

**ORDINANCE NO. 8-2018**

**AN ORDINANCE AMENDING THE MARBLEHEAD CODIFIED ORDINANCES TO CHANGE AND CLARIFY THE ZONING LAWS IN MARBLEHEAD TO MODIFY HOW ZONING FEES CAN BE ESTABLISHED AND CLARIFY WATERFRONT LOT SETBACKS**

**WHEREAS**, the Village of Marblehead's Planning Commission has examined the Codified Ordinances regarding waterfront lot setbacks and discovered some ambiguity; and

**WHEREAS**, the Village of Marblehead's Planning Commission has examined the Codified Ordinances regarding how zoning fees are changed and found that to be ambiguous; and

**WHEREAS**, the Planning Commission has discussed the above areas of the Codified Ordinances and has made recommendation to change the Codified Ordinances to clarify these sections; and

**WHEREAS**, the Planning Commission has met the statutory requirements to recommend a change in the zoning law in Marblehead, including a public hearing;

**THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MARBLEHEAD, OTTAWA COUNTY, OHIO AS FOLLOWS:**

**Section 1.**

The Village of Marblehead Codified Ordinance §154.241(B) regarding the modification of zoning fees shall be repealed and the following shall be enacted: See Exhibit A.

**Section 2.**

The Village of Marblehead Codified Ordinance §154.019(A) shall be repealed and the following shall be enacted: See Exhibit B.

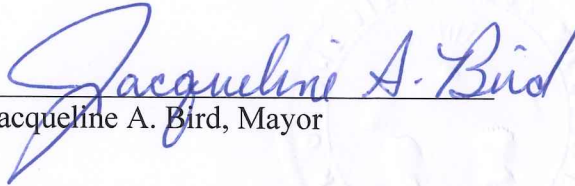
**Section 3.**

Any section or subsection not specifically herein repealed, remains in full force and effect.

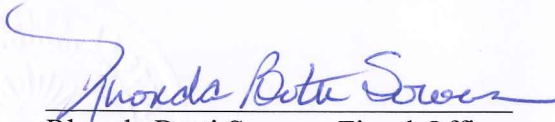
**Section 4.**

This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of Council, and of its committees, which result in formal action, were taken in full compliance with the applicable legal requirements.

Approved: October 24, 2018

  
Jacqueline A. Bird, Mayor

Attest:

  
Rhonda Botti Sowers, Fiscal Officer

Dated: October 24, 2018

1<sup>st</sup> Reading 9-26-18 2nd Reading 10-10-18 3<sup>rd</sup> Reading 10-24-18

Passed: yes  no  Vote: yea 6 nay 0 Immediate effect: yes  no

Exhibit A

§154.241 (B)

The Schedule of Fees shall be posted in the office of the Zoning Inspector. The fees may be modified by Village Council at any time by motion of Council and a majority vote of its members.

Exhibit B

§154.019 GENERAL YARD REQUIREMENTS.

- (A) Notwithstanding the required general yard requirements for front and rear setbacks set forth in each zoning district, the following shall apply:
- (1) A lot that has existing dwellings within 400 feet on lots to either side, the required front and rear yard setback shall be the average of the two nearest dwellings. In the event that only the lot on one side has a dwelling within 400 feet, the required front and rear yard setback shall be the same as the existing dwelling. In the event there are no dwellings within 400 feet on lots to either side, the front and rear yard setback shall be as stated in that district.
  - (2) A lot in which the rear yard is adjacent and contiguous to Lake Erie or Sandusky Bay that has existing dwellings within 400 feet on lots to either side, the required front and rear yard setback shall be the average of the two nearest dwellings. In the event that only the lot on one side has a dwelling within 400 feet, the required front and rear yard setback shall be the same as the existing dwelling. In the event there are no dwellings within 400 feet on lots to either side, the rear yard setback shall be a minimum of 60 feet.