

RESOLUTION 2012-11

**A RESOLUTION IN CONFORMITY WITH OHIO REVISED CODE SECTION 709.023(C)
AFFIRMING THAT IF TERRITORY PRESENTLY PROPOSED FOR ANNEXATION BECOMES
SUBJECT TO ZONING BY THE VILLAGE OF HIRAM, THAT THE ZONING ORDINANCE
IMPOSED ON THE PROPERTY WILL REQUIRE A BUFFER SEPARATING THE USE OF THE
ANNEXED TERRITORY AND THE ADJACENT LAND REMAINING IN THE TOWNSHIP AND
DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Hiram has been informed that land owners adjacent to and contiguous with the Village of Hiram just to the Northeast of the existing Village limits, have filed a petition in conformity with the special annexation procedure set forth in the Ohio Revised Code 709.023 with the Portage County Commissioners for the annexation to the Village of approximately ninety (90) acres of real estate located north of the Village, immediately adjacent to and contiguous with the Village of Hiram; and

WHEREAS, the territory which is proposed for annexation is more fully described in the attached Exhibit A; and

WHEREAS, it is the intention of the Council of the Village of Hiram to comply with Ohio Revised Code Section 709.023(C) which sets forth certain requirements with respect to buffering and separating the use of the annexed territory and the adjacent land remaining in the Township; and

WHEREAS, the Council of the Village of Hiram has determined that if the territory is annexed and becomes subject to zoning by the Village of Hiram, and that proposed municipal zoning permits uses in the annexed territory that the Village of Hiram determines are clearly incompatible with the uses permitted under the current Hiram Township zoning regulations in the adjacent land remaining in the Township from which the territory is annexed, the Council of the Village of Hiram 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 the Township.

NOW THEREFORE BE IT RESOLVED, by the Council of the Village of Hiram, Portage County, Ohio, two thirds (2/3rds) or more of the members thereto concurring that:

SECTION 1: The Council finds that the territory proposed for annexation is currently subject to zoning regulations adopted under either 303 or 519 of the Ohio Revised Code and that those zoning regulations have been enacted by Hiram Township.

SECTION 2: The Council of the Village of Hiram hereby adopts this resolution and states that, if the territory is annexed (that is, the territory set forth in Exhibit A) and becomes subject to the zoning of the Hiram Village, and that the Hiram Village zoning permits uses in the annexed territory that Hiram Village determines are clearly incompatible with the uses permitted under the current Hiram Township zoning regulations in the adjacent land remaining in the Township from which the territory was annexed, the Council of the Village of Hiram 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 the Township. For the purposes of this Resolution, "buffer" include open space, landscaping, fences, walls, and other structured elements; streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

SECTION 3: The Council of the Village of Hiram indicates that upon annexation, the land shall be subject to the Village of Hiram zoning code and sub division code in effect at the time of application for zoning approval, and the land shall be developed in conformity with said code, but in all events the Council confirms the

commitment to follow the requirements set forth in Ohio Revised Code section 709.023(C) with respect to buffering.

SECTION 4: The establishment of Village of Hiram zoning can only be accomplished by following the procedure set forth in the Zoning Code of the Village of Hiram. In compliance with the Zoning Code of the Village of Hiram, the Council of the Village of Hiram hereby commits that it will require, in the zoning ordinance permitting the uses which the Village Council determines to be incompatible to the existing zoning established by Hiram Township, that the owner of the territory proposed for annexation will provide a buffer separating the use of the annexed territory and the adjacent land remaining in Hiram Township.

SECTION 5: The Village Council finds that this Resolution is declared to be an emergency measure, effective immediately upon its passage for the reason that it is essential to file a statement that a buffer will be required by the Village of Hiram between the area proposed for annexation (Exhibit A) and the adjacent land remaining in Hiram Township, and to file the Resolution with the Board of County Commissioners within twenty days after the date the Petition for Annexation is filed with the Clerk of the Board of County Commissioners.

SECTION 6: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Revised Code of the State of Ohio.

Passed as an emergency on February 29, 2012

Magnus Lou Bertrand
Lou Bertrand, Mayor

ATTEST:

Kay Ziska
Kay Ziska, Fiscal Officer

APPROVED AS TO FORM:

Thomas Reitz
Thomas Reitz, Solicitor

I Kay Ziska, Fiscal Officer of the
Village of Hiram, Ohio, hereby certify that
the foregoing Resolution or Ordinance
No. 2012-11 has been duly posted in the
required 5 places.
3-2-12 Kay Ziska
Date Fiscal Officer, Village of Hiram