

## **ORDINANCE NO. 20 - 2016**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, PART SEVEN - PLANNING AND ZONING, SECTIONS 5.3, 5.4, AND 5.5 TO MODIFY THE MAXIMUM HEIGHT OF BUILDINGS IN THE B-1, GENERAL BUSINESS DISTRICT, B-2, HIGHWAY BUSINESS DISTRICT, B-3, PLANNED COMMERCIAL DEVELOPMENT DISTRICT, AND SC-1, SENIOR CITIZENS RESIDENCE DISTRICT EACH TO A MAXIMUM HEIGHT OF 35 FEET.**

WHEREAS, upon request of the Council the Planning and Zoning Commission reviewed maximum height limitations on buildings located within the various zoning districts at its regular public meeting held on July 11, 2016; and

WHEREAS, the Planning and Zoning Commission by unanimous 5-0 vote recommended adoption of Code amendments to § 5.3 to eliminate in its entirety the limitation on the number of building stories, and, to decrease the maximum permitted height of buildings in the B-1 district from 60 feet to 35 feet, and further, to decrease the maximum permitted height of buildings in the B-2 district from 45 feet to 35 feet, each to be in keeping with the current heights of buildings in the Village's historic core and to ensure that said historic core's character is maintained; and

WHEREAS, the Planning and Zoning Commission by unanimous 5-0 vote recommended adoption of a Code amendment to § 5.4 to amend for clarity that the maximum permitted height of buildings in the B-3 district is 35 feet whereas the current height limitation is stated in terms of stories, to wit: 2.5; and

WHEREAS, the Planning and Zoning Commission by unanimous 5-0 vote recommended adoption of a Code amendment to § 5.5(f) to increase the maximum permitted height of buildings in the SC-1 district from 18 feet to 35 feet, consistent with the maximum permitted height of buildings in the other residential zoning districts in the Village and to eliminate any reference to maximum permitted stories to avoid any confusion and inconsistent application of the law; and

WHEREAS, pursuant to Art. 18, § 18.4 of the Zoning Code, the Council has conducted the required public hearing after timely publication notice; and

WHEREAS, upon consideration of the recommendations made by the Planning and Zoning Commission, public comments presented, and having given the matter its independent consideration, the Council finds that it is in the public interest, health and welfare, and consistent with good zoning practice to amend the Zoning Code to modify the permitted maximum height of buildings within the B-1, B-2, B-3 and SC-1 zoning districts.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

**SECTION 1.** That § 5.3 of the Codified Ordinances of Madison Village, Ohio, Part Seven - Planning and Zoning, is hereby amended as shown herein below with the current reference to the maximum number of permitted stories being deleted in its entirety and the maximum height limitations in the B-1 and B-2 zoning districts stricken (to wit: ~~xxxx~~) to be amended and replaced with the new maximum height limitation of 35 feet as shown in bold text (to wit: **xxxx**):

**Section 5.3 Height and Lot Area Requirements for Special, Business and Industrial Uses.**

DISTRICT SYMBOL:	S-1	B-1	B-2	B-4	B-5	M-1	M-2
<del>(1) Maximum height of buildings (in stories)</del>	2	2	2	N/A	N/A	2	2
<del>(2) (1) Maximum height of buildings (in feet)</del>	35	<b>60 35</b>	<b>45 35</b>	50	50	60	60
<del>(2) (2) Minimum depth of front yard (in feet) (r-o-w)</del>	50	50	50	50	80	100	100
<del>(3) (3) Minimum width of either side yard (in feet)</del>	20	20	20	20	20	20 <sup>(fn. 3)</sup>	20 <sup>(fn. 3)</sup>
<del>(4) (4) Minimum depth of rear yard (in feet)</del>	40	40	40	40	40	50 <sup>(fn. 2)</sup>	50 <sup>(fn. 2)</sup>
<del>(5) (5) Maximum percentage of lot coverage</del>	25%	None	40%	40%	40%	40%	40%

**SECTION 2.** That § 5.4 of the Codified Ordinances of Madison Village, Ohio, Part Seven - Planning and Zoning, is hereby amended as shown herein below with the current reference to the maximum number of permitted stories being stricken (to wit: ~~xxxx~~) to be amended and replaced with the new maximum height limitation of 35 feet as shown in bold text (to wit: **xxxx**):

**Section 5.4 Height and Lot Area Requirements for "B-3" Shopping Center Uses.**

Maximum height of buildings: ~~2.5 stories above grade~~ **35 feet**

**SECTION 3.** That § 5.5(f) of the Codified Ordinances of Madison Village, Ohio, Part Seven - Planning and Zoning, is hereby amended as shown herein below with the current reference to the maximum permitted height of 18 feet and the number of permitted stories being stricken (to wit: ~~xxx~~) to be amended and replaced with the new maximum height limitation of 35 feet as shown in bold text (to wit: ~~xxxx~~):

(f) Height Regulation. The maximum height of any main or accessory building in a Senior Citizens Residence District shall not exceed ~~one (1) story or eighteen feet (18')~~ **thirty-five (35) feet** exclusive of an elevator penthouse, chimney, a radio tower or other permitted appurtenance located upon or constituted as an integral part of a main building.

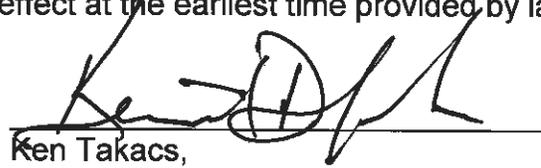
**SECTION 4.** The replacement Code pages to be published in accordance with law are attached hereto as Exhibit 1.

**SECTION 5.** 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 this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

**SECTION 6.** This Ordinance shall take effect at the earliest time provided by law.

PASSED:

3<sup>rd</sup> Reading: 8-15-16

  
Ken Takacs,  
President of Council

Attested:

  
Kristie Crockett,  
Fiscal Officer / Clerk of Council

Approved:

  
Sam Britton, Jr.,  
Mayor

8/15/16  
Date