

Ordinance Number 2006-31

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE
ELECTORATE A REVISED CHARTER FOR THE VILLAGE OF BUCKEYE LAKE
AND DECLARING AN EMERGENCY

WHEREAS, Council desires to amend the Village Charter regarding the Planning and Zoning Commission and the Parks and Recreation Commission; and

WHEREAS, Council reviewed the proposed amendments to the Buckeye Lake Charter and is in agreement with the proposed Revised Charter;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF BUCKEYE LAKE, LICKING-FAIRFIELD COUNTIES,
OHIO, TWO-THIRDS (2/3) OF ITS MEMBERS CONCURRING:**

Section 1. That Section 7.01 of the Charter of Buckeye Lake Ohio, entitled "Planning and Zoning" be amended as follows:

SECTION 7.01. Planning and Zoning Commission.

- a) ~~There is hereby created~~ The Village shall have a Planning and Zoning Commission consisting of seven members, ~~two~~ three of whom are appointed by the Mayor, and ~~two~~ four of whom are appointed by Council. ~~Four of the current members of the Board of Zoning Appeal under the general statutory plan of government, are hereby designated as the initial members of the Planning and Zoning Commission under this Charter. The existing members shall determine, by lot, which of them shall tender his or her resignation from the Commission. Thereafter, the members shall each serve until December 31, 2006, unless earlier terminated or resigned.~~
- b) The members shall serve, ~~without compensation~~, until their successors are appointed and qualified. A vacancy shall be filled ~~in a like manner~~ by the vacating member's Appointer, the Mayor or Council. The Mayor, with the concurrence of council, may at any time remove any Commissioner so appointed for malfeasance in office, having first given to such member ~~of~~ a copy of the charges and an opportunity to be heard in person or by defense counsel before the Mayor and Council. Such removal shall be final.
- c) The purpose of this Planning and Zoning Commission is to preserve and promote the public health, safety and welfare by means of regulations and restrictions enacted to:
 - 1) encourage the orderly growth and development of the Village;
 - 2) develop and update a five-year plan for the growth and development of the Village;

- 3) provide for adequate light, air, open space and convenience of access and protect against fire and natural hazards through planning;
 - 4) maintain and enhance the value of buildings, structures and land throughout the Village through planning; and
 - 5) make advisory recommendations concerning zoning matters as it believes to be in the best interest of the Village.
- f) In addition to the duties set forth herein, the Planning and Zoning Commission shall serve as a Board of Zoning and Building Appeals. The Board members will include the ~~four~~ seven members of the Planning and Zoning Commission, ~~and~~ The Director of Development or his designee shall attend every meeting and serve in an advisory capacity. ~~Except for the Development Director,~~ No Village employee or official may serve as a Board member while so employed, elected or appointed.
 - g) Said Commission shall elect one of its members to serve as Chair. He or she shall serve for a term of one year until his or her successor is elected and qualified. The Commission shall adopt rules and regulations for the government of the Commission and the Board of Zoning and Building Appeals. The rules shall provide that the Commission and the Board shall each hold, separately, at least one regular meeting each month; except the Commission, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held for either the Commission and/or the Board.
 - h) Once each year, or more often if requested or required by the Mayor or Council, the Commission shall prepare and furnish a written report of the activities undertaken by the Commission and the Board during the year and the number and status of variance, building and zoning issues heard or pending in the Village.
 - i) The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building and housing in the Village, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by Ordinance. The Board shall have such additional powers, duties and functions, relative to appeals from actions of administrative officers or employees concerning public buildings, streets or other public property or works, as provided by Ordinance or Resolution.
 - j) The Commission shall have such other powers, duties and functions, consistent with this Charter as provided by the Village's Ordinances and Resolutions.

Section 2. That Section 7.03 of the Charter of Buckeye Lake Ohio, entitled "Parks and Recreation" be amended as follows:

SECTION 7.03. Parks and Recreation Commission.

- a) ~~There is hereby created~~ The Village shall have a Parks and Recreation Commission which shall consist of: ~~four~~ five electors of the Village, two of whom will be appointed by the Mayor and ~~two~~ three of whom will be appointed by the Council. The members shall serve, ~~without compensation~~, until their successors are appointed and qualified. A vacancy shall be filled ~~in a like manner~~ by the vacating member's Appointer, the Mayor or Council. The Mayor, with the concurrence of council, may at any time remove any commissioner so appointed for malfeasance in office, having first given to such member of a copy of the charges and an opportunity to be heard in person or by defense counsel before the Mayor and Council. Such removal shall be final.
- b) Said commission shall organize as a "recreation and parks commission" by the election of a Chair, who shall serve for a term of one year or until his or her successor is elected and qualified. The commission shall adopt rules and regulations for the government of the commission and for the operation of the various recreational facilities and public parks under its control. The rules shall provide that the Commission shall hold at least one regular meeting each month; except the Commission, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held.
- c) Once each year, or more often if requested or required by the Mayor or Council, the Commission will prepare and furnish a written report of its activities during the year and the status of the parks under the Commission's jurisdiction.
- d) The Parks and Recreation Commission shall review the Village's parks and recreation operations, facilities and programs and shall make advisory recommendations to the Mayor and the Council concerning such parks and recreational programs, operations and facilities as the Commission believes to be in the best interest of the Village.
- e) The Commission shall also, with the approval of Council and the Mayor, equip, operate, direct and maintain all the existing recreational facilities and park facilities, and from time to time, to acquire, improve and construct additional facilities. The recreation and parks commission may receive donations and bequests, of money or property, in trust or otherwise, for recreational and park purposes. The Clerk-Treasurer shall be the custodian of all such trust funds which may be received by gift, devise, in trust, or otherwise. Said Clerk-Treasurer shall carefully preserve, control

and invest the said trust funds as required by the deeds of trust, and shall disburse the income from the same as shall be directed by said commission in accordance with and subject to the terms and conditions of said deeds of trust.

Section 3. The Law Director is hereby authorized to consult with the appropriate Board of Elections and take all actions necessary in order to submit the foregoing revisions to a vote of the electors of the Village at the next General Election to be held on November 7, 2006, at the regular places of voting in the Village.

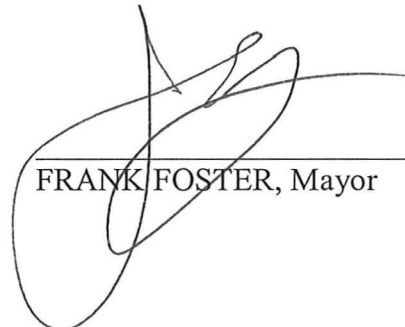
Section 4. In order to protect the health, safety and welfare of the citizens of the Village of Buckeye Lake, this ordinance is an emergency measure to allow the Village to comply with the timelines required by the County Board of Elections for placing Charter Amendments on the ballot and the ordinance shall become effective on its passage and signature of the Mayor.

PASSED August 18, 2006

ATTEST



CHARLENE HAYDEN, Council President



FRANK FOSTER, Mayor