

AN ORDINANCE AUTHORIZING A SECOND EXTENSION OF THE TEMPORARY MORATORIUM ON THE LAND DEVELOPMENT CODE REQUIREMENT THAT DEVELOPMENT BE SERVED BY PUBLIC WATER FACILITIES AS IT PERTAINS TO PROPERTIES IN THE CITY OF AKRON WATER SERVICE AREA IN HUDSON; AND DECLARING AN EMERGENCY.

WHEREAS, Section 1207.11(b)(1)(A) of the Land Development Code provides that “[d]evelopment shall be served by and utilize public water...” and “the Applicant shall demonstrate that ...adequate public facilities are or will be available to serve the proposed development at the time of occupancy...”; and

WHEREAS, Section 1207.11(b)(1)(B) of the Land Development Code also provides that individual lots existing prior to January 2000 and not improved with a residential structure may be serviced by a water well only upon meeting certain criteria; and

WHEREAS, certain areas of the City of Hudson receive public water services from the City of Akron; and

WHEREAS, the City of Hudson and the City of Akron have, to date, unsuccessfully attempted to negotiate a water service agreement despite the good faith efforts of the City of Hudson; and

WHEREAS, the City of Akron has refused to permit any additional connections to its public water system until the City of Hudson agrees to sign a highly unfavorable and unconscionable water service and tax sharing agreement with the City of Akron; and

WHEREAS, due to the actions of the City of Akron, new Hudson residents and businesses that wish to locate new structures in the Akron water service area have been forced to drill water wells in order to develop and use their properties; and

WHEREAS, during 2014, the City of Hudson required residents and businesses in the Akron water service area to obtain variances from Land Development Code Section 1207.11(b)(1) to permit the drilling of water wells and such variances were granted with the condition that the property owner not be required to connect to a public water facility sooner than 10 years from the date of the decision of the Board of Zoning and Building Appeals in an effort to amortize the cost of installing a water well; and

WHEREAS, pursuant to Ordinance No. 15-42 adopted April 7, 2015, this Council accommodated the needs of its residents and businesses by adopting a temporary moratorium for six (6) months, through September 30, 2015, temporarily suspending the enforcement of the public water requirement in the aforesaid section of the Land Development Code, the purpose of

which is to require new development to connect to public water facilities which is highly preferred to water wells; and

WHEREAS, pursuant to Ordinance No. 15-120, adopted on August 18, 2015, this Council extended the temporary moratorium through March 31, 2016; and

WHEREAS, in the foreseeable future, this Council does not anticipate any substantive changes in the City's standards or codes with respect to requiring new development to be served by public water facilities, and this Council recognizes that the current circumstances between the City of Hudson and the City of Akron may require that the existing temporary moratorium on the public water facility requirement in the Land Development Code, set to expire on March 31, 2016, be extended by six (6) months through September 30, 2016;

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1: This Council declares the above findings to be true and correct.

Section 2: The existing temporary moratorium suspending the enforcement of the requirement that new development be served by public water facilities as set forth in Land Development Code Section 1207.11(b)(1) for properties located in the Akron water service area, and set to expire on March 31, 2016, shall be extended through September 30, 2016, so that any new development in the portions of the City of Hudson served by Akron water may be undertaken by drilling a water well in accordance with all applicable laws and regulations and subject to any and all required permits and approvals, provided that public water facilities are not reasonably available to the subject property.

Section 3: Should any property owner drill a well on its property during the moratorium, the property owner shall be required to connect to adjacent and available public water facilities no sooner than ten (10) years from the date that the property owner receives administrative approval to drill a water well from the City.

Section 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: This Ordinance is declared to be an emergency measure necessary for the preservation of the general welfare of the City by reason of the immediate necessity of implementing this temporary moratorium at the earliest possible date so as to enable residents and businesses in the Akron water service area in Hudson to drill water wells in order to use their properties without having the additional time and expense of obtaining a variance from the Board of Zoning and Building Appeals; wherefore, this Ordinance shall be in effect immediately upon its passage provided it receives the affirmative vote of five (5) members of Council except that six (6) affirmative votes shall be required if all members are present; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

\_\_\_\_\_  
David A. Basil, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Elizabeth Slagle, Clerk of Council