

Referred upon recommendation of the
Planning and Zoning Commission

ORDINANCE NO. 10 - 2024

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, PART SEVEN - PLANNING AND ZONING, TO ADD A DEFINITION FOR A VAPE STORE IN SECTION 2.2(B) OF ARTICLE 2 AND TO AMEND SECTION 4.3(F) OF ARTICLE 4 TO ADD VAPE STORE AS A USE WITHIN THE LAND USE MATRIX WHICH USE SHALL NOT BE PERMITTED IN ANY ZONING DISTRICT.

WHEREAS, upon initiative of the Planning and Zoning Commission, a review of vape stores as a stand-alone business occurred; and

WHEREAS, the Planning and Zoning Commission examined vape stores as a use compatible with other permitted uses in the Village and whether they facilitate or hinder the general health, safety and welfare, as well as the preservation of neighborhood character consistent with sound zoning practices; and

WHEREAS, the Planning and Zoning Commission recommended by 3-0 affirmative vote taken at its public meeting of February 15, 2024 that vape stores be specifically defined in the Zoning Code, that they be added as a separate line item in the Land Use Matrix, and that the use should not be permitted in any of the zoning districts; 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 as detailed above and that vape stores shall not be a permitted use within the Village.

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

SECTION 1. That the Codified Ordinances of Madison Village, Ohio, Part Seven - Planning and Zoning, as enacted by Ordinance No. 30-2013, as amended, is and shall hereby be amended with the addition to § 2.2(b) of Article 2 of new subdivision "(216A)" defining a "vape store," which amendment shall read as follows:

(216A) "Vape store" means a retail store whose principal sales products are electronic cigarettes and atomizing devices, and/or cartridges and tanks used by such electronic cigarettes and atomizing devices, and/or other components, accessories, and other goods used in relation to electronic cigarettes and atomizing

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devices.

SECTION 2. That the Codified Ordinances of Madison Village, Ohio, Part Seven - Planning and Zoning, as enacted by Ordinance No. 30-2013, as amended, is and shall hereby be amended with the addition to § 4.3(f) of Article 4 of new line item "(91A) vape store" and the exclusion of this use as permitted in any of the zoning districts, as graphically shown and which shall appear in the Land Use Matrix as follows:

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:
RETAIL AND RELATED USES, CONT.														
(91A) vape store	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(216A) (def.)

SECTION 3. That publication of these revised ordinances shall occur in book form containing the certification of the President of Council and Fiscal Officer of their correctness.

SECTION 4. 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 5. This Ordinance shall take effect at the earliest time provided by law.

PASSED:


4-08-2024


 Mark V. Vest,
 President of Council

Attested:


 Kristie M. Crockett,
 Fiscal Officer / Clerk of Council

Approved:


 Sam Britton, Jr.,
 Mayor

4/8/2024
 Date