

MINUTES OF PUBLIC HEARING

July 23, 2012

Temp. Ord. A-59

An ordinance amending Section 1125.02 of Chapter 1125, Title 2, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), relating to stream corridor protection, and declaring an emergency.

On the 23rd day of July, 2012 at 2345 Fourth Street, Cuyahoga Falls, Ohio at 6:40 p.m. EST, a public hearing was called to order and conducted regarding Temp. Ord. A-59 dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearing was published twice in the *Falls News Press*, a newspaper of general circulation in the City of Cuyahoga Falls, at least fourteen days prior to the date of the hearing, to-wit June 17, 2012. A true and accurate copy of the published Notice is attached to these Minutes.

One person spoke in support of the legislation. Fred Guerra, Planning Director of the City of Cuyahoga Falls, explained the proposed changes to Chapter 1125 Stream Corridor Protection. When the City did the Code in 2005, they created a stream corridor in the Northampton district. There are a lot of existing buildings that are up to the stream corridor and they did not want to create any nonconformities. With removal of some terms, they were afraid there would be some development that would be built right up to River Front or extending over it, so they wanted to have some ability to manage development. In response, the Planning Commission proposed some amendments to the Chapter that include: (1) anytime someone comes to the Planning Commission or asks for a zoning certificate and they are in a stream corridor, that request will be reviewed in greater detail; (2) they did not include a list of alternate buffers—they included wetlands; (3) the revision allows for some limited development in case someone wants to put in a dock, for example, because there will be kayaks. These revisions would allow the Planning Commission to have a say in any development occurring along any river or stream in the City which will, in turn, get better development in the area. Mr. Mader asked if this would open up controversy impacting a stream corridor as far as the distance they have to construct from what existed before. Mr. Guerra indicated it shouldn't because not many changes were made. The proposed changes would prohibit development in a preserve. They were afraid they would have people putting things on stilts over the river and it would look undesirable, but they think they have now addressed it properly. A deck can be built or a patio put in but they would have to meet the City's requirements. Mrs. Colavecchio asked how this addressed those structures already in the preserve buffer, specifically the restaurant. Mr. Guerra stated that is already there and can still be used. It just prohibits new structures. Mrs. Colavecchio asked if there was a penalty for a violation. Mr. Guerra stated it would be reviewed and the City would not issue a zoning certificate. Mrs. Pyke asked about a couple areas on Forest Glen. Mr. Guerra stated that more than likely, it would be in the limited buffer. Those properties could build accessory buildings and porous pavement but they could not do anything in the river area--just in their backyard. They had instances where people would cut down trees along the river. These proposed changes would stop that. Mrs. Pyke asked if this would change what is being done on Front Street. Mr. Guerra stated it would not. Mrs. Pyke stated there were plans for

Metro at the end of Chestnut and asked whether those plans would be affected by this proposal. Mr. Guerra stated they would not.

No further comments, either for or against the legislation, were offered by anyone in attendance. Council President, Mark Ihasz, declared the public hearing closed at 6:50 p.m.

Certification

The undersigned, Cathleen J. Meacham, Clerk of Cuyahoga Falls City Council, hereby certifies that the foregoing is a true and correct copy of the minutes of the public hearing held by the Council of the City of Cuyahoga Falls, Ohio at 6:40 p.m. on Monday, July 23, 2012, in the City Council meeting room located in the Cuyahoga Falls Natatorium.

Dated: July 23, 2012

Cathleen J. Meacham, Clerk
Cuyahoga Falls, Ohio City Council

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RECORD PUBLISHING CO.

I, ABBY STORCKEL, being first duly sworn, depose and say that I am Assistant Bookkeeper of:

RECORD COURIER

a newspaper printed and published in the City of KENT and of General circulation in the County of SARATOGA, State of Ohio, and have personal knowledge of the facts herein stated and that the notice hereto annexed was published in said newspaper 1 day(s) and on the same day of the week from and after the 17 day of June 2012 and that the fees charged are legal.

Abby Storckel
Assistant Bookkeeper

Printers Fee \$73.32

Sworn to and subscribed before, this 5th day of Sept 2012

Elizabeth McDermott
Notary Public

My commission expires June 19, 2016

LEGAL NOTICE
City of Cuyahoga Falls
Notice is hereby given that there will be a Public Hearing in the Council Chambers in The Natatorium, 2345 Fourth Street, Cuyahoga Falls, Ohio on Monday, July 23, 2012 at 6:30 PM relative to the ordinance bearing temporary number A-59:

AN ORDINANCE AMENDING SECTION 1125.02 OF CHAPTER 1125, TITLE 2, PART II OF THE CODIFIED ORDINANCES OF THE CITY OF CUYAHOGA FALLS (GENERAL DEVELOPMENT CODE), RELATING TO STREAM CORRIDOR PROTECTION, AND DECLARING AN EMERGENCY.
By Order of the Clerk of Council
Cathy Meacham
June 17 - 11376692