

**ORDINANCE NO. 34-25**

**AN ORDINANCE TO AMEND SECTION 210.01(f) OF THE CODIFIED  
ORDINANCES OF THE CITY OF AVON TO INCLUDE  
A LAND DISTURBANCE PERMIT FEE  
AND DECLARING AN EMERGENCY**

**WHEREAS**, due to the increase in growth in the City in recent years as evidenced by the increase in residential, commercial and industrial development, hundreds of acres of trees have removed from the City's tree canopy; and

**WHEREAS**, within the last three years, the City of Avon established a Tree Commission to focus on urban forestry and the importance of tree canopies throughout the City; and

**WHEREAS**, citizens have expressed their concerns over the removal of trees and the impact it has on, among other things, the quality of life in the community; and

**WHEREAS**, to address these concerns, the Administration and the Tree Commission have recommended that Section 210.01(f) of the Avon Codified Ordinances be amended to add a Land Disturbance Permit Fee of Two Hundred and 00/100 Dollars per acre (\$200.00) for any land development within the city, to be paid by the owner or developer of said land, as part of the construction/building permitting process; and

**WHEREAS**, a Special Revenue Fund will be set up to collect these funds which will be used for the cost of purchasing, planting, and maintaining trees anywhere in the city on city owned public property; and

**WHEREAS**, Council, having reviewed said amendments, finds them to be appropriate and in the best interests of the health, safety, and welfare of the citizens of Avon and desires to amend Section 210.01(f) to include the Land Disturbance Permit Fee.

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

Section 1 - That Section 210.01(f) shall be amended to add subsection (8) to Section 210.01(f) which shall then read as follows:

**210.01 SCHEDULE ESTABLISHED.**

(f) Planning and Zoning Code.

**(8) Land Disturbance Permit Fee. Land Disturbance Permit shall be required for the development of any land located in the city and legally described as being an area of at least (1) acre or more. The fee for said permit shall be Two Hundred Dollars (\$200.00\*) per acre. Said fee shall be paid by the owner or developer of the property at the time of issuance of any construction permits. Said fees shall be deposited into the Land Disturbance Fee Fund No. 280. This section does not apply to land disturbances carried out for the purpose of conducting agricultural endeavors.**

- (1) The term “land disturbance” shall have the same meaning as the term “soil disturbance activity” set forth in Section 1052.02(ww) but shall also include the removal trees regardless of whether or not the stumps of these trees are removed and the surrounding area is grubbed.

\*Adjusted annually by the Cleveland Construction Cost Index. Check with the Building Department for the current fee.

Section 2 - The Codifier is hereby instructed to insert the amendments into Section 210.01(f) as contained in this legislation. All other language contained in Section 210.01(f) not specifically amended herein shall remain in full force and effect.

Section 3 - 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 4 - 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 210.01(f) to provide for the addition of the Land Disturbance Permit fee in the Planning and Zoning Code; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasior, Law Director

ATTEST:

\_\_\_\_\_  
Barbara Brooks, Clerk of Council

Ordinance No. 34-25 (Con't)

Posted: \_\_\_\_\_  
Electronically and at City Hall as  
Provided by Council

Prepared By:  
John A. Gasior, Esq.  
Law Director