

**VILLAGE OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2017-59**

**A RESOLUTION REGARDING INCOMPATIBLE LAND USES AND ZONING
BUFFER WITH RESPECT TO PROPERTY PROPOSED TO BE ANNEXED TO THE
VILLAGE OF SOUTH LEBANON, OHIO, FROM ADJACENT LAND REMAINING
IN HAMILTON TOWNSHIP, WARREN COUNTY, AND DECLARING AN
EMERGENCY**

WHEREAS, pursuant to R.C. 709.023, real estate consisting of 222.745 acres of real property was identified in a petition for annexation (the "River Corridor Annexation") filed with the Board of County Commissioners of Warren County, Ohio, on November 1, 2017, notice of such filing which, along with a copy of the petition, its attachments and documents accompanying the petition as filed were duly served upon the Village of South Lebanon as prescribed by law and are on file with the Village Fiscal Officer/Clerk; and

WHEREAS, R.C. 709.023(C) also requires that a municipal corporation to which land is proposed to be annexed shall, by ordinance or resolution, require buffers separating any new uses in the territory annexed that the city determines are clearly incompatible with the uses under the current township or county zoning regulations, from the adjacent land remaining within the township; and

WHEREAS, R.C. 709.023(C) requires council to adopt a resolution indicating such services within twenty (20) days after the date the petition is filed; and

WHEREAS, immediate action is required to assure this resolution is submitted to the Board of County Commissioners within the timeframe specified in the Ohio Revised Code, and such action is necessary in order to preserve the public peace, health, safety or welfare of the Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. In the event the above-referenced 222.745 acres of real property known as the "River Corridor Annexation" are annexed to the Village of South Lebanon from Hamilton Township, Warren County, Ohio and the territory becomes subject to municipal zoning and the municipal zoning permits uses in the annexed territory that the Village of South Lebanon determines are clearly incompatible with uses under Warren County or Hamilton Township zoning in effect at the time

effect at the time of the filing of the petition on the land adjacent to the annexation territory and remaining in Hamilton Township, then the Village of South Lebanon will require, in the zoning ordinance permitting such incompatible uses, that the owner of the annexed territory provide a buffer separating the use of the annexed territory and the adjacent land remaining in Hamilton Township.

Section 2. For purposes of this annexation, "buffer" includes, but is not limited to, open space, landscaping, fences, walls, and other structured elements; streets and rights-of-way; and bicycle and pedestrian paths and sidewalks.

Section 3. The Clerk is directed to provide a certified copy of this Resolution to J. William Duning, Agent, for immediate transmittal to and filing with the Board of County Commissioners of Warren County, Ohio.

Section 4. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 5. That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and this Resolution shall be in full force and effective immediately upon its passage.

Section 6. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 16th day of November, 2017.

Attest: Nicole Armstrong James D. Smith
Nicole Armstrong, Fiscal Officer/Clerk James D. Smith, Mayor

Rules Suspended: <u>1/16</u> /2017 (if applicable)	Effective Date – / /2017
Vote - <u>5</u> Yeas <u>1</u> Nays	
First Reading – / /2017	Effective Date – / /2017
Second Reading – / /2017	
Third Reading – / /2017	
Vote - ____ Yeas ____ Nays	

Prepared by and approved as to form:

PAUL R. REVELSON
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By: 
Date: 1/16/2017