ORDINANCE NO. 2021-49

VILLAGE OF BUCKEYE LAKE

AN ORDINANCE AMENDING THE ZONING CODE FOR THE VILLAGE OF BUCKEYE LAKE REGARDING MANUFACTURED AND MOBILE HOMES 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, pursuant to Charter Section 3.12(a)(2), Council has the legislative "power to adopt or enact codes and regulations to provide for public safety and welfare, nuisance abatement, planning and zoning, building and housing, parks and recreation, regulation of any trade, occupation or business that might injuriously affect the public health, safety, morality or welfare of the Village, public improvements, public utilities, traffic control, and such police, sanitary and other similar regulations as are not in conflict with the general laws of the state of Ohio and the Constitution of Ohio;" and

WHEREAS, pursuant to Charter Article 7 a Planning and Zoning Commission is established within the Village of Buckeye Lake, and, pursuant to Charter Section 7.01(c), its purpose "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;" and

WHEREAS, the Village of Buckeye Lake has evaluated whether areas, and expansion or contraction thereof, in which manufactured homes are permitted is consistent with the goals and vision as expressed in the Official Zoning Regulations Preamble as stated, "dividing the village into zones and districts, encouraging, regulating and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land, buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-way; providing for the compatibility of different land uses and the most appropriate use of land; and powers and duties of the administrative officers as provided hereafter, the prescribing of penalties for the violation of the provisions in this ordinance or any amendment thereto; all for the purpose of protecting the public health, safety, comfort, and general welfare;" and

WHEREAS, Planning Commission has favorably recommended a change to the Zoning Code restricting the areas in which mobile homes may be located; and

WHEREAS, the Village Council has determined that it is necessary to declare an emergency for the preservation of public property, health, peace, and safety, to prohibit applications for mobile homes between passage of this Ordinance and its effective date, in areas now permitting mobile homes but which will be prohibited;

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: The temporary moratorium in place pursuant to Resolutions 2021-03, 2021-04, 2021-12, and 2021-13, shall continue in full force and effect until this Ordinance is enacted.

SECTION 2: Section 802 of the Official Zoning Regulations, shall be amended:

802 LOW-DENSITY RESIDENTIAL DISTRICT (R1)

Permitted uses, dimensional requirements and other regulations of the R-1, Low-Density Residential District; the following regulations shall apply:

Permitted Uses:

1. Light agricultural uses (not to include livestock, poultry, or horses)
2. Single-family dwellings
3. Churches
4. Public and private schools
5. Public parks and playgrounds
6. ~~Modular homes~~
7. Private swimming pools as an accessory use
8. Accessory uses and structures

Conditionally Permitted Uses:

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SECTION 3: Section 803 of the Official Zoning Regulations, shall be amended:

SECTION 803 MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-2)

Permitted uses, dimensional requirements and other regulations of the R-2, Medium-Density Residential District; the following regulations shall apply:

Permitted Uses:

1. Light agricultural uses (not to include livestock, poultry, and Horses).
2. Single-family dwellings.
3. Churches.
4. Public and private schools.
5. Public parks and playgrounds.
6. Private swimming pools as an accessory use.
7. Accessory uses and structures.
~~8. Modular homes.~~

Conditionally Permitted Uses:

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SECTION 4: Section 806 of the Official Zoning Regulations, shall be amended:

SECTION 806 MOBILE HOME PARK DISTRICT (MHP)

General Requirements of the MHP District

The responsibility for specific regulations concerning layout, construction, sanitation and related matters for all mobile home parks in Buckeye Lake Village shall be in accordance with Ohio Revised Code § 3733 and Public Health Council Rules HE-27 - 01 and HE-27-31 and amendments thereto.

Mobile Homes and Manufactured Homes and Manufactured Housing shall be permitted only in Mobile Home Park Districts and shall not be permitted in any other district.

SECTION 5: Section 409 of the Official Zoning Regulations, shall be amended:

SECTION 409 MOBILE HOMES, MANUFACTURED HOMES AND MANUFACTURED HOUSING

If a lawful use involving a mobile home, manufactured home, manufactured housing, or a mobile home, manufactured home, or manufactured housing and land in combination exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance or amendment, the lawful use may be continued so long as it remains otherwise lawful. Further, such mobile home, manufactured home, or manufactured housing may be improved, enlarged, and/or replaced by another mobile home, manufactured home, or manufactured housing, so long as such improvement, enlargement and/or replacement is in compliance with the then-current American Mobile Home Manufacturing Association Standards & Recommendations and any other standards and recommendations for mobile homes, manufactured homes, and manufactured housing.

SECTION 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 7: 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 and emergency measure and it shall take effect and be in force immediately upon passage.

PASSED THIS 27 DAY OF September, 2021.

Samantha Torres
ATTEST: Clerk of Council, Samantha Torres

Council President, John Geiger

Peggy Wells
Mayor, Peggy Wells