

Upon Recommendation of the Planning and Zoning Commission

ORDINANCE NO. 9 - 2020

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, PART SEVEN - PLANNING AND ZONING, SECTION 4.3(f)(148), TO ALLOW "GASOLINE / DIESEL AND OTHER VEHICLE FUEL SALES" ONLY AS A CONDITIONALLY PERMITTED USE IN THE B-4, INTERSTATE BUSINESS, AND B-5, INTERSTATE BUSINESS-INDUSTRIAL, DISTRICTS.

WHEREAS, upon initiation of the Planning and Zoning Commission, a review of the current use of "gasoline / diesel and other vehicle fuel sales" in the B-4, Interstate Business, and B-5, Interstate Business-Industrial, Districts as being a use permitted as of right was examined; and

WHEREAS, reexamination of this use as being permitted as of right was occasioned by the development of the B-4 and B-5 districts as the location of two new hotels as well as the recent announcement of the development of a new headquarters for a manufacturer; and

WHEREAS, the Planning and Zoning Commission heard and agreed with administrative recommendations that permitting such a use as of right within these districts may jeopardize their now established pattern of development insofar as vehicle fuel sales stations generate significant traffic, have long and in some cases continuous hours of operation, generate noise, create light trespass, and have other potential adverse secondary effects that are all inconsistent with nearby uses such as hotels, residential areas, and other permitted uses within these districts, and, that mitigation measures such as buffers may not be adequate to control these adverse effects; and

WHEREAS, the Planning and Zoning Commission opined that in order to (i) better control the location of any vehicle fuel sales to areas not incompatible with the adjacent use(s), (ii) to ensure that such facilities are not detrimental to the future development of these districts as locations for hotels, offices, medical facilities, and other uses that strengthen the Village's tax base and provide job opportunities for its residents, as well as to (iii) have the legal ability to more comprehensively address and impose conditions for the mitigation of adverse secondary effects, that amending the Zoning Code to only allow for the conditional use of vehicle fuel sales is in accordance with the public interest and sound planning practice; and

WHEREAS, the Planning and Zoning Commission by 3-0 affirmative vote taken at its regular public meeting held on February 18, 2020 accordingly recommended the adoption of this Zoning Code amendment; 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 recommendation 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 conditionally permit “gasoline / diesel and other vehicle fuel sales” in the B-4, Interstate Business, and B-5, Interstate Business-Industrial, Districts.

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

SECTION 1. That § 4.3(f)(148) of the Codified Ordinances of Madison Village, Ohio, Part Seven - Planning and Zoning, as amended, is hereby amended to allow only as a conditionally permitted use “gasoline / diesel and other vehicle fuel sales” in the B-4, Interstate Business, and B-5, Interstate Business-Industrial, Districts, the text to be so amended is shown herein below such that existing language to be removed is shown as stricken text (to wit: ~~abcd~~), newly added language is shown as bold text (to wit: **abcd**) and language to remain retains the existing font and format, to wit:

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
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SECTION 2. 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 3. This Ordinance shall take effect at the earliest time provided by law.

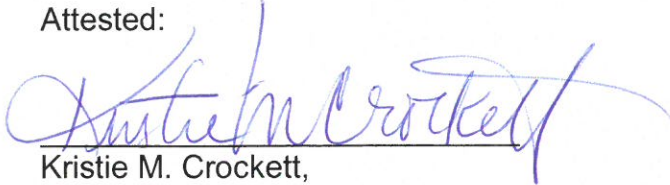
PASSED:

7-13-2020




Mark V. Vest,
President of Council

Attested:



Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:



Sam Britton Jr.,
Mayor

7/13/2020
Date