

VILLAGE OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2021-26

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 10.5383 acres of real property was identified in a petition for annexation ("The Archdiocese of Cincinnati Property Annexation") filed with the Board of County Commissioners of Warren County, Ohio, on June 24, 2021, 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 and file a resolution or ordinance indicating that buffers will be required for any zoning of the Archdiocese of Cincinnati Property Annexation territory in the Village of South Lebanon it determines is incompatible with existing adjacent uses in the township 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 10.5383 acres of real property known as the "Archdiocese of Cincinnati Property 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 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 the Board of County Commissioners of Warren County, Ohio for filing within 20 days of the date the Archdiocese of Cincinnati Property Annexation Petition was filed with the Warren County Board of County Commissioners.

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 15th day of July, 2021.

Attest:


Petrina D. Williams, Fiscal Officer/Clerk


James D. Smith, Mayor

Rules Suspended: / /2021 (if applicable)	Effective Date – / /2021
Vote - <u> 6 </u> Yeas <u> </u> Nays	
First Reading – / /2021	Effective Date – / /2021
Second Reading – / /2021	
Third Reading – / /2021	
Vote - <u> </u> Yeas <u> </u> Nays	

Prepared by and approved as to form:

ANDREW P. MEIER
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By:  _____

Date: 7/1 /2021