

**ORDINANCE NO. 59-16**

**AN ORDINANCE AMENDING SECTION 1464.25 OF THE CODIFIED ORDINANCES  
OF THE CITY OF AVON TO INCLUDE A NEW SUBSECTION (L) AS IT  
PERTAINS TO COMPENSATORY STORAGE REQUIREMENTS  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the Administration passed Ordinance No. 78-15 on July 13, 2015 to adopt Section 1464.25 which established compensatory storage requirements; and

**WHEREAS**, the City's Engineer now recommends an amendment to Section 1464.25 to add language in Subsection (l) dealing with the graduated scale for the implementation of compensatory storage requirements; and

**WHEREAS**, Council, in considering the recommendation of the City Engineer, finds that the amendment to Section 1464.25 of the Code as it pertains to a graduated scale for the implementation of compensatory storage requirements 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, OHIO:**

Section 1 - That Section 1464.25 of the Codified Ordinances of the City of Avon which currently reads as follows:

**1464.25 COMPENSATORY STORAGE.**

(k) After the development and compensatory storage areas are satisfactorily complete, the applicant shall submit technical data to and obtain a Letter of Map Revision from FEMA in accordance with Section 1464.20(a) of these regulations. When the development and compensatory storage areas are created for a new subdivision development, the Letter of Map Revision shall be obtained prior to the City Engineer's approval of the final subdivision plat.

(l) These regulations regarding compensatory storage shall not apply to public highway, transportation, or drainage improvements or maintenance thereof undertaken by a government agency or political subdivision. (Ord. 78-15. Passed 7-13-15.)

**Shall be amended to read as follows: (new language in bold print)**

**1464.25 COMPENSATORY STORAGE.**

(k) After the development and compensatory storage areas are satisfactorily complete, the applicant shall submit technical data to and obtain a Letter of Map Revision from FEMA in accordance with Section 1464.20(a) of these regulations. When the development and compensatory storage areas are created for a new subdivision development, the Letter of Map Revision shall be obtained prior to the City Engineer's approval of the final subdivision plat.

**(l) These regulations regarding compensatory storage specified in this section shall applied in the following manner: (i) Parcels of land one acre or less in size and existing in its current configuration as noted in Lorain County deed records prior to July 13, 2015 shall not be subject to any compensatory storage requirements specified in this section; (ii) Parcels of land greater than one acre but less than or equal to two acres in size and existing in its current configuration as noted in Lorain County deed records prior to July 13, 2015 shall only be subject to a stage vs. storage volume relationship of 1:1 no matter where the parcel is located within the city; (iii) Parcels of land greater than two acres in size shall be fully subject to the compensatory storage requirements specified in this section.**

**(m) These regulations regarding compensatory storage shall not apply to public highway, transportation, or drainage improvements or maintenance thereof undertaken by a government agency or political subdivision. (Ord. 78-15. 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 1464.25 to add language concerning a graduated scale for the implementation of compensatory storage requirements; 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:

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Ellen R. Young  
Clerk of Council

Posted: \_\_\_\_\_  
In Five Places as  
Provided by Council

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