

CHAPTER 1114
Flood Hazard Areas

1114.01 Statement of purpose.	1114.07 Land suitability.
1114.02 Lands to which this Chapter applies.	1114.08 Building site improvements.
1114.03 Compliance.	1114.09 Roads.
1114.04 Abrogation and greater restrictions.	1114.10 Public facilities.
1114.05 Interpretation.	1114.11 Conditions attached to plat approval.
1114.06 Severability.	1114.12 Modifications.

CROSS REFERENCES

Subdivisions within floodway - see DEV. 1113.02(f)
Floodway use regulations - see DEV. Ch. 1158
Conditional zoning permits - see DEV. 1177.04(c)

1114.01 STATEMENT OF PURPOSE.

It is the purpose of this Chapter to establish regulations in addition to those already established under the Subdivision Regulations to protect against flood plain encroachment and possible future flood damage and to minimize those losses described in Section 1158.01 of the Zoning Code by provisions designed to:

(a) Restrict or prohibit subdivision of lands for uses which are dangerous to health, safety or property in times of flood or which, with reasonably anticipated improvements, will cause excessive increases in flood heights or velocities.

(b) Require that each subdivision lot in an area vulnerable to floods be provided with a safe building site with adequate access and that public facilities which serve such uses be installed with protection against flood damage at the time of initial construction.

(c) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard by prohibiting the subdivision of unprotected flood hazard lands, requiring that flood hazard areas be delineated on the final plat, and areas not suitable for development be subject to deed restrictions.
(Ord. 142-74. Passed 2-25-75.)

1114.02 LANDS TO WHICH THIS CHAPTER APPLIES.

This Chapter shall apply to all lands within the jurisdiction of the City of Rocky River, shown on the Official City Zoning Map as being within the boundaries of the Floodway District and Floodway Fringe District. (Ord. 142-74. Passed 2-25-75.)

1114.03 COMPLIANCE.

No land shall hereafter be subdivided or used without full compliance with the terms of this Chapter and other applicable regulations including zoning, official maps, health codes and other regulations which apply to uses within the jurisdiction of this Chapter. (Ord. 142-74. Passed 2-25-75.)

1114.04 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants, deed restrictions or other ordinances. However, where this Chapter imposes greater restrictions, the provision of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the inconsistency only. (Ord. 142-74. Passed 2-25-75.)

1114.05 INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of Council, and shall not be deemed a limitation or repeal of any other powers granted by State statutes. (Ord. 142-74. Passed 2-25-75.)

1114.06 SEVERABILITY.

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby. (Ord. 142-74. Passed 2-25-75.)

1114.07 LAND SUITABILITY.

No land shall be subdivided which is held unsuitable for its intended use by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earthslides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community. However, the preliminary and final plats may be approved if the subdivider improves the land consistent with the standards of this and other applicable ordinances to make the area, in the opinion of the Planning Commission and Council suitable for its intended use. In determining the appropriateness of land subdivision at the site, the Planning Commission and Council shall consider the objectives of this Chapter and the following:

(a) The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads and intended uses.

(b) The danger that intended uses may be swept on to other lands or downstream to the injury of others.

- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the subdivision for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
- (h) The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future.
- (i) The relationship to the proposed subdivision to the comprehensive plan and flood plain management program for the area.
- (j) The safety of access to the property in times of flood for emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
(Ord. 142-74. Passed 2-25-75.)

1114.08 BUILDING SITE IMPROVEMENTS.

- (a) No subdivision or part thereof shall be approved if proposed subdivision development in a floodway will, individually or collectively, significantly increase flood flows, heights or damages.
- (b) No subdivision or part thereof shall be approved for floodway or floodway fringe areas which will substantially affect the storage capacity of the flood plain.
(Ord. 142-74. Passed 2-25-75.)
- (c) Building sites for residences, motels, resorts and similar uses for human occupancy shall not be permitted in floodway areas. Sites for these uses may be permitted outside the floodway only if the sites are elevated to a height of at least one (1) foot above the elevation of the one hundred (100) year flood; and in addition thereto, all new construction, including substantial improvements of any residential structure within the area of special flood hazards as determined by the

administrator shall have the lowest level of the lowest floor, including the basement, elevated to or above the level of the one hundred (100) year flood. Required fill areas, as outlined herein, must extend a minimum of fifteen (15) feet beyond the limits of the intended structure or structures.

(d) Building sites and structures for other than residential uses shall be constructed as provided for residential uses in subsection (c) hereof.
(Ord. 118-76. Passed 12-13-76.)

(e) When the Planning Commission determines that only part of a proposed plat can be safely developed, it shall limit development to that part and shall require that the method of development is consistent with its determination.

(f) When the subdivider does not intend to develop the plat himself, and the Planning Commission determines that limitations are required to insure safe development, it may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.
(Ord. 142-74. Passed 2-25-75.)

1114.09 ROADS.

The finished elevation of proposed streets shall be no more than one (1) foot below the regional flood. The Planning Commission may require, where necessary, additional information, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
(Ord. 142-74. Passed 2-25-75.)

1114.10 PUBLIC FACILITIES.

Storm drainage and sanitary sewer facilities shall be so planned as to take into account the high danger of flooding and flood damage. The Planning Commission shall require additional flood protection and waterproofing for all utilities of every type so as to minimize or completely eliminate flood damage. In the case of sanitary and storm sewers, these shall be so constructed and shall utilize such materials as will, in the opinion of the City Engineer, most nearly eliminate or minimize infiltration of storm waters and flood waters from any source whatsoever into the sanitary sewage treatment and collection facilities. All water lines below the one hundred (100) year flood level shall be constructed in accordance with the specifications of the City of Cleveland Water Division, but in all cases, notwithstanding the above, shall be completely waterproofed and anchored in such a way as to eliminate all possibility of movement or infiltration of flood waters or damage therefrom.
(Ord. 118-76. Passed 12-13-76.)

1114.11 CONDITIONS ATTACHED TO PLAT APPROVAL.

The Planning Commission may attach conditions, including but not limited to the following, to the approval of plats for areas subject to development hazards:

- (a) Construction and modification of sewage, water supply and drainage facilities to meet the standards of this Chapter and to promote the health, safety and general welfare.
- (b) Requirements for construction or channel modification, dikes, levees and other protective measures.
- (c) Installation of flood-warning systems.
- (d) Imposition of operational controls and sureties to restrict the types and design of uses. Such restrictions may include floodproofing of intended uses, as outlined in Section 1158.14(c)(7)E of the Zoning Code, which shall be subject to individual approval by the City at the time such uses are constructed.
(Ord. 142-74. Passed 2-25-75.)
- (e) In riverine situations, no use, including land fill, may be permitted within the flood plain area, having special flood hazards, unless the applicant shall demonstrate to the Planning Commission that the proposed use, when combined with all other existing and anticipated uses, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point.
- (f) In no case, and under no conditions, shall on-site waste disposal systems be permitted in any area designated by the administrator within the flood plain area and having special flood hazards.
(Ord. 118-76. Passed 12-13-76.)

1114.12 MODIFICATIONS.

The Planning Commission may permit modifications in these Subdivision Regulations for flood hazard areas under the following conditions:

- (a) Because of the unique topographic or other conditions of the land involved, literal application of the provisions of the Chapter would be unreasonable or impose undue hardship.
- (b) Conditions are attached to plat approval that assure compliance with the requirements of this Chapter insofar as practical.
- (c) The purposes and intent of this Chapter are observed.
- (d) There is no increase in the flood hazard or flood damage potential.
(Ord. 142-74. Passed 2-25-75.)

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