

CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2023-10

**A RESOLUTION REGARDING INCOMPATIBLE LAND USES AND ZONING
BUFFER WITH RESPECT TO 7.0165± ACRES OF REAL PROPERTY PROPOSED TO
BE ANNEXED TO THE CITY OF SOUTH LEBANON, OHIO, FROM ADJACENT
LAND REMAINING IN UNION TOWNSHIP, WARREN COUNTY, AND
DECLARING AN EMERGENCY**

WHEREAS, pursuant to R.C. 709.023, real estate consisting of 7.0165 acres of real property was identified in a petition for annexation (“HuDawn Annexation”) filed with the Board of County Commissioners of Warren County, Ohio, on February 3, 2023, 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 City of South Lebanon as prescribed by law and are on file with the City 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 HuDawn Annexation territory in the City 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 City.

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

Section 1. In the event the above-referenced 7.0165 acres of real property known as the " HuDawn Annexation" are annexed to the City of South Lebanon from Union Township, Warren County, Ohio and the territory becomes subject to the City of South Lebanon zoning and that municipal zoning permits uses in the

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annexed territory that the City of South Lebanon determines are clearly incompatible with the uses permitted under Warren County or Union Township zoning in effect at the time of the filing of the petition on the land adjacent to the annexation territory and remaining in Union Township, then the City 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 Union 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 HuDawn 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.

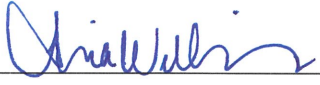
Section 5. That this Resolution is hereby declared to be an emergency measure in accordance with R.C. 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and this Resolution shall be in full force and effective immediately upon its passage.


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 R.C. 121.22.

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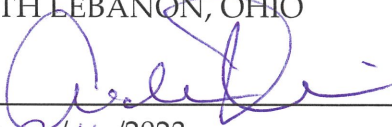
Adopted this 16th day of February, 2023.

Attest: 
Petrina D. Williams, Fiscal Officer/Clerk


James D. Smith, Mayor

Rules Suspended: <u>2/16/2023</u> (if applicable)	Effective Date <u>2/16/2023</u>
Vote - <u>5</u> Yeas ___ Nays	
First Reading - / /2023 Second Reading - / /2023 Third Reading - / /2023	Effective Date - / /2023
Vote - ___ Yeas ___ Nays	

Prepared by and approved as to form:
ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: 
Date: 2/16/2023