

**RESOLUTION NO. 2021-04**

**VILLAGE OF BUCKEYE LAKE**

**A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND ISSUANCE OF LAND USE APPLICATIONS FOR MODULAR HOMES AND THE DECLARATION OF AN EMERGENCY.**

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**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 is evaluating whether areas, and expansion or contraction thereof, in which modular 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**, permitting or expanding modular homes areas and zoning districts may have potential negative effects upon the community and development plans of the Village, including, conflicting land uses, and danger to the public health, safety, and general welfare; and

**WHEREAS**, the Village of Buckeye Lake Planning and Zoning Commission and Village of Buckeye Lake Council require three (3) months of time in which to review existing and proposed land use codes and regulations as they affect land use development, to ensure that all land use development proceeds in a manner that is consistent with the development plans of the Village and long-term and short-term sustainability goals of the Village; and

**WHEREAS**, The Village of Buckeye Lake Planning and Zoning Commission has already prepared revised Official Zoning Regulations for consideration and now desires time to analyze and assess the current regulations and proposed revisions affecting development within all zoning districts; and

**WHEREAS**, a moratorium through an emergency resolution on all development permits regarding modular homes will enable a reasoned discussion and consideration of desired amendments to the Village of Buckeye Lake Official Zoning Regulations, without creating a rush of development applications and the related effects upon the community; 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 with the imposition of a temporary moratorium on the acceptance, processing, and approval of land use applications for development authorization and permits by the Village of Buckeye Lake;

**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 three (3) month moratorium on the issuance of any and all new land use, zoning, building, occupancy, or similar land use permits, except as herein provided for, for modular homes within the Village of Buckeye Lake. This moratorium shall apply to all new land use applications involving modular homes and permits in all zoning districts within the Village of Buckeye Lake..

**SECTION 2:** The following land use applications shall be exempt from this temporary moratorium:

1. Any land use application deemed to be a complete application and approved by the Village of Buckeye Lake, prior to the passage of this Resolution.

**SECTION 3:** Land use applications involving modular homes may be accepted during this moratorium, and if received shall be presented to the Planning and Zoning Commission for pre-approval and comment for Village Council. If the Planning and Zoning Commission would

otherwise approve said application, the matter shall be referred to Village Council for final approval. The Planning and Zoning Commission shall provide Village Council with its reasons and facts supporting approval and Village Council shall consider the matter of approval via resolution.

**SECTION 4:** 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 5:** That this Resolution, 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 Resolution and emergency measure and it shall take effect and be in force immediately upon passage.

PASSED THIS 5 DAY OF April, 2021.

ATTEST: Samantha Torres Clerk of Council, Samantha Torres  
Peggy Wells Mayor, Peggy Wells  
John Geiger Council President, John Geiger

