

## Conservation Fund Update

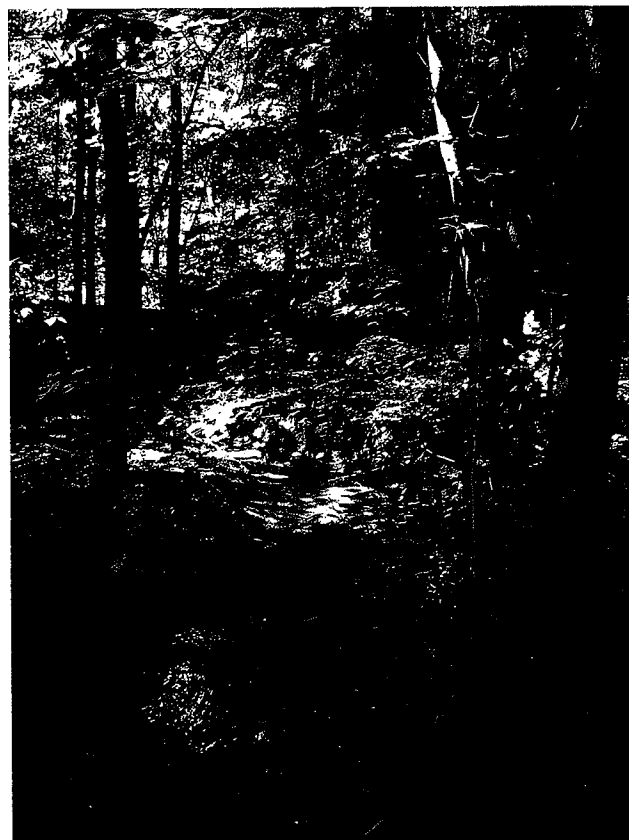
### Round 4 Doubles the Size of Trumbull County Metroparks

On August 24<sup>th</sup>, the District 6 Natural Resources Assistance Council met to select and prioritize projects for the fourth round of the Clean Ohio Conservation Fund. At that meeting, it was determined that three projects in Trumbull County and one project in Austintown Township would receive over \$1.2 million in Clean Ohio Conservation Funds. The Austintown Township project is the first of its kind in our district—a streambank restoration project which will repair and restore 270 feet of streambank that runs through the Township Park. Currently, the streambank is severely eroding and creating sediment contamination in the stream which significantly lowers the water quality. This project will serve as an example site for future streambank restoration projects in the Valley.

Trumbull County Metroparks had less than 100 acres five years ago, and since receiving Clean Ohio funding, has close to 900 acres today. In Round 4 alone, the Trumbull County Metroparks added 442 acres to its claim. The three Trumbull County projects from Round 4 all protect wetlands and/or riparian areas which help to preserve water quality and protect against flooding. The projects include the protection of 100 acres in the Grand River Corridor in Mesopotamia Township, the protection of 72 acres of the Mahoning River corridor in Braceville Township, and 270 acres of natural resources in the Grand River Watershed in Farmington Township.

### Funds Come to an End

After the allocation of money for these projects in Round 4, there was \$430,000 left in funds for District 6. There will be an abbreviated Round 4A to use these funds for more projects in our district. Once this money is gone, there will be no additional funds available from the Clean Ohio Fund. This was a four year ballot initiative passed in 2000 by Ohio voters, and Round 4 was our last allocation of funds. Because of its popularity and its contribution to a healthier quality of life through not only the Conservation Fund, but also the Brownfields, the Trails, and the Farmland Preservation Funds, we are hopeful that the Clean Ohio Fund will return to the ballot in 2008.



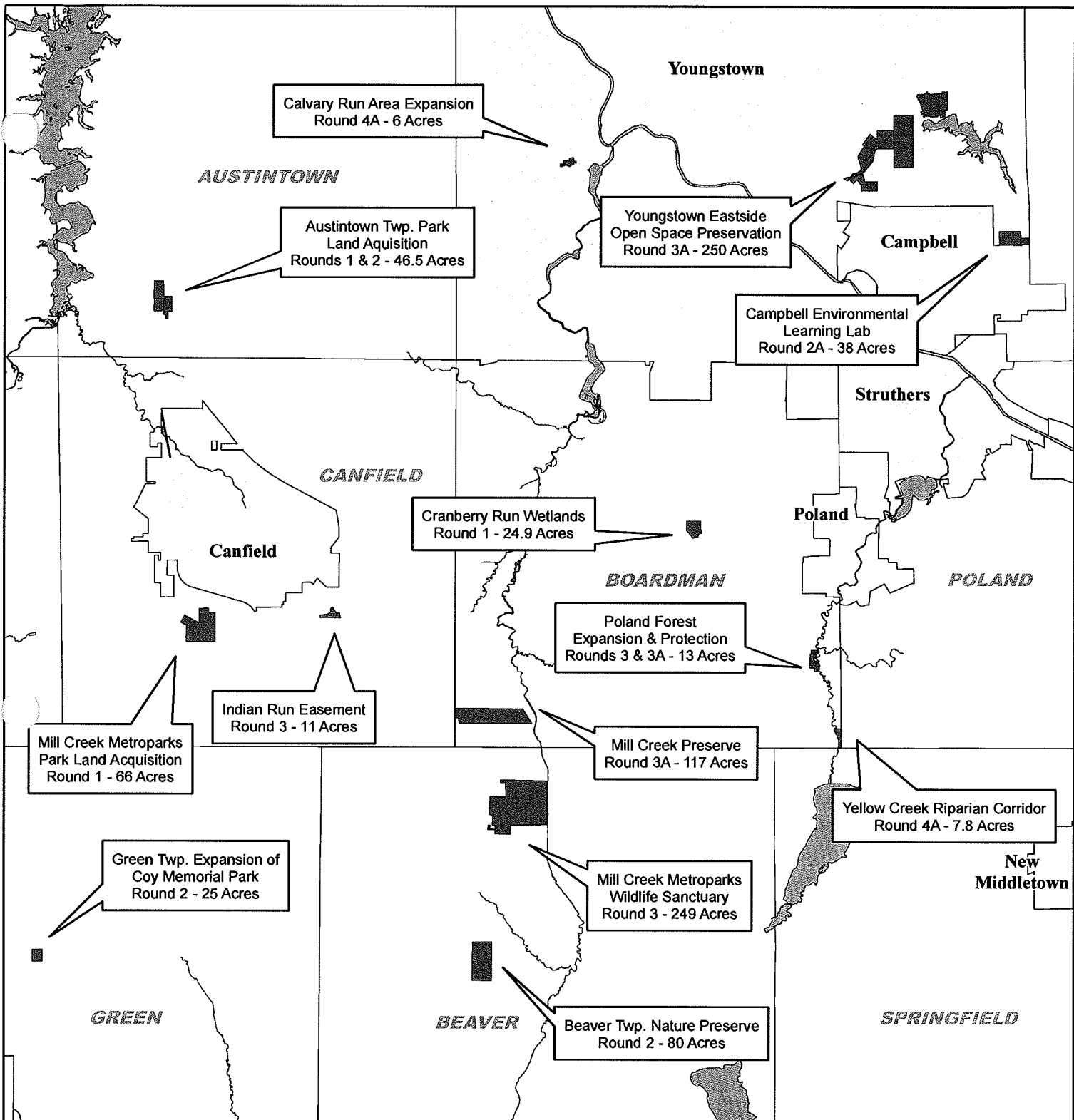
Swine Creek Tributary in the Grand River Watershed in Farmington Township.

## Be a part of Eastgate's 208 Plan Update!

Would you like to take part in the update of Eastgate's 208 Plan? It's as simple as 2-0-8!

Visit Eastgate's website, [www.eastgatecog.org](http://www.eastgatecog.org), click on Environmental Planning and visit the *Regional Wastewater Planning* site. Here you will be able to comment on available draft chapters listed under the *Ongoing Effort to Modernize 208 Water Quality Management Plan (WQMP)*.

We will continue to add more 208 update information and chapters to the site as they become available.



# Mahoning County Clean Ohio Conservation Fund Acquisitions



MESOPOTAMIA

BLOOMFIELD

GREENE

Grand River Corridor Preservation  
Round 4 - 100 Acres

# Trumbull County Clean Ohio Conservation Fund Acquisitions



Swine Creek Preservation  
Round 4 - 270 Acres

West Farmington

BRISTOL

MECCA

FARMINGTON

Mosquito Lake

Cortland

SOUTHINGTON

CHAMPION

BAZETTA

Elm Road Mosquito Creek  
Corridor Preservation  
Round 2 - 135 Acres

Mahoning River Corridor Preservation  
Round 3A - 12 Acres

Mosquito Creek Corridor Preservation  
Round 2A - 100 Acres

HOWLAND

BRACEVILLE

Warren

WARREN

Mahoning River Corridor Preservation  
Round 4 - 72 Acres

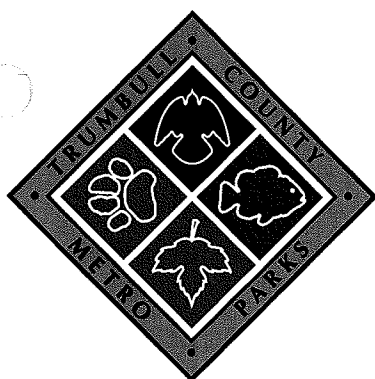
Newton Falls

NEWTON

Lordstown

River-Bend Metro Park  
Round 4A - 134 Acres

Niles



# Trumbull County MetroParks

Trumbull County, Ohio

## MAIN MENU

- ◆ Home
- ◆ Board Directory
- ◆ Comprehensive Plan
- ◆ Document Library
- ◆ Events Calendar
- ◆ FAQs
- ◆ Friends of the MetroParks
- ◆ Links

## VISIT OUR METROPARKS!

- ◆ Canoe City MetroPark
- ◆ Clarence Darrow MetroPark
- ◆ Foster MetroPark
- ◆ Western Reserve Parkway

## IN DEVELOPMENT

- ◆ Braceville Nature Preserve
- ◆ Farmington Nature Preserve
- ◆ Lynwood Drive Canoe Park
- ◆ Mesopotamia Nature Preserve
- ◆ Mosquito Creek Nature Preserve
- ◆ Thomas A. Swift MetroPark
- ◆ Weathersfield Nature Preserve
- ◆ Woodview Circle Canoe Park

## Mission Statement

Adopted June 1995

The mission of the Trumbull County MetroParks is to preserve, conserve, protect and promote Trumbull County's land and water resources and to provide and appreciate these open spaces.

### 2008-2013

#### Comprehensive Plan

Submit your comments.  
Volunteer to serve on a committee.



*Thomas A. Swift MetroPark, Braceville Township  
Photographer: Jonathan Millea*

Thanks to all who attended our recent public meeting!

#### Coming Soon!

The second public meeting for our 2008-2013 Comprehensive Plan. Details to be announced.

Your Parks ◆ Your Future  
◆ Your Decision

The Trumbull County MetroParks system consists of four parks open to the public and seven areas in development. The total area is almost 800 acres, located in nine of Trumbull County's 25 townships. The parks are maintained through volunteer efforts, with funding from the Trumbull County Commissioners and the State of Ohio. Trumbull County Planning Commission staff assist with planning and implementation support. Park hours are sunrise to sunset.

Last updated January 1, 2008  
Number of 2008 visits:





### Mission Statement

Park Commissioners'  
Board Meetings

MetroParks Calendar

Fellows Riverside Gardens  
Calendar

Seasonal Job Opportunities

Rental Facility Info

Phone Directory

Maps

Watershed Information

## Welcome

Mill Creek Park was established in 1891 as the principal property of the Youngstown Township Park District, now the Mill Creek Metropolitan Park District. The creation of Mill Creek Park is the result of the foresight and untiring efforts of Volney Rogers. Volney Rogers was inducted into Ohio's Natural Resources Hall of Fame in 2000 for his principal role in establishing Ohio's park districts. The Park District serves the Mahoning County residents, and welcomes visitors from across the nation and around the world.

The Mill Creek Metropolitan Park District preserves open spaces within the urbanized Mahoning Valley. Mill Creek Park encompasses approximately 2,600 acres, 20 miles of drives, and 15 miles of foot trails, and a rare collection of gardens, streams, lakes, woodlands, meadows and wildlife for all to enjoy. Visitors will find a wide range of recreational opportunities such as hiking, biking, picnicking, boating, Par-3, or championship golf, tennis, sand volleyball and more. Many of the facilities can be found at the James L. Wick, Jr. Recreation Area. Universally accessible trails, fishing pier, playground and picnic areas are located throughout the Park. Cabins and pavilions for group events are available for rental year-round.

**7574 Columbiana-Canfield Rd.**  
P.O. Box 596  
Canfield, Ohio 44406-0596  
Ph. 330.702.3000  
Fx. 330.702.3010  
email: [millcreek@cboss.com](mailto:millcreek@cboss.com)  
(no reservations by email)

Fellows Riverside Gardens - This eleven-acre living museum, funded by a very generous bequest of the late Mrs. Elizabeth A. Fellows, began with its first plantings in 1963. The Gardens include labeled displays of roses, tulips, chrysanthemums, herbs, trees, evergreens, dwarf conifers, rhododendrons, annuals, and perennials. The D.D. and Velma Davis Education & Visitor Center is located in Fellows Riverside Gardens. This magnificent facility includes meeting and exhibit spaces, classrooms, a gallery, an auditorium and a banquet hall available for rental, a horticultural library, a historical museum, a café, a gift shop, and an observation tower with a breathtaking view of Lake Glacier. Other features in the Gardens include two flagstone terraces, a lovely reflecting fountain pool, the beautiful Victorian-styled Gazebo, and the Kidston Pavilion overlooking Lake Glacier. The Kidston Pavilion and Gazebo are available by permit for weddings ceremonies. Educational opportunities such as guided school and group tours, horticulture classes for children and adults, specialty plant sales, horticulture shows, and outreach programs to local schools and senior centers are all available at Fellows Riverside Gardens.

Lanterman's Mill, restored through a gift from the Ward and Florence Beecher Foundations, represents one of the many pioneer industries developed along Mill Creek and operates today, as it did in the 1800's, grinding corn, wheat, buckwheat, and oats. The nearby Gorge Trail offers a dramatic peek into the area's geological history. The Ford Nature Education Center is staffed year-round with naturalists ready to enlighten visitors on the natural environment through permanent exhibits, traveling

programs and nature hikes. The Pioneer Pavilion, The Old Log Cabin, and the Bears Den Cabin are restored facilities located in Mill Creek and are available throughout the year for renting. The MetroParks Farm in Canfield gives visitors an insight into our food chain, and Yellow Creek Park in Struthers offers a smaller but no less beautiful version of the Mill Creek Gorge as well as educational and recreational programming. The Vickers Nature Preserve in Ellsworth offers extensive hiking trails through meadow and early-succession forest as well as the Buckeye Horse Park. The Newport Wetlands observation area and the McGuffey Wildlife Preserve also offer additional locations of interest. The MetroParks offers a variety of activities for all ages throughout the year. See our MetroParks Calendar to view the monthly schedule. Educational programs for the classroom are offered through many of the MetroParks facilities. The Teachers' Guide provides a comprehensive listing of these programs. For information concerning attractions, special events, pavilion rental, or weddings call the Park District office at (330) 702-3000 or write to: Mill Creek Metropolitan Park District, P.O. Box 596, Canfield, OH 44406-0596.

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**319631**



## **FFY05 Section 319(h) Nonpoint Source Project Summary**

**Project Number** #05(h) EPA-08  
**Project Completion** December 31, 2008

**SubGrantee** Mahoning County SWCD  
490 South Broad Street  
Canfield, OH 44406

**Project Contact:** Kathy Vrable-Bryan  
Mahoning County SWCD  
490 South Broad Street  
Canfield, OH 44406

**Grant Amount:** \$392,600  
**Match Amount:** \$277,048

**Project Title:** Mill Creek Improvement Project

**Project Location:** Mahoning County  
**Watershed:** Mill Creek

**Project Summary:** \$392,600 in federal section 319(h) Clean Water Act grant funding was awarded to the Mahoning County Soil & Water Conservation District to implement the Mill Creek Improvement Project. A combination of innovative riparian buffer cost-share activities will be combined with acquiring streamside conservation easements along Mill Creek in northeastern Ohio. Additionally, the sponsor will conduct extensive project-specific public education and outreach activities. Implementation of this project is consistent with provisions of the conditionally endorsed Mill Creek Watershed Action Plan.

**Project Deliverables:** Successful completion of this project will result in the following:

- Acquisition of 111 acres of riparian conservation easements
- 1,300 linear feet of riparian buffer established using cost-share funds
- Creation of a model riparian setback ordinance for use with local governments along the watershed
- Creation of a permeable parking surface model ordinance
- Conducting 1 riparian landowner buffer workshop
- Development and maintenance of a project-specific website
- Conducting onsite riparian management training for riparian landowners

**Environmental Results:** Completion of this project will enhance protection of more than 110 acres of riparian corridor with conservation easements.

**Project Results to Date:**

- Acquired 11 acres of riparian conservation easements
- Drafted riparian setback model ordinance
- Conducted 53 NPS demonstrations using EnviroScape Model
- Completed riparian management training at 4 sites
- Prepared and distributed 3 newsletters with project-specific information
- Completed 1 riparian buffer workshop for local landscaping firms
- Completed 5 website updates

**NPS Load Reductions Resulting from Project**

Pollutant	Load Reduction This Period	Estimated Load Reduction upon Project Completion
Nitrogen	None to Report	85 pounds/year
Phosphorus	None to Report	43 pounds/year
Sediment	None to Report	43 tons/year



Ordinance No. 2002-154

Sponsor Mr. McCarthy, Mrs. Heydorn, Mr. Crossland, Mr. Smith,  
Mr. Teodosio, Ms. Norris, Mr. Callahan, & Mr. King

Date April 29, 2002

**An Amended Substitute Ordinance creating and enacting Title Seven of Chapter Nine of the Codified Ordinances of the County of Summit establishing Riparian Setbacks within the County of Summit.**

Whereas, flooding is a threat to public health and safety and public and private property within the Cuyahoga River Watershed, Rocky River Watershed, and the Tuscarawas River Watershed in the County of Summit, Ohio. Vegetated riparian areas lessen the damage from such flooding by slowing runoff, enabling water to soak into the ground, and by absorbing excess flow during flood events; and,

Whereas, stream bank erosion within the Cuyahoga River Watershed, Rocky River Watershed, and the Tuscarawas River Watershed is a significant threat to public health and safety and public and private property, and vegetated riparian areas physically slow the rate of runoff and stabilize stream banks by anchoring the soil, thus reducing the erosive force of runoff and strengthening banks against high-velocity stream waters; and,

Whereas, the presence of natural vegetation on stream banks provides protection against erosive forces both within streams and on adjacent lands, whether publicly or privately owned; and,

Whereas, the protection of riparian areas results in the presence of plants best suited to each individual environment along a stream, with proven capability for survival and regeneration at no cost; and,

Whereas, the establishment of protected riparian areas provides a right-of-way for natural movement and relocation of stream channels, which can encroach upon adjacent land; and,

Whereas, vegetated riparian areas aid in filtering and trapping sediments, nutrients, chemicals, salts, septic discharge and other pollutants from runoff and floodwaters, thus helping to protect surface and ground water quality; and,

Whereas, vegetated riparian areas can provide a dense tree canopy that helps to maintain and improve the stability of stream water temperatures, thus protecting aquatic ecosystems and promoting a healthy environment that is diverse in the number of species of plants and animals, and helps to reduce the presence of aquatic nuisance species; and,

Whereas, the management of riparian areas can result in a diverse and interconnected riparian corridor that provides habitat to a wide array of wildlife; and,

Whereas, there is a watershed-wide effort to reduce the flooding and erosion within the Cuyahoga River Watershed, Rocky River Watershed, and the Tuscarawas River Watershed and to protect and enhance the water resources of the Cuyahoga River, Rocky River, and the Tuscarawas River and all tributaries, and the County of Summit recognizes its obligation as a part of the watershed to reduce flooding and erosion by controlling runoff within its borders; and,

Whereas, the water quality and quantity flowing through areas downstream is heavily dependent upon the protective measures and good stewardship adopted by upstream communities, regardless of the size of the upstream channel; and,

Whereas, the Summit Soil and Water Conservation District (Summit SWCD), the Natural Resources Conservation Service of the United States Department of Agriculture (NRCS, USDA), the Ohio Environmental Protection Agency (OEPA), and the United States Environmental Protection Agency (USEPA) recommend riparian setbacks as a valuable tool in an overall natural resource management program for flood risk reduction, erosion control, water quality management, and aquatic life habitat protection; and,

Whereas, studies undertaken by, and reviewed by the Ohio Environmental Protection Agency and other accredited independent scientific entities recommend the minimum widths for riparian setbacks; and,

Whereas, the Council of the County of Summit has reviewed and adopted the recommendations of the above government agencies, and the Council finds that in order to minimize encroachment on stream channels and the need for costly engineering solutions to protect structures and reduce property damage and threats to the safety of watershed residents; to protect and enhance the scenic beauty of the Cuyahoga, Rocky, and Tuscarawas Rivers, the quality of life of the residents of the County of Summit, and corresponding property values, it is necessary and appropriate to regulate the construction of structures and uses within a Riparian Setback along the banks of designated streams in the Cuyahoga River, Rocky River, and Tuscarawas River; and,

Whereas, Article X, Section 3 of the Ohio Constitution grants the County of Summit as a charter county, the legal authority to adopt land use and control measures for promoting the peace, health, safety, and general welfare of its citizens.

Whereas, 40 C.F.R. Parts 9, 122, 123, and 124 referred to as NPDES (National Pollutant Discharge Elimination System) Storm Water Phase II, require designated communities, including the County of Summit to develop a Storm Water Management Program to address the quality of storm water runoff during and after soil disturbing activities; now

**THEREFORE, BE IT ORDAINED** by the Council of the County of Summit, State of Ohio,

**SECTION 1:** That Title Seven of Chapter Nine of the Codified Ordinances of the County of Summit establishing Riparian Setbacks within the County of Summit read as follows:

**SECTION 937.01: PUBLIC PURPOSE**

A. It is hereby determined that the system of streams within the County of Summit contributes to the health, safety and general welfare of the residents of the County of Summit. The purpose of this Riparian Setback Ordinance is to protect and preserve the water quality within streams of the County of Summit and to protect residents of the County of Summit from property loss and damage because of flooding and other impacts of the stream. The method of implementing this ordinance is by controlling uses and developments within a Riparian Setback that would impair the ability of the riparian area to:

1. Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters and regulating base flow.
2. Stabilize the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from stream banks.
3. Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants already present in streams.
4. Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants in runoff before they enter streams.
5. Provide areas for natural meandering and lateral movement of stream channels.
6. Reduce the presence of aquatic nuisance species to maintain diverse and connected riparian vegetation.
7. Provide high quality stream habitats with shade and food to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
8. Benefit the County of Summit economically by minimizing encroachment on stream channels and reducing the need for costly engineering solutions such as dams and riprap, to protect structures and reduce property damage and threats to the safety of watershed residents, and by contributing to the scenic beauty and to the environment of the County of Summit, the quality of life of the residents of the County of Summit and corresponding property values.
9. Protect the health, safety, and welfare of the citizens of the County of Summit.

B. The following regulation has been enacted to protect these services of riparian areas by providing reasonable controls governing structures and uses in riparian setbacks.

**SECTION 937.02: APPLICABILITY, COMPLIANCE, AND VIOLATIONS**

A. The provisions of this title shall apply to all lands within unincorporated areas that are within the jurisdiction of the County of Summit ~~and designated streams that border~~.

B. No preliminary plan, building, or zoning approvals shall be issued by the County of Summit without full compliance with the terms of these regulations where applicable.

C. Any person or organization who violates Section 937.07 of the Codified Ordinances shall be guilty of a minor misdemeanor and, upon conviction thereof, shall be subject to punishment as provided in Section 501.99 of the Codified Ordinances of the County of Summit and shall be required to restore the Riparian Setback through a plan approved by Summit SWCD.

D. The provisions of ~~937.07~~ this title may be enforced through civil or criminal proceedings brought by the County of Summit Prosecutor on behalf of the County of Summit.

### **SECTION 937.03: CONFLICTS WITH OTHER REGULATIONS AND SEVERABILITY**

A. Where this ordinance imposes a greater restriction upon land than is imposed or required by any other provision of law, regulation, contract or deed, the provisions of this ordinance shall control.

B. These regulations shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available there under, except as provided in point "A" of this section.

C. If any clause, section, or provision of these regulations is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

### **SECTION 937.04: DEFINITIONS**

1. **BEST MANAGEMENT PRACTICES (BMPs):** Conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in "Rainwater and Land Development, Ohio's Standard for Stormwater Management, Land Development, and Urban Stream Protection" prepared by the Ohio Department of Natural Resources.
2. **DAMAGED OR DISEASED TREES:** Trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.
3. **DEFINED CHANNEL:** A natural or man-made depression in the terrain which is maintained and altered by the water and sediment it carries.
4. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with overall responsibility for administering the National Flood Insurance Program.

5. FINAL PLAT: A final tracing of all or a phase of a subdivision ~~in~~ and its complete survey information.
6. IMPERVIOUS COVER: Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.
7. NATURAL SUCCESSION: A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.
8. NOXIOUS WEED: Any plant defined as a “noxious weed and rank vegetation” in Section 21.1 in the Codified Ordinances of the County of Summit, Ohio.
9. OHIO RAPID ASSESSMENT METHOD: A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.
10. 100-YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the 100-year floodplain shall be defined by FEMA ~~or a site-specific floodplain delineation in conformance with standard engineering practices~~ and approved by Summit SWCD the County of Summit Department of Building Standards.
11. ORDINARY HIGH WATER MARK: The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the channel of a stream.
12. POLLUTION: Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.
  - “POINT SOURCE” pollution is traceable to a discrete point or pipe.
  - “NON-POINT SOURCE” pollution is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or ground water seepage rather than direct discharge.
13. ~~PLAN~~, PRELIMINARY PLAN: A drawing of a major subdivision for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.

14. RIPARIAN AREA: A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/ or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.
15. RIPARIAN SETBACK: The area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. Riparian Setbacks are those lands within the County of Summit that fall within the area defined by the criteria set forth in these regulations.
16. SOIL AND WATER CONSERVATION DISTRICT (SWCD): An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the Summit SWCD.
17. SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.
18. STREAM: A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water (ORC 6105.01) in such a way that terrestrial vegetation cannot ~~take over~~ establish roots within the channel.
19. STORMWATER POLLUTION PREVENTION PLAN (SWPPP): The plan which describes all the elements of the stormwater strategy implemented during and after construction. The plan addresses erosion control and ~~abatement of excess~~ stormwater ~~runoff~~ quality.
20. STORMWATER QUALITY TREATMENT: The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.
21. VARIANCE: A modification of the enforcement of the Riparian Setback Ordinance which will not be contrary to the public interest and where, due to conditions peculiar to this property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in undue hardship to the applicant.
22. WATERCOURSE: A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.
23. WATERSHED: An area of land that drains into a particular watercourse, usually divided by topography.

24. WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**SECTION 937.05: ESTABLISHMENT OF A RIPARIAN SETBACK**

- A. Riparian Setbacks are established as provided in this title.
- B. Streams addressed by this ordinance are those which meet the definition of “stream” in Section 937.04 of these regulations and ~~appear~~ are indicated on at least one of the following maps:
1. USGS topographical map
  2. Summit County Riparian Setback map
  3. Soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS
- C. Widths of setbacks are measured as horizontal map distance outward from the ordinary high water mark on each side of a stream, and are established as follows: .
1. A minimum of 300 feet on each side of all streams draining an area greater than 300 square miles.
  2. A minimum of ~~120~~ 100 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.
  3. A minimum of 75 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles.
  4. A minimum of 50 feet on each side of all streams draining an area greater than 0.05 square mile (32 acres) and up to 0.5 square mile (320 acres).
  5. A minimum of 30 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).
- D. The following are exempt from the terms and protection of this ordinance: grassy swales, roadside ditches, drainage ditches created at the time of ~~the~~ a subdivision to convey stormwater water to another system, tile drainage systems, and stream culverts.
- E. The following shall ~~also~~ apply to the Riparian Setback:
1. Where the 100-year floodplain is wider than the Riparian Setback on either or both sides of the stream, the Riparian Setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA ~~or a site-specific floodplain delineation in conformance with standard engineering practices~~ and approved by the ~~Summit SWCD~~ County of Summit Department of Building Standards.

2. Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the Riparian Setback formulae for width determination:

Average Percent Slope	Width of Setback
15% - 20%	Add 25 feet
21% - 25%	Add 50 feet
> 25%	Add 100 feet

Average ~~watershed~~ streambank slope is to be calculated using methodology outlined in the "Ohio Supplement to Urban Hydrology for Small Watersheds, Technical Release Number 55 (TR-55)" by USDA, NRCS.

3. Where wetlands protected under federal or state law are identified within the Riparian Setback, the Riparian Setback shall consist of the full extent of the wetlands plus the following additional setback widths:
- a. A 50 foot setback extending beyond the outer boundary of a Category 3 wetlands
  - b. A 30 foot setback extending beyond the outer boundary of a Category 2 wetlands
  - c. No additional setback will be required adjacent to Category 1 wetlands
4. Wetlands shall be delineated by a qualified professional under guidelines established by the US Army Corps of Engineers and Ohio Environmental Protection Agency and the site survey delineation approved by ~~these~~ the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of the regulations.
5. The applicant shall be responsible for delineating the Riparian Setback, including any expansions or modifications as required by B through D of this section, and identifying this setback on all subdivisions, land development plans, and/or building permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation shall be subject to review and approval by the Summit SWCD. As the result of this review, the Summit SWCD may require further studies from the applicant.
6. Prior to any soil disturbing activity, the Riparian Setback shall be clearly delineated with construction fencing or other suitable material by the ~~landowner~~ applicant on site, and such delineation shall be maintained throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.
7. No approvals or permits shall be issued by the County of Summit or Township prior to delineation of the Riparian Setback in conformance with these regulations.



8. Upon completion of an approved subdivision, the Riparian Setback shall be permanently recorded on the plat records for the County of Summit.

**SECTION 937.06: USES PERMITTED IN THE RIPARIAN SETBACK**

A. The following uses are permitted by right within the Riparian Setbacks without prior approval.

Open space uses that are passive in character shall be permitted in the Riparian Setback including, but not limited to, those listed in 1 through 4 of this section. No use permitted under these regulations shall be construed as allowing trespass on privately held lands.

Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the Riparian Setback shall be preserved in its natural state.

1. **Recreational Activity.** Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.
2. **Removal of Damaged or Diseased Trees.** Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than 6 inches in diameter, shall be anchored to the shore or removed from the 100-year floodplain.
3. **Revegetation and/or Reforestation.** The revegetation and/or reforestation of the Riparian Setback shall be allowed without approval of the Summit SWCD. Species of shrubs and vines recommended for stabilizing flood prone areas along streams within the County of Summit are listed in the Appendix.
4. The County of Summit Engineer maintains the right of access to all streams within the County of Summit for the purposes outlined in the Ohio Revised Code, Sections 6131.01 to 6131.64, 6133.01 to 6133.15, 6135.01 to 6135.27, and 6137.05.1.

B. The following uses are permitted by right within the Riparian Setbacks with prior approval of the design.

1. **Stream bank Stabilization/Erosion Control Measures.** Best Management Practices (BMP's) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/ erosion control practices shall only be undertaken upon approval of a Stormwater Pollution Prevention Plan (SWPPP or SW3P) by the Summit SWCD.

2. Crossings. In reviewing plans for stream crossings, the township may confer with the Summit SWCD, the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary.
  - a. Limited crossings of designated streams through the Riparian Setback by vehicles, storm sewers, sewer and / or water lines, and public utility lines will be per the approval of local, county, and state governing agencies and as a part of the regular subdivision review process.
  - b. One driveway crossing per stream per tax parcel will be allowed for individual landowners.
  - c. Roadway crossings for major and minor subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the County of Summit Engineer's design standards and as approved by the Summit County Planning Commission and approving township. If more than ~~one~~ two crossings per 1,000 linear feet of stream center is required for these areas, the applicant must apply for a variance.
  - d. All roadway crossings shall be perpendicular to the stream flow and shall minimize disturbance to the Riparian Setback and shall mitigate any necessary disturbances.
3. Placement of stormwater retention or detention facilities may be considered within the Riparian Setback if:
  - a. Stormwater quality treatment that is consistent with current state standards is incorporated into the basin.
  - b. The stormwater quality treatment basin is located at least 50 feet from the ordinary high water mark of the stream.

**SECTION 937.07: USES PROHIBITED IN THE RIPARIAN SETBACK**

The following uses are specifically prohibited within the Riparian Setback:

- A. Construction. There shall be no structures of any kind, except as permitted under these regulations.
- B. Dredging or Dumping. There shall be no drilling for petroleum or mineral products, mining activity, filling or dredging of soil, spoils, liquid or solid materials, or any material—natural or man-made—except as permitted under these regulations.
- C. Roads or Driveways. There shall be no roads or driveways, except as permitted under these regulations.

D. Motorized Vehicles. There shall be no use of motorized ~~and non-motorized~~ vehicles of any kind, except as permitted under these regulations.

E. Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations.

Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the Riparian Setback provided the landowner allows for natural succession.

F. Parking Lots. There shall be no parking lots or other human made impervious cover, except as permitted under these regulations.

G. New surface and/or subsurface sewage disposal or treatment area. Riparian Setbacks shall not be used for the disposal or treatment of sewage except for:

1. Undeveloped parcels that have received site evaluation approval and / or permit approval prior to the enactment of this ordinance.
2. Dwellings served by disposal / treatment systems existing at the time of passage of these regulations when such systems are properly sited (approved site evaluation) and permitted or in accordance with the Summit County Health Department and / or the Ohio Environmental Protection Agency. Existing failing systems which are located within the Riparian Setback can be upgraded with approval of the Summit County Health Department and / or the Ohio Environmental Protection Agency.

**SECTION 937.08: NON-CONFORMING STRUCTURES OR USES IN THE RIPARIAN SETBACK**

A. Structures and uses within the Riparian Setback, existing at the time of passage of these regulations, that are not permitted under these regulations may be continued but shall not be expanded except as set forth in this title.

B. If damaged or destroyed, these structures or uses may be repaired or restored within two years from the date of damage /destruction or the adoption of these regulations, whichever is later, at the property owners own risk.

C. A residential structure or use within the Riparian Setback existing at the time of passage of these regulations may be expanded subject to the provisions of 1. through 3. below:

- C. 1. The expansion conforms to existing zoning regulations.
  - 2. The expansion must not impact the stream channel or the 100-year flood plain.
  - 3. The expansion must not exceed an area of 15% of the ~~total~~ footprint of existing structure or use that lies within the Riparian Setback. Expansions exceeding 15% of the ~~total~~ footprint within the Riparian Setback must be obtained through the variance process.
- D. Non-residential structure or use expansions will be permitted only through the variance process.

#### **SECTION 937.09: BOUNDARY INTERPRETATION AND APPEALS PROCEDURE**

A. When ~~a landowner or~~ an applicant disputes the boundary of the Riparian Setback or the ordinary high water mark of a stream, the ~~landowner or~~ applicant shall submit evidence to the Summit SWCD that describes the boundary, presents the ~~landowner or~~ applicant's proposed boundary and presents all justification for the proposed boundary change.

B. The Summit SWCD shall evaluate all materials submitted and shall make a written recommendation to the Township Board of Zoning Appeals or the Summit County Planning Commission within a reasonable period of time not to exceed sixty days. a copy of which this recommendation shall be submitted to the landowner or applicant. If during this evaluation the Summit SWCD requires further information to complete this evaluation, ~~he or she may require this to be provided by the landowner or applicant.~~ the applicant may be required to provide additional information.

C. ~~Any party aggrieved by any such determination or other decision or determination under these regulations may appeal to their Township Board of Zoning Appeals for a variance. The Township Board of Zoning Appeals or the Summit County Planning Commission shall decide such boundary disputes.~~ The party contesting the location of the Riparian Setback or the ordinary high water mark of the streams as determined by these regulations shall have the burden of proof in case of any such appeal.

#### **SECTION 937.10: VARIANCES WITHIN RIPARIAN SETBACK**

- A. Applications for variances to the provisions of this title shall be submitted as provided in 1. and 2. below:
- 1. In Townships which have adopted these regulations into their zoning codes, applications for variances ~~may~~ shall be submitted to the Township Board of Zoning Appeals.
  - 2. In Townships which have not adopted these regulations into their zoning codes, and do not have their own riparian setback regulations, applications for variances ~~may~~ shall be submitted to the Summit County Planning Commission.

B. The Township Board of Zoning Appeals or the Summit County Planning Commission, shall consult with representatives from the Summit SWCD; the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary to consider variance requests.

C. Expansions of residential structures or uses exceeding 15% of the footprint area and expansions of all non-residential structures or uses are subject to provisions 1. through 4. below:

1. The expansion conforms to the existing zoning regulations.
2. The expansion must not impact the stream channel or the 100-year floodplain.
3. The expansion of a non-residential structure or use must not affect upstream or downstream hydrologic conditions which could cause damage from flooding or streambank erosion to landowners in those areas. The A hydrologic study must be completed by non-residential applicants only as a process of the variance application.
4. The expansion of a non-residential structure or use will not exceed 25% of the of the footprint area. The 25% expansion limit is per the portion of the structure or use that lies within the Riparian Setback.

D. Requests for variances for subdivisions will be considered for the following:

1. An additional stream crossing or crossings for a subdivision or open space development which is necessary for the health, welfare, and safety of the residents of the subdivision.
2. A reduction of the setback width, not to exceed 10% of the prescribed Riparian Setback width.

E. No variances shall be granted for expansion of the following structures or uses:

1. Facilities which use, store, distribute, or sell petroleum-based products or any hazardous materials. Such facilities include, but are not limited to: asphalt plants, dry cleaners, gasoline service stations, and road maintenance facilities.
2. Facilities which use, store, distribute, or sell products which may contribute higher than acceptable concentrations of dissolved or particulate matter to stormwater runoff around the facility. Such facilities include, but are not limited to: landfills or transfer stations, junk yards, recycling facilities, quarries and borrow pits, sand and gravel extraction operations, and road salt storage barns.

F. In reviewing whether to grant variances, the Township Board of Zoning Appeals or the Summit County Planning Commission shall consider the following:

- F. 1. The extent to which the requested variance impairs the functions of the riparian area. This determination shall be based on sufficient technical and scientific evidence as provided by the applicant and the agencies listed in 937.10.A. through E. above.
2. The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.
3. The degree of hardship these regulations place on the ~~landowner~~ applicant and the availability of alternatives to the proposed activity.

**SECTION 937.11: INSPECTION OF RIPARIAN SETBACK**

- A. The Riparian Setback shall be inspected by the Summit SWCD:
1. When a preliminary subdivision plat or other land development plan is submitted to the County of Summit.
  2. When a building or zoning permit is requested.
  3. Prior to any soil disturbing activity to inspect the delineation of the Riparian Setback as required under these regulations.
- B. The Riparian Setback shall also be inspected annually or as time permits by the Summit SWCD or approved monitoring entity for compliance with any approvals under these regulations or at any time evidence is brought to the attention of the Summit SWCD that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.
- C. Violations of these regulations will be handled as noted in Section 937.02.C.

SECTION 2

Provided this ordinance receives the affirmative vote of eight members, it shall take effect and be in force at the earliest time provided by law.

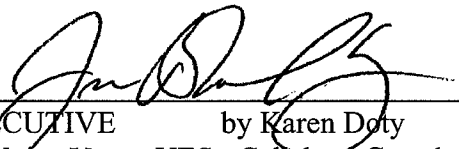
INTRODUCED March 4, 2002

ADOPTED April 29, 2002

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED April 30, 2002

  
EXECUTIVE by Karen Doty  
On/Voice Vote: YES: Callahan, Crossland, Gallagher, Heydorn, King, Norris, Smith, Teodosio, Zurz NO: Congrove, Crawford

May 29, 2002  
ENACTED EFFECTIVE

**ARTICLE 15            F-1            FLOOD PLAIN RIVER PROTECTION DISTRICT**

*Effective June 8, 2005*

These districts encompass underlying zoning districts and imposes additional requirements above that required by the underlying zoning districts.

15.01    Intent and Purpose: The purpose of the Flood Plain Overlay District is to prevent the loss of property and life, to prevent the disruption of commerce and governmental services, to prevent the unnecessary and extraordinary expenditure of public funds for flood protection and relief, and to prevent the impairment of the tax base, by;

- a. Restricting, regulating, or prohibiting certain uses, activities, and developments from locating within areas subject to flooding;
- b. Regulating uses, activities, and developments which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities and frequencies;
- c. Requiring all those uses, activities, and developments that occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage; and
- d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

15.02    Basis for Establishing the initial areas of the Flood Plain Overlay District: The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based upon the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. The Flood Insurance Study, with accompanying maps, is adopted by reference and declared to be part of this Resolution. Where detailed studies of the Floodway and Floodway Fringe have not been made available within the Flood Insurance Study, the following sources of data may be used to determine the necessary district boundaries for the purposes of this Resolution.

- a. Corps of Engineers–Flood Plain Information Reports.
- b. U.S. Geological Survey-Flood Prone Quadrangles.
- c. U.S.D.A., Soil Conservation Service-Flood Hazard Analysis Studies and County Soil Surveys (Alluvial Soils)
- d. Ohio Department of Natural Resources-Flood Hazard Reports and Flood Profile Charts.
- e. Known high-water marks from past floods.

## Beavercreek Township Zoning Resolution

- f. Other sources acceptable to the appropriate Beavercreek Township authority.

This Resolution does not imply that areas outside of the Flood Plain Overlay District as designated on the Official Zoning District Map or land uses permitted within such district will be free from flooding damages. This Resolution shall not create liability on the part of Beavercreek Township or any official or employee thereof for any flood damages that result from reliance on this Resolution.

15.03 Flood Plain Overlay District Sections: The Flood Plain Overlay District is hereby divided into three (3) areas in accordance with the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio: Floodway, Floodway Fringe, and General Flood Plain.

- a. Floodway: The floodway is delineated for purpose of this resolution using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one-hundred (100) year flood. The floodway is shown on the Flood Insurance Study maps and tables.
- b. Floodway Fringe: The Floodway Fringe is defined as that area of the one-hundred (100) year flood plain not included in the Floodway. The basis for the outermost boundary of this area shall be the one-hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map and on the Beavercreek Township Official Zoning Map.
- c. General Flood Plain: The general flood plain shall be that one-hundred (100) year flood plain area for which the floodway and floodway fringe areas have not been delineated, and for which no detailed flood profiles or elevations are provided. In determining the necessary elevations for the purpose of this Resolution, sources of data as identified in Section 15.02 a-f may be used when available.

Where the one-hundred (100) year flood elevation cannot be determined for an area using other sources of data, the applicant for the proposed use, development and/or activity shall, if requested to do so by the Zoning Inspector, determine the one-hundred (100) year flood elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be



## Beavercreek Township Zoning Resolution

undertaken only by registered professional engineers, who shall demonstrate that the technical methods used correctly reflect current accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review as provided for in 15.06.

### 15.04 Overlaying of Existing Districts:

- a. The Flood Plain Overlay District described above shall be an overlay to the existing underlying district(s) as shown on the Official Zoning Map, and as such, the provisions for the Flood Plain Overlay District, shall serve as a supplement to the underlying district provisions.
- b. Where there happens to be any conflict between the provisions or requirements of the Flood Plain Overlay District and those of any underlying district(s) the more restrictive provisions and/or those pertaining to the Flood Plain Overlay District shall apply.
- c. In the event any provision concerning a Flood Plain Overlay District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

15.05 Zoning Map: The boundaries of the Flood Plain Overlay District are established per the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio and as shown on the Official Zoning Map of Beavercreek Township which is declared to be part of this Resolution and which shall be kept on file at the Beavercreek Township zoning inspectors office.

15.06 Boundary Changes: The delineation of the Flood Plain Overlay District boundary shall be revised as outlined in Article 24 of this Resolution.

Where natural or man-made changes have occurred and the Flood Insurance Study, with accompanying maps have been revised or letters of amendment have been issued by the Federal Emergency Management Agency and/or more detailed studies are conducted by the Federal Emergency Management Agency, Federal Insurance Administration or sources listed in Section 15.02, boundary amendments may be considered. However, prior to any such legislative change, approval must be obtained from the Federal Emergency Management Agency, Federal Insurance Administration.

Beavercreek Township Zoning Resolution

- 15.07 Interpretation of Boundaries: The Zoning Inspector shall make initial interpretation of the boundaries of the Flood Plain Overlay District.

Should a dispute arise concerning the boundaries of the Flood Plain Overlay District the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit such technical evidence as the Board request.

*Amendment  
Effective 4-27-06*

- 15.08 Floodway:

- a. Permitted, Conditional and Accessory Uses within the Floodway: Uses shall be that of the underlying district and shall be permitted outside the buffer area described in 15.11, as a conditional use, as long as they do not include structures, require fill or storage of materials or equipment. No uses shall be allowed which require below ground placement of materials. In addition, no use shall adversely affect the efficiency or restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or other drainage facility or system.
- b. Prohibited Uses: The following uses shall be expressly prohibited from locating within the Floodway.
1. Structures, fill or storage of materials and/or equipment.
  2. Channel modification that increase flow and/or reduces the storage capacity and/or increases velocity.

*Amendment  
Effective 4-27-06*

- 15.09 Floodway Fringe:

- a. Permitted, Conditional and Accessory uses within the Floodway Fringe: Uses shall be that of the underlying district and shall be permitted as a conditional use and be outside the buffer area described in 15.11. Any open material storage or fill material placement, other than for approved construction, shall only be permitted as a conditional use. Any structural uses, or other uses, permitted as a conditional use shall be constructed on fill or elevated with the first floor or basement floor at least two (2) foot above the one-hundred (100) year flood plain elevations. The fill shall extend at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations,

## Beavercreek Township Zoning Resolution

which make compliance with this provision impractical or in other special circumstances, the Board of Zoning Appeals may authorize other techniques for elevation as long as the use does not adversely affect the efficiency or restrict the capacity of the flood plain.

### 15.10 General Flood Plain:

- a. Permitted, Conditional and Accessory Uses within the General Flood Plain: Uses shall be that of the underlying district and shall be permitted outside the buffer area described in 15.11, as long as the use does not adversely affect the efficiency or restrict the capacity of the flood plain. All-uses specified, or similar to those specified in the underlying district that require fill, are permitted only as conditional uses. No conditional use shall be located in the established buffer area as described in Section 15.11. The General Flood Plain encompasses both floodway and floodway fringe areas. Therefore, the Zoning Inspector and Board of Zoning Appeals as provided in Section 15.07, shall determine whether the proposed conditional use is located within the floodway or floodway fringe area. If it is determined that the proposed use is located within the floodway, the provisions of Section 15.08 shall apply. If it is determined that the proposed use is located within the floodway fringe, the provision of Section 15.09 shall apply. All uses shall be subject to performance and other standards contained in this resolution. The applicant shall be required to supply necessary data to enable this determination when not otherwise available.

### 15.11 Establishment of Buffer Area:

A buffer area shall be maintained along both sides of all streams and river channels listed – Little Miami River, Beaver Creek, Ludlow Creek, Indian Ripple Brook, the boundary for the buffer area shall be fifty (50) feet in horizontal plain outward from the normal edge of the stream channel. Natural land cover is to be preserved within the buffer area. The buffer area is thus intended to limit impact of non-agricultural land uses on the stream in order to: preserve and conserve the quality, purity, clarity, and free-flowing condition of its waters; cool water temperatures, lessen the impact of siltation on stream waters and reserve valuable resources in the interest of present and future generations.

15.12 Minimum Dimensional Requirements:

The following standards shall be adhered to within the Flood Plain Overlay District where such uses are permitted.

1. The minimum lot size, width and percent of coverage shall be that of the underlying district.
2. In the Flood Plain Overlay District, the yard areas shall be that of the underlying district.
3. Maximum permitted building height regulations in this district shall be that of the underlying district.

15.13 Required Conditions:

- a. All applications for a Conditional Use Permit within the Flood Plain Overlay District shall be accompanied by a report and recommendation bearing the seal of a professional surveyor registered in the State of Ohio certifying the elevation of the 100-year regulatory flood on the property, the location and elevation of existing and proposed fill and/or structures not elevated above the 100-year regional flood elevation.
- b. Upon consideration of the application for a Conditional Use Permit, the Board of Zoning Appeals may attach conditions to such uses, as it deems necessary to further the purposes of this Section. Such conditions shall include but not limited to the following:
  1. Requirements for the elevation of structures to be a minimum of twenty-four (24) inches above the one-hundred year flood elevation;
  2. Modification of waste disposal and water supply facilities to the satisfaction of the Greene County Combined Health District the Greene County Sanitary Engineer, and/or the Ohio EPA;
  3. Limitations on periods of use and operation;
  4. Imposition of operational controls, sureties, and deed restrictions;
  5. Requirements for construction of channel modifications, dikes, levees, and other protective measures; and/or

## Beavercreek Township Zoning Resolution

6. Flood proofing measures such as the following may be required and shall be designed consistent with the regional flood protection elevation for the particular area, flood velocities, duration's, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regional flood. The Board of Zoning Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regional flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required:
  - a. Anchorage to resist flotation and lateral movement;
  - b. Installation watertight doors, bulkheads, and shutters, or similar methods of construction;
  - c. Reinforcement of walls to resist water pressures;
  - d. Use of paints, membranes, or motors to reduce seepage or water through walls;
  - e. Addition of mass or weight to structures to resist flotation.
  - f. Installation of pumps to lower water levels in structures.
  - g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters;
  - h. Pumping facilities or comparable practices for sub-surface drainage systems for buildings to relieve external foundation wall and basement flood pressures;
  - i. Construction to resist rupture of collapse caused by water pressure of floating debris;
  - j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back up of sewage and storm waters into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices;
  - k. Location of all electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regional flood; and/or
  - l. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and

## Beavercreek Township Zoning Resolution

welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regional flood protection elevation or are adequately flood proofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters.

- c. In passing upon such applications, the Board of Zoning Appeals shall consider the following relevant factors:
  1. The danger of life and property due to increased flood heights or velocities caused by encroachments.
  2. The danger that materials may be swept on to other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner.
  5. The importance of the services provided by the proposed facility to the community.

**CHAPTER 1127**  
**OFP Flood Plain Overlay District**

<p><b>1127.01</b> Statutory authorization; findings of fact; purpose and objectives.</p> <p><b>1127.02</b> Definitions.</p> <p><b>1127.03</b> General provisions.</p> <p><b>1127.04</b> Administration.</p>	<p><b>1127.05</b> Provisions for flood hazard reduction.</p> <p><b>1127.06</b> Board of Zoning Appeals and variance procedure.</p>
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**1127.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE AND OBJECTIVES.**

(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 Commission of the City of Springfield, State of Ohio, does ordain as follows:

(b) **Findings of fact.**

- (1) The flood hazard areas of the city 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, all of which adversely affect the public health, safety, and general welfare.
- (2) Uses that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss.

(c) **Statement of purpose.** It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed 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;

- (A) 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 prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
  - (B) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
  - (C) Any improvement to a structure which is considered new construction.
- (t) Reserved.
  - (u) Reserved.
  - (v) (1) **Variance** means a grant of relief from the standards of this chapter consistent with the variance conditions herein.
  - (2) **Violation** means the failure of a structure or other development to be fully compliant with this chapter.

### 1127.03 GENERAL PROVISIONS.

(a) **Lands to which this chapter applies.** This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City as identified by the Federal Emergency Management Agency referenced in Section 1127.03(b), including any additional areas of special flood hazard annexed by the City.

(b) **Basis for establishing the areas of special flood hazard.** The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the City of Springfield, Ohio." This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated December 3, 1987, and, for areas annexed by the City, the "Flood Insurance Study for Clark County, Ohio (Unincorporated areas)," with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated July 2, 1987. These studies and maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the Engineering and Planning Department, 76 East High Street, Springfield, Ohio.

(c) **Compliance.** No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1127.04(b).

(d) **Abrogation and greater restrictions.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- (e) **Interpretation.** In the interpretation and application of this chapter, all provisions shall be:
- (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the governing body to accomplish the regulation's intended purpose; and,
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this chapter is in conflict with a state law, such state law shall take precedence over the chapter.



(f) **Warning and disclaimer of liability.** The degree of flood protection required by this chapter 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. This chapter does 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. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

#### **1127.04 ADMINISTRATION.**

(a) **Establishment of development permit.** A Development Permit shall be obtained from the Director of Engineering and Planning or his designee before construction or development begins within any area of special flood hazard established in Section 1127.03(b). Application for a Development Permit shall be made on forms furnished by the Director of Engineering and Planning and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in areas of special flood hazard where base flood elevation data are utilized from any source;
- (2) Elevation in relation to mean sea level to which any proposed nonresidential structure will be floodproofed in accordance with Section 1127.05(b)(2) where base flood elevation data are utilized from any source;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1127.05(b)(2) where base flood elevation data are utilized from any source;
- (4) 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 flood carrying capacity of the watercourse will not be diminished.
- (5) Certification by a registered professional engineer, architect, or surveyor of the structure's as-built lowest floor or floodproofed elevation.

(b) **Exemption from filing a development permit.** An application for a 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 \$1,000. Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this chapter.

(c) **Designation of the flood damage prevention chapter administrator.** The Engineering and Planning Director or his designee is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(d) **Duties and responsibilities of the Engineering and Planning Director or his designee.** The duties and responsibilities of the Director of Engineering and Planning or his designee shall include but are not limited to:

- (1) **Permit review.**

- (A) Review all development permit applications to determine that the permit requirements of this chapter have been satisfied.
  - (B) Review all development permit applications and all other necessary permits submitted which 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 Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
  - (C) Review all development permit applications to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1127.05(c)(1) is met.
  - (D) Inspect all development projects before, during, and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this chapter.
- (2) **Use of other base flood elevation and floodway data.** Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1127.03(b) are designated as Zone A on the Flood Insurance Rate Map. Within these areas, the Engineering and Planning Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Section 1127.05(b)(6) in order to administer Section 1127.05(b)(1) and (2); and where floodway data are available, administer Section 1127.05(c).
- (3) **Information to be obtained and maintained by the City.** Where base flood elevation data are utilized within areas of special flood hazard on the City's or the County's Flood Insurance Rate Map, regardless of the source of such data, the Engineering and Planning Director or his designee shall:
- (A) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
  - (B) For all new or substantially improved floodproofed nonresidential structures:
    - (i) obtain and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,
    - (ii) maintain the floodproofing certification required in Section 1127.04(a)(3).
  - (C) Maintain for public inspection all records pertaining to the provisions of this chapter, including base flood elevation data, Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, and as-built elevations.
- (4) **Alteration of watercourses.**
- (A) Notify adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the

- Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.
- (B) Maintain engineering documentation required in Section 1127.04(a)(4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.
  - (C) Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.
- (5) **Interpretation of flood boundaries.** Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile from the Flood Insurance Study shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1127.06.
- (6) **Alteration of community boundaries.** Upon occurrence, notify FEMA in writing whenever the boundaries of the City 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's Flood Insurance Rate Map accurately represent the City's boundaries, include within such notification a copy of a map of the City's suitable for reproduction, clearly delineating the new corporate limits or the new area for which the City has assumed or relinquished floodplain management regulatory authority.

#### **1127.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.**

(a) **General Standards.** The following standards apply in all areas of special flood hazard including those where base flood elevation data have been provided. Where a structure, including its foundation members, is elevated on fill to at least one (1) foot above the base flood level, the requirements for Section 1127.05(a)(1) and (2) are satisfied.

- (1) **Anchoring.**
  - (A) All 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.
  - (B) All manufactured homes, not otherwise regulated under the Ohio Revised Code pertaining to manufactured home parks, shall be 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.
- (2) **Construction materials and methods.**
  - (A) All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
  - (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
  - (C) All 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.

- (3) **Utilities.** The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
    - (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
    - (B) 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,
    - (C) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - (4) **Subdivision proposals.**
    - (A) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
    - (B) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
    - (C) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
    - (D) All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of Section 1127.05(b)(6).
  - (5) **Standards in areas of special flood hazard without base flood elevation data.** In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, including Section 1127.04(d)(2), the following provisions apply:
    - (A) New construction and substantial improvement of any residential (including manufactured homes), commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to the flood of record or at least two feet above the highest adjacent natural grade, whichever is greater.
- (b) Specific standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 1127.03(b), Section 1127.04(d)(2), or Section 1127.05(b)(6), the following additional provisions are required:
- (1) **Residential construction.**
    - (A) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation.
    - (B) In AO zones new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the City's or the County's Flood Insurance Rate Map, or at least two feet if no depth number is specified, and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
  - (2) **Nonresidential construction.**
    - (A) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (i) be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of at least one (1) foot above the base flood elevation;
    - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1127.04(a)(3).
  - (B) In AO zones new construction and substantial improvements shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the City's or the County's Flood Insurance Rate Map (at least two feet if no depth number is specified); or be floodproofed to that level consistent with the floodproofing standards of Section 1127.05(b)(2)(A), and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (3) **Accessory structures.**
  - (A) A relief to the elevation or dry floodproofing standards may be granted by the Board of Zoning Appeals for accessory structures (e.g., sheds, detached garages) containing no more than 576 square feet and a value of no more than \$ 10,000 dollars. Such structures must meet the encroachment provisions of Section 1127.05(c) and the following additional standards:
    - (i) they shall not be used for human habitation;
    - (ii) they shall be constructed of flood resistant materials;
    - (iii) they shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
    - (iv) they shall be firmly anchored to prevent flotation;
    - (v) service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the base flood elevation; and,
    - (vi) they shall meet the opening requirements of Section 1127.05(b)(5).
- (4) **Manufactured homes and recreational vehicles.** The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home park requirements of Section 3733.01, Ohio Revised Code.
  - (A) Manufactured homes shall be anchored in accordance with Section 1127.05(a)(1)(B).
  - (B) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

These standards shall also apply to all recreational vehicles that are either (i) located on sites for 180 days or more, or (ii) are not fully licensed and ready for highway use.
- (5) **Enclosures below the lowest floor.** The following standards apply to all new and substantially improved residential and nonresidential non-basement structures which are elevated to at least one (1) foot above the base flood elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow

unimpeded movement of flood waters. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

- (A) Be certified by a registered professional engineer or architect; or,
  - (B) Must meet or exceed the following criteria:
    - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - (ii) the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) **Subdivisions and large developments.** In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1127.03(b) or Section 1127.04(d)(2), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):
- (A) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
  - (B) If Section 1127.05(b)(6)(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1127.05(a) and Section 1127.05(b).
- (c) **Floodways.**
- (1) **Areas within floodways.** The Flood Insurance Study referenced in Section 1127.03(b) identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1127.04(d)(2). The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and cause erosion. The following provisions apply within all delineated floodway areas:
    - (A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
    - (B) If Section 1127.05(c)(1)(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1127.05(b).
    - (C) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Engineering and Planning Director or his designee to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.
  - (2) **Areas without floodways.** In all areas of special flood hazard where the Flood Insurance Study provides base flood elevation data as set forth in Section 1127.03(b), but no floodways have been designated, the following provisions apply:

- (A) New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1 (one) foot at any point.
- (B) If Section 1127.05(c)(2)(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1127.05.

#### **1127.06 BOARD OF ZONING APPEALS AND VARIANCE PROCEDURE.**

(a) **Appeal Board.**

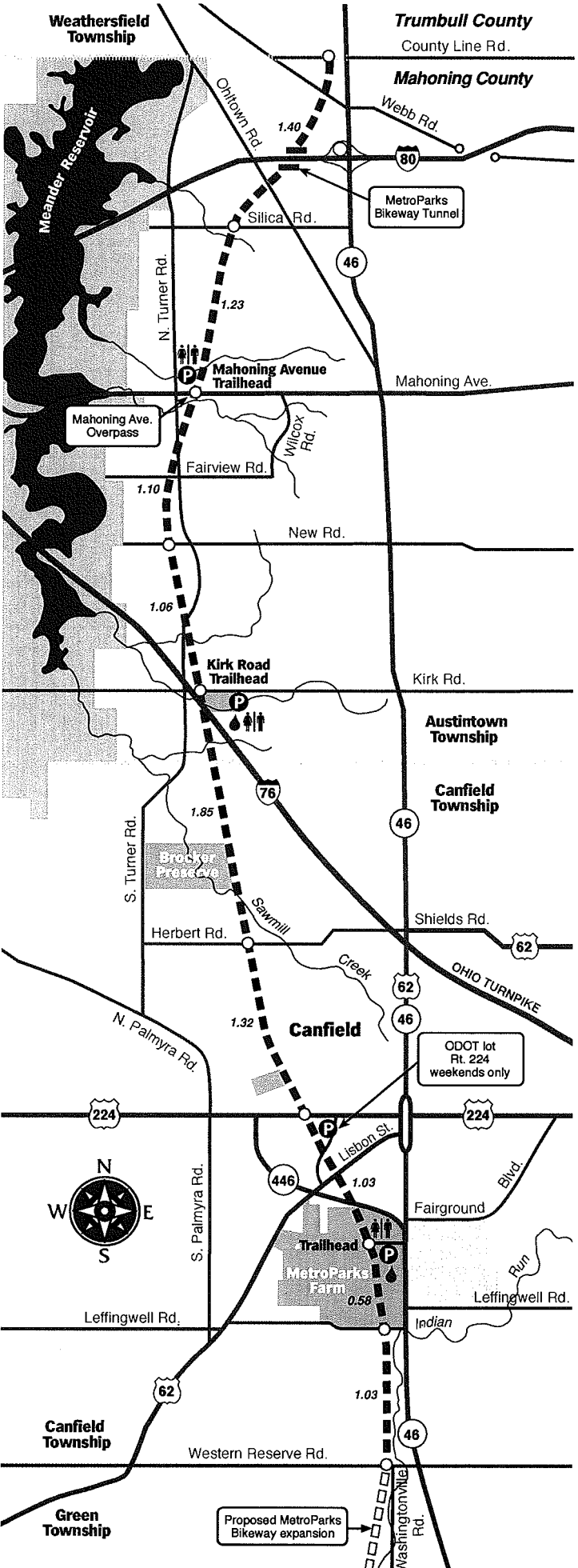
- (1) The Board of Zoning Appeals as established by the City of Springfield shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Engineering and Planning or his designee in the enforcement or administration of this chapter.
- (3) Those aggrieved by the decision of the Board of Zoning Appeals or any taxpayer, may appeal such decision to the Clark County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
- (4) In passing upon such applications, the Board of Zoning Appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of this chapter, and:
  - (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 which 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 flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (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.
- (5) Upon consideration of the factors of Section 1127.06(a)(4) and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

- (6) The Engineering and Planning Director or his designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.







(b) **Conditions for variances.**

- (1) Variances may only be issued where due to physical characteristics of the property compliance with the requirements of this chapter creates an exceptional hardship. Increased cost or inconvenience of meeting the requirements of this chapter do not constitute an exceptional hardship.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) 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 Section 1127.06(a)(4)(i-xi) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (5) Variances may be issued for the 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 the variance is the minimum necessary to preserve the historic character and design of the structure.
- (6) Variances shall only be issued upon:
  - (A) a showing of good and sufficient cause;
  - (B) a determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - (C) a determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public as identified in Section 1127.06(a)(4), or conflict with existing local laws or ordinances; and,
  - (D) a determination that the structure or other development is protected by methods to minimize flood damages.
- (7) 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.





### Map Legend

-  Bikeway
-  Restrooms
-  Parking
-  Drinking water
-  MetroParks property
-  Mileage between major intersections

