

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 22-47

INTRODUCED BY: Nickell, Carbone-McDonald, Krejci, Wos  
Co-Sponsor: Marnecheck

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1248 IMPROVEMENTS, SECTION 1248.01 SUBDIVISION IMPROVEMENTS REQUIRED BEFORE FINAL APPROVAL, AND DECLARING AN EMERGENCY

- WHEREAS: Council has determined that additional provisions are necessary to clearly delineate the location, ownership and maintenance requirements for all storm water facility Post-Construction Best Management Practices within new residential subdivisions; and
- WHEREAS: Recent development of residential subdivisions has not successfully been able to deal with the collection and removal of storm water on individual lots; and
- WHEREAS: Actual experience with the placement and location of storm water facilities (detention and retention basins) has demonstrated the need to require that they be fixed upon individual parcels of land and designated as common property and maintained in perpetuity as common property by the mandated Homeowners' Association; and
- WHEREAS: Council desires to include such additional provisions to ensure that all newly created subdivisions are better positioned to be able to maintain all storm water facility Post-Construction Best Management Practices to ensure they function as intended; and
- WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1248 Improvements, Section 1248.01 Subdivision Improvements Required Before Final Approval; and
- WHEREAS: Council desires to provide for this amendment.

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

Section 1. Part 12 Planning and Zoning Code, Chapter 1248 Improvements, Section 1248.01 Subdivision Improvements Required Before Final Approval of the Codified Ordinances of the City of North Royalton is hereby amended as follows:

## SECTION 1248.01 SUBDIVISION IMPROVEMENTS REQUIRED BEFORE FINAL APPROVAL

Before approval will be given upon any final plat for record, the following improvements must be installed in the subdivision shown on such plat:

- (a) Water mains must be installed, together with all necessary appurtenances, such as hydrant valves and curb connections, at each lot within the subdivision, all meeting the approval of the Cleveland Water Department and the City Engineer.
- (b) Storm sewers, together with all necessary appurtenances and curb connections, for each lot in such subdivision shall be designed and installed in accordance with minimum standards adopted therefor and ***provide adequate storm water facilities*** for the drainage of the streets, the lot fronting thereon, and the natural drainage intercepted by such street.
- (c) Sanitary sewers, together with all necessary appurtenances and curb connections, for each lot in such subdivision shall be designed and installed in accordance with the minimum standards adopted therefor. Where Municipal sanitary sewer facilities are not available and accessible, the developer may construct and install on-lot sewage treatment systems, provided such systems are approved by the Health Department and/or the Ohio EPA. The approval by the City Engineer and his or her decision deeming the sewers necessary shall be based upon a determination of the adequacy of the proposed facilities relative to the natural contours and topography of the area, the proposed population density of the subdivision and the effect of the facilities upon abutting and adjacent properties and upon the public health, safety and welfare of the entire Municipality. In accordance with Section 1045.28 of the North Royalton Codified Ordinances, all sanitary sewage shall be conveyed to City Treatment Facilities unless otherwise authorized by Council.
- (d) All sewers, excluding house laterals, must be installed in dedicated streets or in easements granted to the Municipality, in legal form satisfactory to the City Law Director; have proper size, slope and material type as approved by the City Engineer; serve all accessible lots and lands in the subdivision; and go to the boundaries of the subdivision.

(e) *All required basins, whether retention or detention, shall be constructed upon separately developed and individually designated permanent parcels allocated solely for that purpose and none other, owned by the Homeowners' Association in perpetuity as common property, maintained by the Homeowners' Association as required by law, accessible by proximity to a publicly designated Right of Way or having a clearly defined and recorded easement in favor of the Homeowners' Association and the city for access thereto for maintenance; the Declaration and Bylaws shall fully incorporate these provisions which shall be held inviolate and run with the land and bind the Homeowners' Association as a formal condition of municipal approval. The top of bank of each required basin shall be set back from the property line a minimum of twelve (12') to allow for maintenance access.*

(f) *In all developments involving parcels designated for single family style occupancy, R1-A and R1-B, a storm water catch basin and corresponding storm lateral SHALL be installed in an appropriate location in the-yard of the lot for the express purpose of draining storm water from that lot; all Declarations and Bylaws created for any such development shall clearly indicate that the burden for the maintenance of such catch basin and lateral is the sole responsibility of the owner of the lot enforceable by the Homeowners' Association; in the event of the failure of the Homeowners' Association to enforce said provisions, the city may bring an action to enforce these provisions. All costs incurred including attorney fees shall be borne by the offending property owner and the court is authorized to assess these costs to the property owner and in favor of the city in the event that the owner is found to have failed to maintain the facility as required herein,*

(g)-(e) Sidewalks shall be at least four feet in width along local streets, five feet along local collector streets, and six feet along collector and major arterial streets. Pavement thickness shall be four inches of concrete and not less than six inches across driveways.

(h) (f) Streets shall be improved as follows:

(1) Pavement widths and roadway pavements for major and secondary thoroughfares, minor streets and marginal access streets shall be as required by the City Engineer and stipulated in the Zoning Code.

(2) Grading and centerline gradients shall be as per plans and profiles approved by the City Engineer.

(3) Curbs and gutters shall be provided in accordance with details and specifications prescribed by the City Engineer.

Section 2. Chapter 1248 is hereby amended as provided for herein and all other provisions of this chapter 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 it is immediately necessary to amend Part 12 Planning and Zoning Code, Chapter 1248 Improvements, Section 1248.01 Subdivision Improvements Required Before Final Approval to ensure that all newly created subdivisions are better positioned to be able to maintain all storm water facility Post-Construction Best Management Practices to ensure they function as intended.

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: March 15, 2022

DATE APPROVED: March 16, 2022

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

First reading March 1, 2022  
Second reading suspended  
Third reading March 15, 2022  
Amended March 15, 2022

YEAS: Marnecheck, Nickell, Barath, Krejci,  
Dietrich, Carbone-McDonald, Wos

NAYS: none