

ORDINANCE NO. 86-15

**AN ORDINANCE TERMINATING THE MORATORIUM
ON NEW DEVELOPMENT WITHIN THE FRENCH CREEK WATERSHED
AND DECLARING AN EMERGENCY**

WHEREAS, large storms with heavy rains settled into the area on Monday, May 12th, 2014 and persisted through the evening into early Tuesday morning, May 13th; and

WHEREAS, these rains caused the French Creek, Mills Creek and Schwartz Creek to flood, exceeding their banks in some cases by several feet; and

WHEREAS, residents and businesses alike, particularly in the City's southeast quadrant, suffered losses to real property and valuable personal property as a result of the excessive amount of stormwater generated by this series of storms; and

WHEREAS, in an effort to abate the negative effects of further development and to try to begin to understand and eventually remedy the problem of stormwater flooding during periods of heavy rain and/or snow melt in this southeast quadrant, Council passed a series of moratoriums (Ordinances beginning with Ord. No. 60-14 on May 27, 2014 up to and including Ord. No. 53-15 passed on May 14, 2015) which currently extends to August 12, 2015; and

WHEREAS, Chagrin Valley Engineering (CVE) has completed its first phase of modified stormwater and floodplain regulations (Ord. Nos., 74-15, 75-15, 76-15, 77-15 and 78-15) and Council has adopted same on June 22, 2015;

WHEREAS, with these new regulations now in place, the Administration, together with the City's Consulting Engineer, consider it no longer necessary to further extend this moratorium and to August 12, 2015 and recommends that it be terminated effective immediately; and

WHEREAS, Council finds that the recommendation to terminate the aforementioned moratorium to be reasonable and in furtherance of preserving the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That Council hereby terminates the existing Moratorium on the submission, consideration or approval of all applications for any development which requires review, recommendation or approval of Planning Commission which was adopted in Ordinance No. 53-15, passed April 13, 2015.

Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to terminate the existing moratorium (See Ord. No. 53-15); therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, President of Council

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

Prepared by:
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Law Director