

ORDINANCE NO. 39 - 21

By: Jessica Saad

**An Ordinance to amend the Bed and Breakfast at
519 South Drexel Avenue in the City of Bexley, Ohio.**

WHEREAS, In 2013, City Council granted a variance to the owners of 519 South Drexel Avenue to modify the former multi-family residential structure and to convert it into a single-family residential structure configured for use as a Bed and Breakfast establishment; and

WHEREAS, Capital University has entered into a contract to purchase the Bed and Breakfast, with the intent to continue to operate it as a Bed and Breakfast with use available to the public in much the same manner as it is currently operated;

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

Section 1.

That a variance is hereby provided, to permit a Bed and Breakfast use at 519 South Drexel Avenue in the City of Bexley, Ohio, with the ~~condition that the proposed improvements undergo the standard architectural review process through the Bexley Environmental Review Board, and that the use is subject to the following conditions:~~

- (1) Owner. The owner of the Bed and Breakfast shall occupy and live full-time on the premises, **except as otherwise provided in (9).**
- (2) Employees. 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., **except as otherwise provided in (9).** Members of the owner's immediate family who are residents on the premises shall not be considered employees, whether or not paid.
- (3) Guest rooms. The Bed and Breakfast shall have a maximum of five guest rooms. Guest rooms must have their own attached bathrooms. There shall be no more than ten (10) adult guests at one time. For the purpose of this section, "adult" means any person over the age of eighteen (18). Smoke detectors shall be provided in each guest room. No cooking facilities nor portable heating devices shall be permitted in guest rooms.
- (4) Consecutive nights. The maximum length of stay for any guest is fourteen (14) consecutive ~~days~~ nights.
- (5) Parking. A minimum of one off-street (1) space for each guest room shall be provided with two additional spaces provided for the owner in addition to those for the guest rooms. All on-site parking shall install and maintain fencing or a hedge to adequately screen neighbors from its view.
- (6) Exterior appearance/signage. There shall be no change in the outside appearance of the building or premises that detracts from the residential character of the residence or from the residential character of the neighborhood, or other visible evidence of the conduct of such Bed and Breakfast residence other than one sign identifying the property as a bed-and-breakfast inn. The sign shall not exceed three square feet in area and shall be mounted on the front of the residence.
- (7) Food. Any food service shall be limited to breakfast for those purchasing lodging and shall not be advertised to the general public as a restaurant.

- (8) Licenses. All state and local fire, sanitation and food service provisions must be met and appropriate licenses obtained.
- (9) Capital University Ownership. In the event that the property is owned by Capital University, either directly or through a wholly-owned subsidiary, items (1) and (2) do not apply, but the following conditions do apply:
 - (a) An employee of Capital University shall occupy and live full-time on the premises. Members of this employee's immediate family who are residents on the premises shall not be considered employees, whether or not paid. No other employees working at the Bed and Breakfast shall be on the premises between the hours of 11:00 p.m. and 6:00 a.m., unless required to respond to an emergency.
 - (b) The Bed and Breakfast shall remain available to the public, and shall be consistently and publicly marketed as a Bed and Breakfast.
 - (c) The Bed and Breakfast shall not be occupied by students enrolled in Capital University, unless said student has paid for and booked accommodation via publicly available booking systems at a market rate, or is staying with another guest who has.

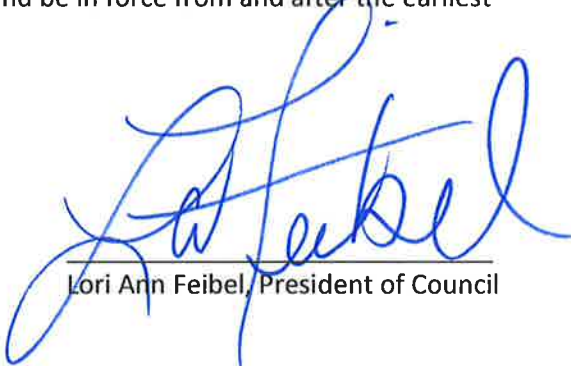
Section 2.

That this Ordinance shall not go into effect until Capital University executes a binding agreement, in a form acceptable to the City Attorney, guaranteeing that the property shall remain taxable on the same basis as if owned by an individual and that Capital University will not apply for or otherwise accept a tax exemption on the property.

Section 3.

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

Passed: Oct 12, 2021


 Lori Ann Feibel, President of Council

Attest: 
 Clerk of Council

Approved: Oct 12, 2021


 Ben Kessler, Mayor

First Reading: 9/14/21
 Second Reading: 9/28/21
 Third Reading: 10/12/21
 Passed: 10/12/21