

RESOLUTION NO. 2023-10
VILLAGE OF BUCKEYE LAKE

← FAILED
February 13, 2023

A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND ISSUANCE OF LAND USE APPLICATIONS AND PERMITS FOR PROPERTY LOCATED WITHIN THE GENERAL BUSINESS (GB) ZONING DISTRICTS 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, Licking County is anticipating rapid growth and expansion as a result of federal CHIPS legislation and local investment by INTEL; and

WHEREAS, the Village has recently received an updated Comprehensive Plan providing for economic growth capitalizing on the Village as a tourist and recreational destination while protecting the residents of the Village, and furthermore, the Comprehensive Plan suggests changes to the existing Village Zoning Code to encourage business development more compatible with future growth and goals of the Village; and

WHEREAS, the Village of Buckeye Lake Planning and Zoning Commission and Village of Buckeye Lake Council require six (6) months of time to review and compare the Comprehensive Plan to existing zoning regulation as they affect land use development in General Business (GB)

zoning districts within the Village, and specifically those zoning districts along SR-79, Walnut Road and to enact, if so desired after review, the suggested changes in the Comprehensive Plan, to ensure that all future 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, a moratorium through an emergency resolution on all business and development applications and permits will enable a reasoned discussion and consideration of the Comprehensive Plan and its suggested zoning regulation changes; 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 six (6) month moratorium on the acceptance and issuance of any and all new and renewal land use, zoning, building, occupancy, business, or similar land use applications, within the General Business (GB) zoning district. This moratorium shall apply to all new and renewal land use, zoning, building, occupancy, business, or similar land use applications and permits in the General Business (GB) zoning district.

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.
2. Any land use applications in zoning districts other than General Business (GB).
3. Land use applications for the demolition of accessory structures within General Business (GB) zoning districts.
4. Sign applications for the replacement or erection of new signs.

SECTION 3: 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 4: 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 _____ DAY OF _____, 2023.

ATTEST: _____
Clerk of Council, Samantha Torres

Council President, Linda Goodman

Mayor, Jeryne Peterson

