

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 21-43

INTRODUCED BY: Fenos, Barath, Weimer
Co-Sponsor: Marnecheck

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 14 BUILDING AND HOUSING CODE, BY AMENDING CHAPTER 1466 FLOOD DAMAGE PREVENTION, SECTION 1466.14 APPLICATION REQUIRED BY ADDING PARAGRAPH (e)(7), AND SECTION 1466.32 ASSURANCE OF FLOOD CARRYING CAPACITY BY ADDING PARAGRAPH (d), AND CHAPTER 1492 CONTROLLING RIPARIAN SETBACKS AND WETLAND SETBACKS, SECTION 1492.06 ESTABLISHMENT OF RIPARIAN SETBACKS AND WETLAND SETBACKS BY AMENDING PARAGRAPH (b), AND DECLARING AN EMERGENCY

WHEREAS: Climate change and increasing storm water flooding require that municipal corporations maintain their legislative scheme to keep up with the industry best practices; and

WHEREAS: The most current best practices allow for even more restrictive measures for the protection of private property and public investments; and

WHEREAS: The North Royalton Codified Ordinances should be amended to address the most current industry standards; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 14 Building and Housing Code, Chapter 1466 Flood Damage Prevention, Section 1466.14 Application Required by adding Paragraph (e)(7), Section 1466.32 Assurance of Flood Carrying Capacity by adding Paragraph (d), Chapter 1492 Controlling Riparian Setbacks and Wetland Setbacks, Section 1492.06 Establishment of Riparian Setbacks and Wetland Setbacks by amending Paragraph (b); and

WHEREAS: Council desires to provide for these amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Codified Ordinances of the City of North Royalton, Part 14 Building and Housing Code, Chapter 1466 Flood Damage Prevention, Section 1466.14 Application Required, is hereby amended as follows:

1466.14 APPLICATION REQUIRED.

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

(e) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

(7) ***Volumetric calculations demonstrating compensatory storage has been provided as required by 1466.32 (d).***

Section 1. The Codified Ordinances of the City of North Royalton, Part 14 Building and Housing Code, Chapter 1466 Flood Damage Prevention, Section 1466.32 Assurance of Flood Carrying Capacity, is hereby amended as follows:

1466.32 ASSURANCE OF FLOOD CARRYING CAPACITY.

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

(d) ***Compensatory Storage Required for Development. Development within the area of special flood hazard shall result in no net loss of natural floodplain storage. The volume of the loss of floodwater storage due to development in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site.***

Section 1. The Codified Ordinances of the City of North Royalton, Part 14 Building and Housing Code, Chapter 1492 Controlling Riparian Setbacks and Wetland Setbacks, Section 1492.06 Establishment of Riparian Setbacks and Wetland Setbacks, is hereby amended as follows:

(a) Riparian setbacks and wetland setbacks are established as provided in this chapter.

(b) Streams addressed by this chapter are those which meet the definition of "stream" in Section 1492.05 of these regulations and are indicated on at least one of the following maps as follows:

(1) ~~USGS Topographical Map.~~ **All streams draining an area greater than 1/2 square mile, OR**

(2) ~~Soil Maps located in the Soil Survey of Cuyahoga County, Ohio, USDA, NRCS.~~ **All streams draining an area less than 1/2 square mile and having a defined bed and bank. In determining if streams have a defined bed and bank, the City may consult with a representative of Cuyahoga Soil & Water Conservation District or other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant.**

Section 2. Chapter 1466 and Chapter 1492 are hereby amended as provided for herein and all other provisions of these chapters shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

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 meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that Council has determined that it is immediately necessary to amend Part 14 Building and Housing Code, Chapter 1466 Flood Damage Prevention, Section 1466.14 Application Required by adding Paragraph (e)(7), Section 1466.32 Assurance of Flood Carrying Capacity by adding Paragraph (d), Chapter 1492 Controlling Riparian Setbacks and Wetland Setbacks, Section 1492.06 Establishment of Riparian Setbacks and Wetland Setbacks and by amending Paragraph (b) in keeping with best practices according to industry standards.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Paul F. Marnecheck
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz
MAYOR

DATE PASSED: February 16, 2021

DATE APPROVED: February 17, 2021

ATTEST: /s/ Dana A. Schroeder
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading February 16, 2021

YEAS: Marnecheck, Fenos, Barath, Krejci
Dietrich, Weimer, Wos

NAYS: none