

ORDINANCE NO. 58-16

AN ORDINANCE TO AMEND §1051.04 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO ADD §1051.04(h) CONCERNING RIPARIAN SETBACKS ON PARCELS LESS THAN TWO ACRES IN SIZE AND DECLARING AN EMERGENCY

WHEREAS, the Administration passed Ordinance No. 75-15 on July 13, 2015 to adopt Chapter 1051 which established riparian zones within the French Creek Watershed; and

WHEREAS, based upon the recommendation of the City's Engineer, it is now necessary to amend Section 1051.04 to add language concerning riparian setbacks on parcels less than two acres in size; and

WHEREAS, Council, considering the recommendation of the City Engineer, finds that adopting Section 1051.04(h) of the Code concerning riparian setbacks on parcels less than two acres in size is reasonable and in the best interests of the safety, health and welfare of the citizens of Avon.

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

Section 1 - That Chapter 1051.04 is hereby amended to add the following language:
(New language in bold print)

1051.04 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN ZONES WITHIN THE FRENCH CREEK WATERSHED.

(h) The City Engineer shall be permitted to grant written waivers to fully or partially exclude the application of the regulations put forth in Section 1051.04 with respect to parcels of land two acres or less in size and in existence in its current configuration per Lorain County deed records prior to July 13, 2015 if in his determination the application of this section will result in unreasonable controls governing building and land use. In making a determination the City Engineer may consult with relevant outside agencies as well as may consider available FEMA resources, known best management practices, the presence of sensitive environmental areas, the proximity of the subject area to the associated stream channel, and previously approved plans, studies, planning criteria and subdivisions of land. (Ord. 75-15. Passed 7-13-15.)

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.

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 amend Section 1051.04 to add a new subsection (h) to further regulate riparian setbacks on parcels less than two acres in size; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

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:
John A. Gasior, Esq.
Law Director