

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2023-45**

**A RESOLUTION REGARDING INCOMPATIBLE LAND USES AND ZONING
BUFFER WITH RESPECT TO .8143+/- ACRES OF REAL PROPERTY PROPOSED TO
BE ANNEXED TO THE CITY 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 .8143+/- acres of real property was identified in a petition for annexation ("Striker Property Annexation") filed with the Board of County Commissioners of Warren County, Ohio, on November 6, 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 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 the City complies with its statutory duties and the statutory requirement that this resolution be adopted and 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 .8143+/- acres of real property known as the "Striker Property Annexation" are annexed to the City 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 City of South Lebanon determines are clearly incompatible with uses permitted 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 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 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.

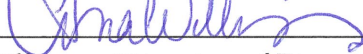
Section 3. The Clerk is directed to provide a certified copy of this Resolution to the Board of County Commissioners of Warren County, Ohio for filing within 20 days after the filing of the petition for annexation.

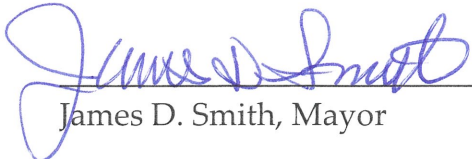
Section 4. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 5. For all of the reasons stated herein, 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, 2023.

Attest: 
Petrina D. Williams, Director of Finance/Clerk


James D. Smith, Mayor

Rules Suspended: 11/16/2023 (if applicable)

Effective Date - 11/16/2023

Vote - 6 Yeas
 ___ Nays

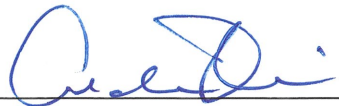
First Reading - / /2023
Second Reading - / /2023

Effective Date - / /2023

Vote - ___ Yeas
 ___ Nays

Prepared by and approved as to form:

ANDREW P. MEIER
LAW DIRECTOR
SOUTH LEBANON, OHIO

By:  _____
Date: 11 / 16 / 2023