

**NEW LEGISLATION**

March 23, 2026

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-20	3/23/26	PZ	An ordinance authorizing and approving the Final Development Plan for a Residential Conservation Overlay and Preliminary Subdivision Plat for Park Ridge Preserve on Parcel number 3502964, and declaring an emergency.
A-21*	3/23/26	PZ	An ordinance approving text amendments to the Cuyahoga Falls General Development Code, adopting regulations regarding best management practices for storm water facilities, as more fully described and depicted herein, and declaring an emergency.
A-22	3/23/26	Fin	An ordinance creating the position of Power System Manager, amending Exhibit A of Ordinance 84-2024, and establishing the compensation level for this non-bargaining position, and declaring an emergency.
A-23	3/23/26	PI	An ordinance amending Sections 929.07 and 929.09 of the Codified Ordinances of the City of Cuyahoga Falls, Ohio, Title 9, Chapter 929, "Storm Drainage Utility," in the City of Cuyahoga Falls, Ohio, and declaring an emergency.

\*A public hearing for Temporary Ordinance A-21 is scheduled for Monday, May 4, 2026.

A-24	3/23/26	PI	An ordinance amending Part Thirteen of the Codified Ordinances of the City of Cuyahoga Falls, Ohio, Building Code, by amending Chapter 1310, "Flood Plain Administration," and declaring an emergency.
A-25	3/23/26	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with the Ohio Drilling Company, for the cleaning, inspection, and repair of City drinking wells #7, #16, and #21, and declaring an emergency.
A-26	3/23/26	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the improvement of Wyoga Lake Road, from East Steels Corners Road to Seasons Road and declaring an emergency.

## CALENDAR

March 23, 2026

The following legislation will be up for passage at the Council Meeting on March 23, 2026.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-14	3/9/26	Fin	An ordinance authorizing the Mayor to apply for, accept, and enter into a Water Supply Loan Account Agreement with the Ohio EPA on behalf of the City for replacing non-copper water service lines, designating a repayment source for the loan, and declaring an emergency.
A-15	3/9/26	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacing non-copper water service lines, and declaring an emergency.
A-16	3/9/26	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, with PlayCore Wisconsin Inc. dba Gametime, for the purchase and installation of a splashpad at Valley Vista Park, and declaring an emergency.
A-17	3/9/26	PA	A resolution expressing support for and urging passage of Issue 5, the Cuyahoga Falls Library levy, at the Primary Election to be held on May 5, 2026, and declaring an emergency.
A-18	3/9/26	PA	A resolution declaring the month of March as Developmental Disabilities Awareness Month in the City of Cuyahoga Falls, and declaring an emergency.

A-19

3/9/26

PA

An ordinance amending Part Seven of the Codified Ordinances of the City of Cuyahoga Falls, Ohio, Business Regulation Code, by the enactment of Chapter 755, "Temporary Outdoor Special Events & Mobile Food Vendors," and declaring an emergency.

**PENDING LEGISLATION**

March 23, 2026

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-11	2/9/26	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, without competitive bidding, with Site Technology Inc., for repairs to the Cuyahoga Falls High School Tennis Courts, and declaring an emergency.
A-14	3/9/26	Fin	An ordinance authorizing the Mayor to apply for, accept, and enter into a Water Supply Loan Account Agreement with the Ohio EPA on behalf of the City for replacing non-copper water service lines, designating a repayment source for the loan, and declaring an emergency.
A-15	3/9/26	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacing non-copper water service lines, and declaring an emergency.
A-16	3/9/26	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, with PlayCore Wisconsin Inc. dba Gametime, for the purchase and installation of a splashpad at Valley Vista Park, and declaring an emergency.
A-17	3/9/26	PA	A resolution expressing support for and urging passage of Issue 5, the Cuyahoga Falls Library levy, at the Primary Election to be held on May 5, 2026, and declaring an emergency.

A-18            3/9/26            PA            A resolution declaring the month of March as Developmental Disabilities Awareness Month in the City of Cuyahoga Falls, and declaring an emergency.

A-19            3/9/26            PA            An ordinance amending Part Seven of the Codified Ordinances of the City of Cuyahoga Falls, Ohio, Business Regulation Code, by the enactment of Chapter 755, "Temporary Outdoor Special Events & Mobile Food Vendors," and declaring an emergency.

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2026

8  
9 AN ORDINANCE AUTHORIZING AND APPROVING THE  
10 FINAL DEVELOPMENT PLAN FOR A RESIDENTIAL  
11 CONSERVATION OVERLAY AND PRELIMINARY  
12 SUBDIVISION PLAT FOR PARK RIDGE PRESERVE ON  
13 PARCEL NUMBER 3502964, AND DECLARING AN  
14 EMERGENCY.

15  
16 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made  
17 by the Planning Commission be submitted to Council; and

18  
19 WHEREAS, the Planning Commission is required to review and provide a  
20 recommendation for all Preliminary Subdivision Plats in the City of Cuyahoga Falls, Ohio;  
21 and

22  
23 WHEREAS, on March 17, 2026, the Planning Commission approved the Final  
24 Development Plan for a Residential Conservation Overlay and Preliminary Subdivision  
25 Plat for Park Ridge Preserve consisting of eleven (11) detached single family residential  
26 dwelling lots, street rights-of-way, general utility and access easements, utilities,  
27 stormwater facilities and open space on Parcel number 3502964 located north of Bellaire  
28 Lane, within the City of Cuyahoga Falls, Ohio, as detailed in File FMOP-26-00003.

29  
30 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
31 County of Summit, and State of Ohio:

32  
33 Section 1. That the City Council approves Final Development Plan for a Residential  
34 Conservation Overlay and Preliminary Subdivision Plat for Park Ridge Preserve consisting  
35 of eleven (11) detached single family residential dwelling lots, street rights-of-way, general  
36 utility and access easements, utilities, stormwater facilities and open space on Parcel  
37 number 3502964 located north of Bellaire Lane, within the City of Cuyahoga Falls, Ohio,  
38 in accordance with all Cuyahoga Falls General Development Code regulations and as  
39 stipulated in the Codified Ordinances of the City of Cuyahoga Falls as approved by the  
40 Planning Commission as per all plans and stipulations contained in Project File FMOP-  
41 26-00003.

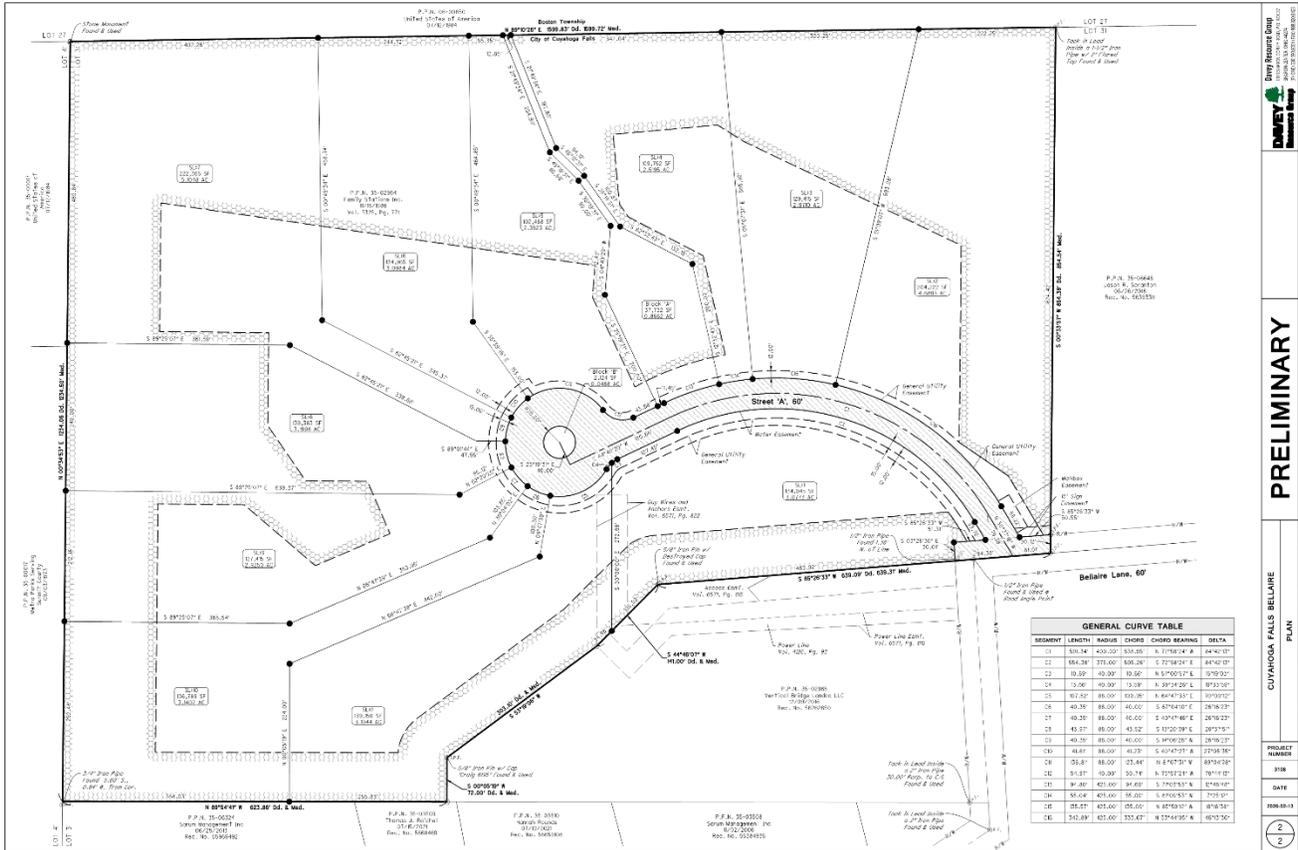
42  
43 Section 2. That any other ordinances or resolutions or portions of ordinances and  
44 resolutions inconsistent herewith be and the same are hereby repealed, but any  
45 ordinances and resolutions not inconsistent herewith and which have not previously been  
46 repealed are hereby ratified and confirmed.

47  
48 Section 3. That it is found and determined that all formal actions of this Council  
49 concerning and relating to the adoption of this ordinance were adopted in an open  
50 meeting of this Council, and that all deliberations of this Council and of any of its  
51 committees that resulted in such formal action, were in meetings open to the public, in  
52 compliance with all legal requirements, to the extent applicable, including Chapter 107  
53 of the Codified Ordinances.





**Figure 2 - Preliminary Subdivision Plat**



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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2026

8  
9 AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE  
10 CUYAHOGA FALLS GENERAL DEVELOPMENT CODE,  
11 ADOPTING REGULATIONS REGARDING BEST  
12 MANAGEMENT PRACTICES FOR STORM WATER  
13 FACILITIES, AS MORE FULLY DESCRIBED AND DEPICTED  
14 HEREIN, AND DECLARING AN EMERGENCY.

15  
16 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made  
17 by the Planning Commission be submitted to Council; and

18  
19 WHEREAS, it is the finding of the City of Cuyahoga Falls that these proposed  
20 amendments will bring the City into compliance with current Ohio EPA guidance and  
21 regulations regarding the use of alternative best management practices when designing  
22 storm water management systems; and

23  
24 WHEREAS, on March 17, 2026 the Planning Commission recommended the adoption  
25 of a regulations regarding best management practices for storm water facilities as more  
26 fully described in Project File TXT-26-00005.

27  
28 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
29 County of Summit, and State of Ohio:

30  
31 Section 1. That Council hereby approves text amendments to the Cuyahoga Falls  
32 General Development Code, Section 1124.02, Flood Plain and Storm Water, and adopts  
33 regulations regarding best management practices for storm water facilities as set forth in  
34 Exhibit A, attached hereto and made a part of this ordinance.

35  
36 Section 2. That any other ordinances or resolutions or portions of ordinances and  
37 resolutions inconsistent herewith be and the same are hereby repealed, but any  
38 ordinances and resolutions not inconsistent herewith and which have not previously been  
39 repealed are hereby ratified and confirmed.

40  
41 Section 3. That it is found and determined that all formal actions of this Council  
42 concerning and relating to the adoption of this ordinance were adopted in an open  
43 meeting of this Council, and that all deliberations of this Council and of any of its  
44 committees that resulted in such formal action, were in meetings open to the public, in  
45 compliance with all legal requirements, to the extent applicable, including Chapter 107  
46 of the Codified Ordinances.

47  
48 Section 4. That this ordinance is hereby declared to be an emergency measure  
49 necessary for the preservation of the public peace, health, safety, convenience and welfare  
50 of the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
51 affirmative vote of two thirds of the members elected or appointed to Council, it shall take  
52 effect and be in force immediately upon its passage and approval by the Mayor; otherwise  
53 it shall take effect and be in force at the earliest period allowed by law.

56 Passed: \_\_\_\_\_

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64 Approved: \_\_\_\_\_

65

66 3/23/26

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

## Exhibit A

### 1124.02 FLOOD PLAIN AND STORM WATER

*No changes to subsection A*

*No changes to subsection B (1 through 5)*

6. Disclaimer of liability
  - a. Compliance with the provisions of this chapter shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this chapter are promulgated to promote the health, safety and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.
  - b. Failure of the City of Cuyahoga Falls to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the project owner from the responsibility for the condition or damage resulting therefrom and shall not result in the City of Cuyahoga Falls, its officers, employees or agents as being responsible for any condition or damage resulting therefrom.
  - c. By approving a plan under this Chapter, the City of Cuyahoga Falls does not accept responsibility for the design, installation and operation and maintenance of private stormwater management systems.

#### 1. Inspection

- a. Upon presentation of proper credentials and having obtained consent from the property owner or tenant in possession, representatives of the City or other authorized designee or government agency may enter at reasonable times or such other times as may be necessary, any site for the purpose of making storm water inspections and performing the duties required by this chapter.
- b. If acting to determine compliance with applicable provisions of the Storm Water Management Plan **and Long Term Maintenance Plan**, persons described in subsection (a) hereof may enter any site currently under construction or under permit by the City without first obtaining consent of the property owner or tenant in possession.
- c. If acting under to actual or apparent emergency conditions, and in conjunction with the authority set forth in Section [1111.08.B. 1. a](#), persons described in subsection (a) hereof may also enter without first obtaining consent of the property owner or tenant in possession.
- d. The City shall have the right to set up at facilities subject to this chapter such devices as are necessary, as determined by the City, to conduct monitoring and/or sampling of the facility's storm water discharge.
- e. The City shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the City or its authorized representative to ensure their accuracy.
- f. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City. The costs of clearing such access shall be borne by the facility owner/operator.

- g. Unreasonable delay in allowing the City or designee access to a facility subject to this chapter for the purposes of illicit discharge inspection is a violation of this chapter.
- C. Storm Water Best Management Practices. Storm Water Best Management Practices (BMPs) refers to the process by which storm water is either converted to runoff or is delivered into the groundwater or natural wetlands. The BMP used for individual development sites is based upon the specific site conditions. However, in ordinary conditions *Table 1124-19: Storm Water Best Management Practices* identifies the types and applicability of BMPs, in descending order of acceptance. All storm water facilities, including any drainage way integral to the selected Best Management Practice, shall be designated as a storm water easement, with easement lines conforming substantially to the boundary lines of the facility. **The Owner may propose alternative BMPs for City review. The Project Owner shall submit an Ohio EPA application to Ohio EPA for any proposed alternative post-construction BMP and secure any approval from Ohio EPA before a Notice of Intent is submitted for NPDES permit coverage. The use of an alternative practice requires pre-approval by the City of Cuyahoga Falls before submitting the application to Ohio EPA.**

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2026

6  
7 AN ORDINANCE CREATING THE POSITION OF POWER  
8 SYSTEM MANAGER, AMENDING EXHIBIT A OF  
9 ORDINANCE 84-2024, AND ESTABLISHING THE  
10 COMPENSATION LEVEL FOR THIS NON-BARGAINING  
11 POSITION, AND DECLARING AN EMERGENCY.

12  
13 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,  
14 and State of Ohio, that:

15  
16 Section 1. The classified, exempt position of Power System Manager is hereby  
17 incorporated into Exhibit A of Ordinance No. 84-2024, at pay grade N30.

18  
19 Section 2. Any ordinances and resolutions, or portions of ordinances and resolutions  
20 inconsistent herewith are hereby repealed, but any ordinances and resolutions not  
21 inconsistent herewith and which have not previously been repealed are hereby ratified  
22 and confirmed.

23  
24 Section 3. It is found and determined that all formal actions of this Council  
25 concerning and relating to the adoption of this ordinance were adopted in an open  
26 meeting of this Council, and that all deliberations of this Council and of any of its  
27 committees that resulted in such formal action, were in meetings open to the public, in  
28 compliance with all legal requirements, to the extent applicable, including Chapter 107  
29 of the Codified Ordinances.

30  
31 Section 4. This ordinance is hereby declared to be an emergency measure necessary  
32 for the preservation of the public peace, health, safety, convenience and welfare of the  
33 City of Cuyahoga Falls and the inhabitants thereof, and provided it received the  
34 affirmative vote of two-thirds of the members elected or appointed to Council, it shall take  
35 effect and be in force immediately upon its passage and approval by the Mayor; otherwise  
36 it shall take effect and be in force at the earliest period allowed by law.

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38  
39 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

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43 \_\_\_\_\_  
Clerk of Council

44  
45  
46  
47 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

48  
49 3/23/26

**Exhibit A**

**CITY OF CUYAHOGA FALLS  
FULL-TIME NON-BARGAINING POSITION & PAY GRADE CLASSIFICATIONS  
EFFECTIVE July 1, 2024  
AMENDED March 20, 2026**

<b>POSITION TITLE</b>	<b>GRADE</b>
ACCOUNTANT	N25
ADMINISTRATIVE ASSISTANT I	N20
ADMINISTRATIVE ASSISTANT II	N21
ADMINISTRATIVE SERVICES SUPERVISOR	N25
ADMINISTRATIVE SPECIALIST	N21
ASSISTANT CITY ENGINEER	N34
ASSISTANT TO THE MAYOR	N24
ASSISTANT ELECTRIC UTILITY SUPERINTENDENT	N32
ASSISTANT FIRE CHIEF	N34
ASSISTANT GOLF COURSE SUPERVISOR	N22
ASSISTANT PARKS & REC SUPERINTENDENT	N34
ASSISTANT PLANNING DIRECTOR	N29
ASSISTANT STREET & SANITATION SUPERINTENDENT	N29
ASSISTANT UTILITY BILLING MANAGER	N27
ASSISTANT WATER SUPERINTENDENT	N32
AUXILARY SERVICES MANAGER	N28
BUILDING & GROUNDS MAINTENANCE SUPERINTENDENT	N31
CHIEF CODE ENFORCEMENT OFFICER	N27
CITY ENGINEER	C/ESG
CIVIL ENGINEER	N33
CLERK TYPIST II	N19
COMMUNITY DEVELOPMENT BLOCK GRAND/ENTITLEMENT ADMINISTRATOR	N27
COMPUTER SYSTEM SUPPORT ANALYST	N27
DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT	N34
DEPUTY FINANCE DIRECTOR	N34
DEPUTY FIRE CHIEF	N34
DEPUTY LAW DIRECTOR	N34
DEPUTY SERVICE DIRECTOR	N34
DIGITAL MEDIA SPECIALIST	N25
DIRECTOR OF COMMUNITY DEVELOPMENT	DSG
DIRECTOR OF INFORMATION TECHNOLOGY SERVICES	N33
ELECTRICAL ENGINEER	N32
ELECTRIC GENERAL FOREPERSON	N31
ELECTRIC METER/SUBSTATION FOREMAN	N29
ELECTYRIC TECHNOLOGY MANAGER	N29
ELECTRIC UTILITY SUPERINTENDENT	N34
FACILITY DIRECTOR	N32
FINANCE DIRECTOR	DSG
FIRE CHIEF	C/ESG
FOREMAN	N27
GENERAL MANAGER OF GOLF OPERATIONS	N29

**Exhibit A**

GEOGRAPHIC INFORMATION SYSTEM TECHNICIAN	N29
GOLF COURSE MAINTENANCE SUPERVISOR	N25
HARDWARE/SOFTWARE SUPPORT SPECIALIST	N25
HUMAN RESOURCES COORDINATOR	N22
HUMAN RESOURCES DIRECTOR/RECORDS CLERK	N29
HUMAN RESOURCES TECHNICIAN	N20
INFORMATION SERVICES MANAGER	N29
INVENTORY CONTROL MANAGER	N27
JUVENILE DIVERSION CASEWORKER	N21
LAW DEPARTMENT OFFICE MANAGER	N23
LAW DIRECTOR	DSG
LINE FOREMAN	N29
MANAGER OF OPERATIONS	N27
MAYOR'S COURT CLERK	N25
MEMBER RELATIONS SUPERVISOR	N25
NEIGHBORHOOD EXCELLENCE, COMMUNICATIONS, & COMMUNITY OUTREACH DIRECTOR	N32
NEIGHBORHOOD & COMMUNITY OUTREACH COORDINATOR	N27
NETWORK SPECIALIST	N27
OFFICE MANAGER	N22
OPERATIONS SUPERVISOR	N25
PARKS & RECREATION SUPERINTENDENT	DSG
PAYROLL ADMINISTRATOR	N25
PAYROLL SPECIALIST	N22
PLANNING DIRECTOR	N33
POLICE CAPTAIN	N34
POLICE CHIEF	C/ESG
<b>POWER SYSTEM MANAGER</b>	<b>N30</b>
PROGRAM SUPERVISOR	N25
PROSECUTOR	N29
PUBLIC UTILITIES & COMMUNITY OUTREACH COORDINATOR	N27
RECREATION PROGRAM SUPERVISOR	N25
SAFETY & TRAINING COMPLIANCE MANAGER	N27
SENIOR ADULT PROGRAM SUPERVISOR	N25
SENIOR PLANNER	N26
SERVICE DIRECTOR	DSG
SEWER COLLECTIONS MANAGER	N28
STREET & SANITATION SUPERINTENDENT	N34
SUPERINTENDENT OF MOTOR VEHICLES	N29
TAX ADMINISTRATOR	N29
TREASURER	N29
UTILITIES BILLING MANAGER	N31
WATER DISTRIBUTION MANAGER	N28
WATER TREATMENT PLANT MANAGER	N28
WATER UTILITIES SUPERINTENDENT	N34

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2026

6  
7 AN ORDINANCE AMENDING SECTIONS 929.07 AND  
8 929.09 OF THE CODIFIED ORDINANCES OF THE CITY OF  
9 CUYAHOGA FALLS, OHIO, TITLE 9, CHAPTER 929,  
10 "STORM DRAINAGE UTILITY," IN THE CITY OF  
11 CUYAHOGA FALLS, OHIO, AND DECLARING AN  
12 EMERGENCY.

13  
14 WHEREAS, the Ohio Environmental Protection Agency releases guidelines that  
15 require compliance with certain storm drainage utility and storm water management  
16 regulations; and

17  
18 WHEREAS, amending the Codified Ordinances of the City of Cuyahoga Falls, Ohio by  
19 amending Sections 929.07 and 929.09 of Title 9, Chapter 929, "Storm Drainage Utility,"  
20 shall produce compliance.

21  
22 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
23 County of Summit and State of Ohio, that:

24  
25 Section 1, Sections 929.07 and 929.09 of Title 9, Chapter 929, "Storm Drainage  
26 Utility," are hereby amended and/or supplemented as follows (new text **Bold**; deleted text  
27 in strikethrough):

28  
29 929.07 POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW  
30 DEVELOPMENT AND REDEVELOPMENT PROJECTS.

31  
32 The City Engineer is authorized to condition the issuance of an Excavation/Grading  
33 Permit upon the **following**:

- 34 **(a)** ~~agreement of~~ The Owner of the lot or parcel affected **shall establish an**  
35 **agreement with the City Engineer** to implement and maintain Best  
36 Management Practices (BMPs), as defined in Section 1124.032 of these  
37 Ordinances, for the purpose of ~~controlling runoff~~ **providing stormwater runoff**  
38 **quantity and quality control** from new development and redevelopment projects  
39 for the life of such projects. The form of agreement shall be approved by the  
40 Director of Law and shall be known as a Storm Water Drainage Facilities  
41 Maintenance Agreement. The Agreement shall ensure adequate long-term  
42 operation and maintenance of the BMPs, and shall be recordable with the intent  
43 to bind subsequent owners, transferees, mortgagees, and other parties in interest.
- 44 **(b) The Owner has prepared a post-construction Long Term Maintenance Plan**  
45 **as defined in Section 1124.02 and has obtained plan approval from Summit**  
46 **Soil and Water Conservation District (SSWCD).**

47  
48 929.09 ACTION ON APPLICATION; PERMIT ISSUANCE; PERMIT FEE

49  
50 Upon receipt of the reviewed application materials, comments and/or  
51 recommendations from SSWCD, the City Engineer shall grant the Excavation/Grading  
52 Permit, deny the permit, or grant the permit subject to modifications appended by the  
53 City Engineer. The City Engineer shall require that a permit fee of fifty dollars (\$50.00)  
54 be paid to the City prior to issuing any permit under this Section. Every  
55 Excavation/Grading Permit granted shall meet the following requirements:

- 56 (a) For the purpose of implementing construction site storm water runoff control, the  
 57 permit shall require conformance with the requirements for Storm Water Pollution  
 58 Prevention Plans set forth in the Ohio EPA General Construction Permit effective  
 59 ~~April 22, 2018~~ **April 23, 2023** (Ohio EPA Permit No. OHC0000056), or successor  
 60 requirements.
- 61 (b) For post-construction storm water management in new development or  
 62 redevelopment projects, the permit shall require conformance with the  
 63 requirements for Storm Water Pollution Prevention Plans set forth in Ohio EPA  
 64 Permit No. OHC0000056, **or successor requirements**, and in Section 1124.032  
 65 of these Ordinances. In the event these requirements conflict, the authority  
 66 requiring the higher performance standard shall apply.
- 67 (c) For post-construction storm water management in new development or  
 68 redevelopment projects, the permit shall require execution and recording of a  
 69 Storm Water Drainage Facilities Maintenance Agreement, for the purpose of  
 70 ensuring that Best Management Practices implemented pursuant to the permit  
 71 are in place and functioning to prevent or minimize water quality impacts, for the  
 72 life of the project.

73  
 74  
 75 Section 2. Any other ordinances or resolutions or portions of ordinances and  
 76 resolutions inconsistent herewith be and the same are hereby repealed, but any  
 77 ordinances and resolutions not inconsistent herewith and which have not previously been  
 78 repealed are hereby ratified and confirmed.

79  
 80 Section 3. It is found and determined that all formal actions of this Council  
 81 concerning and relating to the passage of this ordinance were taken in an open meeting  
 82 of this Council and that all deliberations of this Council and of any committees that  
 83 resulted in those formal actions were in meetings open to the public, in compliance with  
 84 all legal requirements including Chapter 107 of the Codified Ordinances.

85  
 86 Section 4. This ordinance is hereby declared to be an emergency measure necessary  
 87 for the preservation of the public peace, health, safety, convenience and welfare of the  
 88 City of Cuyahoga Falls and the inhabitants thereof, for the reason that it is necessary to  
 89 comply with Ohio EPA guidelines, and provided it receives the affirmative vote of two-  
 90 thirds of the members elected or appointed to Council, it shall take effect and be in force  
 91 immediately upon its passage and approval by the Mayor; otherwise it shall take effect  
 92 and be in force at the earliest period allowed by law.

93  
 94  
 95 Passed: \_\_\_\_\_  
 96 \_\_\_\_\_  
 97 President of Council

98  
 99  
 100 \_\_\_\_\_  
 101 Clerk of Council

102  
 103 Approved: \_\_\_\_\_  
 104 \_\_\_\_\_  
 105 Mayor

3/23/26

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2026

6  
7 AN ORDINANCE AMENDING PART THIRTEEN OF THE  
8 CODIFIED ORDINANCES OF THE CITY OF CUYAHOGA  
9 FALLS, OHIO, BUILDING CODE, BY AMENDING CHAPTER  
10 1310, "FLOOD PLAIN ADMINISTRATION," AND  
11 DECLARING AN EMERGENCY.

12  
13 WHEREAS, the Federal Emergency Management Agency (FEMA) releases  
14 guidelines that require compliance with certain flood plain administration regulations;  
15 and

16  
17 WHEREAS, amending the Codified Ordinances of the City of Cuyahoga Falls,  
18 Ohio, by amending Chapter 1310 of Title 13, "Flood Plain Administration," shall produce  
19 compliance.

20  
21 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
22 County of Summit and State of Ohio, that:

23  
24 Section 1. Part Thirteen of the Codified Ordinances of the City of Cuyahoga Falls,  
25 Ohio, Building Code, Chapter 1310, "Flood Plain Administration," is amended in its  
26 entirety as set forth in Exhibit A attached hereto and incorporated by reference into this  
27 ordinance.

28  
29 Section 2. Any other ordinances and resolutions, including the version of Chapter  
30 1310 passed on June 8, 2009, or portions of ordinances and resolutions inconsistent  
31 herewith are hereby repealed, but any ordinances and resolutions or portions of  
32 ordinances and resolutions not inconsistent herewith and which have not previously been  
33 repealed are hereby ratified and confirmed.

34  
35 Section 3. It is found and determined that all formal actions of this Council  
36 concerning and relating to the adoption of this ordinance were adopted in an open  
37 meeting of this Council and that all deliberations of this Council and of any of its  
38 committees that resulted in such formal action were in meetings open to the public, in  
39 compliance with all legal requirements including, to the extent applicable, Chapter 107  
40 of the Codified Ordinances.

41  
42 Section 4. This ordinance is hereby declared to be an emergency measure necessary  
43 for the preservation of the public peace, health, safety, convenience and welfare of the  
44 City of Cuyahoga Falls and the inhabitants thereof, and for the reason that it is necessary  
45 to comply with FEMA guidelines, and provided it receives the affirmative vote of two-  
46 thirds of the members elected or appointed to Council, it shall take effect and be in force  
47 immediately upon its passage and approval by the Mayor, otherwise, it shall take effect  
48 and be in force at the earliest period allowed by law.

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56 Passed: \_\_\_\_\_

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64 Approved: \_\_\_\_\_

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66 3/23/26

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President of Council

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

**Exhibit A**

**CHAPTER 1310  
Flood Plain Administration**

- 1310.01 General Provisions.
- 1310.02 Definitions.
- 1310.03 Administration.
- 1310.04 Use and Development Standards for Flood Hazard Reduction
- 1310.05 Appeals and Variances.

**1310.01 GENERAL PROVISIONS**

**[a] Statutory Authorization**

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Cuyahoga Falls, State of Ohio, does ordain as follows:

**[b] Findings of Fact**

The City of Cuyahoga Falls has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

**[c] Statement of Purpose**

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- [1] Protect human life and health;
- [2] Minimize expenditure of public money for costly flood control projects;
- [3] Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] Minimize prolonged business interruptions;
- [5] Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- [6] Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- [7] Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- [8] Minimize the impact of development on adjacent properties within and near flood prone areas;
- [9] Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- [10] Minimize the impact of development on the natural, beneficial values of the floodplain;
- [11] Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- [12] Meet community participation requirements of the National Flood Insurance Program.

**[d] Methods of Reducing Flood Loss**

In order to accomplish its purposes, these regulations include methods and provisions for:

## **Exhibit A**

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

**[e] Lands to Which These Regulations Apply**

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Cuyahoga Falls as identified in Section 1310.01[f], including any additional areas of special flood hazard annexed by the City of Cuyahoga Falls.

**[f] Basis for Establishing the Areas of Special Flood Hazard**

For the purposes of these regulations, the following studies and/or maps are adopted:

- [2] Flood Insurance Rate Map for Summit County, Ohio and Incorporated Areas, dated April 19, 2016.
- [3] Flood Insurance Study for Summit County, Ohio and Incorporated Areas, dated April 19, 2016.
- [4] Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard, as adopted by the City Council for this purpose.
- [5] Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Cuyahoga Falls as required by Section 1310.04[c] Subdivisions and Other New Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City Engineer's Office, 2310 2<sup>nd</sup> Street, Cuyahoga Falls, OH 44221.

**[g] Abrogation and Greater Restrictions**

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**[h] Interpretation**

In the interpretation and application of these regulations, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,

## Exhibit A

[3] Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

### [i] **Warning and Disclaimer of Liability**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Cuyahoga Falls, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

### [j] **Severability**

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

## 1310.02 DEFINITIONS

### [a] **Accessory Structure**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

### [b] **Appeal**

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

### [c] **Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

### [d] **Base (100-Year) Flood Elevation (BFE)**

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

### [e] **Basement**

Any area of the building having its floor subgrade (below ground level) on all sides.

### [f] **Compensatory Storage**

A design practice to ensure that an equivalent or greater amount of storage volume is provided to offset the loss of existing flood storage volume due to development.

## Exhibit A

- [g] **Development**  
Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- [h] **Enclosure Below the Lowest Floor**  
See "Lowest Floor."
- [i] **Executive Order 11988 (Floodplain Management)**  
Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- [j] **Federal Emergency Management Agency (FEMA)**  
The agency with the overall responsibility for administering the National Flood Insurance Program.
- [k] **Fill**  
A deposit of earth material placed by artificial means.
- [l] **Flood or Flooding**  
A general and temporary condition of partial or complete inundation of normally dry land areas from:  
    [1] The overflow of inland or tidal waters, and/or  
    [2] The unusual and rapid accumulation or runoff of surface waters from any source.
- [m] **Flood Hazard Boundary Map (FHBM)**  
Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- [n] **Flood Insurance Rate Map (FIRM)**  
An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- [o] **Flood Insurance Risk Zones**  
Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:  
  
    (1) Zone A:  
    Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.  
    (2) Zones A1-30 and Zone AE:  
    Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.  
    (3) Zone AO:  
    Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.  
    (4) Zone AH:

## Exhibit A

Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

(5) Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100- year flood by a Federal flood protection system under construction; no base flood elevations are determined.

(6) Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

(7) Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

**[p] Flood Insurance Study (FIS)**

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

**[q] Floodproofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**[r] Flood Protection Elevation**

The Flood Protection Elevation, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

**[s] Floodway**

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

**[t] Freeboard**

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

**[u] Historic structure**

Any structure that is:

## Exhibit A

[1] Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

[2] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

[3] Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

[4] Individually listed on the inventory of historic places maintained by the City of Cuyahoga Falls' historic preservation program, which program is certified by the Ohio Historic Preservation Office.

### [v] **Hydrologic and hydraulic engineering analysis**

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

### [w] **Letter of Map Change (LOMC)**

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

#### (1) Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

#### (2) Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

#### (3) Conditional Letter of Map Revision (CLOMR)

A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

### [x] **Lowest floor**

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with

## Exhibit A

the applicable design requirements specified in these regulations for enclosures below the lowest floor.

**[y] Manufactured home**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.

**[z] Mean sea level**

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**[aa] Manufactured home park**

As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

**[bb] National Flood Insurance Program (NFIP)**

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

**[cc] New construction**

Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City of Cuyahoga Falls and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (February 18, 1981) and includes any subsequent improvements to such structures.

**[dd] Person**

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau,

## **Exhibit A**

society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

**[ee] Recreational vehicle**

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**[ff] Registered Professional Architect**

A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

**[gg] Registered Professional Engineer**

A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

**[hh] Registered Professional Surveyor**

A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

**[ii] Special Flood Hazard Area**

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

**[jj] Start of construction**

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

**[kk] Structure**

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

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**[ll] Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to the 'before damaged' condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**[mm] Substantial Improvement**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

- [1] Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- [2] Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

**[nn] Variance**

A grant of relief from the standards of these regulations.

**[oo] Violation**

The failure of a structure or other development to be fully compliant with these regulations.

### **1310.03 ADMINISTRATION**

**[a] Designation of the Floodplain Administrator**

The City Engineer (or their designee) is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

**[b] Duties and Responsibilities of the Floodplain Administrator**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- [1] Evaluate applications for permits to develop in special flood hazard areas.
- [2] Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- [3] Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- [4] Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- [5] Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of these regulations.
- [6] Enforce the provisions of these regulations.
- [7] Provide information, testimony, or other evidence as needed during variance hearings.

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[8] Coordinate map maintenance activities and FEMA follow-up.

[9] Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

### [c] **Floodplain Development Permits**

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1310.01[f], until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

### [d] **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:

[1] Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

[2] Elevation of the existing, natural ground where structures are proposed.

[3] Elevation of the lowest floor, including basement, of all proposed structures.

[4] Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

[5] 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:

[a] Floodproofing certification for non-residential floodproofed structure as required in Section 1310.04[e].

[b] Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1310.04[d][5] are designed to automatically equalize hydrostatic flood forces.

[c] Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1310.04[i][3].

[d] A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1310.04[i][2].

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[e] A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1310.04[i][1].

[f] Generation of base flood elevation(s) for subdivision and other new developments as required by Section 1310.04[c].

### **[e] Review and Approval of a Floodplain Development Permit Application**

#### **[1] Review**

[a] After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1310.03[d] has been received by the Floodplain Administrator.

[b] The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

#### **[2] Approval**

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

### **[f] Inspections**

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

### **[g] Post-Construction Certifications Required**

The following as-built certifications are required after a floodplain development permit has been issued:

[1] For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

[2] For all development activities subject to the standards of Section 1310.03[k][1], a Letter of Map Revision.

[3] For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed

## Exhibit A

Floodproofing Certificate for Non-Residential Structures completed by a registered professional engineer or architect together with associated documentation.

### **[h] Revoking a Floodplain Development Permit**

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1310.05 of these regulations.

### **[i] Exemption from Filing a Development Permit**

An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.

### **[j] State and Federal Development**

[1] Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.

[2] Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:

[a] Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.

[b] Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.

[c] Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.

[3] Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

[a] Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

### **[k] Map Maintenance Activities**

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Cuyahoga Falls flood maps, studies and other data identified in Section 1310.01[f] accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

#### **[1] Requirement to Submit New Technical Data**

[a] For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

## Exhibit A

- [1] Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
- [2] Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
- [3] Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
- [4] Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 1310.04[c].

[b] It is the responsibility of the applicant to have technical data, required in accordance with Section 1310.03[k][1], prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

[c] The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- [1] Proposed floodway encroachments that increase the base flood elevation; and
- [2] Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.

[d] Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1310.03[k][1][a].

### **[2] Right to Submit New Technical Data**

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Director of Public Service of the City of Cuyahoga Falls, and may be submitted at any time.

### **[3] Annexation / Detachment**

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Cuyahoga Falls have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Cuyahoga Falls' Flood Insurance Rate Map accurately represent the City of Cuyahoga Falls boundaries, include within such notification a copy of a map of the City of Cuyahoga Falls suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Cuyahoga Falls has assumed or relinquished floodplain management regulatory authority.

### **[1] Data Use and Flood Map Interpretation**

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- [1] In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have

## Exhibit A

not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

[2] Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

[3] The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1310.05, Appeals and Variances.

[4] Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

### **[m] Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data**

[1] Zone A:

[a] Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall reasonably utilized as best available data.

[b] When all appeals have been resolved and a notice of final food elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.

[2] Zones AE, A1-30, AH, and AO:

[a] BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,

[1] Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.

[2] Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.

[b] If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 1310.04[i][2] since the data in the draft or preliminary FIS represents the best data available.

[3] Zones B, C, and X:

[a] Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

## Exhibit A

### [n] **Substantial Damage Determinations**

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- [1] Determine whether damaged structures are located in special flood hazard areas;
- [2] Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- [3] Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

### [o]

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

## **1310.04: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION**

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1310.01[f], 1310.03[l][1], or 1310.03[m]:

### [a] **Use Regulations**

#### [1] **Prohibited Uses**

New residential, commercial, and/or industrial development.

If authorized by a variance (through procedure outlined in Section 1310.05), such developments shall still comply with the standards of this section.

#### [2] **Permitted Uses**

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Cuyahoga Falls are allowed provided they meet the provisions of these regulations.

### [b] **Water and Wastewater Systems**

The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:

- [1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- [2] New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

## Exhibit A

[3] On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

### **[c] Subdivisions and Other New Developments**

[1] All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

[2] All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

[3] All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and

[4] In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

[5] The applicant shall meet the requirement to submit technical data to FEMA in Section 1310.03[k][1][a][4] when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1310.04[c][4].

### **[d] Residential Structures**

The requirements of Section 1310.04[d] apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1310.03[m].

[1] New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (1310.04[d][1]) and construction materials resistant to flood damage (1310.04[d][2]) are satisfied.

[2] New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

[3] New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

[4] New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

[5] New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:

[a] Be used only for the parking of vehicles, building access, or storage; and

[b] be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

## Exhibit A

[c] have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

[6] Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

[7] Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1310.04[d].

### [e] **Nonresidential Structures**

The requirements of Section 1310.04[e] apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1310.03[m].

[1] New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1310.04[d]([1]-[3] and [5]-[7]).

[2] New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

[a] Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

[b] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[c] Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1310.04[e][2]([a] and [b]).

[3] Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

### [f] **Accessory Structures**

Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:

[1] They shall not be used for human habitation;

[2] They shall be constructed of flood resistant materials;

## **Exhibit A**

- [3] They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- [4] They shall be firmly anchored to prevent flotation;
- [5] Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- [6] They shall meet the opening requirements of Section 1310.04[d][5][c];

### **[g] Recreational Vehicles**

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:

- [1] They shall not be located on sites in special flood hazard areas for more than 180 days, or
- [2] They must be fully licensed and ready for highway use, or
- [3] They must be placed on the site pursuant to a floodplain development permit issued under Sections 1310.03[c] and 1310.03[d], and meet all standards of Section 1310.04[d].

### **[h] Gas or Liquid Storage Tanks**

[1] Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

### **[i] 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:

#### **[1] Development in Floodways**

- [a] In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
- [b] Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

- [1] Meet the requirements to submit technical data in Section 1310.03[k][1];
- [2] An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
- [3] Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
- [4] Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
- [5] Concurrence of the Director of Public Service of the City of Cuyahoga Falls and the Chief Executive Officer of any other communities impacted by the proposed actions.

#### **[2] Development in Riverine Areas with Base Flood Elevations but No Floodways**

[a] In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated

## Exhibit A

development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

[b] Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

[1] An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;

[2] Section 1310.04[i][1][b], items [1] and [3]-[5].

### **[3] Alterations of a Watercourse**

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

[a] The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

[b] Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

[c] The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Cuyahoga Falls specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

[d] The applicant shall meet the requirements to submit technical data in Section 1310.03[k][1][a][3] when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

### **[j] Compensatory Storage Required for Development**

Development (including the placement of fill) within the area of special flood hazard shall result in no net loss of natural storage volume.

[1] The volume of the loss of floodwater storage due to development (including the placement of fill) in the special flood hazard area shall be offset by providing additional flood storage volume by excavation or other compensatory measures at or adjacent to the development site. The additional flood storage volume provided shall be one hundred five percent (105%) or greater than the volume of floodwater storage loss due to development.

## **Exhibit A**

[2] The compensation area must have an unrestricted hydraulic connection to the affected watercourse. First consideration shall be applied to expanding the existing 100-year floodplain of the watercourse.

### **1310.05 APPEALS AND VARIANCES**

#### **[a] Appeals Board Established**

[1] The Planning Commission, as established by the City Council, will function as the Appeals Board referenced in this chapter and shall hear and decide appeals and requests for variances from the requirements of this chapter.

[2] All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed by the City Engineer in the Engineering Department Office at 2310 2<sup>nd</sup> Street, Cuyahoga Falls, OH 44221.

#### **[b] Powers and Duties**

[1] The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

[2] Authorize variances in accordance with Section 1310.05[d] of these regulations.

#### **[c] Appeals**

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 30 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

#### **[d] Variances**

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

##### **[1] Application for a Variance**

[a] Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.

## Exhibit A

[b] Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

### **[2] Public Hearing**

At a public hearing, the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- [a] The danger that materials may be swept onto other lands to the injury of others.
- [b] The danger to life and property due to flooding or erosion damage.
- [c] The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- [d] The importance of the services provided by the proposed facility to the community.
- [e] The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- [f] The necessity to the facility of a waterfront location, where applicable.
- [g] The compatibility of the proposed use with existing and anticipated development.
- [h] The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- [i] The safety of access to the property in times of flood for ordinary and emergency vehicles.
- [j] The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- [k] The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

- [l] A showing of good and sufficient cause.
- [m] A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- [n] A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- [o] A determination that the structure or other development is protected by methods to minimize flood damages.
- [p] A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

## **Exhibit A**

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

### **[3] Other Conditions for Variances**

[a] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[b] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1310.05[d][2]([a] to [k]) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

[c] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

### **[e] Procedure at Hearings**

[1] All testimony shall be given under oath.

[2] A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.

[3] The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.

[4] The Floodplain Administrator may present evidence or testimony in opposition to the appeal or variance.

[5] All witnesses shall be subject to cross-examination by the adverse party or their counsel.

[6] Evidence that is not admitted may be proffered and shall become part of the record for appeal.

[7] The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.

[8] The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

### **[f] Appeal to the Court**

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Summit County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

## **1310.06 ENFORCEMENT**

### **[a] Compliance Required**

[1] No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1310.03[i].

[2] Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1310.06[c].

## Exhibit A

[3] Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1310.06[c].

### **[b] Notice of Violation**

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- [1] Be put in writing on an appropriate form;
- [2] Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will affect compliance with the provisions of these regulations;
- [3] Specify a reasonable time for performance;
- [4] Advise the owner, operator, or occupant of the right to appeal;
- [5] Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

### **[c] Violations and Penalties**

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a second degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Cuyahoga Falls. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Cuyahoga Falls from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Cuyahoga Falls shall prosecute any violation of these regulations in accordance with the penalties stated herein.

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2026

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR  
9 CONTRACTS, ACCORDING TO LAW, WITH THE OHIO  
10 DRILLING COMPANY, FOR THE CLEANING, INSPECTION,  
11 AND REPAIR OF CITY DRINKING WELLS #7, #16, AND #21,  
12 AND DECLARING AN EMERGENCY.  
13

14  
15 WHEREAS, the City of Cuyahoga Falls has established a regular cycle for inspecting,  
16 cleaning, and repairing each of the fifteen drinking water wells.  
17

18 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
19 County of Summit and State of Ohio:  
20

21 Section 1. The Director of Public Service is hereby authorized to enter into a contract  
22 or contracts, according to law, with the Ohio Drilling Company, for the cleaning,  
23 inspection, and repair of City drinking wells #7, #16, and #21.  
24

25 Section 2. The Director of Finance is hereby authorized to make payment for same  
26 from the Water Fund, line item Capital Outlay, and the Water Fund, line item Other  
27 Operations.  
28

29 Section 3. Any other ordinances or resolutions or portions of ordinances and  
30 resolutions inconsistent herewith be and the same are hereby repealed, but any  
31 ordinances and resolutions not inconsistent herewith and which have not previously been  
32 repealed are hereby ratified and confirmed.  
33

34 Section 4. It is found and determined that all formal actions of this Council concerning  
35 and relating to the adoption of this ordinance were adopted in an open meeting of this  
36 Council, and that all deliberations of this Council and of any of its committees that  
37 resulted in such formal action, were in meetings open to the public, in compliance with  
38 all legal requirements, to the extent applicable, including Chapter 107 of the Codified  
39 Ordinances.  
40

41 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
42 for the preservation of the public peace, health, safety, convenience and welfare of the  
43 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
44 affirmative vote of two thirds of the members elected or appointed to Council, it shall take  
45 effect and be in force immediately upon its passage and approval by the Mayor; otherwise  
46 it shall take effect and be in force at the earliest period allowed by law.  
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56 Passed: \_\_\_\_\_

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64 Approved: \_\_\_\_\_

65

66 3/23/26

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2026

7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
9 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR  
10 CONTRACTS, ACCORDING TO LAW, FOR THE  
11 IMPROVEMENT OF WYOGA LAKE ROAD, FROM EAST  
12 STEELS CORNERS ROAD TO SEASONS ROAD AND  
13 DECLARING AN EMERGENCY.

14  
15 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and  
16 State of Ohio:

17  
18 Section 1. The Director of Public Service is hereby authorized to enter into a contract  
19 or contracts, according to law, for the improvement of Wyoga Lake Road, from East Steels  
20 Corners Road to Seasons Road in the City of Cuyahoga Falls.

21  
22 Section 2. The Director of Finance is hereby authorized to make payment for same  
23 from the Capital Projects Fund, line item Capital Outlay.

24  
25 Section 3. Any other ordinances or resolutions or portions of ordinances and  
26 resolutions inconsistent herewith be and the same are hereby repealed, but any  
27 ordinances and resolutions not inconsistent herewith and which have not previously been  
28 repealed are hereby ratified and confirmed.

29  
30 Section 4. It is found and determined that all formal actions of this Council  
31 concerning and relating to the adoption of this ordinance were adopted in an open  
32 meeting of this Council, and that all deliberations of this Council and of any of its  
33 committees that resulted in such formal action, were in meetings open to the public, in  
34 compliance with all legal requirements, to the extent applicable, including Chapter 107  
35 of the Codified Ordinances.

36  
37 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
38 for the preservation of the public peace, health, safety, convenience and welfare of the  
39 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
40 affirmative vote of two thirds of the members elected or appointed to Council, it shall take  
41 effect and be in force immediately upon its passage and approval by the Mayor; otherwise  
42 it shall take effect and be in force at the earliest period allowed by law.

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44  
45 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

46  
47  
48  
49  
50 \_\_\_\_\_  
Clerk of Council

51  
52  
53 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor