

ORDINANCE NO. 2004-43

AN ORDINANCE ESTABLISHING THE BUFFER REQUIREMENTS FOR THE 74.523 ACRE TERRITORY PROPOSED TO BE ANNEXED FROM DEERFIELD TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF MASON UPON ANNEXATION TO THE CITY AND DECLARING AN EMERGENCY.

WHEREAS, a petition for annexation signed by 100% of the property owners seeking to annex approximately 74.523 acres in Deerfield Township to the City of Mason, Ohio has been filed with the Board of County Commissioners of Warren County, Ohio under the expedited process provided for in Ohio Revised Code Section 709.023; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires that when the annexation territory is subject to township or county zoning at the time of annexation, the city to which annexation is sought shall adopt an ordinance or resolution that requires buffering for uses permitted by the city in the annexation area that it determines are clearly incompatible with the uses permitted under current county or township zoning regulations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, at least five members of the seven members elected thereto concurring, that:

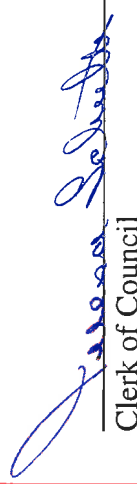
Section 1. The 74.523 acre annexation territory is subject to Deerfield Township zoning regulations and Chapter 519 of the Ohio Revised Code. If the territory is annexed and becomes subject to Mason zoning and the city zoning code permits uses in the annexed territory that the city determines are clearly incompatible with the uses permitted under applicable township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexation territory remaining within Deerfield Township, then Mason City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Deerfield Township. The landscape "buffer" may include open space, landscaping, fences, walls, and other structured elements, streets and street rights-of-way, or bicycle and pedestrian paths and sidewalks.

Section 2. The Clerk of Council is hereby directed to immediately file a certified copy of this ordinance with the Board of County Commissioners of Warren County, Ohio.

Section 3. This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare and further for the reason that state law requires that city council adopt legislation for the buffering of future incompatible uses and file it with the Warren County Commissioners within twenty (20) days of the date of the filing of the petition, and in order to meet the city's legal obligation, this measure must be immediately adopted, take effect and be in full force from and after its passage.

Passed this 22nd day of March, 2004.

Attest:


Clerk of Council


Mayor

CERTIFICATE

The undersigned, Clerk of Council of the City of Mason, hereby certifies this to be a true and exact copy of Ordinance No. 2004-_____, adopted by the Council of the City of Mason on March _____, 2004.

Clerk of Council