

RESOLUTION NO. 13 -91By: A. J. Myers

A Resolution declaring the intent of Council to amend Section 1264.04 of the Bexley Zoning Code to provide for the termination of any nonconforming use which is a nuisance and to initiate such amendment pursuant to Section 1264.19 of the Bexley Zoning Code.

WHEREAS, Section 1264.04 regulates nonconforming uses; and

WHEREAS, Section 1264.04 does not provide for the termination of a nonconforming use which is a nuisance; and

WHEREAS, this Council has determined that it is in the public interest to terminate nonconforming uses in connection with which a nuisance exists and to initiate the process for consideration of a proposed amendment to Section 1264.04 of the Zoning Code to address this deficiency;

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

Section 1. That this Council hereby proposes that Section 1264.04 of the Bexley Zoning Code be amended in accordance with the proposed ordinance attached hereto as Exhibit A and thereby initiates amendment of the Bexley Zoning Code in accordance with the procedure set forth in Section 1264.19.

Section 2. That upon adoption of this Resolution, the appropriate officers of the City of Bexley are authorized and directed to submit the proposed amendment to Section 1264.04 to the Planning Commission for its review and recommendation as provided in Section 1264.19 of the Bexley Zoning Code and to take such other actions as any of them shall deem necessary, desirable or appropriate to carry out the purposes of this Resolution.

Passed: December 17, 1991


Post K. Schmidt
President of Council

Attest: John W. Myers
Clerk of Council

Approved: 12/17, 1991


David H. Madison, Mayor

ORDINANCE NO. ____ -91

By: A. J. Myers

An Ordinance to amend Section 1264.04 of the Codified Ordinances of the City of Bexley to provide for the termination of any nonconforming use which is a nuisance and to declare an emergency.

Section 1. That Section 1264.04 of the Codified Ordinances is hereby amended as follows:

1264.04 CONTINUATION, EXPANSION OR CHANGE OF NONCONFORMING USES.

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

- (a) Change of a nonconforming use shall be allowed to a permitted use of the zoning district in which the nonconforming use is located.
- (b) On approval of the Board of Zoning Appeals, a nonconforming use may be changed to a conditional use or a use found to be more nearly in character with the zoning district than the existing nonconforming use.
- (c) On approval of the Board of Zoning Appeals, a nonconforming use may be expanded within an existing structure manifestly arranged or developed for such use.
- (d) No nonconforming use may be re-established where such nonconforming use has been discontinued for a period of six months. Any structure specifically designed and generally limited to the discontinued nonconforming use shall be removed from the lot as soon as possible after the six-month period and in no case more than one year after the use has been discontinued.
- (e) The nonconforming use of any structure damaged by fire, explosion, flood, riot or act of God may be continued and used as before any such calamity, provided the structure has not been destroyed to an extent of more than one-half the replacement cost at the time of destruction, and provided such reconstruction is started within one year of such calamity and is continued in a reasonable manner until completed.
- (f) ~~A conditional use as allowed within a zoning district shall be considered as a conforming use.~~

(F) ANY NONCONFORMING USE SHALL TERMINATE UPON THE ISSUANCE OF A DETERMINATION BY A COURT OF COMPETENT JURISDICTION TO THE EFFECT THAT A NUISANCE EXISTS IN CONNECTION WITH SUCH USE, AND ANY FUTURE USE OF SUCH PROPERTY SHALL THEREAFTER BE IN CONFORMITY WITH THE ZONING CODE.

Section 2. That Section 1264.04 as presently in effect is hereby repealed.

Section 3. That this Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to eradicate the risks to the public associated with the existence of nuisances within the City, and shall go into full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 1991

President of Council

Attest: _____
Clerk of Council

Approved: _____, 1991

David H. Madison, Mayor