veto invalid due to no reasons given

ORDINANCE NO. 2021-40
FINAL AMENDED VERSION
VILLAGE OF BUCKEYE LAKE

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS AND THE DECLARATION OF AN EMERGENCY.

WHEREAS, the Village of Buckeye Lake, Ohio, is organized under the laws of the State of Ohio and (Home Rule) of the Ohio Constitution, pursuant to the Village Charter; and

WHEREAS, the Village of Buckeye Lake currently regulates land uses within the Village limits in accordance with the Village of Buckeye Lake Official Zoning Regulations, pursuant to its Home Rule Constitutional authority and the Ohio Constitution; and

WHEREAS, the Village of Buckeye Lake Official Zoning Regulations do not contain any comprehensive regulations concerning the operation of short-term (30 days or less) residential real estate rentals ("STRs") within the Village's residential zoning district with the exception of the narrow regulations concerning bed and breakfast uses; and

WHEREAS, over the past few years there has been an increase in the operation of STRs by way of online sites and smartphone apps where residential homes have been rented and used as STRs; and

WHEREAS, the Village has a legitimate public interest in preserving its residential and waterfront neighborhoods and the recent proliferation of STRs in the Village may threaten the health, safety, welfare, comfort, and peace of the Village's neighborhoods by introducing transient guests into the Village's residential and waterfront zoning districts, leading to increased noise, traffic, and occupancy of residences without sufficient owner supervision and Village oversight; and

WHEREAS, the Village needs additional time to review any applicable sections of its Official Zoning Regulations and other ordinances and state laws, conduct community outreach, and to study, plan for, formulate, and draft reasonable and comprehensive regulations with respect to STRs within the Village; and

WHEREAS, until such time as reasonable and comprehensive regulations concerning STRs are established, this Council desires to enact a temporary moratorium on the operation of STRs in the Village's residential zoning district for a period of sixty (60) days in order to prevent proliferation of these uses in the Village's residential zoning district while also making sure that the Village regulates these uses in a reasonable and practical manner so as to protect both the rights of property owners and the Village's residential neighborhoods; and

WHEREAS, the temporary moratorium contained herein is not intended to be, and it shall not operate as, a moratorium on any currently permitted, legal, bed and breakfast uses in the Village where the operator of the same has previously received a zoning permit authorizing the same prior

to the effective date of this moratorium. Any previously permitted, legal bed and breakfast use that is operating during the period of this moratorium shall be operated in compliance with the terms of the Official Zoning Regulations and other state laws and local ordinances;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Buckeye Lake, at least two-thirds (2/3) of its members concurring to dispense with the requirements of Charter Section 4.04 requiring three readings on three separate days with at least one week between the readings:

SECTION 1: There is hereby imposed a sixty (60) day temporary moratorium prohibiting the operation of short term (30 days or less) residential real estate rentals within any residential zoned district within the Village. Furthermore, during the period of the moratorium established herein, no building permits, licenses, or zoning permits shall be granted for the purpose of operating a short term (30 days or less) residential real estate rental operation.

SECTION 2: The moratorium shall be in effect for a period of sixty (60) days from the effective date of this Ordinance or until Council expressly revokes this moratorium. Nothing herein prohibits from Council extending this temporary moratorium.

SECTION 3: Bed and Breakfast and short-term rental establishments that were in lawful operation within the Village prior to enactment of this moratorium shall not be subject to this moratorium.

SECTION 4: Whoever violates this Ordinance is guilty of a misdemeanor of the first degree and shall be subject to the penalties of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. It shall be prima facie evidence of a violation that a property is listed as available for short term rental on any website or application.

SECTION 5: That 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 of R.C. §121.22.

SECTION 6: That this Ordinance, for the reasons in the preamble, is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals, and welfare of the residents of the Village of Buckeye Lake, for which reason the Council hereby declare this Ordinance an emergency measure and it shall take effect and be in force immediately upon passage.

PASSED THIS 23 DAY OF August, 2021.

Samantha Torres
ATTEST: Clerk of Council, Samantha Torres

Council President, John Geiger

Mayor, Peggy Wells

8/31/2021 VETO

This version presented to the mayor on 8/30/2021