

RESOLUTION NO. 31-13
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Beals
ON THE 15th DAY OF July, 2013.

A RESOLUTION REGARDING ZONING BUFFERS IN A PROPOSED ANNEXATION OF PROPERTY CONTAINING 0.933 ACRES MORE OR LESS FROM WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, OHIO TO THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO PURSUANT TO THE REQUIREMENT OF SECTION 709.023(C) OHIO REVISED CODE.

WHEREAS, a petition has been filed with the Montgomery County Board of County Commissioners requesting annexation to the City of Centerville of 0.933 acres, more or less, of land in Washington Township, Montgomery County, owned by FEZCO DLP, LLC, et al.; and

WHEREAS, the Ohio Revised Code requires that where territory sought to be annexed is zoned under Chapter 303 or 519 of the Revised Code that the legislative authority of the municipal corporation adopt an ordinance or resolution stating that if the territory is annexed and becomes subject to zoning by the municipal corporation and the municipal zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations on the adjacent land remaining within the township from which the territory was annexed, the legislative authority of the municipal corporation will require, in the zoning ordinance permitting the incompatible uses, that the owner of the annexed territory provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City of Centerville will provide zoning and planning services to the proposed annexation area. If the City of Centerville rezones the property to permit uses in the annexed territory that the City of Centerville determines are clearly incompatible with the uses permitted under the current township zoning regulation on the adjacent land remaining within Washington Township, the City of Centerville will require, in the zoning ordinance permitting the incompatible uses, that the owner of the annexed territory provide a buffer separating the use of the annexed territory and the

adjacent land remaining with Washington Township. For the purpose of this section, "buffer" may include open space, landscaping, fences, walls, and other structured elements; street and street right-of-way; and bicycle and pedestrian paths and sidewalks.

Section 2. The Clerk is hereby directed to prepare a certified copy of this Resolution and have it filed with the Montgomery County Board of County Commissioners prior to the Commissioners' annexation review as required by law.

PASSED this 15th day of July, 2013.

Mark King
Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James
Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 31-13, passed by the Council of the City of Centerville, Ohio on the 15th day of July, 2013.

Debra A. James
Clerk of Council, City of Centerville, Ohio

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions.
Department of Law
Scott A. Liberman
Municipal Attorney