

**ORDINANCE NO. 2023-52**

**VILLAGE OF BUCKEYE LAKE**

**AN ORDINANCE ADOPTING ARTICLE 14 (PLANNED MIXED-USE DISTRICT) OF THE ZONING CODE FOR THE VILLAGE OF BUCKEYE LAKE 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, anticipated development within the Village necessitates the adoption of new provisions for mixed use developments; and**

**WHEREAS**, Planning Commission has favorably recommended a change to the Zoning Code to foster development of areas within the Village to combine residential and commercial uses; and

**WHEREAS**, the Village Council held a public hearing on this amendment on October 9, 2023; and

**WHEREAS, the existing Zoning Code contains some provisions for planned developments in Article 12, it is express intent of the Village that existing approved plans and phases of**

development continue according to Article 12 under which they were approved but that all new developments and/or phases of development filed for and reviewed for approval after the date of this ordinance and adoption of Article 14 shall proceed according to Article 14; 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 facilitate immediate develop of certain lands within the Village;

**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 Official Zoning Code of the Village of Buckeye Lake is amended by the adoption of Article 14 to the Official Zoning Code, attached hereto as Exhibit "A".

**SECTION 2:** All existing plans and phases, that were approved pursuant to Article 12, including but not limited to the Landings at Maple Bay, shall continue pursuant to Article 12 but any development or additional phase of development filed for review and approval after the date of passage of this Ordinance and adoption of Article 14 shall be governed by the provisions of Article 14.

**SECTION 23:** 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 34:** 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 23 DAY OF October, 2023.

ATTEST: Samantha Torres Clerk of Council, Samantha Torres  
Linda Goodman Council President, Linda Goodman  
Jeryne Peterson Mayor, Jeryne Peterson