

ORDINANCE NO. 2009-29

AMENDING SECTION 1187.05 OF CHAPTER 1187 OF THE BLUE  
ASH CODE OF ORDINANCES (REGARDING NONCONFORMING  
USES AND BUILDINGS)

WHEREAS, an application has been received by the City for a request to amend Section 1187.05 (Special Permit Improvements) of the Blue Ash Code of Ordinances (Nonconforming Uses and Buildings); and

WHEREAS, the proposed amendment was reviewed by the Planning Commission at its May 7, 2009 meeting, resulting in a vote of two (out of three members present) recommending approval of this proposed amendment to City Council; and

WHEREAS, notice has been given in conformance with Section 731.22 of the *Ohio Revised Code* via publication in the *Northeast Suburban Press* on May 20 and May 27, 2009; and

WHEREAS, a public hearing pursuant to said notice was held before the Council of the City of Blue Ash, Ohio, on July 9, 2009.

Be it ordained by the Council of the City of Blue Ash, Ohio,

SECTION I.

Section 1187.05 (regarding Special Permit Improvements) of Chapter 1187 of the Blue Ash Code of Ordinances (Nonconforming Uses and Buildings) is hereby amended to read as follows:

1187.05 SPECIAL PERMIT IMPROVEMENTS

Upon review and report by the Planning Commission and Board of Site Arrangement, Council may, after a formal public hearing, approve by Special Permit as set forth in Chapter 1183 improvements to a nonconforming use, or an extension of a nonconforming use onto an adjacent lot under the same ownership, if such improvements or extension would benefit adjoining properties and the neighborhood in which such use is situated. Benefits to the adjoining and neighborhood properties to be considered include: preservation of property values, improved compatibility with properties, improved aesthetics (including building condition, landscaping, buffering and general environmental conditions), and any other factors deemed by Council to be for the benefit of the public health, safety and welfare.

SECTION II.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of City Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION III.

This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this 13th day of August, 2009.

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Robert J. Buckman, Jr., Mayor

**FIRST READING: July 9, 2009**

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Susan K. Bennett, Deputy Clerk of Council

APPROVED AS TO FORM:

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Mark A. Vander Laan, Solicitor