2) or more contiguous lots or parcels or combinations of contiguous lots or parcels in single ownership located in the same zoning classification are of record at the time of passage or amendment of this ordinance or anytime thereafter and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance in the zoning district in which the lot(s) or parcels are located, the lands shall be considered to be an undivided parcel for the purposes of this ordinance.
- (c) Lots in Combination. If a vacant nonconforming lot or parcel in any district adjoins one or more lots or parcels in common ownership on the effective date of this Zoning Code or applicable amendment thereto, or any time thereafter, such lots shall be replatted and such parcels shall be combined to create conforming or more conforming lots and/or parcels as a prerequisite for development.

1226.03 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.

1226.04 ALTERATION, RECONSTRUCTUON 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.

1226.05 CONTINUATION, EXPANSION, CHANGE OF NONCONFORMING USES

The lawful use of any dwelling, building, or structure, and of any land or premises, as existing at the time of enactment of this Zoning Code may be continued as a nonconforming use except as otherwise provided herein. 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 and Planning, a nonconforming use may be changed to a conditional use that is provided for in the zoning classification where the non-conforming use is located 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 and Planning, a nonconforming use may be expanded within an existing structure manifestly arranged or developed for such use and only if the Board finds that the proposed use is not more injurious to neighboring properties than the existing use.
- (d) No nonconforming use may be re-established where such nonconforming use has been discontinued for a period of six months without the approval of the Board of Zoning and Planning. 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.

1226.06 ZONING CERTIFICATE 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 therefore 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 and Planning or Council, as allowed by this Zoning Code.

1226.07 APPLICATION FOR ZONING CERTIFICATE; PLANS; CONTENTS OF CERTIFICATES

Every application for a zoning certificate shall be accompanied by plans and information needed to satisfy the Zoning Officer and the Board of Zoning and Planning that the provisions of this Zoning Code will be met.

The procedure for application submittal and review shall be prescribed by the Board of Zoning and Planning in the Rules and Regulations adopted by the Board. The submittal and review procedure for Planned Unit Development Districts is as set forth in Chapter 1256. Copies of all applications, plans and zoning certificates shall be maintained by the Zoning Officer.

1226.08 ZONING CERTIFICATE TIME LIMIT

Zoning certificates shall only be issued for, and shall only be valid for a period of one year, except for planned unit developments as set forth in Chapter 1256. Zoning certificates may be renewed by the Zoning Officer.

1226.09 BUILDING PERMITS

A building permit shall not be issued prior to the granting of an approved and valid zoning certificate by the Zoning Officer. A building permit shall be valid only during the period that a zoning certificate is valid unless construction has commenced prior to the expiration of the zoning certificate.

1226.10 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.

1226.11

VARIANCES

- (a) Requests for variances from this Zoning Code shall be heard and decided by Council or the Board of Zoning and Planning as permitted under the provisions of this chapter.
- (b) Nature of variance. On a particular property extraordinary circumstances may exist, making a strict enforcement of the applicable requirements of this Code unreasonable, and therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the BZAP or City Council shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.
- (c) Area (Non Use) Variances. The BZAP shall have the power to grant area (non-use) variances from the provisions of this zoning code except for a variance from the minimum lot requirements of any district, which may only be determined by city council applying the standards for an area variance. BZAP and city council shall only approve a request for an area (non-use) variance in cases where the evidence demonstrates that the literal enforcement of this Code will result in practical difficulty and the granting of a variance complies with the purpose and intent of this Code. The following factors shall be considered and weighed by the Board when making a determination upon any area (non-use) variances by a preponderance of the evidence:
 - (1) whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (2) whether the variance is substantial;
 - (3) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 - (4) whether the variance would adversely affect the delivery of governmental services (*e.g.*, water, sewer, garbage);
 - (5) whether the property owner purchased the property with knowledge of the zoning restriction;
 - (6) whether the property owner's predicament feasibly can be obviated through some method other than a variance;
 - (7) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
- (d) Use variances. Only city council shall have the power to grant use variances from the provisions of this zoning code. Final approval of a use variance shall only be granted by the city council in cases where there is evidence that there are unnecessary hardships if strict compliance with the terms of the Code is required which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Such hardship must be demonstrated by clear and convincing evidence that there are exceptional or extraordinary circumstances or conditions. The following factors shall be considered and weighed by Council when making a determination upon any use variance:
 - (1) The property cannot be put to an economically viable use under any of the permitted uses in the Zoning District;
 - (2) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;

CHAPTER 1226. ADMINISTRATIVE REVIEW PROCEDURES

- (3) The hardship condition is not created by any action or inaction of the applicant;
 - (4) That the proposed use will not alter the essential character of or be detrimental to adjacent property and the surrounding neighborhood;
 - (5) The granting of the variance will not adversely affect the public health, safety or general welfare;
 - (6) The variance will be consistent with the general spirit and intent of the Code; and
 - (7) The variance sought is the minimum which will afford relief to the applicant.
- (e) Expiration of Variance.
- (1) If construction has not begun or the variance established within one year of the final approval of an area (non-use) variance granted by the Board of Zoning and Planning, the variance shall expire. The Zoning Officer shall have the discretion and authority to extend the variance approval for an additional one year period if an application for extension is received before the authorization expires. If no construction has begun at the end of this extension, the variance shall become null and void, and a new variance shall be required for any development requiring a variance on that property.
 - (2) If within one year of the final approval of any variance granted by City Council, the approved use is not established, construction has not been commenced, or the variance established, the variance shall expire. City Council may extend the variance approval for an additional one year period if an application for extension is received by the Clerk of Council before the authorization expires. If the use has not been established or construction has not begun at the end of this extension, the variance shall become null and void, and a new variance shall be required for any use or development requiring a variance on that property.

1226.12

CONDITIONAL USES

The Board of Zoning and Planning shall have the power to approve applications for conditional uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has no obligation to approve a conditional use. This Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves the following factors are met:

- (a) The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.
- (b) The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
- (c) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- (d) The use meets or satisfies 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.

- (e) The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.
- (f) The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
- (g) The use is in character and keeping and compatible with the adjacent structures and uses.
- (h) Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

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

1226.13 SPECIAL PERMITS

The Board of Zoning and Planning 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.

1226.14 AMENDMENTS

Council may, by ordinance, subject to the provisions of Section 1226.20, 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 Board of Zoning and Planning 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 Board of Zoning and Planning 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 Board of Zoning and Planning.

1226.15 PROCEDURE FOR AMENDMENTS 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 Board of Zoning and Planning upon such forms and accompanied by such data and information as may be prescribed for that purpose by the BZAP. 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.

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- (b) Council shall hold a public hearing on all proposed amendments to Chapter 1252 and/or 1254 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 in sources that are accessible to the general public within the City. 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, for at least thirty days prior to the hearing, and any required written recommendation submitted by the Board of Zoning and Planning shall be on file, for public examination, or 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 BZAP is required to submit a written recommendation to Council on the proposed amendment to Chapter 1252 and/or 1254 of this Zoning Code or the proposed change to the Official Zoning Map, and BZAP recommends 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.

1226.16 PROCEDURE FOR APPROVAL OF A PLANNED UNIT DISTRICT

Provisions relating to the Procedure for Approval of a Planned Unit District are codified in Chapter 1256.

1226.17 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 as set forth in Section 244.01 of the Administrative Code. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

1226.18 APPEALS TO BOARD OF ZONING AND PLANNING

The Board of Zoning and Planning shall have the power to hear and decide appeals from a decision of the Zoning Officer or the Architectural Review Board which have been duly filed with the Zoning Officer within ten days of the date of the written decision of the Architectural Review Board or the Zoning Officer or other administrative official in their interpretation of the provisions of this Zoning Code. The Board may reverse, affirm or modify the order, requirement, decision or determination appealed. The decision of BZAP shall be subject to appeal to City Council as provided in section 1226.19

1226.19 APPEALS TO COUNCIL

Every final order, adjudication, or decision of Bexley Board of Zoning and Planning (hereinafter "Board") may be appealed by the applicant or any Bexley property owner that is directly and adversely affected by such decision to Bexley City Council for review and determination as follows:

- (a) A written notice of appeal utilizing the form prescribed by the Mayor of the City of Bexley (the "Notice of Appeal") shall be filed with the Clerk of City Council within thirty (30) calendar days after the written decision of the Board is journalized and the minutes of the meeting are approved. A Notice of Appeal shall set forth the decision of the Board appealed from and the errors complained of by the appellant. Any claimed errors that are not identified in the Notice of Appeal shall be waived. If the appellant is the applicant, the Clerk of City Council shall serve the Notice of Appeal on the property owners that were entitled to notice of the Board hearing by regular mail upon receipt of the Notice of Appeal. If the appellant is not the applicant, the Clerk of City Council shall serve the applicant by certified mail upon receipt of the Notice of Appeal, and shall serve the property owners that were entitled to notice of the Board hearing by regular mail upon receipt of the Notice of Appeal.
- (b) The fee for filing a Notice of Appeal shall be Two Hundred Fifty Dollars (\$250.00) which shall be paid at the time of the filing of the Notice of Appeal.
- (c) Upon receipt of the filing of a Notice of Appeal, the Clerk of City Council shall notify the Clerk of the Board from which an appeal has been taken who shall file with the Clerk of Council the record of the proceedings, and all relevant background or other information that was before or taken into consideration by the Board in making the order, adjudication, or decision being appealed within fourteen (14) calendar days of receiving the Notice of Appeal from the Clerk of Council.
- (d) Bexley City Council shall examine the record of decision and hear oral argument by the parties within thirty (30) calendar days of receiving the Notice of Appeal, unless the following apply:
 - (1) If Bexley City Council is in summer recess at the time of receiving Notice of Appeal, Council shall hear argument within sixty (60) calendar days of receiving the Notice of Appeal.
 - (2) If there is an agreement between the appellant, the appellee, and the City Attorney, an extension may be granted.
 - (3) Other good cause as determined by Bexley City Council.
- (e) The Clerk of Council shall give written notice of the oral argument at least fifteen (15) calendar days in advance of the date of the argument to the appellant and appellee by certified mail or personal service and all persons required to be notified of the hearing on the application before the Board appealed from by regular mail. At least fifteen (15) calendar days before the date of the oral argument the Clerk of Council shall post notice on the City's website. The notice shall state the time and place of the argument and a summary of the appeal.

CHAPTER 1226. ADMINISTRATIVE REVIEW PROCEDURES

- (f) The appellant or appellee is permitted, but not required, to file a brief on the merits of the appeal. No reply brief or *memorandum contra* brief shall be permitted. All briefs must be served and filed no later than seven (7) calendar days before the oral argument except by leave of Council. Such brief may not exceed fifteen (15) pages in length, double-spaced, at no less than a 12-point font. The Clerk of Council shall provide the other parties copies of any filed briefs.
- (g) At the argument, the appellant and appellee shall present the appeal based upon the following procedures:
 - (1) No new evidence or testimony may be presented.
 - (2) Argument shall be presented by appellant and appellee in the form of oral argument only and shall be limited to twenty (20) minutes each side. Oral argument shall be based upon the assignments of error submitted with the Notice of Appeal. If more than one (1) appeal is filed, the appeals may be consolidated and each side shall be allowed a total of twenty (20) minutes for argument or such other time as may be determined by Bexley City Council.
- (h) If upon oral argument, consideration of the record and decision of the Board, and briefs filed pursuant to section (f), Council finds that Appellant has failed to prove, by clear and convincing evidence, the decision of the Board appealed from is not supported by the record or is unreasonable or unlawful, it shall affirm the same.
- (i) Council shall give deference to the findings and conclusions of the Board being appealed from and shall not substitute its judgment for the judgment of the Board.
- (j) Consistent with its findings, Council may affirm, reverse, vacate, or modify the order, adjudication, or decision of the Board. The concurrence of two-thirds of the members of Council at the argument on appeal is required for Council to reverse, vacate or modify any decision of the Board. Absent such a two-thirds majority of the members of Bexley City Council at the argument on appeal, the decision of the Board is affirmed.
- (k) The decision of Council shall be subject to appeal as provided in the Ohio Revised Code.
- (l) Bexley City Council shall issue written Findings of Fact and Conclusions of Law within thirty (30) calendar days after the hearing and serve them on all parties.
- (m) In any appeal to Council, Bexley City Council may consider and determine any motions filed, make procedural determinations, and for good cause continue or amend any of the periods or deadlines provided in this section except for the time for filing the Notice of Appeal, which cannot be enlarged or altered.
- (n) This section supersedes any references to appeals to Council in the Bexley City Ordinances that are inconsistent herewith.

1226.99

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.

CHAPTER 1228. UTILITY INSTALLATIONS

- 1228.01 Permit required; Application; Authority of Council, City Engineer
and Board of Zoning and Planning
1228.02 Application of Chapter; Regulations
1228.99 Penalty
-

- 1228.01 PERMIT REQUIRED; APPLICATION; AUTHORITY OF COUNCIL, CITY ENGINEER, AND BOARD OF ZONING AND PLANNING**
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 Board of Zoning and Planning 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.
- 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.
- 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. DEFINITIONS**1230.01 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.

1230.02 ACCESSORY USE OR STRUCTURE

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

1230.03 ALLEY/LANE

"Alley/Lane" means a public way not more than 22 feet wide affording only secondary means of access to abutting property.

1230.04 AUTOMOTIVE REPAIR

"Automotive Repair" means the general repair, engine rebuilding or reconditioning of motor vehicles collision service such as body, frame and fender straightening and repair and painting of motor vehicles. Services offered may include the changing of motor oil, installation of tires, batteries and minor accessories, minor automobile repairs, and greasing of individual automobiles.

1230.05 AUTOMOTIVE SERVICE STATIONS

"Automobile Service Stations" means any building, structure, or land used primarily for the dispersal, sale, or offering for sale of automotive fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including repair work, such as motor replacement, rebuilding, body and fender repair, or painting.

1230.06 AVERAGE GRADE

"Average Grade" is the mean elevation of the land measured at the setback line from the side lot lines.

1230.07 AVERAGE SETBACK

"Average setback" means the average distance back for a structure from the front lot line of the adjacent three structures on each side, on any street where principal structures have been erected on at least twenty-five percent of the lots situated between two adjacent streets.

1230.08 BATHROOM (FULL)

"Bathroom" means a room equipped with a toilet, sink and shower or bathtub.

- 1230.09 BATHROOM (HALF)**
 A “Half Bathroom” is a bathroom that contains a toilet and sink but does not contain a bath tub or shower.
- 1230.10 BED AND BREAKFAST**
 “Bed and Breakfast means the renting of rooms in an owner-occupied dwelling for lodging and serving of breakfast to transient roomers, provided that the renting of such rooms for such purpose is incidental and subordinate to the principal use of the dwelling.
- 1230.11 BEDROOM**
 “Bedroom” means any habitable space in a Dwelling Unit that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation.
- 1230.12 BOARDING HOUSE**
 “Boarding House” means a building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.
- 1230.13 BUILDING**
 “Building” means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property, including detached garages.
- 1230.14 BUILDING FOOTPRINT**
 “Building footprint” is the area covered by any principal or accessory building, as well as any raised structure including decks, measured from the exterior faces of exterior walls, but excluding swing sets, swimming pools, and arbors open to the sky.
- 1230.15 BUILDING HEIGHT**
 “Building height” means the vertical distance measured from the average grade 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. When building height is referred to in this code by stories, only stories above grade plane should be considered.
- 1230.16 BUILDING LENGTH**
 “Building length” means the length of the building wall most nearly parallel with the front, rear or side yard in question.
- 1230.17 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.
- 1230.18 CAR WASH**
 “Car Wash” A building, or portion thereof, containing facilities for washing one or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial cleaning of such automobiles, whether by operator or by customer.

- 1230.19 COMMERCIAL PARKING LOT**
 "Commercial Parking Lot" means a vehicle parking facility that is operated as a business enterprise by charging a fee for parking
- 1230.20 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.
- 1230.21 COOKING FACILITY**
 "Cooking facility" means a room or portion thereof designated and/or customarily used as a place for the preparation and sanitation of food. A cooking facility contains a sink and a refrigerator and one or more of the following within close proximity: stove, oven, microwave, freezer, or any other customarily used appliance or fixture for the preparation and sanitation of food.
- 1230.22 DECK**
 "Deck" means an outdoor platform wholly or partially supported from the ground below, which may be surrounded by a railing, or balustrade. A deck can be freestanding or attached to a building.
- 1230.23 DETACHED**
 "Detached" means (1) a use, room, space, structure, building or assembly of buildings that is completely surrounded by open space; (2) a use, room, space, structure, building or assembly of accessory buildings that is not attached or connected to a principally permitted use or building.
- 1230.24 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.
- 1230.25 DWELLING**
 "Dwelling" means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, or trailer coach, boarding or rooming house, hotel or motel. A building consisting of one or more dwelling units, is defined 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.
- 1230.26 DWELLING UNIT**
 "Dwelling unit" means space within a building designed for occupancy by one family for living purposes and having all of the following permanent components: cooking, bathing, and toilet facilities; provided that unless all members of a family are related by blood or marriage, or are domestic servants employed on the premises, no such family shall contain over five persons.

- 1230.27 EASEMENT**
 "Easement" means a grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainage ways and roadways.
- 1230.28 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, conduits, fire alarm boxes, police call boxes, 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.
- 1230.29 FENCE**
 "Fence" means a vertical screen device used to provide privacy, visual or otherwise, or for containment. "Fence" includes but is not limited to railings, walls, and decorative elements such as lattice, trellises, and covered gates. A "fence" is usually but not necessarily free-standing or self-supporting.
- 1230.30 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.
- 1230.31 FINISHED GRADE LEVEL**
 "Finished Grade Level" means the final elevation of the ground surface after man-made alterations, such as grading, grubbing, filling, or excavating, have been made on the ground surface.
- 1230.32 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, the Army Corps of Engineers, and the Federal Emergency Management Agency.
- 1230.33 FLOODWAY**
 "Floodway" the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').
- 1230.34 FLOOR AREA, NET**
 "Floor area, Net" means the actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.
- 1230.35 FLOOR AREA, GROSS**
 "Floor Area, Gross" is the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

- 1230.36 FRONTAGE**
 “Frontage” is the entire length of the subject property which abuts and is parallel to a public right-of-way as measured along the right-of-way line. Where a lot abuts more than one street, the frontage shall be determined according to section 1230.40 Lot, Corner.
- 1230.37 GRADE PLANE**
 “Grade Plane” is a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line Or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.
- 1230.38 HOME OCCUPATION**
 “Home Occupation” means any occupation that is customarily incident to the principal use of the premises and is conducted by a resident occupant, subject to the criteria established in 1266.10.
- 1230.39 HOME OFFICE**
 “Home Office” means an office, studio, workshop or area located in a residence or occupying a structure or accessory structure from which a resident occupant conducts professional or business activity incidental to the residential use of the premises.
- 1230.40 HOTEL OR MOTEL**
 “Hotel or Motel” means an establishment which is open to transient guests for remuneration and for periods of time not exceeding (30) days, as opposed to a boarding, rooming or lodging house, and which is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, desk service, and use and upkeep of furniture.
- 1230.41 IMPERVIOUS COVER**
 “Impervious Cover” means that portion of a lot or parcel of land which is covered by any material with a runoff coefficient greater than that assigned to the land in its natural state in Exhibit 5-2 of the Mid-Ohio Regional Planning Commission’s Stormwater Design Manual, dated June, 1977. (Larger coefficients produce increased rates of runoff within a given time period. This increased volume increases the possibility that the design capacity of a given storm sewer will be overextended).
- 1230.42 IN-LAW SUITE**
 An independent dwelling unit in conjunction with and clearly subordinate to a primary dwelling unit, for the habitation of family members as described in 1252.17
- 1230.43 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.
- 1230.44 KITCHEN**
 “Kitchen” means a definable area or room for food preparation, typically consisting of a permanent cooking appliance for use in food preparation, a refrigerator, cabinets, and a sink, usually in close proximity to one another.

- 1230.45 LOT**
 "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including any permitted building together with required yards and parking spaces, having its principal frontage upon a dedicated and improved public street or an approved private street. A lot may include a single lot of record, a portion of a lot of record or a combination of these, provided that in no case shall any residual lot or parcel be created which does not meet the requirements of this Zoning Code.
- 1230.46 LOT, CORNER**
 "Lot, corner" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the *corner*. 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 Planning and Zoning in unusual circumstances, if required to accomplish the intent of the Zoning Code.
- 1230.47 LOT COVERAGE, BUILDING AREA**
 "Lot coverage, building area" means the ratio of enclosed ground floor area of all buildings, as measured from the exterior building face, on a lot plus the ground area of all garages, bay-windows with floor space, chimneys, porches, decks with horizontal projections that are four feet or more, and covered breezeways connected to a main building, to the horizontally projected area of the lot, expressed as a percentage.
- 1230.48 LOT COVERAGE, OVERALL**
 "Lot coverage, overall" means the ratio of "Lot coverage, building area" plus the ground area of all swimming pools, patios, driveways, required off-street parking and loading spaces to the horizontally projected area of the lot, expressed as a percentage.
- 1230.49 LOT DEPTH**
 "Lot depth" means the average horizontal distance between front and rear lot lines.
- 1230.50 LOT, FLAG**
 "Lot, Flag" means a lot fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.
- 1230.51 LOT, INTERIOR**
 "Lot, Interior" means a lot other than a corner lot.
- 1230.52 LOT LINE**
 "Lot Line" means the property lines bounding the lot.
- 1230.53 LOT LINE, FRONT**
 "Lot Line, Front" means the line separating the lot from a street on which it fronts (see Frontage).
- 1230.54 LOT LINE, INTERIOR**
 "Lot Line, Interior" means the line separating the lot from an adjacent lot, not separated by a public right-of-way.
- 1230.55 LOT LINE, REAR**
 "Lot Line, Rear" means the lot line opposite and most distant from the front lot line.
- 1230.56 LOT LINE, SIDE**
 "Lot Line, Side" means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

- 1230.57 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.
- 1230.58 LOT, THROUGH**
 "Lot, Through" means a lot having frontage on two parallel or approximately parallel streets.
- 1230.59 LOT WIDTH**
 "Lot width" means the average horizontal distance between side lot lines.
- 1230.60 MULTIFAMILY DWELLING**
 "Multifamily dwelling" means a building consisting of three or more dwelling units, including condominiums, with various arrangements of entrances and party walls, other than a townhouse.
- 1230.61 OUTDOOR FACILITY**
 "Outdoor facility" means outdoor display of sale items or outdoor provision of services, other than drive-in facilities.
- 1230.62 PORTABLE STORAGE UNIT**
 "Portable Storage Unit" means any box-like container transported by truck or trailer to a desired location for drop off with a storage capacity of more than 216 cubic feet that would normally be stored at an offsite location. A commonly accepted name for these storage containers is PODS, an acronym for portable on-demand storage.
- 1230.63 PRINCIPAL STRUCTURE**
 "Principal Structure" means a structure, or group of structures, in which is conducted the primary use of the lot on which the structure is located. As regulated in zoning districts, the principal structure contains the principally permitted use.
- 1230.64 PRINCIPAL USE**
 "Principal Use" means the primary use and chief purpose of the lot or structure. As regulated in zoning districts, the use of a lot which is permitted within the district. This is often referred to as the principally permitted use, or uses, within the district.
- 1230.65 PROFESSIONAL OFFICES**
 "Professional offices" means offices and related spaces for professional services as are provided by doctors, lawyers, architects, engineers and similar professions.
- 1230.66 PUBLIC-PRIVATE SETBACK ZONE**
 "Public-private setback zone" means an area between a principal building and a public street right-of-way line utilized for seating, outdoor dining, public art and/or other pedestrian amenities.
- 1230.67 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.

- 1230.68 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.
- 1230.69 QUASI-PUBLIC USE**
 "Quasi-public use" means places of worship, public, private and parochial schools (preschool through 12), and related facilities.
- 1230.70 RESTAURANT**
 "Restaurant" means a business establishment within which the primary use is prepared food offered for sale and consumption either within the structure on the premises or in a designated and permitted outdoor area or a business establishment within which the primary use is prepared food and beverages, offered for sale in disposable containers and packaged for carryout.
- 1230.71 RETAIL, CONVENIENCE**
 "Retail, Convenience" is a commercial enterprise having as its primary function the sale of goods and/or services directly to the consumer, where the goods for sale are available for immediate purchase and removal from the premises by the purchaser.
- 1230.72 RETAIL SALES AND RETAIL SERVICES**
 "Retail sales" and "retail services" shall not, unless expressly specified as a permitted use or conditional use in Chapter 1254, 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; 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. Retail sales and retail services do not include the purchase of goods.
- 1230.73 RIGHT-OF-WAY**
 "Right-of-Way" means a strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied by a street, trail, water line, sanitary sewer, and/or other public utilities or facilities.
- 1230.74 SCREENING**
 "Screening" means any acceptably designed wall, fence or planting arrangement of appropriate height and density maintained in good condition.
- 1230.75 SIGHT TRIANGLE, INTERSECTION**
 "Sight Triangle, Intersection" means on a corner lot, an area between the curb line or edge of pavement of the two (2) intersecting streets and a diagonal line connecting the curb or edge of pavement of intersecting streets at a point thirty (30) feet from the their point of intersection. In an intersection clearance zone, no fence, snow fence, wall, ornamental landscaping or feature, mound, or hedge shall exceed thirty-two (32) inches in height above the grade of the pavement of street gutter.
- 1230.76 SINGLE-FAMILY DWELLING**
 "Single-family dwelling" means a building consisting of a single dwelling unit only, separated from other dwelling units by open space.

- 1230.77 STORY, RESIDENTIAL**
 "Story" means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement is considered as one-half a story if one-half to two-thirds of its volume is above the average level of adjacent ground (before construction), and as one story if over two-thirds of its volume is above the level of adjacent ground or if it is used as a separate dwelling unit or establishment. An attic is considered as a story if it contains two-thirds or more as much volume as the story immediately below in the building or if it is used as a separate dwelling unit or establishment. Buildings containing split-levels of stories are considered by the maximum number of stories in any individual section of the building.
- 1230.78 STORY, COMMERCIAL**
 That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.
- 1230.79 STREET, PRIVATE**
 "Street, Private" means a paved area located on private property for the purpose of providing vehicular access to that property.
- 1230.80 STREET, PUBLIC**
 "Street, Public" means a public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.
- 1230.81 STRUCTURE**
 "Structure" means anything constructed or erected more than 6" above grade, 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, decks, and signs.
- 1230.82 SUBDIVISION**
 "Subdivision" means the division of any parcel of land shown as a unit or contiguous units as filed on a plat of record with the Franklin County Auditor.
- 1230.83 TAVERN**
 "Tavern" means an area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.
- 1230.84 TOWNHOUSE**
 "Townhouse" is a multiple-family building comprised of attached single-family dwelling units where the units are attached by common firewalls and each unit has at least one (1) separate outside entrance.
- 1230.85 TREE, CALIPER**
 "Tree, Caliper" is the thickness of trees measured in inches. A caliper measurement shall be measured twelve (12) inches above the soil line, or across the stump if the tree has been severed at less than twelve (12) inches above the soil line.
- 1230.86 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, separated from other dwelling units by open space.

- 1230.87 USE, ACCESSORY**
 "Use, Accessory" is an activity conducted within a building or structure, or on the open area of the lot, which is:
1. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Zoning Ordinance;
 2. Clearly incidental to, subordinate in purpose to, and serving the principal use; and
 3. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.
- 1230.88 USE, CONDITIONAL**
 "Use, Conditional" is a use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by Board of Zoning and Planning, and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.
- 1230.89 USE, EXISTING**
 "Use, Existing" is any use of a parcel of land or structure which exists on the effective date of this Zoning Ordinance.
- 1230.90 USE, NONCONFORMING**
 "Use, Nonconforming" is any use of any land, building, or structure, lawful at the time of the enactment of this Zoning Ordinance, which does not comply with all of the regulations of this Zoning Ordinance or of any amendment hereto governing use of the zoning district in which such use is located.
- 1230.91 USE, PERMITTED**
 "Use, Permitted" is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- 1230.92 USE, PRINCIPAL**
 "Use, Principal" is the main use of land or structures as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "conditional."
- 1230.93 USE, TEMPORARY**
 "Use, Temporary" is any use which is established only for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, and which does not involve the construction or alteration of any permanent structure.
- 1230.94 VARIANCE**
 "Variance" means a grant of relief from the standards of this Ordinance consistent with the variance conditions herein.
- 1230.95 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.

1230.96 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, except that for corner lots the rear yard shall terminate at the corner side yard.
- (c) "Side yard, corner" means a side yard which adjoins a public street, extending from the front face of the building to the rear lot line and from the side face of the building to the side lot line.
- (d) "Side yard, interior" 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.

1230.97 ZONING MAP

"Zoning Map" means the official City of Bexley map(s), as adopted and amended by City Council, which includes zoning, overlay, and historic district boundaries and classifications within the community.

TITLE THREE - SUBDIVISION APPROVAL

CHAPTER 1234. SUBDIVISION REGULATIONS

CHAPTER 1236. SUBDIVISIONS REVIEW AND APPROVAL

CHAPTER 1234. SUBDIVISION REGULATIONS

- 1234.01 Title
- 1234.02 Relation to Other Laws
- 1234.03 Rules and Regulations
- 1234.04 Definitions
- 1234.05 Types of Development
- 1234.06 Required Improvements
- 1234.07 Plan Filing and Review Fee
- 1234.08 Required Submissions
- 1234.09 Obligation of the Owner, Construction Guarantees, Violations of Provisions
- 1234.10 Creation of Nonconforming Lots Prohibited
- 1234.99 Penalty

- 1234.01 TITLE**
 These regulations shall be known as the "Subdivision Regulations of the City of Bexley, Ohio".
- 1234.02 RELATION TO OTHER LAWS**
 The provisions hereof shall supplement and implement the City Charter, the laws of the State, and the ordinances of this City.
- 1234.03 RULES AND REGULATIONS**
- (a) Promulgation. The regulations, rules, standards, procedure and criteria herein set forth are adopted and promulgated to govern and control the platting, planning and development of land and the dedication of new streets and public lands to be shown on and included in such plats.
 - (b) Establishment of Further Regulations. In addition to the provisions hereof, the Board of Zoning and Planning shall have the power and authority to establish such other and further regulations, rules and standards not inconsistent with the provisions of this chapter, the City Charter, other ordinances and regulations of the City and of the State of Ohio to the extent that such laws are not inconsistent with any of the foregoing, for the further regulations of platting, planning and street dedication as may, from time to time, be necessary.
 - (c) Approval. All subdivisions or re-subdivisions shall be approved by the Board of Zoning and Planning before the same shall be official and recordable.
- 1234.04 DEFINITIONS**
- (a) As used in these Subdivision Regulations:
 - (1) "Subdivision" means either of the following:
 - (A) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership.

- (B) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.
- (2) "Improvements" means street pavements, with or without curbs and/or gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees and other appropriate items.
- (3) "Lot" means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for building development.
- (4) "Plat" means a map of a tract or parcel of land.
- (5) "Street" means a public way for the purposes of vehicular travel including the entire area within the rights of way.

1234.05 TYPES OF DEVELOPMENT

For the purpose of establishing requirements and procedures for submission of materials to the City, developments are grouped into three types of development.

- (a) Land can be developed as:
 - (1) A Subdivision, as defined in Section 1234.04(a)(1),
 - (2) A Subdivision without a plat, as defined in Section 1236.10, or
 - (3) The development of, or alteration to, an existing lot. This requirement does not pertain to the construction of one family dwellings on platted lots.
- (b) When there is a doubt as to the type of development being considered, the final determination will be made by the Board of Zoning and Planning.

1234.06 REQUIRED IMPROVEMENTS

An owner who desires to develop any land shall provide and pay the entire cost of the following improvements needed to develop such land:

- (a) Streets and parking areas, graded and paved, including drainage structures, bridges, and when required sidewalks and curbing;
- (b) Sanitary Sewers, including manholes, services and all appurtenances;
- (c) Water distribution system including lines, services, valves, fire hydrants, and all appurtenances;
- (d) Storm sewers, including manholes, inlets and all the appurtenances;
- (e) Monuments and stakes;
- (f) Street signs designating the name of each street at each intersection within the development. Street signs shall conform to the standards established by the City;
- (g) Street lighting including poles, underground conduits and appurtenances at intersections and, when curbs and sidewalks are required, along the street;
- (h) Landscaping;
- (i) Traffic Control devices including regulatory, guide and warning signs, including posts and supports, lane line stripping, and directional arrows, to be located as directed by the City;
- (j) All other improvements shown on the plans and as approved by the City;
- (k) A sewer designed to carry combined sanitary wastewater and storm water is not permitted.

1234.07 PLAN FILING AND REVIEW FEE

A Plan Filing and Review Fee shall be collected in accordance with the Fee Schedule established by the Council and in force on the date the Plan Filing and Review Fee is due and payable. All monies so collected shall be deposited in accounts used to provide for engineering or construction services to the City.

1234.08 REQUIRED SUBMISSIONS

The following submissions are required for each type of development.

- (a) The Subdivision of Land with Plat shall require:
 - (1) A Sketch Plan;
 - (2) A Preliminary Plat, except as noted in subsection (d) hereof;
 - (3) A Final Plat for each development phase;
 - (4) A Landscape Plan;
 - (5) Construction Plans;
 - (6) A Grading Plan; and
 - (7) An Erosion and Sediment Control Plan.
- (b) The subdivision of land without plat in conjunction with the development of the land shall require the following, except for items the Zoning Officer determines are not required for the proposed development:
 - (1) A deed map showing the boundaries of the tract or parcel being subdivided with a legal description previously approved by the Franklin County Engineer;
 - (2) A Development Plan;
 - (3) A Landscape Plan;
 - (4) A Grading Plan;
 - (5) An Erosion and Sediment Control Plan; and
 - (6) A Site and/or Utility Plan.
- (c) The development or alteration to an existing lot or the subdivision of land without plat in conjunction with the development of the land shall require the following, except for items the Zoning Officer determines are not required for the proposed development:
 - (1) A Sketch Plan;
 - (2) A Development Plan;
 - (3) A Landscape Plan;
 - (4) A Grading Plan;
 - (5) An Erosion and Sediment Control Plan; and
 - (6) A Site and/or Utility Plan.
- (d) The Preliminary Plat shall be submitted for the entire subdivision or development. The remaining submissions shall only be for the phase being developed.
- (e) In some cases the above listed plans can be combined together to decrease the total sets of plans as determined and permitted by the zoning officer.

1234.09 OBLIGATIONS OF THE OWNER, CONSTRUCTION GUARANTEES, VIOLATIONS OF PROVISIONS

In consideration of the approval of the Construction Plans, or when there are no public improvements, the Site and/or Utility Plans, the Owner of the land being developed shall be subject to the following regulations:

- (a) No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work on such development, including grading, be started until the Owner has obtained the necessary approval of the plans, and, when required, the subdivision plat has been filed with the Franklin County Recorder.
- (b) No conveyance shall be made of any lot or parcel smaller in frontage or area than indicated on the plat without the approval of the Board of Zoning and Planning.

- (c) All construction work and materials used in connection with site and public improvements shall conform to the requirements of the City, shall be observed as required by the City representative when being installed, and shall be installed at no expense to the City.
- (d) The Building Department shall be notified in writing three days before any construction is to begin.
- (e) The owner and developer shall hold the City free and harmless from any and all claims which might originate by virtue of the development of the subject premises or the conduct of the owner, its contractors, agents or employees relative to said development including, but not limited to, any and all claims for damages of every nature whatsoever or for injunctive relief emanating from the construction and improvements or resulting from the construction and improvements of said developed area; and the Owner shall defend, at his own cost and expense, any suit or action brought against the City by reason thereof excluding, however, any such liability that might result from the sole negligence of the City. The Owner acknowledges that Owner or its agents or employees are knowledgeable developers who have utilized said knowledge and skill in developing the subject premises and though conforming to local regulations and ordinances of the City, Owner is relying solely on his own expertise or the expertise of his developer in developing the subject premises; and the Owner is not relying on any skill or expertise of the City, its agents or employees in preparing the developed area in accordance with sound engineering and development practices.
- (f) All improvements and utilities will be satisfactorily installed within one year from the date of approval of the Construction, Site, or Utility Plans, as required herein or within such time schedule as presented and approved by the Board of Zoning and Planning.
- (g) At, or prior to, the preconstruction meeting, prior to the beginning of construction of the public improvements, the developer or owner shall guarantee the construction of the public improvements by filing with the City evidence satisfactory to the zoning officer of one of the following:
 - (1) A performance bond equal to one hundred twenty percent (120%) of the estimated construction cost as approved by the City Engineer of the public improvements, with the provision that the bond proceeds shall be used to cover the cost of contractors, subcontractors, material men, laborers, and other costs to the City of Bexley to complete the project upon default by the owner. The performance bond shall not expire until such times as the public improvements are complete and receive conditional acceptance by the City and at such time as the maintenance guarantee is posted; or
 - (2) A certified check equal to one hundred percent (100%) of the estimated construction cost of the public improvement; or
 - (3) Subject to the approval of the Law Director, a certificate of deposit or an irrevocable letter of credit made out to the City, equal to one hundred percent (100%) of the estimated construction cost, as approved by the City Engineer, of the public improvements. The certificate of deposit or letter of credit shall not expire until such time as the public improvements are complete and receive conditional acceptance by the City and at such time as the maintenance guarantee is posted.
- (h) All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of any improvements.

- (i) During construction and prior to acceptance of any public improvement, the Owner shall remove or cause to be removed such dirt and debris and foreign matter from all public rights-of-way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature for the development, within twenty-four hours after being notified by the City that such removal is required. Such removal shall be done to the satisfaction of the City.
- (j) A development agreement shall be executed in such form and on such terms and conditions as specified by the City Engineer and Law Director.
- (k) No person or Owner shall violate any of the regulations established in these Development Regulations and upon violation the City shall have the right to:
 - (a) Stop all work on the Project forthwith upon the City having posted a notice to stop work at the development site.
 - (b) Continue any unfinished work or replace any unaccepted work to a point that any public improvements do not appear to create a health or safety hazard or create maintenance or repair expense to the City because of their state of completion by:
 - (A) Holding the bonding company responsible for all actual expenses incurred, including engineering, legal and construction expenses, plus interest at the rate provided by the Ohio Revised Code, from the date of default by the owner and/or his Contractor or representatives, to the date the City receives reimbursement for all expenses incurred, or
 - (B) Using the certified check, or proceeds thereof, or proceeds of the Certificate of Deposit or the letter of credit.

1234.10

CREATION OF NONCONFORMING LOTS PROHIBITED

In no case shall any parcel (whether divided or undivided, conforming or nonconforming) be divided such that a lot with a width or area below the minimum requirements provided in this Zoning Code is created.

1234.99

PENALTY

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues. The enforcement of the fines described herein shall be separate and distinct from the exercising of any other City right described in Section.

CHAPTER 1236. SUBDIVISION REVIEW AND APPROVAL

- 1236.01 Purpose
 - 1236.02 Parties Entitled to Seek Subdivisions of Land
 - 1236.03 Preapplication; Sketch Plan
 - 1236.04 Sketch Plan
 - 1236.05 Application for Preliminary Plat Approval
 - 1236.06 Standards for Reviewing Preliminary Subdivision Plats
 - 1236.07 Determination of Preliminary Subdivision Plats
 - 1236.08 Process for Final Plat Approval
 - 1236.09 Application for Final Plat Approval
 - 1236.10 Effect of Approval/Recording
 - 1236.11 Approval of Subdivision Without Plat
 - 1236.12 Review Expenses
 - 1236.13 Land Transfer Prior to Final Plat Approval
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1236.01 PURPOSE
The subdivision review procedure is intended to provide for the harmonious development of the City of Bexley, ensuring that the subdivision of land occurs in accordance with the provisions of this Zoning Ordinance and other City policies by requiring the preparation of subdivision plats or subdivisions of land without a plat which meet the development standards of the Bexley Zoning Code and the subdivision regulations provided in Chapter 1234 and herein.

1236.02 PARTIES ENTITLED TO SEEK SUBDIVISIONS OF LAND
An application to subdivide may be filed by any person, firm or corporation, or by any office, department, board, bureau, or commission which has a legal interest in the real property for which the subdivision is requested, including interests by way of ownership, a purchase agreement, or option. Subdivision is defined in Section 1234.04 and for the purposes of this chapter also includes:

- (1) Dividing of the land into lots for the purposes of sale.
- (2) Dedicating a part thereof for streets, alleys, or other public use.
- (3) Redividing of land previously subdivided.
- (4) Joining or consolidation of lots previously independent.
- (5) Changing of the boundaries of any lot or parcel thereof.
- (6) Any other action that constitutes the subdivision of land as defined in this Code.

1236.03 PREAPPLICATION; SKETCH PLAN
(a) Prior to the filing for tentative approval of the preliminary plat the subdivider shall submit to the Board of Zoning and Planning a sketch plan indicating the location and general approach to developing the site, including approaches to storm water management, utilities, service, access and traffic flow.

- (b) The purpose of this stage is to discuss early and informally the purpose and effect of these Subdivision Regulations and to familiarize the developer with the comprehensive plan and any other applicable plans and studies, the thoroughfare or transportation plan for the City, zoning and other City planning engineering projects, drainage, sewerage, water systems and similar standards, requirements and plans. The purpose is also to provide the City with sufficient information to evaluate a proposed subdivision at an early stage in the process so as to allow such alterations in plans as may be necessary prior to the applicant incurring large expenditures in the preparation of formal preliminary and final plats.
- (c) The Board of Zoning and Planning shall review the sketch plan with the subdivider and provide comments on the proposal. Any action taken on the sketch plan shall be not binding on the city or the subdivider or constitute approval of a preliminary or final plat.

1236.04 SKETCH PLAN

- (a) A sketch plan shall include:
 - (1) The names and addresses of owners and developers.
 - (2) Approximate boundary lines of the proposed development.
 - (3) A tentative layout of the proposed streets and lots and major proposed improvements.
 - (4) The general location of significant natural features, such as trees and drainage ways.
 - (5) The basic development information such as minimum lot size and dimension, type and size of building, anticipated occupancy at completion, and drainage patterns.
 - (6) A vicinity map showing the land use and zoning of the area within a radius of one-half mile.
 - (7) Date, north arrow and plan scale.
 - (8) Any other information as will be necessary to give the Board of Zoning and Planning a comprehensive understanding of the proposed concept.

1236.05 APPLICATION FOR PRELIMINARY PLAT APPROVAL

An application for a subdivision shall be submitted to the Zoning Officer or designee, on an official, prescribed form. Such application shall be accompanied by a preliminary plat, drawn to a scale of not less than one hundred feet to the inch (1":100').

- (a) Preliminary Subdivision plats shall include:
 - (1) The location of the subdivision as forming a part of some larger tract or parcel of land referred to in the indexes of the County Recorder.
 - (2) Sufficient information to adequately locate the plat, such as references to existing streets, railroads, and waterways.
 - (3) The description and location of all existing survey monuments.
 - (4) Proof of ownership of the property described in the plat.
 - (5) The boundary lines of the tract to be subdivided, accurate in scale and bearing, and the total approximate area circumscribed thereby.
 - (6) The location, widths, and other dimensions of all existing platted streets and other important features such as railroad lines, watercourses, existing easements, exceptional topography, etc. on and contiguous to the tract to be subdivided.
 - (7) The location, widths, and other dimensions of proposed streets, alleys, easements, lots, and building lines.
 - (8) North point, scale, and date of preparation.
 - (9) Layout, numbers, and dimensions of lots.
 - (10) Parcels of land intended to be reserved for public uses or to be reserved by covenant for residents inhabiting the subdivision.

- (11) Easements for any and all utilities. Proper continuity for the utilities from block to block shall be maintained.
 - (12) Name of the applicant, owner and professional individual including applicable professional license and certification that are responsible for the preparation of the preliminary plat.
 - (13) Contours at an interval of two (2) feet and high water levels on all courses.
 - (14) Zoning districts.
 - (15) Vicinity Map.
 - (16) Date of the survey or preliminary plat.
 - (17) Proposed street names which do not duplicate names of recorded City streets in Franklin County.
 - (18) A signature line for the Secretary of the Board of Zoning and Planning, labeled "Secretary, Board of Zoning and Planning, City of Bexley, Ohio".
- (b) Preliminary Plat Review. The Zoning Officer or designee shall coordinate a review of this Preliminary Plat to include review by all relevant Departments, and submit written findings to the Board of Zoning and Planning.

1236.06

STANDARDS FOR REVIEWING PRELIMINARY SUBDIVISION PLATS

Preliminary Subdivision Plats shall be reviewed and approved with respect to the following standards:

- (a) Block Standards. The lengths, widths, and depths of blocks shall comply with the following standards:
 - (1) Convenient access, circulation, control and safety of street traffic.
 - (2) Minimum lot areas and minimum lot widths established in the Bexley Zoning Code, Subdivision Regulations or engineering standards.
 - (3) Limitations and opportunities of existing topography and site features.
- (b) Lot Standards. The design, size, shape and orientation of each lot, which provides for a suitable building site, shall be appropriate to its location and expected use. The following standards shall apply:
 - (1) The lot lines of all lots, so far as practical, shall be at approximately right angles to the fronting street, or approximately radial to the center of the curvature, if the street is curved.
 - (2) No lot shall be divided by a zoning district boundary line.
 - (3) Corner lots for residential use shall have extra width to permit appropriate building setback from both fronting streets.
 - (4) Through lots, reverse corner lots and flag lots should be avoided.
 - (5) All lots that would require landscape buffers in addition to their setbacks should have extra width to accommodate that buffer.
 - (6) No remnants of property shall be left over after subdividing which do not meet lot requirements or which are not required for utility purposes.
 - (7) Lot lines between adjacent lots should be located at the top of any slope between them.
 - (8) All lots should conform to the requirements of this Zoning Ordinance.

1236.07

DETERMINATION OF PRELIMINARY SUBDIVISION PLATS

- (a) The Board of Zoning and Planning shall examine and act upon the Preliminary Plat within sixty days after it is first considered. The Board may approve, approve with modifications, or disapprove the Preliminary Plat based on its conformance with the ordinances of the City and with the goal of preserving and/or restoring and maintaining natural features and maintaining the existing character of the surrounding neighborhood as delineated by the Board. If the Preliminary Plat is disapproved by the Board, the Board shall make writing findings identifying the grounds of refusal or approval of any preliminary plat submitted, including citation of or reference to the ordinance violated by the Preliminary Plat.

- (b) The City reserves the right to make changes in preliminary plans or detailed construction plans before approval of final plats to insure conformity with established standards. No Preliminary Plat which varies from the zoning or other provisions of this code shall be approved unless the Preliminary Plat clearly shows the deviations from the city standards and they are expressly approved by the Board. Deviations from minimum lot sizes must receive a variance approved by City Council as provided in this Zoning Code.
- (c) Approval of a preliminary plat by the Board of Zoning and Planning shall not constitute approval of the final plat of the subdivision and does not constitute authorization to record the subdivision plat. Preliminary plat approval shall be effective for a period of one (1) year from the date of approval unless an extension of time is granted, for good cause shown, by the Board. The general terms and conditions under which the preliminary approval was granted will not be affected by any changes and/or amendments to these Regulations during the one (1) year time period following approval or such extension of time that the Board may grant. Upon expiration of a preliminary plat approval, no approval of a final plat shall be given until the preliminary plat has been resubmitted and approved.

1236.08 PROCESS FOR FINAL PLAT APPROVAL

- (a) Submission. The subdivider shall prepare and submit an application for approval of a final plat. All applications for final plat approval shall include:
 - (1) A completed application form that meets the requirements of Section 1236.09.
 - (2) Original Mylar and number of copies as specified by the City, of the final plat and any supplementary information.
 - (3) Original Mylar and number of copies as specified by the City, of required construction plans.
 - (4) A cost estimate for installation of required improvements prepared and signed by a registered and licensed professional engineer in good standing.
 - (5) A letter signed by the subdivider describing any additional waivers required which were not reviewed with the preliminary plat.
 - (6) Plat review fees and deposits as established by City Council.
 - (7) A letter from the sanitary sewer provider stating that sewer capacity is available to adequately serve the proposed subdivision.
 - (8) A letter from the water provider stating that water capacity is available to adequately serve the proposed subdivision.
 - (9) The final plat shall not be considered officially filed until it has been examined by the Zoning Officer and City Engineer and found to be in full compliance with the provisions of this Section and city ordinances and presented to the Board of Zoning and Planning for consideration.
- (b) Submission Limitations.
 - (1) All final plats shall be subsequent to and substantially in conformance with a previously approved preliminary plat and shall have incorporated all changes or modifications required by the Board of Planning and Zoning.
 - (2) The final plat shall be filed not later than twelve (12) months after the date of approval of the preliminary plat or within such time limits established at the time the preliminary plat was approved; otherwise, it will be considered void unless an extension was previously granted by the Board of Planning and Zoning.

- (3) Final plats may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. Subdivisions may be submitted for final approval in consecutive sections provided that a preliminary plat has been approved for the entire subdivision and that improvement plans for any section include all improvements determined by the City Engineer as required to support said section even when said improvements are located beyond the limits of the section.
- (d) Transmittal and Review. Upon receipt of an application for final plat approval, the Zoning Officer shall transmit copies of the proposed subdivision plat to the appropriate City, County, and other officials and agencies for review and comment including the City Engineer, Police Chief, Fire Chief, and chief building official. Following receipt of all comments, and upon determination that the application is complete, the Zoning Officer shall refer the application to the Board of Zoning and Planning for consideration.
- (e) Board of Zoning and Planning Action.
- (1) The Board of Zoning and Planning shall take action on the final plat within sixty (60) days from the date the application is complete and the final plat is officially referred to the Board by the Zoning Officer or within such time frame as the Board, at the request of the applicant and for good cause shown, may establish provided that such time frame may not exceed ninety (90) days from the date of referral. If the Board fails to act within ninety (90) days from the date the final plat ordinance is officially referred to the Board, the Board, shall be deemed to have approved the final plat. The certificate of the Secretary of the Board as to the date of the submission of the plat for approval, and the failure to take action within such time, shall be sufficient in lieu of the written endorsement or evidence of approval herein required.
- (2) The Board of Zoning and Planning may approve, conditionally approve, or disapprove said plat. A plat may only be disapproved if it fails to meet the ordinances and regulations of the city, except in unusual circumstances where the safety, health and welfare of the City or community may be jeopardized by the approval of the proposed plat, the Board may disapprove the plat. If disapproved, the Board shall make written findings upon the grounds for disapproval of the final plat, including the reference to the regulation violated by the plat, and a copy of said findings shall be forwarded to the subdivider. The subdivider shall have forty- five (45) days or such time limit as may be established by the Board to make any necessary corrections and resubmit the final plat to the Board for approval. If the final plat and construction plans are acceptable, the subdivider shall be notified of the approval or conditional approval of the plat by the Board.
- (3) If the subdivider does not resubmit the corrected final plat within forty-five (45) days or such time limit as may be established by the Board, the Board Secretary shall forward a recommendation of disapproval to the Clerk of Council.
- (f) Final Plat Approval. Approval or conditional approval by the Board of Zoning and Planning shall constitute approval of the final plat except if the plat dedicates any interests in real property the city. Any such dedications shall be referred to City Council for its consideration and acceptance if appropriate. Upon receipt of the final plat from the Board of Zoning and Planning, the Clerk of Council shall schedule the final plat for presentation to City Council for acceptance of any dedications thereon and authorization for recording. Such approval shall not constitute acceptance or final approval of the improvements required to be installed by the subdivider.

- (g) Recording of Final Plat. The approved final plat may be recorded in the office of the Franklin County Recorder upon final plat approval by the City Council and receipt of a performance guarantee acceptable to the City Engineer and the City Law Director. The costs incurred in filing the plat are the responsibility of the developer. Once the final plat is recorded, the subdivider may apply for building permits in compliance with all applicable regulations and procedures. Occupancy permits for any building, however, shall not be issued until the public improvements, including streets are accepted by the City for public use.
- (h) Completion of Improvements. Upon approval of the final plat, the subdivider shall install all required improvements and submit "as-built plans" based upon inspection records. All improvements shall be inspected and approved by the City Engineer and shall be completed within one year of the date of the approval of the final plat.

1236.09

APPLICATION FOR FINAL PLAT APPROVAL.

- (a) General. The final plat shall have incorporated all changes or modifications required by the Board of Zoning and Planning and City Engineer. Otherwise, the final plat shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time, provided that such portion conforms with all requirements of these regulations.
- (b) Preparation. The final plat shall be prepared by a registered surveyor.
- (c) Form. The final plat shall be clearly and legibly drawn in waterproof ink on Mylar or other materials of equal permanence. The size of the plat shall be on one or more sheets twenty-four by thirty-six inches, or thirty-six by forty-two inches. Scale shall be one inch equals fifty feet. If more than two sheets are required, an index sheet shall be filed showing the entire subdivision on one sheet with all areas shown on other sheets indicated thereon.
- (d) Map Contours. The final plat shall contain the following information:
 - (1) Name of subdivision, location by date, north point, graphic and numerical scale, and total acreage. The north point shall be indicated on each page of a plat.
 - (2) All plat boundaries with length of courses in feet and hundredths, bearings to not more than half minutes. Closure shall be submitted to second order survey.
 - (3) Bearings and distances to the nearest established street lines or other recognized permanent monuments shall be accurately described on the plat.
 - (4) Lines of adjoining streets and alleys with their widths and names plus building setback lines.
 - (5) The radii, area, chords and chord bearings, points of tangency, and general angles for all curvilinear streets and radii for rounded corners.
 - (6) All easements and rights-of-way provided for public services or utilities, and any limitations of such rights-of-way or easement.
 - (7) All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings. The basis of bearings shall be stated on the plat. The acreage of all lots over one acre in size shall be indicated.
 - (8) Accurate location and description of all monuments.
 - (9) Names and addresses of the subdivider and the qualified surveyor who prepared the final plan.
 - (10) Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.
 - (11) A list of all covenants and restrictions, if any, the developer intends to include in the deeds to the lots in the subdivision.

- (12) Certification by a registered surveyor to the effect that the plan represents a survey made by him and that all monuments shown thereon actually exist and that their location is correctly shown.
 - (13) An acknowledgement by the owner or owners of his or their adoption of the plat, the dedication of streets and other public areas.
 - (14) Vicinity map of area within one-half mile radius.
- (e) Supplementary Information.
- (1) If a zoning change is involved, certification from the City Clerk shall be required indicating that the change has been approved and is in effect.
 - (2) The developer shall submit a statement of the proposed use of lots, stating the type of residential buildings with the number of proposed dwelling units, the type of business or industry, so that the effect of the development of traffic, fire hazards or congestion of population can be determined, and the source of water supply, provisions for sewage disposal, drainage and flood control.
 - (3) The final plan shall be accompanied by certificates showing the following:
 - (A) That all legally due taxes have been paid; and
 - (B) That all improvements have either been installed and approved by the proper officials or agencies or that a bond or other security has been furnished assuming installation of the required improvements.
- (f) Plan and Profile. A plan view of the streets shall be drawn to a scale of one inch equals fifty feet, one inch equals eighty feet, or one inch equals 100 feet. The scale of one inch equals 100 feet shall be used only with the approval of the City Engineer or his representative in advance of the final preparation. The plan view shall show the proposed road, street or alley alignment, right-of-way and pavement widths, centerlines, bearings, stationing, curve or radius data, and existing and proposed drainage. Any other significant feature or factor shall also be shown on the plan. The centerline of road, street, or alley construction shall coincide with the centerline of the right-of-way. Any changes in these requirements shall be at the discretion of the City Engineer or his representative.

1236.10 EFFECT OF APPROVAL/RECORDING

Approval of a subdivision authorizes the property to be used in the manner proposed, but does not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure without first obtaining any other required permit, including a building permit. After the final plat has been approved by the Board of Zoning and Planning, the City Engineer, and any dedications therein are accepted by City Council and the necessary approvals endorsed in writing thereon together with evidence of title, it may be filed for recording in the office of the Recorder of Franklin County, Ohio, as required by law and within ninety (90) days of the date it is finally approved. In the event that the final plat is not recorded and the required surety for any public improvements is not posted within ninety (90) days of final approval, the approval of a final plat and the acceptance of dedications thereon shall be deemed void and the plat may not be recorded.

1236.10 APPROVAL OF SUBDIVISION WITHOUT PLAT

- (a) Notwithstanding sections 1236.03 to 1236.10, a proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided and in compliance with Ohio Revised Code Chapter 711 and the City zoning regulations, may be submitted to the Board of Zoning And Planning for approval without plat.

- (b) The request for approval of subdivision without a plat shall, at a minimum, include a deed map showing the boundaries of tract being subdivided, a legal description prepared by a registered surveyor that has been previously approved by the Franklin County Engineer's Office and the zoning classification of the tract. The Board of Zoning and Planning may require other information that is pertinent to its determination under this division.
- (c) If the Board of Zoning and Planning finds that a proposed division is not contrary to applicable platting, subdividing, zoning, health, sanitary, or access management regulations, or regulations regarding existing surface or subsurface drainage, it shall approve the proposed division within thirty (30) days after the application is presented to BZAP.
- (d) If the Board of Zoning and Planning approves the subdivision without a plat, on presentation of a conveyance of the parcel, the conveyance instrument shall be stamped "Approved by Bexley Board of Zoning and Planning; no plat required" and signed by its Clerk or other designated representative of the Board of Zoning and Planning.
- (e) If the owner of the property does not agree with any of the requirements for approval without a plat specified by the Board or the decision of the Board, the owner may then appeal to Council for approval for recording, and such approval shall be obtained before the transfer can be recorded.

1236.12 REVIEW EXPENSES

The subdivider shall reimburse the city for the entire actual cost incurred in reviewing the sketch plan, the preliminary subdivision plat, the construction plans and the final subdivision plat, and any documents reprinted to be submitted with the sketch plan or the preliminary or final subdivision plats, or in determining the suitability of the site and applicable conditions. In the event that the cost of review as aforesaid exceeds the filing fee, such excess cost shall be paid by the subdivider to the City at the time of approval of the final plat or upon abandonment of a subdivision proposal, if abandoned.

1236.13 LAND TRANSFER PRIOR TO FINAL PLAT APPROVAL

No lot, parcel or tract from such subdivision shall be transferred nor shall any construction work commence on the proposed Subdivision, including grading, until the a final plat has been approved by the Board of Zoning and Planning, all dedications thereon accepted by the City, and the Final Plat has been timely recorded.

TITLE FOUR - ZONING

CHAPTER 1240. GENERAL PROVISIONS

CHAPTER 1248. OFFICIAL ZONING MAP

CHAPTER 1252. RESIDENTIAL DISTRICT REGULATIONS

CHAPTER 1254. COMMERCIAL AND INSTITUTIONAL DISTRICT REGULATIONS

CHAPTER 1256. PLANNED UNIT DISTRICT REGULATIONS

CHAPTER 1258. ALUM CREEK PRESERVATION DISTRICT

CHAPTER 1240. GENERAL PROVISIONS

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

1240.01 TITLE
 This Title Four of Part Twelve - the Planning and Zoning Code shall be known as the Zoning Code.

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 classify and regulate the uses of land and structures within the City of Bexley in a manner consistent with sound principles of community and land use planning. It is intended that the regulations be fair and equitable to each class or kind of structure or land, while allowing limited flexibility; for unique conditions and innovative development.

To achieve this purpose, it is the intent of this Zoning Code to:

- (a) Provide standards for the orderly development of the City and continue a stable pattern of land uses;
- (b) Conserve and protect the integrity and character of the City's neighborhoods;
- (c) Ensure the provision of adequate open space for light, air, and fire safety;
- (d) Promote the economic stability of existing land uses that conform to the general plan and protect them from intrusions by inharmonious or harmful land uses;
- (e) Permit the development of office, commercial, industrial, and transportation-related land uses in accordance with the general plan in order to strengthen the City's economic base;
- (f) Ensure compatibility between land uses; and
- (g) Encourage a pedestrian-friendly community by promoting a mix of land uses and pedestrian-oriented development in commercial corridors.

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 1230.

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.

CHAPTER 1248. OFFICIAL ZONING MAP

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

1248.01 ADOPTION BY REFERENCE

The locations of districts established in Chapters 1252, 1254 and 1256 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.

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.

1248.03 ZONING OF NEWLY ANNEXED AREAS

All areas which in the future may be annexed to the City by ordinances 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.

CHAPTER 1252. RESIDENTIAL DISTRICT REGULATIONS

- 1252.01 Establishment and intent generally
- 1252.02 Compliance with regulations
- 1252.03 Low Density Single-Family Residential District (R-1)
- 1252.04 Intermediate Density Single-Family Residential District (R-2)
- 1252.05 Medium Density Single-Family Residential District (R-3)
- 1252.06 Medium-High Density Single-Family District (R-6)
- 1252.07 Multifamily Residential District (R-12)
- 1252.08 Identification of uses
- 1252.09 District Regulations
- 1252.10 Additional yard requirements
- 1252.11 Permitted encroachments into yards
- 1252.12 Excessive Deviation from established front yard setbacks
- 1252.13 Private streets in residential districts
- 1252.14 Erection of more than one principal structure on a lot
- 1252.15 Accessory Uses and Structures
- 1252.16 Private swimming pools
- 1252.17 In-laws suites

1252.01 ESTABLISHMENT AND INTENT GENERALLY

The following residential zoning districts listed and described in this chapter are hereby established for the City. For the interpretation of the Zoning Code, the residential 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 residential zoning district shall be as follows in this chapter.

1252.02 COMPLIANCE WITH REGULATIONS

No structure shall be erected, converted or altered, demolished, demolished for a replacement structure, 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.

1252.03 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

This District, designated by the symbol “R-1” in this zoning code and on the official zoning map, 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, as described in section 1256, in appropriate locations and carefully designed to harmonize with nearby development.

- 1252.04 INTERMEDIATE DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2)**
 This District, designated by the symbol “R-2” in this zoning code and on the official zoning map, 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, as described in section 1256, in appropriate locations and carefully designed to harmonize with nearby development.
- 1252.05 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (R-3)**
 This District, designated by the symbol “R-3” in this zoning code and on the official zoning map, 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, as described in section 1256, in appropriate locations and carefully designed to harmonize with nearby development.
- 1252.06 MEDIUM-HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-6)**
 This District, designated by the symbol “R-6” in this zoning code and on the official zoning map, is intended to preserve areas of existing single-family residential development at a high density compatible with the existing scale and character of this district. Much of the City is presently developed in this use and approximately at this density. Any development or redevelopment of a higher residential density than allowed under the development standards of this district should generally be allowed only by planned unit development, as described in section 1256, in appropriate locations and carefully designed to harmonize with nearby development.
- 1252.07 LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT (R-12)**
 This District, designated by the symbol “R-12” in this zoning code and on the official zoning map, 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 may be desirable for redevelopment. Any development or redevelopment of a higher residential density than allowed under the development standards of this district should generally be allowed only by planned unit development, as described in section 1256, in appropriate locations and carefully designed to harmonize with nearby development.
- 1252.08 IDENTIFICATION OF USES**
 Uses specifically listed for one district but not included in another are intentionally omitted from the latter; uses specifically listed as conditional uses but not included as permitted uses are intentionally omitted as permitted uses. Uses not specifically defined in this Zoning Code carry their customary meanings. Questions of definition pertaining to uses allowed shall be decided by the Board of Zoning and Planning based on the intent of this Zoning Code and the intent of any district in question. Uses not listed as permitted or conditional in the following table are prohibited. Permitted uses are designated by “P” and conditional uses by “C” below:

CHAPTER 1252. RESIDENTIAL DISTRICT REGULATIONS

	ZONING DISTRICT CODES - RESIDENTIAL				
USES	R-1	R-2	R-3	R-6	R-12
Single-family dwellings	P	P	P	P	C
Accessory uses and structures	P	P	P	P	P
Essential services	P	P	P	P	P
Two-family dwellings	-	-	-	-	P
Multi-family dwellings not exceeding 4 dwelling units per structure	-	-	-	-	P
Townhouses not exceeding 6 attached dwellings	-	-	-	-	P
Public uses	C	C	C	C	C
Quasipublic uses	C	C	C	C	C
Public service facility	C	C	C	C	C
Home occupation	C	C	C	C	-
Bed & breakfast	C	C	C	-	-
In-law suites	P	P	P	C	-

** P = Permitted Use; C = Conditional Use*

1252.09 DISTRICT REGULATIONS

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

ZONING DISTRICT	MINIMUM LOT REQUIREMENTS	MINIMUM YARD REQUIREMENTS	MAXIMUM LOT COVERAGE	MAX HT OF PRINCIPAL BUILDING
R-1	Area - 36,000 square feet Width - 150 feet Depth - 240 feet	Front - 30 feet or average setback as defined in Section 1230.07, whichever is greater Rear - 60 feet Side - 20 feet. However, corner lots must meet additional requirements as stated in Section 1252.10	25% building 40% overall	2-1/2 stories, and shall not exceed 40 feet
R-2	Area - 24,000 square feet Width - 120 feet Depth - 200 feet	Front - 30 feet or average setback as defined in Section 1230.07, whichever is greater Rear - 50 feet Side - 15 feet. However, corner lots must meet additional requirements as stated in Section 1252.10	25% building 50% overall	2-1/2 stories, and shall not exceed 40 feet

CHAPTER 1252. RESIDENTIAL DISTRICT REGULATIONS

R-3	<p>Non-corner lot: Area - 14,400 square feet Width - 90 feet Depth - 160 feet</p> <p>Corner lot: Area - 19,200 square feet Width - 120 feet Depth - 160 feet</p>	<p>Front - 30 feet or average setback as defined in Section 1230.07, whichever is greater Rear - 40 feet Side - 12 feet. However, corner lots must meet additional requirements as stated in Section 1252.10</p>	<p>25% building 50% overall</p>	<p>2-1/2 stories, and shall not exceed 40 feet</p>
R-6	<p>Non-corner lot: Area - 6,000 square feet Width - 50 feet Depth - 120 feet</p> <p>Corner lot: Area - 8,400 square feet Width - 70 feet Depth - 120 feet</p>	<p>Front - 30 feet or average setback as defined in Section 1230.07, whichever is greater Rear - 25 feet Side - One-sixth of lot width, but need not exceed 8 feet. However, corner lots must meet additional requirements as stated in Section 1252.10</p>	<p>35% building 60% overall</p>	<p>2-1/2 stories, and shall not exceed 35 feet</p>
R-12	<p>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</p>	<p>Front - 30 feet Rear - 20 percent of lot depth, but need not exceed 30 feet Side - 8 feet</p>	<p>35% building 70% overall</p>	<p>2-1/2 stories, and shall not exceed 35 feet</p> <p>Front façade limited to 130' in length</p>

1252.10 ADDITIONAL YARD REQUIREMENTS

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

1252.11 PERMITTED ENCROACHMENTS INTO YARDS

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

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

1252.12 EXCESSIVE DEVIATION FROM ESTABLISHED FRONT YARD SET-BACKS

- (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.

1252.13 PRIVATE STREETS IN RESIDENTIAL DISTRICTS

Any new private street in a residential zoning district must be approved by Council, and shall be constructed no closer than 240 feet to an existing adjacent lot line.

1252.14 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In the R-12 district, 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.

1252.15 ACCESSORY USES AND STRUCTURES

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

- (a) It shall be no greater than thirty-five percent (35%) of the building footprint of the principal use or structure or 624 square feet, whichever is greater.
- (b) In R-12 zoning district, it shall be 312 square feet per dwelling unit, up to thirty-five percent (35%) or less of the building footprint of the principal use or structure.
- (c) It shall not contain or be used as a dwelling unit.
- (d) It may contain no more than two of the following elements: a bedroom; a kitchen; or a bathroom, so long as it does not qualify as a dwelling unit as defined in Chapter 1230.

CHAPTER 1252. RESIDENTIAL DISTRICT REGULATIONS

- (e) It shall not exceed one story in height, ridgeline not to exceed 20' without approval from the Board of Zoning and Planning. Such special permit shall be strictly limited to permitting additional height of the accessory structure and shall not be used to apply conditions to restrict its use.
- (f) No story in an accessory structure shall exceed ten feet.
- (g) Accessory structures and uses shall be permitted only in the rear yard and shall be at least three feet from all property and right-of-way lines, provided that ample yard space is left open for the entrance and use of fire protection equipment. Detached garages shall not be located less than ten feet from a principal structure.
- (h) For corner lots in residential districts, accessory uses and structures shall be located a minimum of five feet farther back from the side street than the principal structure is allowed.

1252.16 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.

1252.17 IN-LAW SUITES

An independent dwelling unit in conjunction with and clearly subordinate to a primary dwelling unit, for the habitation of family members as described below, shall be a permitted or conditional use in designated residential districts as described in 1252.08, provided that the following requirements are met:

- (a) The in-law suite must be located within the principal structure (which includes attached garages or areas over attached garages).
- (b) No more than one in-law suite is permitted per principal structure
- (c) Maximum size of the in-law suite shall not exceed 800 square feet.
- (d) The structure must maintain a single-family residential appearance, which blends with the principal structure and the neighborhood. An architectural rendering and floor plan must be provided and approved by BZAP. Said plans shall include a landscape plan, which will be followed as approved.
- (e) The in-law suite may be located on the first or second floor.
- (f) Property owner must live on site, and the in-law suite must be subservient to the principal use of the property as a dwelling.
- (g) The in-law suite shall be occupied by family of the owner of the principal residence.

CHAPTER 1254. COMMERCIAL AND INSTITUTIONAL DISTRICT REGULATIONS

- 1254.01 Establishment and intent generally
 - 1254.02 Compliance with regulations
 - 1254.03 Mixed Use Commercial District (MUC)
 - 1254.04 General Commercial District
 - 1254.05 Commercial Service District (CS)
 - 1254.06 Main Street District (MS)
 - 1254.07 Open Space District (OS)
 - 1254.08 Campus Planning District (CP)
 - 1254.09 Identification of uses
 - 1254.10 District Regulations
 - 1254.11 Mixed Use Commercial (MUC) District Design Standards
 - 1254.12 Commercial Service (CS) District Design Standards
 - 1254.13 Main Street (MS) District Design Standards
 - 1254.14 Side yards in commercial areas
 - 1254.15 Erection of more than one principal structure on a lot
 - 1254.16 Accessory uses and structures in commercial and institutional district
-

1254.01 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 Commercial, Institutional and Mixed-Use 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 Commercial, Institutional and Mixed-Use zoning district shall be as follows in this chapter.

1254.02 COMPLIANCE WITH REGULATIONS

No structure shall be erected, converted or altered, demolished, demolished for a replacement structure, 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.

1254.03 MIXED USE COMMERCIAL DISTRICT (MUC)

The purpose of this District designated by the symbol “MUC” in this zoning code and on the official zoning map 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

CHAPTER 1254. COMMERCIAL AND INSTITUTIONAL DISTRICT REGULATIONS

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.

1254.04 GENERAL COMMERCIAL DISTRICT (GC)

This District, designated by the symbol “GC” in this zoning code and on the official zoning map, is an area of the City that is appropriate for a broad range of commercial uses, but 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.

1254.05 COMMERCIAL SERVICE DISTRICT (CS)

This District, designated by the symbol “CS” in this zoning code and on the official zoning map, is an area of the City that is presently developed for primarily quick-stop commercial service use. While quality development standards are encouraged, it is acknowledged that this district allows individual site off-street parking and convenient automobile access. Its use should be protected from conflicting activities and incompatible scales. Where occurring at the border of the city, development standards should reflect those of adjacent community development practices where appropriate.

1254.06 MAIN STREET DISTRICT (MS)

The Main Street District designated by the symbol “MS” in this zoning code and on the official zoning map, 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 corridor and business area on Main Street. The MS District includes other districts as sub-districts, including the MUC District the CP District and the OS District, and is intended to permit a diverse mix of land uses. Main Street District development applications are reviewed according to section 1254.13 and Council approved Main Street Design Guidelines, to promote redevelopment while protecting the unique character of Main Street.

1254.07 OPEN SPACE DISTRICT (OS)

The purpose of the Open Space District designated by the symbol “OS” in this zoning code and on the official zoning map, is to provide standards for the use, development and redevelopment of large public and quasi-public uses, institutions, parks and recreation areas. Large public and quasi-public uses normally present many desirable qualities of open space enjoyment, but must also be property located and designed to avoid issues of street congestion, overcrowding, incompatible scale or other neighborhood and community problems. They should conform to their own appropriate zoning standards. It is intended that small public and quasi-public uses be included as conditional uses within the other districts.

1254.08 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.

CHAPTER 1254. COMMERCIAL AND INSTITUTIONAL DISTRICT REGULATIONS

The purpose of the Campus Planning District, designated by the symbol "CP" in this zoning code and on the official zoning map, 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 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 an application for a replacement use or structure has been submitted, reviewed and approved by the Board of Zoning and Planning, as set forth in Chapter 1220 in accordance with a campus plan which has also been approved by the Board of Zoning and Planning
- (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 off-street, campus parking should be provided by the university and seminary to meet the needs of administration, faculty, and student parking for the daily work of the university and seminary, as well as special university events including musical and athletic events, to avoid using Bexley residential streets for surplus university parking.
- (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 subject to Council approved Design Guidelines, and therefore, certain retail and commercial uses are permitted and encouraged in this zone.

1254.09

IDENTIFICATION OF USES

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

CHAPTER 1254. COMMERCIAL AND INSTITUTIONAL DISTRICT REGULATIONS

Permitted uses are designated by “P” and conditional uses by “C” below:

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

* P = Permitted Use; C = Conditional Use

CHAPTER 1254. COMMERCIAL AND INSTITUTIONAL DISTRICT REGULATIONS

1254.10 DISTRICT REGULATIONS.

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

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

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OS	Area - 5 acres Width - none	Front - 30 feet minimum Rear - 20 feet minimum Side - 20 feet minimum	3 stories or 45 feet, but with adequate yards may be waived with a special permit from the Board of Planning and Zoning.
MS	See applicable sub-district	Front - See Chapter 1254.13 Rear - 15 feet minimum Side - No district requirement	3 stories; up to 5 stories with special permit

1254.11 Mixed Use Commercial (MUC) DESIGN STANDARDS

The purpose of the Mixed Use Commercial District (MUC) Design Standards is to apply standards designed for corridors that typically include a mix of uses in a pedestrian-oriented development pattern. The design standards are intended to establish, reinforce and enhance the character and pedestrian-oriented development patterns of mixed-use commercial corridors; implement appropriate building standards that accommodate redevelopment and establish continuity and consistency along the corridors; and promote development that features landscaping, façade transparency, rear parking lots, quality architecture, and appropriately scaled lighting.

CATEGORY	DESIGN STANDARDS
Applicability	<p>a. The placement, construction, or reconstruction of a principal building is subject to all standards and requirements of the Mixed Use Commercial (MUC) Design Standards, except as applied to routine maintenance and in-kind replacement of materials. Facade renovations or exterior renovations are not considered reconstruction of a principal building.</p> <p>b. The expansion of a building's gross floor area by more than 20 percent is subject to all the provisions herein.</p> <p>c. The extension or expansion of a building towards a public street is subject to all the applicable provisions herein.</p> <p>d. Exterior alteration of a primary building frontage is subject to applicable provisions of Section 1254.11 below. For purposes of this requirement, the placement of window shutters, fabric canopies and awnings and/or building-mounted signage is not considered to be exterior alteration.</p> <p>e. The construction or installation of a new parking lot, graphic, exterior lighting, fencing, landscaping, or other accessory structure is subject to all the applicable provisions herein. Design standards do not apply to the re-striping or reconfiguration of existing parking lots.</p>
Buildings	<p>f. A principal building shall be oriented to address and be nearly parallel to a primary street. Nearly parallel means within 15 degrees of being parallel.</p> <p>g. The width of a principal building along a primary building frontage shall be a minimum of eighty (80) percent of the lot width.</p> <p>h. A primary building frontage shall incorporate a primary entrance door</p> <p>i. A building frontage that exceeds a width of 50 feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of 15 feet to 35 feet along the entire building frontage.</p>

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	<ul style="list-style-type: none"> j. For a primary building frontage of a commercial use, a minimum of 60 percent of the area between the height of two feet and ten feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet. For the secondary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of ten feet. k. For any new installation or replacement of upper story windows, the new/replacement windows must be clear/non-tinted glass. l. At least 25% of the second and third floor building frontages (as measured from floor to ceiling) must be window glass. This requirement may be waived if historic documentation (e.g. historic photos) from when the building was first constructed can be provided that shows a different percentage of window glass was used on the second and third floor building frontages. In such cases, the historic percentage must be maintained. m. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building. n. Backlit awnings are not permitted.
<p>Landscaping and screening</p>	<ul style="list-style-type: none"> o. The front yard shall be planted with live vegetation and a shade tree(s) (in addition to any street tree requirements), except for paved areas expressly designed for vehicular and pedestrian use. The minimum number of shade trees required is determined by the formula of one tree per 30 lineal feet, or fraction thereof, of frontage. p. At the time of planting a new shade tree shall have a minimum two inch caliper trunk and new shrubs for screening shall have a minimum height of 24 inches, and be maintained at that height or greater. q. For all street tree planting beds, a minimum exposed space of 60 square feet shall be provided and edged in granite curbing. r. All such landscape plantings and features shall be properly maintained, weeded, and watered, and any loss of plant materials shall be replaced in keeping with the approved landscape plan, or within minor modification to the landscape plan according to city staff approval. The installation and operation of an irrigation system may be required for any planting area. s. The use of landscape features such as pedestrian furniture, decorative railings, tree guards, trash receptacles, bollards and similar such accessories shall reference the Main Street Design Guidelines. t. A fence shall be provided along a lot line that borders a residentially zoned or used property at a height of 8 feet, as per the requirements in Section 1264.05. u. A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a minimum 4-foot solid masonry or stone wall; or a minimum 4-foot decorative metal tube or solid metal bar fence (excluding chain link, wire mesh or other similar material), with a minimum 3-foot wide landscaped area along the parking lot side of the fence v. Landscaping is needed for surface parking lots in order to further screen parking from the view of public rights-of-way, provide mitigation for stormwater through reducing, slowing and cooling runoff, and to create visual relief from large pavement areas. This landscaping might be in well-designed border plantings that frame the lot or within landscape beds large enough to sustain successful plant growth. w. Dumpsters shall be located behind the principal building and be screened from public view on all 4 sides, to the height of the dumpster. x. Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view to the height of the equipment.

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Lighting	<p>y. The height of any parking lot light pole/fixture shall not exceed 18 feet above grade.</p> <p>z. When located within 25 feet of a residential district the height of a light fixture shall not exceed 14 feet above grade.</p> <p>aa. All lighting must use cut-off type fixtures, to limit glare, or direct light beyond the facade onto neighboring property, streets, or the night sky</p>
Parking and circulation	<p>bb. Parking, stacking and circulation aisles are not permitted between the principal building and a street right-of-way line. This standard does not apply to existing buildings unless they are expanded by fifty (50) percent or more in gross floor area.</p> <p>cc. Additional curb cuts are not permitted.</p>

1254.12 COMMERCIAL SERVICE DISTRICT (CS) DESIGN STANDARDS

The purpose of the Commercial Service District (CS) Design Standards is to apply standards designed for corridors that typically include a mix of pedestrian and vehicle oriented development patterns. The design standards are intended to establish, reinforce and enhance the character and pedestrian-oriented development patterns of quasi-urban commercial corridors; implement appropriate building and parking setback standards that accommodate redevelopment and establish continuity and consistency along the corridors; and promote development that features landscaping, façade transparency, rear parking lots, user-friendly access, and appropriately scaled lighting.

CATEGORY	DESIGN STANDARDS
Applicability	<p>a. The placement, construction, or reconstruction of a principal building is subject to all standards and requirements of the Commercial Services (CS) Design Standards, except as applied to routine maintenance and in-kind replacement of materials. Facade renovations or exterior renovations are not considered reconstruction of a principal building.</p> <p>b. The expansion of a building's gross floor area by more than 50 percent is subject to all the provisions herein.</p> <p>c. The extension or expansion of a building towards a public street is subject to all the applicable provisions herein.</p> <p>d. Exterior alteration of a primary building frontage is subject to applicable provisions of Section 1254.12 below. For purposes of this requirement, the placement of window shutters, fabric canopies and awnings and/or building-mounted signage is not considered to be exterior alteration.</p> <p>e. The construction or installation of a new parking lot, graphic, exterior lighting, fence, or other accessory structure is subject to all the applicable provisions herein. Design standards do not apply to the re-striping or reconfiguration of existing parking lots.</p>
Buildings	<p>f. A principal building shall be oriented to address and be nearly parallel to a primary street. Nearly parallel means within 15 degrees of being parallel.</p> <p>g. The width of a principal building along a primary building frontage shall be a minimum of sixty (60) percent of the lot width.</p> <p>h. A primary building frontage shall incorporate a primary entrance door</p> <p>i. A building frontage that exceeds a width of 50 feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of 15 feet to 35 feet along the entire building frontage</p>

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	<p>j. For a primary building frontage of a commercial use, a minimum of 40 percent of the area between the height of two feet and ten feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet. For the secondary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of ten feet.</p> <p>k. Any drive-thru, pickup window, or canopy shall be attached to the principal building and be located behind or to the side of the building.</p> <p>l. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.</p>
<p>Landscaping and screening</p>	<p>m. A minimum 8-foot front yard landscape area shall be established, as measured from the north right-of-way line of Livingston Avenue. The front yard shall be planted with live vegetation and a shade tree(s) (in addition to any street tree requirements), except for paved areas expressly designed for vehicular and pedestrian use. The minimum number of shade trees required is determined by the formula of one tree per 30 lineal feet, or fraction thereof, of frontage.</p> <p>n. At the time of planting a new shade tree shall have a minimum two inch caliper trunk and new shrubs for screening shall have a minimum height of 24 inches , and be maintained at that height or greater.</p> <p>o. All such landscape plantings and features shall be properly maintained, weeded, and watered, and any loss of plant materials shall be replaced in keeping with the approved landscape plan, or within minor modification to the landscape plan according to city staff approval. The installation and operation of an irrigation system may be required for any planting area.</p> <p>p. The use of landscape features such as pedestrian furniture, decorative railings, tree guards, trash receptacles, bollards and similar such accessories shall reference the Main Street Design Guidelines.</p> <p>q. A fence shall be provided along a lot line that borders a residentially zoned or used property at a height of 8 feet, as per the requirements in Section 1264.05.</p> <p>r. A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a wall or fence (excluding chain link, wire mesh or other similar material), or a continuous row of shrubs to a minimum height of 36 inches (24 inches at time of planting) and a maximum height of five feet. Screening shall be maintained to provide opacity of not less than 75 percent when in leaf.</p> <p>s. Dumpsters shall be located behind the principal building and be screened from public view on all 4 sides, to the height of the dumpster.</p> <p>t. Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view to the height of the equipment.</p>
<p>Lighting</p>	<p>u. The height of any parking lot light pole/fixture shall not exceed 18 feet above grade.</p> <p>v. When located within 25 feet of a residential district the height of a light fixture shall not exceed 14 feet above grade.</p>
<p>Parking and circulation</p>	<p>w. Parking, stacking and circulation aisles are not permitted between the principal building and a street right-of-way line. This standard does not apply to existing buildings unless they are expanded by fifty (50) percent or more in gross floor area.</p>

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1254.13 MAIN STREET DISTRICT (MS) DESIGN STANDARDS

The purpose of the Main Street District (MS) Design Standards is to apply standards designed for the Main Street corridor overlay district, the purpose of which is to facilitate the implementation of plans and vision for the City’s main commercial area on Main Street. The design standards are intended to establish, reinforce, enhance and unify the character and pedestrian-oriented amenities and development patterns of mixed-use commercial corridors; implement appropriate building standards that accommodate redevelopment and establish continuity and consistency along the corridors; and promote development that features pedestrian amenities, landscaping, façade transparency, rear parking lots, quality architecture, and appropriately scaled lighting.

The Main Street District Design Standards outlined in Chapter 1254.13, supersede design standards for all areas contained in the Main Street District overlay, regardless of underlying zoning district.

CATEGORY	DESIGN STANDARDS
Applicability	<ul style="list-style-type: none"> a. The placement, construction, or reconstruction of a principal building and/or the alteration of its site, is subject to all standards and requirements of the Main Street (MS) Design Standard. b. The extension or expansion of a building towards a public street is subject to all the applicable provisions herein. c. Exterior alteration of a primary building frontage is subject to applicable provisions of Section 1254.13 below. d. The construction or installation of a new parking lot, graphic, exterior lighting, fencing, landscaping, or other accessory structure is subject to all the applicable provisions herein.
Buildings	<ul style="list-style-type: none"> e. A principal building shall be oriented to address and be nearly parallel to a primary street. Nearly parallel means within 15 degrees of being parallel. f. The minimum building setback along public rights-of-way is zero (0) feet and the maximum building setback is ten (10) feet, except where a Public-Private Setback Zone is provided. Where a Public-Private Setback Zone is provided, a maximum setback of twenty (20) feet is permitted for up to 50% of the building frontage, provided that a major portion of such setback shall be used to create outdoor pedestrian spaces and landscape features. g. The width of a principal building along a primary building frontage shall be a minimum of eighty (80) percent of the lot width. h. A principal building shall have its main front door facing and directly accessed from Main Street. i. A principal building shall have four-sided architecture utilizing consistent design and materials on each side. j. A building frontage that exceeds a width of 50 feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of 15 feet to 35 feet along the entire building frontage. The use of windows and design features shall be used to break up large expanses of building walls on all exposed sides of a building. k. For a primary building frontage of a commercial use, a minimum of 60 percent of the area between the height of two feet and ten feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet. For the secondary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of ten feet.

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	<p>l. For any new installation or replacement of upper story windows, the new/replacement windows must be clear/non-tinted glass.</p> <p>m. At least 30% of the second and third floor building frontages (as measured from floor to ceiling) must be window glass. This requirement may be waived if historic documentation (e.g. historic photos) from when the building was first constructed can be provided that shows a different percentage of window glass was used on the second and third floor building frontages. In such cases, the historic percentage must be maintained.</p> <p>n. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.</p> <p>o. No outdoor vending machines shall be located as to be visible from Main Street or any side street.</p> <p>p. Backlit awnings are not permitted.</p>
<p>Pedestrian realm, landscaping and screening</p>	<p>q. Sidewalks are required along all public streets. Sidewalks shall be clear of obstructions and align with adjacent sidewalks</p> <p>r. The recommended minimum width of public sidewalks on Main Street is eight feet (8'), however protrusions into the public right-of-way and sidewalks for outdoor pedestrian seating and other landscape features are encouraged, provided that a minimum clear sidewalk width of six feet (6') is maintained.</p> <p>s. Landscape plantings, features, and pedestrian amenities shall be developed to create and accent pedestrian areas, and to soften the use of hardscape within the pedestrian zone.</p> <p>t. Street trees shall be required along all street frontages. The minimum number of shade trees required is determined by the formula of one tree per 30 lineal feet, or fraction thereof, of frontage.</p> <p>u. At the time of planting a new shade tree shall have a minimum 2.5 inch caliper trunk and new shrubs for screening shall have a minimum height of 24 inches, and be maintained at that height or greater.</p> <p>v. In areas without a grass tree lawn, a 2' brick accent strip shall be installed adjacent to the curb line.</p> <p>w. For all street tree planting beds, a minimum exposed space of 60 square feet shall be provided and edged in granite curbing.</p> <p>x. Landscape plantings shall be developed to break up expanses of pavement within off-street parking areas.</p> <p>y. All such landscape plantings and features shall be properly maintained, weeded, and watered, and any loss of plant materials shall be replaced in keeping with the approved landscape plan, or within minor modification to the landscape plan according to city staff approval. The installation and operation of an irrigation system may be required for any planting area.</p> <p>z. The use of landscape features such as pedestrian furniture, decorative railings, tree guards, trash receptacles, bollards and similar such accessories shall reference the Main Street Design Guidelines.</p> <p>aa. A fence shall be provided along a lot line that borders a residentially zoned or used property at a height of 8 feet, as per the requirements in Section 1264.05.</p> <p>bb. A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a minimum 4-foot solid masonry or stone wall; or a minimum 4-foot decorative metal tube or solid metal bar fence (excluding chain link, wire mesh or other similar material), with a minimum 3-foot wide landscaped area along the parking lot side of the fence</p>

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	<p>cc. Landscaping is needed for surface parking lots in order to further screen parking from the view of public rights-of-way, provide mitigation for stormwater through reducing, slowing and cooling runoff, and to create visual relief from large pavement areas. This landscaping might be in well-designed border plantings that frame the lot or within landscape beds large enough to sustain successful plant growth.</p> <p>dd. Dumpsters shall be located behind the principal building and be screened from public view on all 4 sides, to the height of the dumpster.</p> <p>ee. Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view. Materials and design for ground-mounted screening shall be a masonry wall one foot taller than the utility/mechanical unit it screens and be compatible with the building materials and architectural design.</p>																								
Lighting	<p>ff. The height of any parking lot light pole/fixture shall not exceed 18 feet above grade.</p> <p>gg. When located within 25 feet of a residential district the height of a light fixture shall not exceed 14 feet above grade.</p> <p>hh. All lighting must use cut-off type fixtures, to limit glare, or direct light beyond the facade onto neighboring property, streets, or the night sky</p>																								
Parking and circulation	<p>ii. Paved areas for vehicular use, including parking, stacking and circulation aisles are not permitted between the principal building and a street right-of-way line. This standard does not apply to existing buildings unless they are expanded by fifty (50) percent or more in gross floor area.</p> <p>jj. Additional curb cuts are not permitted.</p> <p>kk. The maximum number of off-street parking spaces shall be one stall per 200 square feet of net floor area (5 per 1000), except for institutional uses.</p> <p>ll. Minimum parking ratios are as established below:</p> <table border="1" data-bbox="435 1117 1281 1377"> <thead> <tr> <th>Land Use</th> <th>Required Spaces (per 1,000 square feet)</th> <th>Preserved Building (per 1,000 square feet)</th> </tr> </thead> <tbody> <tr> <td>Destination Retail (10,000 sf+/-)</td> <td>4</td> <td>2.5</td> </tr> <tr> <td>Entertainment & Restaurants</td> <td>4</td> <td>3.5</td> </tr> <tr> <td>Food Market</td> <td>4</td> <td>3.5</td> </tr> <tr> <td>Other Retail</td> <td>3</td> <td>1.5</td> </tr> <tr> <td>Office</td> <td>2.5</td> <td>1.5</td> </tr> <tr> <td>Housing</td> <td>1.5 per unit</td> <td>1 per unit</td> </tr> <tr> <td>Upper Floors (housing/office)</td> <td>1.5 per unit / 2 per 1,000 sf</td> <td>1.0 per unit / 1.5 per 1,000 sf</td> </tr> </tbody> </table> <p>mm. Every on-street parking space along the frontage of the property shall count as half a space toward the minimum required parking. This total will be rounded down to the nearest whole number.</p> <p>nn. The provision of rear alley access will reduce the minimum required parking by two spaces.</p> <p>oo. For parcels without rear alley access, the minimum required parking will be reduced by two spaces for each rear cross-access agreement, up to a maximum of four spaces (one cross-access easement to each side adjoining property).</p> <p>pp. Shared parking agreements are allowed subject to the following standards:</p> <ol style="list-style-type: none"> 1. A reciprocal written agreement has been executed by all the parties concerned that assures the joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. 2. The BZAP may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. 3. Parking spaces to be shared must not be reserved for individuals or groups. 	Land Use	Required Spaces (per 1,000 square feet)	Preserved Building (per 1,000 square feet)	Destination Retail (10,000 sf+/-)	4	2.5	Entertainment & Restaurants	4	3.5	Food Market	4	3.5	Other Retail	3	1.5	Office	2.5	1.5	Housing	1.5 per unit	1 per unit	Upper Floors (housing/office)	1.5 per unit / 2 per 1,000 sf	1.0 per unit / 1.5 per 1,000 sf
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Upper Floors (housing/office)	1.5 per unit / 2 per 1,000 sf	1.0 per unit / 1.5 per 1,000 sf																							

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	<ol style="list-style-type: none">4. Uses sharing a parking facility do not need to be contained on the same lot, but each use shall be a maximum of 500 feet from the closest parking space in the lot providing the shared spaces. A waiver of the maximum allowable distance between the use and associated shared parking may be approved by the BZAP with written justification and supporting information provided by the applicant.5. Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.6. Up to 30% of the parking spaces required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.7. Up to 75% of the parking spaces required predominantly evening uses may be shared with predominantly daytime uses.8. Up to 75% of the parking spaces required for uses exclusively in operation during the weekend may be shared with uses predominantly in operation on weekdays. <p>qq. Bicycle parking shall be provided at the ratios as follows: A minimum of two bicycle spaces shall be provided for uses with over 10 vehicle parking spaces. Additional spaces shall be provided at a rate of one bicycle parking space per additional 10 vehicle parking spaces up to a maximum of 12 bicycle parking spaces.</p>
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1254.14

MAIN STREET DISTRICT SPECIAL PERMITS

Special permits to allow the maximum height of a structure of up to 5 stories may be granted based upon the following considerations:

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

1254.15

SIDE YARDS IN COMMERCIAL AREAS

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 of 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.

1254.16

ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In all districts established in this Chapter 1254, 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 MUC Districts.

1254.17

ACCESSORY USES AND STRUCTURES IN COMMERCIAL AND INSTITUTIONAL DISTRICTS.

An accessory use or structure shall be permitted in association with a principal use or structure in districts established in this Chapter 1254, provided that the following requirements are met:

- (a) It shall be thirty-five percent (35%) or less of the building footprint of the principal use or structure.
- (b) It shall not contain or be used as a dwelling unit.
- (c) Accessory structures and uses shall be permitted only in the rear yard and shall be at least three feet from all property and right-of-way lines, provided that ample yard space is left open for the entrance and use of fire protection equipment.

CHAPTER 1256. PLANNED UNIT DEVELOPMENT DISTRICT

- 1256.01 Purpose
- 1256.02 Permitted location and size
- 1256.03 Permitted uses
- 1256.04 Relationship to other ordinance provisions
- 1256.05 Development standards
- 1256.06 Open space standards
- 1256.07 Preliminary review
- 1256.08 Preliminary development plan
- 1256.09 Final development plan
- 1256.10 Changes to development plan
- 1256.11 Expiration of authorization

1256.01 PURPOSE

It is recognized that generally on larger sites, and with careful, thoughtful planning certain advantages can be gained by allowing greater flexibility in the land use types and development standards. The PUD District is intended to allow greater flexibility in land use and development standards while still insuring a compatible relationship to nearby uses.

The purpose of a planned unit residential development is to:

- (a) Promote variety, flexibility and quality for the development of properties in the City of Bexley
- (b) Allow for the design and mix of uses necessary to meet changing economic and demographic demands
- (c) Allow a more flexible plan of development than the traditional one house-one lot development.
- (d) Promote more economical and efficient use of the land
- (e) Encourage imaginative design and the creation of permanent open space by permitting greater flexibility in zoning requirements than is generally permitted by other sections of this title.
- (f) Encourage development of a variety of housing types.
- (g) Provide for maximum efficiency in the layout of streets, utility networks and other public improvements.
- (h) Permits implementation of development standards, plans, studies, and guidelines adopted by the City Council

1256.02 PERMITTED LOCATION AND SIZE

A PUD may be located in a residential or commercial zone and only on a contiguous parcel with an area of 2 acres or more.

1256.03 PERMITTED USES

The following, with approval by Council:

All permitted uses of any zoning district in this Zoning Code. The mix of uses allowed in a PUD shall meet changing economic and demographic demands; permit implementation of development standards, plans, studies and guidelines adopted by the City Council; and/or provide the opportunity to retain and enhance the character of the City, and the health, safety and general welfare of the inhabitants.

1256.04 RELATIONSHIP TO OTHER ORDINANCE PROVISIONS

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

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

1256.05 DEVELOPMENT STANDARDS

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

- (a) Relationship of PUD Site to Adjacent Areas. The design of a Planned Unit Development shall take into account the relationship of the site to the surrounding areas, particularly the impact on the quality of life and character of immediately adjacent and surrounding neighborhoods and the city. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD.
- (b) Minimum Lot Requirements. The minimum lot size for the overall PUD is 2 acres. The minimum lot width is 250 feet and the minimum lot width is 250 feet.
- (c) Minimum Lot Size within a PUD. The minimum lot size provisions of other sections of the Zoning Ordinance are waived in a Planned Unit Development.
- (d) Density. A dwelling unit density of not more than fifty percent greater than that permitted by highest adjacent residential zone, rounded to the nearest whole number, provided that the open space amenities described in Section 1256.06 are met. Density increases consistent with the comprehensive plan may be allowed if the proposed development can be demonstrated to better meet natural resource protection, sustainable building design, or transit-oriented development goals. No specific commercial densities are established, but should be compatible with the character and scale of established adjacent districts and of established city plans and area design guidelines adopted by City Council.
- (e) Maximum Coverage. Building coverage and development of the site shall not exceed the percentage permitted by highest adjacent residential zone unless determined to be in conformance with adopted city plans and area design guidelines adopted by City Council.
- (f) Landscaping Required. All common open space shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the Tree and Public Gardens Commission. Natural landscape features which are to be preserved, such as existing trees, drainage ways, etc., may be accepted as part of the landscaping plan.
- (g) Setback and Side Yard Requirements. Setbacks from the exterior boundary line of the PUD area shall be comparable to or compatible with those of the existing development of adjacent properties, or, if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties or the 2011 Bexley Land Use Strategy.
- (h) Setbacks or Side Yards Between Buildings. The standard setbacks and yard requirements between buildings may be waived in a PUD. Buildings may have common walls and, therefore, built to the property line as in townhouse construction.

- (i) Minimum Building Separation. Wherever buildings are separated, a minimum distance of ten feet shall be maintained between such buildings.
- (j) Off-Street Parking. Off-street parking shall be provided in a PUD in the same ratios for types of buildings and uses as required for the underlying zoning district, and as described in Chapter 1262. Planning Commission may grant reduced parking in demonstrated cases of shared parking for compatible uses or reduced demand based on specialized development patterns focused on transportation alternatives.
- (k) Overlay Districts. Any PUD located in an Overlay District or Architectural Review District as defined in the Codified Ordinances of the City of Bexley shall comply with the development standards of the District, except as otherwise provided to expressly vary in the Preliminary Plan.
- (l) Retail. Individual retail uses in any PUD shall be limited to 20,000 square feet in area

1256.06 OPEN SPACE STANDARDS

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

- (a) Common Open Space. Each Planned Unit Development shall dedicate not less than 25% of the gross land area of residential subdistricts for common open space for the use of its residents.
- (b) The area proposed for open space shall be within the PUD and within reasonable walking distance of all dwelling units in the PUD.
- (c) Where practical, the proposed dedicated property shall be located adjacent to other established or planned park and recreational areas in adjacent developments, schools, or city parks.
- (d) Access. Areas dedicated for active recreational open space shall have reasonable access from street frontages. Design measures should accomplish the purposes of access and security.

1256.07 PRELIMINARY REVIEW

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

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

1256.08 PRELIMINARY DEVELOPMENT PLAN

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

- (a) Preliminary Development Plan. Preliminary approval shall be required of a detailed development plan by Council, with review and written advice from the Board of Zoning and Planning. Following the pre-application conference, the applicant shall submit a formal preliminary application for staff. The preliminary development plan shall include the following documents:
 - (1) Application form indicating:
 - (A) Existing zoning
 - (B) Total site area
 - (C) Gross area of site in acres.
 - (D) Total number of dwelling units
 - (E) Total square footage of commercial uses
 - (F) Density
 - (G) Usable open space in acres.
 - (H) Common open space as percentage of overall residential areas.
 - (2) Legal description of site and statement of present ownership

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- (3) Description of the natural setting, including slope, topography, significant land forms, streams and rivers, trees and other vegetation, and scenic assets.
 - (4) Development schedule including dates of start, completion and phasing
 - (5) Intent as to final ownership, including plans for rental, sale or combination
 - (6) Site development map(s) depicting
 - (A) Topographic lines at five-foot intervals
 - (B) Water courses and flood hazard areas
 - (C) Natural features including major land forms and areas of significant tree cover
 - (D) Property lines; easements
 - (E) Existing streets
 - (F) Configuration and function of all buildings, noting proposed heights of each and distance between property line and nearest buildings
 - (G) Vehicular circulation, parking area, loading areas and storage areas (indicate number of parking spaces for use)
 - (H) Pedestrian circulation
 - (I) Areas of public and private open space
 - (J) Recreational facilities, if any
 - (K) Preliminary landscaping showing areas of tree removal, retention or addition
 - (L) Site grading plan
 - (M) Graphic scale with north arrow, date and title
 - (N) A map of the vicinity within 500 feet of the proposed development showing significant land features and buildings
 - (O) Any additional information required by staff and the planning commission as necessary to evaluate the character and impact of the proposed PUD.
 - (7) Text detailing development standards for the proposed development, including site layout, architectural standards for all buildings including accessory structures, landscaping, lighting, signage, roadways, public facilities, and such other elements requested by the Planning Commission.
 - (8) Description of anticipated traffic impacts of the proposed PUD. A traffic study shall be provided by the applicant, if required by the City.
- (b) If the application meets the minimum requirements, it shall be reviewed at a public hearing held by the Board of Zoning and Planning. The Board of Zoning and Planning shall examine the proposal at the public hearing and consider the Preliminary Development Plan, information presented by the applicant, any technical planning assistance and the public.
 - (c) The Board of Zoning and Planning shall decide if the proposal meets the requirements and conforms to the intent of this code and the comprehensive plan. The Planning Commission may approve, disapprove, or impose changes or conditions of approval within 30 days from the date of the hearing unless the applicant consents to an extension of such time period.
 - (d) A copy of the Board of Zoning and Planning action, or written recommendations shall be forwarded to the applicant and City Council. The City Council shall act upon the recommendation within a reasonable time after receipt of the Board of Zoning and Planning's report. The City Council may approve, approve with modifications, refer back to the City Planning Commission, disapprove, or provide written explanation to the applicant on why an extension is required for City Council action. City Council action shall be based upon the record of the Board of Zoning and Planning.

- (e) Within a maximum of six months following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a Final Development Plan containing the information required in detail. The Planning Commission may, upon determination of just cause, extend the period for filing of the final development plan up to six months.
- (f) If the applicant fails to apply for Final Development Plan approval for any reason, the Preliminary Development Plan approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to the zoning and subdivision codes previously in place.

1256.09 FINAL DEVELOPMENT PLAN

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

- (a) The planning commission shall review the Final Development Plan application and staff recommendations. One minimum requirement for approval shall be that the Final Development Plan does not vary substantially from the previously approved Preliminary Development Plan. The Final Development Plan shall be deemed sufficiently consistent with the Preliminary Development Plan provided modification by the applicant does not involve one or more of the following:
 - (1) Violate any provisions of this section.
 - (2) Involve a reduction of more than 10 percent of the area reserved for common open space and/or usable open space.
 - (3) Increase the total ground area covered by buildings by more than 10 percent.
 - (4) Increase density or number of dwellings units by more than 10 percent
 - (5) Increase the square footage of commercial space by more than 10 percent.
 - (6) Provided the increases do not exceed maximums previously established in this code.

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

- (b) In addition to the requirements for the Preliminary Development Plan, the Final Development Plan shall include:
 - (1) Description of types of dwelling units and number of bedrooms in each
 - (2) Description of the types of commercial spaces and a listing of allowable and prohibited uses.
 - (3) Description of programs for insuring continued maintenance of common areas of the development
 - (4) Landscaping plan indicating generally: the location, type and size of existing or new plant materials, street furniture and other physical features including transformers, hydrants, walls and fences, trash storage areas, and retaining walls, the location, type and height of proposed street and walkway lighting, the location and design of signs to be included. Final details may be required to be approved by the Board of Zoning and Planning subsequent to final approval.
 - (5) Architectural plans depicting general typical floor plans with dimensions, elevations or renderings sufficient to indicate the design of all structures.

- (c) The Board of Zoning and Planning shall examine the Final Development Plan and determine whether it conforms to the approved Preliminary Development Plan. The Board of Zoning and Planning shall make a decision on the Final Development Plan within a reasonable time after the official date it has received the plan. If there is any significant discrepancy, the Board of Zoning and Planning may permit the applicant to revise the plan and resubmit it as a Final Development Plan within 30 days.
- (d) If the Board of Zoning and Planning does not approve a Final Development Plan, their specific reasons for disapproval shall be stated in writing and made part of the public record, as well as presented to the applicant.
- (e) Final approvals subject to modifications or conditions shall be agreed to by the applicant before formal acceptance.

1256.10 CHANGES TO DEVELOPMENT PLAN

Any changes in the Preliminary or Final Development Plan, after approval through the above procedures shall:

- (a) Be reviewed by the Board of Zoning and Planning to determine if a new plan should be submitted.
- (b) Changes in the Final Development Plan may be approved by the Board of Zoning and Planning, provided that such changes do not:
 - (1) Change the use or character of the development
 - (2) Increase overall coverage of structures
 - (3) Increase density
 - (4) Reduce the amount of open spaces
 - (5) Change the general location or amount of land devoted to specific uses.
- (c) Changes may include minor shifting of the location of buildings, utility easements, public open spaces, or other similar features of the plan.

1256.11 EXPIRATION OF AUTHORIZATION

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

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1258.01 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.

1258.02 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.

1258.03 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 floodwaters, 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.

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- (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.

1258.04 APPLICABILITY AND COMPLIANCE

- (a) Except as otherwise provided in Chapter 1258, 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 1258.
- (c) In the event of a conflict between a provision of Chapter 1258 and any other provision of the Bexley City Code, or other adopted regulation, the more stringent regulation applies.

1258.05 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.

1258.06 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 1258, the provision of Chapter 1258 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.

1258.07 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.

1258.08 INCLUSION OF FLOODPLAIN AND WETLANDS

Where applicable, the following provisions governing floodplains and wetlands supersede Section 1258.07. 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 1258.

1258.09 APPLICATIONS AND SITE PLANS

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

- 1258.091 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 and Planning, 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.

1258.10 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 1258.10. No use permitted under this regulation allows trespass on privately held lands.

- 1258.101 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 1258.102. 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 1258.101 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 1258.112.

1258.102 Permitted Uses Requiring a Zoning Certificate. The following permitted uses require a zoning certificate as provided for in Section 1226.06 through 1226.10 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

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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.

1258.103 Proof of compliance with outside permits. If any activities will occur below the ordinary high water mark, as defined in Section 1258.01, 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.

1258.11 PROHIBITED USES IN RIPARIAN SETBACKS

Any use not authorized under Section 1258.10 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 1258.112 and 1258.13. 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 1258.102.

1258.112 Exceptions to Prohibited Uses. The following activities are exempt from the restrictions set forth in Section 1258.11. 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 1258.10.

1258.12 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.

1258.13 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.

CHAPTER 1258. ALUM CREEK PRESERVATION DISTRICT

1258.14 PROCEDURES FOR VARIANCES AND APPEALS

The procedures for granting variances and appeals of the determinations of the Board are set forth in those sections of the City of Bexley of the Zoning Code applicable to the Board reviewing the application.

1258.99 PENALTY

The penalties for violation of any provision of this Chapter 1258 are set forth in the sections of the City of Bexley Zoning Code applicable to the Board reviewing the application.

TITLE FIVE – GENERAL DEVELOPMENT STANDARDS

CHAPTER 1260. SIGNS

CHAPTER 1262. OFF-STREET PARKING AND LOADING REGULATIONS

CHAPTER 1264. FENCES AND WALLS

CHAPTER 1266. SUPPLEMENTARY REGULATIONS

CHAPTER 1260. SIGNS

- 1260.01 Definitions
- 1260.02 Sign approvals; permit requirements and exemptions
- 1260.03 General provisions
- 1260.04 District requirements
- 1260.05 Political signs
- 1260.06 Real estate signs
- 1260.07 Temporary signs
- 1260.08 "A" frame signs
- 1260.09 Nonconforming signs
- 1260.10 Variances
- 1260.11 Unsafe and unsightly signs
- 1260.12 Revocations of permits
- 1260.13 Removal of signs
- 1260.14 Canvas awnings
- 1260.15 Violations
- 1260.99 Penalty

1260.01 DEFINITIONS

- (a) "Awning Sign" means a sign directly applied to the canopy or fabric overhang of a building awning.
- (b) "Freestanding sign" means a sign supported by or suspended from posts, pillars, columns, or other structures which are not a building or portion thereof. This includes ground-mounted or "monument" style signs.
- (c) "Ground-mounted (monument) sign" means type of freestanding sign with a continuous vertical plane extending from the ground to the top of the sign.
- (d) "Incidental sign" means a sign having an above-grade height of not more than twenty- four inches or a total area of not more than eight square feet containing no advertising and typically erected to identify entrances, exits, operational instructions, public utility locations, etc.
- (e) "On-premise sign" means a sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is installed and maintained.
- (f) "Off-premise sign" means a sign used to identify, advertise or promote any person, product or service available principally at locations other than at the location of the sign.
- (g) "Owner" means any person who alone or jointly or severally with others, has charge, care or control of any property, as the holder of any estate or interest therein, or as an agent of the owner, or as an executor, administrator, , trustee or guardian, or who is in possession of property by right, with the power of control. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.
- (h) "Projecting sign" means any sign projecting more than twelve inches from the wall of a building and includes all signs mounted perpendicular to the building face.
- (i) "Sign" means every sign, billboard, ground sign, freestanding sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, pole sign, marquee, awning, canopy, announcement, declaration, demonstration, display, illustration, insignia or similar device used to 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.

- (j) "Sign area" means the entire area within a continuous perimeter forming a basic geometric figure which encloses the message or display along with any frame or other material, color, internal illumination or other feature which forms an integral part of the sign and is used to differentiate such sign from the wall or supporting structure upon which it is placed. The necessary supports or uprights on which the sign may be placed are excluded from the sign area if they give the visual appearance of a single color and do not exceed eighteen inches in width and/or depth. For wall-mounted signs which consist of individually mounted letters, numbers or other symbols on a wall or fascia, the area of the sign shall be the area of a rectangle circumscribed around the letters, numbers or other symbols.
- (k) "Temporary sign" means a banner, pennant, or poster constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like material and displayed for a period not to exceed thirty days.
- (l) "Wall sign" means any sign attached to, painted on or erected against the exterior wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of such wall, building or structure.
- (m) "Window area" means all glass facing a street.
- (n) "Window sign" means a sign visible from the exterior of a building that is attached to, painted on, etched in, or within three feet of the inside of a building's transparent surfaces. "Window sign" does not include merchandise on display.
- (o) "Temporary window sign" means any temporary sign applied to or erected within three feet of a window so as to be visible from any public place for a period not to exceed thirty days.

1260.02**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 Board of Zoning and Planning or its designee prior to such erection. The provisions of this chapter with regard to the location, type, number and design of such signs shall be maximums for property within any district and the Board or its designee may further specify the location, type, number and design of such signs so as to insure reasonable compatibility with the goals of such district.
- (b) Except as otherwise specifically provided herein, no sign shall be constructed, erected, replaced, re-erected or remodeled within the limits of the City by any person until a permit for the same has been issued by the Building Department. Such permits shall be granted only upon the basis of representations indicating the exact size, all colors, samples of materials and the specific relationship of the sign to the property on which it is located and the surrounding properties. Permits for signs subject to the jurisdiction of the Board shall not be issued until approval has been obtained.
- (c) The fee for each permit shall be as provided in Section 244.01 of the Administrative Code.
- (d) Any request for a variance from the provisions hereof, or any request for a permit for a sign not specifically permitted hereunder shall be submitted to the Board for its final decision.
- (e) No permit or approval shall be required for the following signs:
 - (1) All regulatory, informational, identification, or directional signs required by law or government entity;
 - (2) Signs which serve a public purpose and have been erected or approved by the City.
 - (3) Temporary real estate signs with an area of twelve square feet or less for the sale or lease of property;
 - (4) Professional nameplates not exceeding two square feet in area;

- (5) Small announcements indicating address, hours of operation, bankcard affiliation and similar information, not to exceed a total of two square feet for all announcements;
 - (6) Signs appearing on gasoline pumps and automatic teller machines (ATM), including credit card information, fuel information, and bank network information is exempted, not to total greater than three (3) square feet. The business name or logo is permitted if less than six (6) inches in height. Additional ATM signage including any illuminated or non-illuminated panels indicated or extending the logo and/or corporate branding through color or design, is not to total greater than eight (8) square feet.
 - (7) Temporary window signs, provided that all of the provisions of this chapter have been met;
 - (8) "Open" signs not exceeding two square feet in area;
 - (9) Signs advertising commercial or institutional construction projects, provided that such signs shall not exceed sixty-four (64) square feet in area, are placed wholly on the subject property, do not exceed ten (10) feet in height, are limited to a maximum of one (1) sign per street frontage, and shall be displayed for a period of not more than thirty (30) days plus the construction period.
 - (10) Signs advertising residential construction projects, provided that such signs shall not exceed sixteen (16) square feet in area in residential districts, are placed wholly on the subject property, and a maximum height of four (4) feet and they are displayed for a period of not more than 30 days plus the construction period.
- (f) Incidental signs are permitted in any district listed in this chapter, and are subject to review by Zoning Official.

1260.03**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 or designee.
- (b) No sign shall be located where the sign would obstruct or interfere with a required doorway, other required means of ingress or egress or traffic visibility. No sign shall be placed, installed, erected or constructed in such a manner as to obstruct any fire escape or any door or window giving access to a fire escape.
- (c) Every wall sign or freestanding sign shall be securely attached to the building wall or a suitable metal support by iron or other metal anchors, bolts, supports, chains, cables or steel rods.
- (d) A sign attached to a building may extend not more than three feet above the roof or parapet of such building, whichever is higher.
- (e) Only one primary sign is permitted. The maximum number of business name signs should be two per business on the front or side (or combination) of the building and one sign in the rear.
- (f) No sign shall be attached to, painted on or otherwise displayed on a light standard, fence, wall, post, pole, bench, portable supporting device or other structure except as specifically authorized by this chapter.
- (g) Except as provided in Sections 1260.05 and 1260.06, no sign shall be permitted other than that which pertains to the principal business on the premises on which the sign is located. Such signs shall only identify the principal business on the premises and the principal product or service available at that specific location.

- (h) The following types of signs are not permitted:
- (1) Flashing or intermittently lighted signs;
 - (2) Moving or mechanically rotated signs;
 - (3) Off-premises signs;
 - (4) Signs which emit a sound or visible matter such as smoke and vapor;
 - (5) Self-propelled signs;
 - (6) Signs on wheels or trailers;
 - (7) Signage projecting from equipment;
 - (8) Changeable copy signs (except for public and quasi-public institutions and theaters); and
 - (9) Air activated or inflatable attractions or devices;
 - (10) Rooftop signs;
 - (11) Billboards;
 - (12) Signs mounted on or attached to a pole.

1260.04 DISTRICT REQUIREMENTS

- (a) General Commercial Zoning District. Each storefront or single-user occupied building shall have a combination of two of the following as their primary and secondary signs: a wall sign, an awning sign, or a window sign. The maximum number of business name signs shall be two per business on the front or side (or combination) of the building and one sign in the rear. The aggregate area of all signage on a building may have an area equivalent to two square feet of sign area for each lineal foot of building frontage, but such aggregate area shall not exceed eighty (80) square feet, with a minimum allowance of thirty (30) square feet regardless of lineal front footage. 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.
- (1) Freestanding signs. Freestanding signs are prohibited.
 - (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 (12) square feet in area on any one side and the total display area of the projecting sign shall not exceed twenty-four (24) square feet. The horizontal projection shall not exceed four (4) feet in length.
 - (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 therefore from the Board of Zoning and Planning. 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 sixty (60) 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.

(6) Awning signs. Each business shall be allowed to have signs including the business name and logo of up to six (6) square feet or 25% of the area of each approved awning canopy, whichever is less, on up to 2 integrated building awnings. The combined allowed awning signs shall be considered as one sign for the purposes of determining the overall number of allowed signs, but all individual square footage shall be calculated as a portion of the total limit.

b) Commercial Service Zoning District. Each storefront or single-user occupied building shall have a combination of two of the following as their primary and secondary signs: a freestanding sign, a wall sign, a projecting sign, an awning sign, or a window sign. The maximum number of business name signs shall be two per business on the front or side (or combination) of the building and one sign in the rear.

The aggregate area of all signage on a building may have an area equivalent to two square feet of sign area for each lineal foot of building frontage, but such aggregate area shall not exceed eighty (80) feet, with a minimum allowance of thirty (30) square feet regardless of lineal front footage. 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.

(1) Freestanding signs. No freestanding sign, including its frame and structure, shall exceed thirty (30) 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 (60) square feet. Neither the vertical nor the horizontal measurements of any freestanding sign shall exceed eight (8) feet in length. Only one freestanding sign shall be permitted for each building. No new freestanding pole signs shall be permitted. Those that exist become non-conforming signs. Existing pole signs can be replaced with ground-mounted signs.

Ground-mounted (monument) signs shall be placed perpendicular to the street and placed a minimum of three (3) feet behind the right-of-way line. Freestanding signs shall not obstruct pedestrian or vehicular visibility. Ground-mounted signs shall have the base screened on all four sides by landscaping.

(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 (12) square feet in area on any one side and the total display area of the projecting sign shall not exceed twenty-four (24) square feet. The horizontal projection shall not exceed four (4) 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 Board of Zoning and Planning.

The aggregate area of all wall signs for any single business may have an area equivalent to two square feet of sign area for each lineal foot of building frontage of the part of a building occupied by such business, but such aggregate area for all wall signs shall not exceed sixty (60) square feet, with a minimum allowance of thirty (30) square feet regardless of lineal front footage. 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.

- (6) Awning signs. Each business shall be allowed to have signs including the business name and logo of up to six (6) square feet or 25% of the area of each approved awning canopy, whichever is less, on up to 2 integrated building awnings. The combined allowed awning signs shall be considered as one sign for the purposes of determining the overall number of allowed signs, but all individual square footage shall be calculated as a portion of the total limit.
- (c) Planned Unit Development District. Signage in these Districts for new construction of the PUD development shall be included in the detailed development plan as required by Section 1256.08 of the Zoning Code. No initial signage shall be erected for PUD developments without first being approved by Council. No signage shall be erected or modified for existing PUD developments without first being approved by the Board of Zoning and Planning. 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.
- (d) Open Space Zoning District. No sign shall be erected in this District without first being approved by the Board of Zoning and Planning. 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.
- (e) Residential Zoning Districts. No permanent sign shall be erected in residential districts without first being approved by the Board of Zoning and Planning. 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) Sign types shall be only those permitted in this code.
 - (4) No sign face shall exceed twelve square feet in area on any one side.
 - (5) Display shall be limited to the name, address and purpose of the address and/or a readily recognizable symbol pertaining to the development.
 - (6) The proposed sign is appropriate for the site and is warranted by the design and other amenities incorporated in the Sign Plan.
 - (7) 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.

- (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 Board of Zoning and Planning 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 1260.04 (b) of this section.
- (h) Campus Planning District. No permanent sign shall be erected in this District without first being approved by the Board of Zoning and Planning, unless it complies with a campus signage program approved by the Board of Zoning and Planning. Signage in Zone 2 of the Campus Planning District shall also be subject to the Main Street Guidelines.

SIGNAGE STANDARDS – DISTRICTS				
SIGNAGE TYPE	GC		CS	
Freestanding Sign	Max 30 sf per side / 60 sf total for all on same site Max 1 per building		Max 30 sf per side / 60 sf total for all on same site Max 1 per building	
Projecting Sign	Max 12 sf per side		Max 12 sf per side	
Permanent Window Signs	1 sf/lineal foot, max. 60		2 sf/lineal foot, max. 60	
Temporary Window Signs	Max 25% of window, 25 sf total per business		Max 25% of window, 25 sf total per business	
Wall Signs	1 sf/lineal foot, max. 70		2 sf/lineal foot, max. 70	
Awning Signs	Max 6 sf		Max 6 sf	
TOTAL ALLOWED	2 sf/lineal foot, max. 80		2 sf/lineal foot, max. 80	
	PUD	OS	MS/MUC	CP
	As per submitted development plan. For modifications to an existing PUD, as warranted as determined by the BZAP	As warranted for the use as determined by the BZAP	In accordance with Main Street Guidelines	In accordance with Campus Signage Plan, and also Main Street Guidelines for Zone 2

1260.05 POLITICAL SIGNS

- (a) 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.

1260.06 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) All such "open house" signs shall not exceed three 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.

1260.07 TEMPORARY SIGNS

Temporary banners, signs or decorative materials shall be permitted, subject to review and approval by the Zoning Officer, only when the following conditions are met:

- (a) Such banners, signs and decorative materials shall not be displayed for more than thirty days; 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.
- (b) 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.
- (c) Temporary signs advertising events put on by Bexley public entities and school districts shall not be displayed for more than 30 days and total area shall be subject to review and approval by the Zoning Officer.

1260.08 "A" FRAME SIGNS

"A" frame signs, and other signs of a similar portable design, shall be permitted, subject to review and approval by the Zoning Officer, only 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 per side, three feet six inches in height from grade and two 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.

1260.09 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.

1260.10 VARIANCES

- (a) The Board of Zoning and Planning, in addition to the power given it in Chapter 1220, shall have power to authorize, upon application, variances from the provisions of this chapter 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.

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.

1260.11 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.

1260.12 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.

1260.13 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 60 days after the business to which such sign pertains has ceased operating on such premise.

1260.14

CANVAS AWNINGS

Canvas awnings to protect windows from rain or sunshine may be erected and maintained in Commercial and Institutional Districts if approved by the Board of Zoning and Planning. If approved, the framework and all parts thereof are to be made of metal, and no part of such awning or of any support therefore that extends over the sidewalk shall be less than seven feet above the highest point of the sidewalk.

1260.15

VIOLATIONS

No person shall construct, erect, replace, re-erect or remodel any sign in violation of any of the provisions of this chapter

1260.99

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.

CHAPTER 1262. OFF-STREET PARKING AND LOADING REGULATIONS

- 1262.01 General regulations
- 1262.02 Minimum number of spaces required
- 1262.03 Calculating the number of spaces required
- 1262.04 Location of off-street parking
- 1262.05 Off-street loading requirements
- 1262.06 Circular driveways requirements

1262.01 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.
- (d) Off-street parking areas shall incorporate best practices for stormwater runoff mitigation, and require submittal of a stormwater mitigation plan, approved by the City.
- (e) 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, and R-12 Districts, access drives shall not be less than 8 feet and no larger than 12.5 feet in width and shall not occupy more than 25% of the front yard. Except as otherwise provided in Section 1262.06 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.
- (f) Any lighting used to illuminate any off-street parking area shall utilize cut-off style lighting fixtures and be arranged not to exceed 0.5 foot candles at surface grade within 10 feet from the property line.
- (g) Whenever a parking area extends to a lot line adjacent to an area on another lot which is not a parking area, that may include a 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.

CHAPTER 1262. OFF-STREET PARKING AND LOADING REGULATIONS

- (h) Where adjacent parking areas exist on separate lots, it is encouraged that cross-access easements be pursued to improve the efficiency and capacity of parking, eliminate redundant curb-cuts, and increase the likelihood of shared parking for complementary uses.
- (i) Off-street parking shall be screened from the public rights-of-way to a height of thirty (30) inches through a combination of opaque, evergreen vegetation, fencing and walls, excepting areas that would create sight visibility issues at intersections or driveway entrances or that provide cross access to adjacent parking.
- (j) 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 Building Code.
- (k) 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 by the Board of Zoning and Planning. 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.
- (l) Incidental signs erected to identify entrances; exits and operational instructions shall meet the requirements of Chapter 1260.
- (m) 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.
- (n) If any change in use or expansion results in an increase in the number of required off-street parking spaces of less than twenty percent (20%) of the parking spaces previously provided or five (5) spaces, whichever is greater, no additional parking spaces shall be required.

1262.02 MINIMUM NUMBER OF SPACES REQUIRED

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

USE	REQUIRED OFF-STREET PARKING SPACES
(a) Residential in districts R-1, R-2, R-3 and R-6	Two spaces per dwelling unit
(b) Residential in district R-12	1.5 spaces per unit
(c) High-intensive commercial uses, including eating and drinking places, barber and beauty shops, quick service food stores, cafeteria and similar uses	One space per 250 square feet of net floor area
(d) Low-intensive commercial uses, including home furnishings and large item display establishments	One space per 500 square feet of net floor area
(e) Special commercial uses with unique parking characteristics, e.g. hotel, theater or bowling alley	Based on substantiated user estimates, but in no case less than one space per 500 square feet of net floor area
(f) Retail sales, service or office uses, not classified above	One space per 300 square feet of net floor area
(g) Public and quasi-public uses	One per 5 seats in any public assembly area, or 1 space per 400 square feet of net floor area if no assembly area exists.

CHAPTER 1262. OFF-STREET PARKING AND LOADING REGULATIONS

- (h) Main Street District. Notwithstanding the foregoing, the minimum number of parking spaces for uses within the Main Street District shall be determined in accordance with the Main Street District Design Standards, Chapter 1254.13.
- (i) Campus Planning District. The minimum number of parking spaces in the Campus Planning District shall be determined by the Board of Zoning and Planning, based on appropriate accommodation of uses pursuant to long range planning strategies developed by the institutions in cooperation with each other and the City.
- (k) Planned Unit Development District. The minimum number of parking spaces in a Planned Unit Development District shall be determined by the Board of Planning and Zoning based on the particular mix of uses and circumstances of each PUD application. The standards outlined in this chapter shall serve as a general guide allocating PUD parking minimums, with possible reductions made for the potential sharing of parking and utilization of cross-access easements.

1262.03 CALCULATING THE NUMBER OF SPACES REQUIRED

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 unless the types and character of uses are demonstrated to be compatible as evidenced in a submitted parking plan to the BZAP.
- (b) 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 and parking plan, acceptable to the City, is filed with the application for plan review. Based on the circumstances outlined in the parking plan, the BZAP may reduce the overall requirement up to the entire amount of the uses requiring less parking, provided that the largest parking demand generator provides enough spaces to accommodate anticipated overall demand.
- (c) 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. The reduction in spaces shall be in proportion to the on-street parking justifying such reduction.
- (d) 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.
- (e) When calculating off-street parking, 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.

1262.04 LOCATIONS OF OFF-STREET PARKING

Required off-street parking spaces shall be located subject to the following provisions:

- (a) Spaces shall be located on the same lot as the structure or use served, except as permitted in the MUC District by the Main Street Guidelines, or based on an overall parking plan in the CP or PUD Districts.
- (b) No spaces or aisles shall be located in the front yard in an R-1, R-2, R-3, R-6, R-12 or OS District.
- (c) In the GC and CS Districts, parking spaces and aisles in the front yard must be set back ten feet to provide room for a landscape buffer of a minimum 8' in width. This setback may be reduced with appropriate screening approved by the Board of Zoning and Planning.

CHAPTER 1262. OFF-STREET PARKING AND LOADING REGULATIONS

- (d) In residential districts or on any lot directly adjoining a residential district, all off-street parking areas with three or more spaces shall be separated from an adjacent residential property by a yard space of ten feet or more, or by appropriate screening approved by the board or commission having jurisdiction.
- (e) In residential districts, all off-street parking areas with two or less spaces shall be separated from adjacent residential property by a yard space of three feet or more or by appropriate screening approved by Zoning Officer.

1262.05 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 1262.01(k), a location for the delivery and unloading of goods in a manner which does not disrupt traffic or unreasonably disturb neighbors. If the Board of Zoning and Planning 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 1262.02.

1262.06 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 1262.01 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) Circular driveways shall require submittal of a stormwater mitigation plan, approved by the City.
- (h) 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.

CHAPTER 1264. FENCES AND WALLS

- 1264.01 Intent
- 1264.02 Front yard restrictions
- 1264.03 Side and rear yard restrictions
- 1264.04 Fences adjacent to commercial districts
- 1264.05 Required commercial fences adjacent to residential districts
- 1264.06 Prohibited fences
- 1264.07 Non-conforming fences
- 1264.08 Variances
- 1264.09 Permit required; fee
- 1264.10 Penalty

1264.01 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. This chapter also establishes requirements for installation of fencing in association with commercial uses for the purposes of screening such uses from adjacent residential uses. 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.

1264.02 FRONT YARD RESTRICTIONS

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

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

- (4) A landscaping plan shall be filed with the application indicating how such fencing and/or wall is to be integrated with existing front yard landscaping.
- (5) The installation of such fence and/or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.
- (6) No chain link, wire mesh, concrete block or other similar type material shall be installed as a decorative landscape wall or fence.
- (7) The fence and/or wall shall have a minimum of 50% transparency.
- (8) That the lot exhibits unique characteristics that support the increase in fence height.

1264.03

SIDE AND REAR YARD RESTRICTIONS

No person shall erect any fence or wall in any residential zoning district, unless such fence or wall meets the following requirements, or is located within a Planned Unit Development District and is part of the detailed development plan approved by Council pursuant to Section 1256:

- (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 or the existing front building façade, whichever is greater. 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. Chain link, wire mesh or other similar material allowed only along interior lot lines and along rear lot lines coincident with alley right-of-way.
- (b) Corner Lots. No fence, wall or combination thereof shall exceed forty-eight inches in height in the side yard setback 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-eight inches in height, as measured from the average grade, may be allowed with a special permit from the Board of Zoning and Planning. The Board shall consider the following criteria in reviewing such applications:
 - (1) The proposed side yard fence or wall exceeding forty-eight inches in height and on the street side of a corner lot is compatible with other properties in the neighborhood.
 - (2) The maximum height of such fence or wall shall not exceed seventy-two inches as measured from the average grade, as defined in Section 1230.06. 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.
 - (3) Fences exceeding forty-eight inches in height should include transparency in the upper 12” to 18” of the fence through the use of latticework, pickets, or other appropriate design elements.
 - (4) 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.
 - (5) The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.

- (6) No chain link, wire mesh or other similar material shall be installed on lot lines adjacent to public rights-of-way.

1264.04 FENCES ADJACENT TO COMMERCIAL DISTRICTS

For residential lots abutting a commercial zoning district, no fence, wall or combination thereof shall exceed ninety-six inches in height along that abutting side, as measured from the average grade of that portion of the lot in the rear or side yard. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall be included within the ninety-six inch maximum height restriction.

- (a) Side yard fence shall be allowed to extend beyond the front set-back line of the house if adjacent to paved vehicular service areas including parking lots and service drives. Any fence or wall erected along the side or rear property lines must have the finished and not the structural side facing the adjacent property.
- (b) The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.

1264.05 REQUIRED COMMERCIAL FENCES ADJACENT TO RESIDENTIAL DISTRICTS

For commercial uses abutting a residential zoning district, a fence, wall or combination thereof shall be installed along the lot line of adjacency except as otherwise determined for adjacent uses contained in the same Planned Unit Development District. Commercial uses with residential zoning districts located directly across a public alley must also meet this requirement along the interior alley line, subject to sight triangle requirements required by the city Building Department.

- (a) The height shall be ninety-six inches, as measured from the average grade of that portion of the lot.
- (b) Any fence or wall erected along the property lines of the commercial use must have the finished and not the structural side facing the adjacent property.
- (c) The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.
- (d) No chain link, wire mesh or other similar material shall be installed.
- (e) The fence design shall be 100-percent opaque from any viewing angle, and approved by the Building Department.

1264.06 IN-GROUND FENCES

In-ground fences, installed underground and typically for the purpose of limiting the movement of pets, shall at no point be no closer than 8 feet to the innermost sidewalk edge or 10 feet from the roadway edge on any lot frontage with no sidewalk.

1264.07 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.

1264.08 NON-CONFORMING FENCES

Any non-conforming fence may be repaired like-for-like in height, location and material, up to 50% of the overall linear footage of any the total non-conforming section. Building Department staff can approve repair to a non-conforming fence under that criteria and the provision of an adequate landscape screening plan.

1264.09 VARIANCES

The Board of Zoning and Planning 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. Variance requests shall be filed in conformity with the rules and regulations of the Board.

1264.10

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, as defined by repair or replacement of over half of the fencing panels, 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.

1264.99

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.

CHAPTER 1266. SUPPLEMENTARY REGULATIONS

- 1266.01 Interpretation.
- 1266.02 Access from buildings to streets.
- 1266.03 Discontinued uses; vacant lots and buildings.
- 1266.04 Mechanical equipment.
- 1266.05 Handicap ramps.
- 1266.06 Temporary structures.
- 1266.07 Portable storage units.
- 1266.08 Parking and storage of motor vehicles, recreational vehicles etc.
- 1266.09 Exceptions to height regulations.
- 1266.10 Home occupations.
- 1266.11 Bed and breakfast.
- 1266.12 Sexually oriented businesses/adult entertainment.
- 1266.13 Green roofs.
- 1266.14 Solar panels.
- 1266.15 Chicken coops.
- 1266.16 Wind energy conversion systems.
- 1266.17 Electric car charging stations.

- 1266.01 INTERPRETATION**
The following regulations, pertaining generally and uniformly to the arrangement and development of land and structures within the zoning districts established in Chapters 1252 and 1254, are hereby established and adopted as supplementary to the district regulations and the off-street parking and loading regulations contained in Chapter 1262.

- 1266.02 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.

- 1266.03 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 is prohibited without a special permit from the Board of Zoning and Planning. Such use shall be deemed a new principal use and shall be subject to all the regulations of this Zoning Code.

- 1266.04 MECHANICAL EQUIPMENT**
Mechanical equipment or other utility hardware on roofs, ground, or buildings shall be screened from public view with architectural and/or landscape materials harmonious with the building, or they shall be located so as not to be visible from any public ways.
 - (a) Roof and building-mounted mechanical equipment
 - (1) Compatibility. The screening materials surrounding the equipment should be compatible with building architecture (materials, color, scale, etc.).

- (2) Utility hardware . All utility equipment (vents, stacks, gas and water meters, etc.) and associated protective materials (bollards, etc.) should be screened or painted so as to blend in with the roof or building.
 - (3) Sight line visibility . Mechanical equipment shall be located to minimize the views of the equipment from public sidewalks or roadways. The view of equipment should also take into consideration future development in the surrounding area.
- (b) Ground-mounted mechanical equipment: Architectural elements, year-round landscaping if appropriate, or a combination of both, may be used to screen ground mounted mechanical equipment.
- (1) Compatibility. Screening materials should be compatible with the building architecture (materials, color, and scale) and with the surrounding landscape. Physical security or screening devices that are placed around ground-mounted mechanical equipment must be similar in scale to the equipment being screened and of a color to minimize the visual impact. Chain-link or exposed metal materials are prohibited.
 - (2) Plantings. Using a variety of year-round live plant species is ideal when screening equipment. Maintenance of the plant materials used for screening is required. When landscaping is planted, there should be room provided for access to equipment and for plant maintenance. When using landscaping to screen equipment, plants should be arranged with a minimum of 50% opacity at the time of installation. Ideally, the installed plants should grow to fully screen or shield the equipment.
 - (3) Location. Mechanical equipment shall be located to minimize the views of the equipment from public sidewalks or roadways. The view of equipment should also take into consideration future development in the surrounding area. The preferred location for ground-mounted mechanical equipment shall be in the rear yard. Location in a side yard shall require landscaping or fencing to screen the view of the mechanical equipment from the adjacent property in conformance with Chapter 1264: Fences and Walls.

1266.05 HANDICAP RAMPS

Handicap ramps shall be permitted in association with a principal structure provided that the following requirements are met:

- (a) Location. All handicap ramps shall be attached or contiguous to the principal structure or principal building. Ramps may be located in a front yard, interior side yard or rear yard, as long as they are at least three feet from the side and rear property lines and do not occupy any part of a platted easement.
- (b) Screening. Ramps projecting into the front yard setback must be screened with evergreen landscaping to a 50 percent minimum opacity.

1266.06 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 and Planning.

1266.07 PORTABLE STORAGE UNITS

All portable storage units shall meet the following conditions:

- (a) Duration:
 - (1) Residential Properties and Uses – Portable storage units shall be permitted for a period not to exceed seven days and no permit shall be required.

- (2) Non-Residential Properties and Uses – Portable storage units shall be permitted for a period not to exceed seven days and no permit shall be required. The period may be extended to not more than thirty days by permit only. Not more than two permits shall be issued in any one calendar year.
- (b) Location. Portable storage units shall be internally located and not located at the perimeter of any property.

1266.08 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 non-deciduous 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.
- (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.

1266.09 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in Chapters 1252 and 1254 do not apply to spires, belfries, cupolas, antennas, 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 thirty percent without a special permit from the Board of Zoning and Planning.

1266.10 HOME OCCUPATIONS

A home occupation may be allowed as a conditional use 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 gross 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.
- (f) 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. The off-street parking spaces required for the home occupation shall be maintained in addition to the space or spaces required for the residence itself.

- (g) Only one (1) vehicle used in connection with the home occupation shall be parked or stored on the premises; provided, however, the vehicle will not be a truck, such as but not limited to a dump truck, a fuel oil delivery truck or wrecker, and no advertising or reference to the home occupation may be displayed on the vehicle in any manner.
- (h) No specialty service, such as but not limited to dance instruction, crafts, or music lessons shall be provided for a group larger than five (5) persons.

1266.11**BED & BREAKFAST**

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

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

1266.12

SEXUALLY ORIENTED BUSINESSES/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).
 - (4) "'Sexually oriented business" means an adult bookstore, adult video store, adult cabaret, adult motion picture theater, sexual device shop, or sexual encounter center as defined in Ohio R.C. 2907.40.
- (b) Location: Sexually Oriented Businesses/Adult Entertainment may be located within the "GS" (General Commercial) zoning district provided that such sexually oriented business is substantially similar to a listed permitted use within the district, and provided that the Sexually Oriented Business is otherwise in compliance with the specific requirements of the zoning district, the requirements of this Chapter, and the requirements of the City of Bexley Planning and Zoning Code in general.
- (c) No building or property occupied by a Sexually Oriented Business/Adult Entertainment establishment may be located adjacent to, or across the street from, any residentially zoned or used land, whether or not such residentially zoned or used land is located within the limits of the City of Bexley.
- (d) Minimum Spacing Requirements: No building or property occupied by a Sexually Oriented Business/Adult Entertainment establishment may be located closer than seven hundred (700) feet to:
- (1) Any church, synagogue, mosque, temple or any other building which is primarily used for religious worship and related religious activities.
 - (2) Any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges and universities.
 - (3) Any public or private park or public or private recreational area that has been designated for park or recreational activities including but not limited to a park, playground, swimming pool, reservoir, athletic field, basketball or tennis courts, miniature golf course or other similar family recreation area, and other similar public land.
- (e) 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, adults only entertainment establishment, or sexually oriented business except pursuant to a special permit issued by the Board of Zoning and Planning.

- (f) 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.

1266.13 GREEN ROOFS

Green Roofs shall be allowed in all Commercial, Institutional and Residential districts and shall comply with the following restrictions:

- (a) Extensive Green Roofs. Extensive Green Roofs are lightweight veneer systems of thin layers of drought tolerant self-seeding vegetated roof covers.
 - (1) Extensive Green Roofs shall not have more than six (6) inches of soil medium.
 - (2) All Extensive Green Roofs shall have at least a one (1) foot perimeter of vegetation-free zone around the edges of the roof and around all roof penetrations (i.e. skylights, pipes, etc).
 - (3) For Extensive Green Roofs with projected live loads of higher than fifteen (15) pounds per square foot, consultation with a structural engineer is a requirement.
- (b) Intensive Green Roofs. Intensive Green Roofs are heavier than Extensive Green Roofs. For the purposes of this code the term means any Green Roof with soil mediums greater than six (6) inches.
 - (1) A consultation with a structural engineer is required for all Intensive Green Roofs. Sealed engineering plans must be submitted for city review and approval.
 - (2) Vegetation Height on Intensive Green Roofs shall not exceed five (5) feet over the maximum height of the zoning district.
 - (3) All Intensive Green Roofs shall have at least a one (1) foot perimeter of vegetation free zone around the edges of the roof and around all roof penetrations (i.e. skylights, pipes, etc).

1266.14 SOLAR PANELS

A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat, shall comply with the following restrictions:

- (a) Location.
 - (1) Ground mounted solar panels exceeding two (2) square feet in area shall be located in a side or rear yard only, shall maintain a setback of ten (10) feet from property lines.
 - (2) Roof and flush-mounted solar panels shall be located on a side or rear yard facing roof structure in such a manner so as not to be visible from the public right-of-way.
- (b) Height.
 - (1) Ground mounted solar panels shall not exceed six (6) feet in height.
 - (2) Roof and flush-mounted solar panels shall not project vertically above the peak of the roof to which it is attached, or project vertically more than four (4) feet above a flat roof installation.

- (c) Aesthetic Consideration. Ground mounted solar panels shall be fully screened from adjacent properties by fencing or structures (detached garages, neighboring accessory structures, etc) or a combination of evergreen and deciduous plantings.
- (d) Glare. No glare, lights, or reflection shall be permitted which are a nuisance to other property owners or tenants or which could impair the vision of a driver or any motor vehicle or which are detrimental to public health, safety, and welfare.
- (e) Exemptions. Solar panels less than two (2) square feet in area and those installed within the right-of-way by the City are not subject to the regulations set forth above.

1266.15 CHICKEN COOPS

A chicken coop shall be permitted as an accessory use provided it meets the requirements of Chapters 618.20 and 618.24 of the General Offenses Code and the following restrictions:

- (a) Size. The coop shall accommodate not more than five (5) chickens, and shall not exceed a maximum size of eight (8) feet by six (6) feet and a maximum height of six (6) feet.
- (b) Location and Setbacks. The coop must be located in the rear yard and shall be setback a minimum of 20 feet from all property lines.
- (c) Screening. The coop shall not be visible from the street.

1266.16 WIND ENERGY CONVERSION SYSTEMS

Any device, such as a wind charger, windmill, or wind turbine, and associated facilities including the support structure of the system such as a tower, that converts wind energy into electrical energy, shall comply with the following restrictions:

- (a) Setbacks. Wind energy conversion systems shall meet the minimum yard setback requirements for the Zoning District in which the system is proposed to be located, or a minimum setback determined by doubling the height of the tower and subtracting 30 feet, whichever is greater. Setback distances shall be measured from the property line on which the system is located to the closest point on the perimeter of the turbine blade.
- (b) Aesthetic Consideration. The wind turbine shall be either white or gray monochrome in color and advertising or identification of any kind on the system is prohibited, except for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations. Lighting shall be limited only to what is required by the Federal Aviation Administration.
- (c) Noise. Noise levels shall not exceed 50 decibels measured at the nearest property line of a Residential zoning district. The applicant for installation of a wind turbine shall submit a statement by an engineer licensed in the State of Ohio certifying that the proposed wind turbine will meet this noise standard with respect to impacts on properties in nearby Residential zoning districts.
- (d) Maintenance. All wind energy conversion systems shall be kept in good repair and free from rust, damaged supports, framework or other components.
- (e) Abandoned or unused towers. All abandoned or unused wind energy conversion systems shall be removed within twelve (12) months of the cessation of operations unless an extension is granted by the Board of Zoning and Planning. After the wind energy conversion system is removed, the owner or operator shall restore the site to its original, or to an improved, condition.

1266.17 ELECTRIC CAR CHARGING STATIONS

An electric vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

- (a) An electric vehicle charging station (EVCS) shall be allowed within any legal single-family or multiple-family residential garage or carport subject to all applicable city code requirements in addition to the following:
- (1) The EVCS shall be protected as necessary to prevent damage by automobiles
 - (2) The EVCS shall be designed to:
 - (A) Be safe for use during inclement weather.
 - (B) Be tamper-resistant to prevent injury particularly to children
 - (C) Be resistant to potential damage by vandalism.
 - (D) Be equipped with a mechanism to prevent the theft of electricity by an unauthorized user.
 - (3) The EVCS shall have complete instructions and appropriate warnings posted in an unobstructed location next to each EVCS.
- (b) An EVCS shall be permitted as an accessory use within any existing legal garage or carport in a residential district, or within any existing legal commercial parking space in a parking lot or in a parking garage, subject to all applicable city code requirements and the following.
- (1) EVCS for public use shall be subject to the following requirements:
 - (A) The EVCSs shall be located in a manner that will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours.
 - (B) Be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.
 - (C) The EVCS pedestals shall be protected as necessary to prevent damage by automobiles.
 - (D) The EVCS pedestals shall be designed to minimize potential damage by vandalism and to be safe for use in inclement weather.
 - (E) Complete instructions and appropriate warnings concerning the use of the EVCS shall be posted on a sign in a prominent location on each station for use by the operator.
 - (F) One standard non-illuminated sign, not to exceed 4 square feet in area, may be posted for the purpose of identifying the location of each cluster of EVCSs.
 - (G) The EVCS may be on a timer that limits the use of the station to the normal business hours of the use(s) that it serves to preclude unauthorized use after business hours.
 - (2) Electric vehicle charging stations for private use shall:
 - (A) Be located in a manner that will not allow public access to the charging station.
 - (B) Comply with subsections (b)(1)(C) and (b)(1)(D) of this section.
 - (C) Electric vehicle charging stations for private use not located in a single-family residential garage or carport must also comply with subsection (b)(1)(E) of this section.