

RECORD OF ORDINANCES

Ordinance No. 3823

Passed: April 14, 2026

AN ORDINANCE BY THE WEST CARROLLTON CITY COUNCIL REPEALING CURRENT CHAPTER 156 “FLOOD DAMAGE PREVENTION CODE” OF THE CODE OF ORDINANCES OF THE CITY OF WEST CARROLLTON AND ADOPTING A NEW CHAPTER 156 “FLOOD DAMAGE PREVENTION CODE” OF THE CODE OF ORDINANCES OF THE CITY OF WEST CARROLLTON.

WHEREAS, Article XVIII, Section 3, of the Constitution of the State of Ohio, grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other regulations that are not in conflict with the general laws; and

WHEREAS, pursuant to the home rule authority granted by Article XVIII, Section 3, of the Ohio Constitution, the citizens of the City of West Carrollton, Ohio, have adopted a Charter and Code of Ordinances to exercise the powers of local self-government and to enforce local police power regulations; and

WHEREAS, the City Council has previously established Chapter 156 “Flood Damage Prevention Code” of the Code of Ordinances of West Carrollton, Ohio (the “WCO”); and

WHEREAS, several sections of Chapter 156 of the WCO require updating to bring the chapter into compliance with the current Residential Code of Ohio (the “RCO”) and the Federal Emergency Management Agency (FEMA) Community Rating System (CRS) as it relates to new construction and substantial reconstruction; and

WHEREAS, updating Chapter 156 of the WCO, as set forth in Exhibit A attached hereto and incorporated herein by reference, will serve to help the City of West Carrollton maintain its Class 7 Community Rating with the National Flood Insurance Program’s (“NFIP”) Community Rating System (“CRS”), which presently serves to provide eligible property owners in a Special Flood Hazard Area (“SFHA”) with a 15% discount on flood insurance premiums for eligible property owners in the SRHA; and

WHEREAS, maintaining a Flood Damage Prevention Code that complies with the RCO and FEMA regulations is in the best interest of the health, safety, and welfare of the citizens of West Carrollton; and

WHEREAS, the City Manager recommends that City Council repeal the current Chapter 156 “Flood Damage Prevention Code” of the WCO and adopt a new Chapter 156 “Flood Damage Prevention Code” of the WCO for the reasons set forth above.

NOW, THEREFORE, THE MUNICIPALITY OF WEST CARROLLTON HEREBY ORDAINS:

SECTION I. Chapter 156 “Flood Damage Prevention Code” of the Code of Ordinances of the City of West Carrollton, Ohio, be and hereby is repealed.

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SECTION II. A new Chapter 156 "Flood Damage Prevention Code" of the Code of Ordinances of the City of West Carrollton, Ohio, is hereby enacted to read as set forth in Exhibit A, attached hereto and incorporated herein by reference, with additions in **bold** and underlined and deletions shown by ~~strikethrough~~.

SECTION III. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION IV. This Ordinance shall take effect from and after the earliest period allowed by law.

Passed: April 14, 2026



Mayor

Attest: Graey Moore
Clerk of Council

Effective Date: May 14, 2026

CHAPTER 156: FLOOD DAMAGE PREVENTION CODE

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GENERAL PROVISIONS

§ 156.01.1 Statutory Authorization.

~~Article~~ ~~RTICLE~~ XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of West Carrollton, State of Ohio, ~~does ordain as follows:~~ **has adopted this Flood Damage Prevention Code.**

§ 156.01.2 Findings of Fact.

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

§ 156.01.3 Statement of Purpose.

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

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;

- E. Minimize damage to public facilities and utilities such as water and gas mains; , electric, telephone and sewer lines; , **and** streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

§ 156.01.4 Methods of Reducing Flood Loss.

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

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

§ 156.01.5 Lands to Which These Regulations Apply.

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of West Carrollton as identified in Section 156.01.6, including any additional areas of special flood hazard annexed by the City of West Carrollton.

§ 156.01.6 Basis for Establishing the Areas of Special Flood Hazard.

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

- A. Flood Insurance Study for Montgomery County, Ohio, and Incorporated Areas dated January 6, 2005. Flood Insurance Rate Map for Montgomery County, Ohio, and Incorporated Areas dated January 6, 2005.
- B. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of West Carrollton as required by Section 156.04.3 "Subdivisions and ~~Large Scale~~ **other New Developments.**"

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Civic Center, 300 E. Central Ave., West Carrollton, Ohio 45449.

§ 156.01.7 Abrogation and Greater Restrictions.

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

§ 156.01.8 Interpretation.

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

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

§ 156.01.9 Warning and Disclaimer of Liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood

damage. These regulations shall not create liability on the part of the City of West Carrollton, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

§ 156.01.10 Severability.

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

DEFINITIONS

§ 156.02.1 Definitions.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

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

APPEAL. Appeal A request for review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.

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

BASE (100-YEAR) FLOOD ELEVATION ("BFE"). Base (100-Year) Flood Elevation (BFE) The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the **adjacent** natural grade elevation plus the depth number (from 1 to 3 feet).

BASEMENT. Basement

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

DEVELOPMENT. Development Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ENCLOSURE BELOW THE LOWEST FLOOR. Enclosure Below the Lowest Floor

See "Lowest Floor."

EXECUTIVE ORDER 11988 ("FLOODPLAIN MANAGEMENT"). Executive Order 11988 (Floodplain Management) Issued by President Carter in 1977, this order requires that no

federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"). ~~Federal Emergency Management Agency (FEMA)~~ The agency with the overall responsibility for administering the National Flood Insurance Program.

FILL. Fill

A deposit of earth material placed by artificial means.

FLOOD OR FLOODING. Flood or Flooding A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP ("FHBM"). ~~Flood Hazard Boundary Map (FHBM)~~ Usually the initial map, produced by the Federal Emergency Management Agency, or the U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

FLOOD INSURANCE RATE MAP ("FIRM"). ~~Flood Insurance Rate Map (FIRM)~~

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

FLOOD INSURANCE RISK ZONES. Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A: Special flood hazard areas inundated by the 100-year flood; **in any given year;** base flood elevations are not determined.

Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood **in any given year;** base flood elevations are determined.

Zone AO: Special flood hazard areas inundated by the 100-year flood **in any given year;** with flood depths of 1-to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

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

Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

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

Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

FLOOD INSURANCE STUDY ("FIS"). Flood Insurance Study (FIS)

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

FLOOD PROTECTION ELEVATION ("FPE"). Flood Protection Elevation—The Flood Protection Elevation, or FPE, is the base flood elevation **plus one foot (1-foot) of freeboard**. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

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

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

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

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

HISTORIC STRUCTURE. Historic structure Any structure that is:

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

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

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

LETTER OF MAP CHANGE ("LOMC"). ~~Letter of Map Change (LOMC)~~ A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

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

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

Conditional Letter of Map Revision ("CLOMR"): ~~A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies. A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.~~

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

MANUFACTURED HOME. Manufactured home A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle." For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter ~~4781 3733~~ of the Ohio Revised Code.

MANUFACTURED HOME PARK. Manufactured home park As specified in the Ohio Administrative Code ~~Section 4781-12-01(K) 3701-27-01~~, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. **Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.**

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

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

NEW CONSTRUCTION. New construction Structures for which the "start of construction" commenced on or after the initial effective date of a floodplain regulation adopted by the City of West Carrollton Flood Insurance Rate Map, October 15, 1981, and includes any subsequent improvements to such structures.

For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM [October 15, 1981] and includes any subsequent improvements to such structures.

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

division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the General Assembly, the Controlling Board, the Adjutant General's Department, or any court.

RECREATIONAL VEHICLE. Recreational vehicle A vehicle which is:

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

REGISTERED PROFESSIONAL ARCHITECT. Registered Professional Architect A person registered to engage in the practice of architecture pursuant to Ohio Revised Code Sections under the provisions of sections 4703.01 to and 4703.19 of the Ohio Revised Code.

REGISTERED PROFESSIONAL ENGINEER. Registered Professional Engineer A person registered as a professional engineer under pursuant to Chapter 4733 of the Ohio Revised Code.

REGISTERED PROFESSIONAL SURVEYOR. Registered Professional Surveyor A person registered as a professional surveyor under pursuant to Chapter 4733 of the Ohio Revised Code.

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

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

a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

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

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

SUBSTANTIAL IMPROVEMENT. Substantial Improvement

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

- ~~1. Any improvement to a structure which is considered "new construction,"~~
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified 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; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE. Variance A grant of relief from the standards of these regulations. ~~consistent with the variance conditions herein.~~

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

ADMINISTRATION

§ 156.03.1 Designation of the Floodplain Administrator.

The ~~Director of Planning and Economic Development~~ **City Manager, or his or her designee**, is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

§ 156.03.2 Duties and Responsibilities of the Floodplain Administrator.

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

- A. Evaluate applications for permits to develop in special flood hazard areas;

- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information;
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance;
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed;
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of these regulations;
- F. Enforce the provisions of these regulations;
- G. Provide information, testimony, or other evidence as needed during variance hearings;
- H. Coordinate map maintenance activities and FEMA follow-up; and.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

§ 156.03.3 Floodplain Development Permits.

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 156.01.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

§ 156.03.4 Application Required.

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - 1. Floodproofing certification for non-residential floodproofed structure as required in Section 156.04.5.
 - 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 156.04.4(E) are designed to automatically equalize hydrostatic flood forces.
 - 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 156.04.9(C).
 - 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 156.04.9(B).
 - 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 156.04.9(A).
 - 6. Generation of base flood elevation(s) for subdivisions and **large scale other new** developments as required by Section 156.04.3.
- F. The application fee for a Floodplain Development Permit Application shall be \$25.00.

§ 156.03.5 Review and Approval of a Floodplain Development Permit Application.

A. Review.

1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 156.03.4 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

- B. Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. ~~If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.~~ **If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.**

§ 156.03.6 Inspections.

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

§ 156.03.7 Post-Construction Certifications Required.

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

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas

without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.;

- B. For all development activities subject to the standards of Section 156.03.110(A), a Letter of Map Revision.;
- C. For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the application shall supply a completed Floodproofing Certificate for Non-Residential Structures completed by a registered professional engineer or architect together with associated documentation.**

§ 156.03.8 Revoking a Floodplain Development Permit.

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (Variance Board for Counties) in accordance with Section 156.05 of these regulations.

§ 156.03.9 Exemption from Filing a Development Permit.

An application for a floodplain development permit shall not be required for **maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development (except for filling and grading) valued at less than \$2,500.**;

- ~~A. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.~~
- ~~B. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Chapter 3701.~~
- ~~C. Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the Ohio Revised Code.~~
- ~~D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the Ohio Revised Code.~~
- ~~E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.~~

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

§ 156.03.10 ~~Map Maintenance Activities~~ State and Federal Development.

- A. Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum requirements of the National Flood Insurance Program ("NFIP") criteria.**
- B. Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:**
 - 1. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to flood damage provisions of the Ohio Administrative Code Section 4781-12;**
 - 2. Major utility facilities permitted by the Ohio Power Siting Board pursuant to Ohio Revised Code Section 4906; and**
 - 3. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board pursuant to Ohio Revised Code Section 3734.**
- C. Development activities undertaken by a federal agency and which are subject to Federal Executive Order ("EO") 11988 - Floodplain Management.**
 - 1. Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and procedures of EO 11988.**

§ 156.03.11 ~~Map Maintenance Activities~~.

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of West Carrollton flood maps, studies, and other data identified in Section 156.01.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

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

a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

d. Subdivision or large-scale **other new** development proposals requiring the establishment of base flood elevations in accordance with Section 156.04.3.

2. It is the responsibility of the applicant to have technical data, required in accordance with Section 156.03.110A, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

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

a. Proposed floodway encroachments that increase the base flood elevation; and

b. Proposed development which increases the base flood elevation by more than one foot in **riverine** areas where FEMA has provided base flood elevations but no floodway.

4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 156.03.110A.1.

B. Right to Submit New Technical Data

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

C. Annexation/Detachment.

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

§ 156.03.121 Data Use and Flood Interpretation. Substantial Damage Determination

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

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. ~~When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:~~ **The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 156.05.3.**
 1. ~~Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.~~
 2. ~~Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.~~
- D. **Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.**
- ~~E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.~~

§ 156.03.13 Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data.

A. Zone A:

- 1. Within Zone A areas designated on an effective Flood Insurance Rate Map ("FIRM"), data from the preliminary FIRM and/or Flood Insurance Study ("FIS") shall be reasonably utilized as best available data.**
- 2. When all appeals have been resolved and a notice of final flood elevation has been provided in a Letter of Final Determination ("LFD"), Base Flood Elevation ("BFE") and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.**

B. Zones AE, A1-30, AH, and AO:

- 1. BFE and floodway data from preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,**
 - a. Where BFE's increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.**
 - b. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or all appeals have been resolved.**
- 2. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 156.04.9B, since the data in the draft of preliminary FIS represents the best data available.**

C. Zones B, C, and X:

- 1. Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, AO, VE, or V1-30. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.**

§ 156.03.1412 Substantial Damage Determinations.

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

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. **Require owners of** ~~Make reasonable attempts to notify owners of~~ substantially damaged structures ~~to of the need to~~ obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

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

USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 156.01.6, **156.03.12A.**, or 156.03.131(A):

§ 156.04.1 Use Regulations.

- A. **Permitted Uses.** All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of West Carrollton are allowed provided they meet the provisions of these regulations.
- B. **Prohibited Uses.**
 - 1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
 - 2. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

§ 156.04.2 Water and Wastewater Systems.

The following standards apply to all water supply, sanitary sewerage, and waste disposal systems **in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules; 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 or contamination from them during flooding.

§ 156.04.3 Subdivisions and Large other New Developments.

- A. All subdivision proposals **and all other proposed new development** shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals **and all other proposed new development** shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals **and all other proposed new development** shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less; **and**
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 156.03.110A.1.d. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 156.04.3D.

§ 156.04.4 Residential Structures.

The requirements of Section 153.04.4 apply to new construction of residential structures and to substantial improvements of residential structures in Zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designed on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 154.03.13.

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the **flood protection elevation**

(base flood elevation plus one foot), the requirements for anchoring (156.04.4A.) and construction materials resistant to flood damage (156.04.4B.) are satisfied.

- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction, and substantial improvements, **and/or reconstruction due to substantial damage** shall be constructed **with all machinery and equipment, including but not limited to** electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or elevated **to or above the flood protection elevation (base flood elevation plus one foot)**, so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction, and substantial improvements, **and/or reconstruction due to substantial damage** of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation **(base flood elevation plus one foot)** using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow **the automatic equalization of hydrostatic pressure** ~~sufficient to allow unimpeded movement of flood waters~~ may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and
 - 2. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 3. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent floatation, 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.

- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 156.04.4.
- H. In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

§ 156.04.5 Nonresidential Structures.

The requirements of Section 156.04.5 apply to new construction and to substantial improvements of nonresidential structures in Zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 154.03.13.

- A. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the requirements of Section 156.04.4 A. - C. and E. - G.
- B. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 156.04.5B.1. and 2.
- C. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

§ 156.04.6 Accessory Structures.

~~Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet.~~ **Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within Zones A, A1-30, AE, AO, and AH designated on the community's FIRM.** Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 156.04.4E.3.

§ 156.04.7 Recreational Vehicles.

Recreational vehicles on sites within Zones A, A1-30, AE, AO, or AH must meet at least one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must be placed on the site pursuant to a floodplain development permit issued under Sections 156.03.3 and 156.04.4 and meet all standards of Section 156.04.4.

§ 156.04.8 Above-Ground Gas or Liquid Storage Tanks.

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

§ 156.04.9 Assurance of Flood Carrying Capacity.

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

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

- a. Meet the requirements to submit technical data in Section 156.03.110A.;
- b. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
- c. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
- d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
- e. Concurrence of the City Manager of the City of West Carrollton and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Section 156.04.9A., items a. and c.-e..

C. Alterations of a Watercourse.

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

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain

development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying Capacity of the watercourse will not be diminished.

2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of West Carrollton specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 156.03.110A.1.c. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

APPEALS AND VARIANCES

§ 156.05.1 Appeals Board Established.

- A. The Board of Zoning Appeals (**the “Appeals Board”**), as established by the City, shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the Civic Center, 300 E. Central Ave., West Carrollton, Ohio.

§ 156.05.2 Powers and Duties.

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 156.05.4 of these regulations.

§ 156.05.3 Appeals.

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals

Board provided that such person shall file, within 10 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

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

§ 156.05.4 Variances.

Variances shall be granted in accordance with the standards set forth in § 154.06.01 of the Zoning Code.

§ 156.05.5 Procedure at Hearings.

- A. All testimony shall be given under oath.
- B. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- C. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- D. The administrator may present evidence or testimony in opposition to the appeal or variance.
- E. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- F. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- G. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- H. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

§ 156.05.6 Appeal to the Court.

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Montgomery County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

ENFORCEMENT

§ 156.06.1 Compliance Required.

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 156.03.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 156.06.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 156.06.3.

§ 156.06.2 Notice of Violation.

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

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

§ 156.06.3 Violations and Penalties.

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a first degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of West Carrollton. Each day such violation continues shall be considered a

separate offense. Nothing herein contained shall prevent the City of West Carrollton from taking such other lawful action as is necessary to prevent or remedy any violation. The City of West Carrollton shall prosecute any violation of these regulations in accordance with the penalties stated herein.

STORMWATER RUNOFF, SOIL EROSION, AND SEDIMENTATION CONTROL

§ 156.33 PURPOSE.

The purpose of §§ 156.33 through 156.40 is to establish standards, principles, and procedures to regulate construction-oriented, earth-disturbing site development activities which cause or may cause adverse impacts of accelerated surface water runoff, soil erosion, and sediment deposition by provisions designed to:

- A. Permit development without increasing the flooding of other lands;
- B. Reduce damage to receiving streams and storm drainage systems and impairment of their capacity which may be caused by increases in the quantity and rate of water and sediment discharged;
- C. Preserve the rights and options of all property owners and assure the long-term adequacy of storm drainage systems;
- D. Prevent destruction of the natural features, soils, and vegetative cover of sites in the community; and
- E. Promote and protect the public health, safety, and general welfare.

§ 156.34 DEFINITIONS.

For the purpose of §§ 156.33 through 156.40 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVING AGENT. The City Engineer or his designee.

CHANNEL. A natural stream that conveys water; a ditch or channel excavated for the flow of water.

CLEARING. The clearing, grubbing, scalping, removal of trees and stumps, and removing and disposition of all vegetation and debris within the site, including the conditions resulting therefrom.

CONSTRUCTION. The erection, alteration, repair, renovation, demolition, or removal of any building or structure; and the clearing, stripping, excavating, filling, grading, and regulation of sites in connection therewith.

CUT. An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEBRIS. Loose refuse or earth material not suitable for use as presently situated or constituted as determined by the approving agent.

DEVELOPER. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under §§ 156.33 - 156.40 to effect the development of land for himself or for another.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPMENT AREA. Any contiguous area owned by one person or developed as a single unit included within the scope of these regulations, upon which earth-disturbing activities are planned or under way.

DITCH. An open channel with intermittent flow, either dug or natural, for the purpose of drainage or irrigation. (See STREAM, DRAINAGEWAY, and GRASSED WATERWAY).

DRAINAGEWAY. An area of concentrated water flow other than a river, stream, ditch, or grassed waterway.

DUMPING. The grading, pushing, piling, throwing, unloading, or placing of earth material.

EARTH-DISTURBING ACTIVITY. Any grading, excavation, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

EARTH MATERIAL. Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

EROSION. The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep; detachment and movement of soil or rock fragments by wind, water, ice, or gravity.

1. **ACCELERATED EROSION.** Erosion much more rapid than normal, natural, or geologic erosion, primarily as a result of the influence of the activities of man.
2. **GULLY EROSION.** A type of erosion caused by water accumulating in narrow channels and over short periods during and immediately after rainfall or snow or ice melt activity which removes soil such that channels become considerably deeper than what would otherwise result by normal smoothing or tilling operations.
3. **NATURAL EROSION** or **GEOLOGICAL EROSION.** The wearing away of the earth's surface bywater, ice, or other natural agents under natural environmental conditions of climate, vegetation, and the like, undisturbed by man.
4. **NORMAL EROSION.** The gradual erosion of land used by man which does not greatly exceed natural erosion.
5. **RILL EROSION.** An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.

6. **SHEET EROSION.** The removal of a fairly uniform layer of soil from the land surface by-wind or runoff water.

EXCAVATION. Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

FILL. Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; the material used to make a fill.

FINISHED GRADE. The final grade or elevation of the ground surface conforming to the approved grading plan.

FLOODPLAIN SCOUR. The abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.

GRADING. The stripping, cutting, filling, stockpiling, or any combination thereof of earth-disturbing activity, including land in its cut or filled conditions.

GRASSED WATERWAY. A broad and shallow natural course or constructed channel with erosion-resistant grasses or similar herbaceous cover which is used to conduct surface water drainage runoff at non-erosive velocities.

HAZARD. Any danger to public health, welfare, and safety including exposure to risk or damage to property or liability for personal injury; or risk of harm to land, air, or water resulting in environmental degradation. Hazards can include flooding and ponding, compaction and settling, landslides, earthquakes, toxic chemicals, radiation, fire, and disease.

MULCHING. The application of suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

NATURAL VEGETATION. Any ground cover in its original state before commencement of earth-disturbing activities.

NUISANCE. A public nuisance as known by common law or in equity jurisprudence.

PERMANENT VEGETATION. Producing long-term vegetative cover, for example, bluegrass, tall fescue, crown vetch, and the like.

PERMITTEE. Any person to whom approval of a site plan according and pursuant to this standard is granted, or who is subject to inspection under it.

PERSON. Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within the state, the federal government, or any combination thereof.

PLAN. As used in this standard, the runoff control and sediment abatement plan.

PLANS. Profiles, typical cross sections, working drawings, and supplemental drawings of site, grading, drainage, and runoff and sedimentation control plans, vicinity map, soil map, and other plans as approved, or exact reproductions thereof, which show the location, character, dimensions, and details of the work.

POLLUTION. The man-induced alteration of the chemical, physical, and biological integrity of air and water resources.

PUBLIC WATERS. Those waters within lakes (except private ponds and lakes on single properties), rivers, streams, ditches, or waters leaving property on which surface water originates.

RUNOFF. The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and eventually is returned to streams.

1. **ACCELERATED RUNOFF.** Increased rate and volume of runoff due to less permeable surface primarily caused by urbanization.
2. **PEAK RATE OF RUNOFF.** The maximum rate of runoff for any 24-hour storm of a given frequency.

SEDIMENT. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, gravity, or ice, and has come to rest on the earth's surface either above or below water.

SEDIMENT BASIN. A barrier, dam, or other suitable detention facility built across an area of water flow to settle and retain sediment carried by surface drainage runoff waters.

SEDIMENT POLLUTION. Failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of waters by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities.

SITE. Any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership where clearing, stripping, grading, or excavating is performed.

SLOPE. The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SLOUGHING. A downward movement of an extended layer of soil over a slope frequently resulting from the undermining action of surface water runoff or the earth-disturbing activity of man.

SOIL. All earth material of whatever origin that overlies bedrock, and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

SOIL LOSS. Soil moved from a given site by the forces of erosion, and redeposited at another location.

STEEP SLOPE. A slope over 15% grade, which is characterized by increased runoff, erosion, and sediment hazards.

STORM FREQUENCY. The average period of time in years within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

STREAM. A body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow is continuous or seasonally intermittent.

STRIPPING. Any activity which removes or significantly disturbs the vegetative surface cover.

SUBDIVISION. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where the sale or exchange does not create additional building sites, shall be excepted; or the improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for the common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

SUBSOIL. That part of the soil below the surface soil or plow layer.

SURFACE SOIL. The uppermost part (five to eight inches) of the soil commonly stirred by tillage implements, or its equivalent in uncultivated soils.

SWALE. A low lying stretch of vegetated land which gathers and carries surface water runoff at a reduced rate of flow and conveys it downstream at less erosive velocities.

TEMPORARY VEGETATION. Short-term vegetative cover used to stabilize the soil surface until final grading and installation of permanent vegetation (for example, oats, rye, or wheat).

WATERCOURSE. Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, drainageways, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

§ 156.35 SCOPE AND INTENT.

A. These standards shall apply to both the development and redevelopment of land proposed for the following types of land uses.

1. Land used or being developed for residential, commercial, office, or industrial purposes, or other non-farm uses.

2. Land used or being developed for recreation, wildlife, or natural purposes.
 - a. Runoff or sediment control will be required for the development of a public facility, undertaken by a government agency, in accordance with an approved control policy.
- B. Any person or persons proposing to develop or redevelop land for any of the uses listed above shall design and implement a site grading and drainage development plan which will:
 1. Yield quantities of surface water runoff from the development site at rates which are the same as or less than those before development occurred and result in rates of gross erosion as specified in division (E)(3) below.
 2. Not result in increasing current potentials for sedimentation of lands, siltation of waters, and flooding of watercourses that are at lower elevations off- site.
- C. Changes subject to regulation under this section shall not be made in the existing natural surface composition or subsurface configuration of any land proposed for development or redevelopment within the city for land uses specified under division (C)(1) below, nor shall approval of a site development plan be given:
 1. Unless a determination is made by the approving agent that implementation of an approved site grading and drainage development plan would not cause runoff, erosion, and sediment impacts that would be harmful or damaging to the lands and waters off-site; or
 2. Until a plan required according to division (F) below for minimizing the harmful and damaging potentials of runoff, erosion, and sediment impacts anticipated to result from implementation of a proposed site grading and drainage development plan has been approved by the approving agent.
- D. Development situations may exist such that the development will have none of the harmful effects associated with increased runoff rates and volumes, or sediment deposition. The developments are eligible for a waiver from these standards; however, the waiver applies only to the following requirements and may have specific conditions attached by the approving agent.
 1. The preparation of plans, maps, or information specified in division (F) below.
 2. The installation of sediment abatement control devices until such time as site inspection indicates they may be necessary.
 3. Controlling runoff to predevelopment conditions as in this division (D), except that stormwater runoff must be controlled to the maximum volume and minimum rate feasible for the site as determined by the approving agent.
- E. The request for a waiver shall be in writing and shall include sufficient detail to determine that granting a waiver will not be detrimental to abutting properties or to the drainage system. However, the waiver does not in any way imply a relaxation of

any of the other standards in this regulation, including the requirement for adequate on-site drainage, the ability to accept runoff from land tributary to the development, or reasonable control of soil erosion and sediment.

- F. Development activities for which waivers may be considered may include but are not limited to the following:
1. Single-family residential developments involving improvement of an individual lot in a previously approved subdivision.
 2. Modifications to, or redevelopment of, an existing development which will not result in additional impervious areas.
 3. Minor additions to existing property, such as driveways, sidewalks, patios, and the like.

§ 156.36 STORMWATER RUNOFF CONTROL STANDARDS.

- A. Each development shall provide for the on-site or off-site detention of excess stormwater runoff resulting from that development. For the purpose of this standard, EXCESS STORMWATER RUNOFF shall include all increases in stormwater resulting from: an increase in the impervious surface of the site, including all additions of buildings, roads, and parking lots; changes in soil absorption caused by compaction during development; modifications in contours, including the filling or draining of small depressional areas, alterations of drainageways, or regrading of slopes; destruction of forest; alteration of drainageways or installation of collection systems to intercept street flows or to replace swales or other drainageways; or the alteration of subsurface flows, including any groundwater dewatering or diversion practices such as curtain drains, compared with the site in its natural state.
- B. Any foreseeable increase in the rates and volume of site surface drainage water runoff caused by site development shall be controlled so that post-development peak rate of runoff does not exceed that of predevelopment for all 24-hour storms between a one-year frequency and the critical storm frequency as determined below. A recommended method which may be used to determine changes in rates and volumes of runoff is presented in the U.S. Department of Agriculture, Engineering Division of the Soil Conservation Service (SCS), Urban Hydrology for Small Watersheds, Technical Release No. 55 (Washington, D.C.: USDA, January 1975), and the Ohio Supplement (April 1981). To find the critical storm frequency for which additional control will be needed:
1. Determine the percent increase in runoff volume for a one-year frequency, 24-hour storm; and
 2. Determine the critical storm frequency for which additional control is needed by using the percent increase in runoff volume, derived in division (B)(1) above, in the table below:

Percent Increase in Runoff Volume from a One-Year Frequency, 24-Hour Storm

Equal to or Greater Than Percent	Less Than (Percent)	Critical Storm Frequency (Years)
--	10	1
10	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	--	100

C. The peak rate of runoff from the critical storm occurring over the development shall not exceed the peak rate of runoff from a one-year frequency storm occurring over the same area under predevelopment conditions. Storms of less frequent occurrence (longer return period) than the critical storm shall have peak rate of runoff not greater than for the same storm under predevelopment conditions. As an example, if the total volume is shown to be increased by 35%, the critical storm is a five-year storm. The peak rate of runoff for all storms up to this intensity shall be controlled so as not to exceed the peak rate of runoff from a one-year frequency storm under predevelopment conditions in the area. The runoff from a more intense storm need only be controlled so as not to exceed the predevelopment peak rate from the same frequency of storm.

D. Design regulations. All detention facilities and improvements required by this section shall comply with the following regulations.

1. Storage volumes. Storage may be provided by wet or dry bottom basins or reservoirs or rooftop storage facilities.
2. Maximum depth. The maximum planned depth of stormwater stored should be five feet unless site conditions lend themselves to greater depths.
3. Outlet control structures. Outlet control structures shall be designed as simply as possible and shall operate automatically. They will be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the existing flow from the site in its natural condition.
4. Spillway. Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity.
5. Dry bottom basin. For basins designed without permanent pools:

- a. Interior drainage. Provisions must be made to facilitate interior drainage, to include the provision of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.
 - b. Multipurpose features. These may be designed to serve secondary purposes for recreation, open space, or other types of use which will not be adversely affected by occasional or intermittent flooding.
 - c. Cleaning. The basins shall be designed for periodic cleaning and removal of sediments, which shall be removed from the site or otherwise disposed of in an appropriate manner.
 - d. Slopes. Approach slopes should be 6:1 but not more than 3:1.
6. Wet basins. For basins designed with permanent pools:
- a. Depth for fish. If fish are used to help keep the basin clean, at least one-quarter of the area of the permanent pool must have a minimum depth of ten feet.
 - b. Facilities for emptying. For emergency purposes, cleaning, or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage.
 - c. Pollution abatement. Aeration facilities may be required when the quality of the influent and detention time would result in a lowering of dissolved oxygen content in the basin.
 - d. Slopes. Approach slopes should be 6:1 but not more than 3:1 and shall be at least four to six feet wide and slope gently toward the basin. The side slopes shall be of nonerosive material with a slope of 1:1 or flatter. The ledge shall be four to six feet wide and slope gently toward the shore to prevent people or objects from sliding into deep water. There shall be a freeboard of 12 to 18 inches above the high-water elevation on all retention basins. Alternate designs for side slopes may be considered under special circumstances where good engineering practice is demonstrated.
 - e. Cleaning. The basins shall be designed to include sediment traps in all inlets. Sediment traps shall be designed to permit periodic cleaning and maintenance. A basin maintenance plan shall be developed to insure that the design depths of the basin will remain over time.
7. Building regulations.
- a. Rooftop storage. Detention storage requirements may be met either in total or in part by detention on flat roofs. Design specifications of

the detention shall be a part of the application for a zoning certificate. These specifications shall include the depth and volume of storage, design of outlet devices and down drains, elevations of overflow scuppers, design loadings for the roof structure, and emergency overflow provisions. Rooftop storage shall not be permitted to drain directly into sanitary sewers or streets.

- b. Parking lot storage. Paved parking lots may be designed to provide temporary detention storage of stormwater on a portion of their surfaces. Outlets shall be designed to empty the stored waters slowly, and depths of storage must be limited so as to prevent damage to parked vehicles, and storage areas shall be posted with warning signs. Maximum recommended depth is six inches. Alternate designs may be considered under special circumstances where good engineering practice is demonstrated.
- c. Detention storage. All or a portion of the detention storage may also be provided in underground detention facilities.

§ 156.37 SOIL EROSION AND SEDIMENTATION CONTROL STANDARDS.

- A. In order to prevent both soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required whenever a development will involve any clearing, grading, transporting, or other form of disturbing land by the movement of earth.
- B. Sediment deposition caused by accelerated stormwater runoff over a development site or by accelerated erosion due to the sloughing or sliding of surface soil that has been exposed by grading, dumping, stockpiling, or any other excavation-related earth disturbances shall be retarded wherever possible and confined to within the boundaries of the development site.
- C. The accumulative monthly predicted amounts of gross soil loss anticipated from sheet and rill erosion shall be abated to within an average annual rate of 15 tons per acre during the first year, ten tons per acre for any year thereafter of site development activities, and to within five tons per acre per year after site development is completed. The Universal Soil Loss Equation as referenced within the U.S. Department of Agriculture, Soil Conservation Service (SCS), Water Management and Sediment Control for Urbanizing Areas (Washington, D.C.: U.S. Government Printing Office, June 1978), or other approved methods shall be used to predict average annual rates of gross soil loss by month from a development site.
- D. Specifically, the following protection shall be provided for all disturbed areas: minimize velocities of water runoff, maximize protection of disturbed areas from stormwater runoff, and retain sedimentation within the development site as early as possible following disturbances. A list of major problem areas for erosion and sedimentation control follows. For each one, the purpose of requiring control is

described. Soil erosion and sedimentation control measures for all such areas shall be provided with a view toward achieving the specific purpose listed below for which a control plan is required:

1. Erodible slopes: prevent detachment and transportation of soil particles from slope.
 2. Streams, streambeds, streambanks, bodies of water, lake shorelines: prevent detachment and transportation of soil particles.
 3. Drainageways: prevent detachment and transportation of soil particles (which would otherwise deposit in streams, bodies of water, or wetlands); promote deposit or sediment loads (traversing these areas) before these reach bodies of water.
 4. Land adjacent to streams, ponds, lakes, and wetlands: prevent detachment and transportation of soil particles.
 5. Enclosed drainage structure: prevent sedimentation in structure, erosion at outfall of system, and deposit of sediment loads within system or beyond it.
 6. Large flat surface areas (unpaved): prevent detachment of soil particles and their off-site transportation.
 7. Impervious surfaces: prevent the detachment and transportation of soil (in response to an increase in the rate or volume of runoff of the site or its concentration caused by impervious surfaces).
 8. Borrow and stockpile areas: divert runoff from face of slopes which are exposed in the excavation process; convey runoff in stabilized channels to stable disposal points; leave borrow areas and stockpiles in stable condition.
 9. Adjacent properties: prevent their erosion or deposition with sediment.
- E. The Appendix presents graphic examples of erosion and sedimentation control measures and indicates, by asterisk, when any such measure may effectively control the problem area. One or more of each such asterisked measure shall suffice to comply with the requirements of this section.

§ 156.38 RUNOFF CONTROL AND SEDIMENT ABATEMENT PLAN REQUIREMENTS.

- A. Any person seeking approval of a development proposal shall:
1. Provide mapped information about the location and vicinity of the area proposed for development; and
 2. Furnish three types of information and maps about the proposed land development and site location: an existing characteristics inventory, a predevelopment conditions assessment, and an abatement control plan.

- a. Minor additions referenced in division § 156.35(D) below may be exempted from this requirement by the approving agent.
- B. Specifically, all proposed land developments shall have plans or maps of an appropriate scale that depict existing and proposed improvements, including, but not limited to:
1. Structures, streets, sidewalks, driveways, parking lots, storm drainage systems and appurtenances, utilities, poles, and the like; and
 2. Elevations, contour lines, inverts of sewers, and drainage facilities, and the like.
 3. Location of the boundary of the 100-year floodplain.
- C. Abatement control plan content requirements.
1. A runoff control and sediment abatement plan shall identify how accelerated surface water runoff, increased erosion, and sediment deposition induced by site development are to be controlled to within the abatement standards of §§ 156.36 and 156.37.
 2. All proposed controls are to be designed in accordance with methods and techniques set-forth in the SCS texts cited in §§ 156.36 and 156.37 or others approved by the City.
 3. A runoff control and sediment abatement plan shall be comprised of, but not limited to, the following information:
 - a. A map rendered on the base which indicates the number, types, dimensions, and locations of all runoff, erosion, or sediment control devices to be utilized either temporarily or permanently on a development site;
 - b. All pertinent computations made to arrive at the final dimensions of each control device shall be presented along with plan and section view drawings of the same rendered at an appropriate design scale to be agreed upon between the applicant and the approving agent; and
 - c. Schedules detailing the timing for the installation and maintenance of each control device.

§ 156.39 ADMINISTRATION AND APPEALS.

- A. The approving agent shall review all applications for zoning certificates, subdivisions, and planned unit developments to determine that the requirements of §§ 156.33 through 156.40 have been satisfied.
- B. The costs of engineering review for site grading and drainage development plans shall be covered by a plan review fee. The plan review fee shall be paid by the

applicant to the City at the time the final plans have been approved by the City. The fee shall be as set forth in Section 37.28 of Chapter 37, General Fee Schedule, of the Codified Ordinances of the City of West Carrollton.

- C. The provisions of §§ 156.33 through 156.40 may be varied as follows:
1. The approving agent may waive those requirements as specified in division (D)(4) below.
 2. As part of the review and approval process of subdivisions or planned unit developments, the Planning Commission has the authority to vary the provisions of §§ 156.33 through 156.40.
 3. All other appeals and requests for variances from the provisions of §§ 156.33 through 156.40 shall be heard by the Board of Zoning Appeals in accordance with the procedures set forth in § 154.06.01 of the Zoning Code.

§ 156.40 COMPLIANCE RESPONSIBILITY.

- A. Performance liability. No provision of this standard shall limit, increase, or otherwise affect the liabilities of the permittee nor impose any liability upon the City not otherwise imposed by law.
- B. Operations and management. During site development, a permittee is responsible for:
1. Carrying out all provisions as approved in the plan and required by this standard;
 2. Promptly removing all soil, miscellaneous debris, or other materials that may become spilled, dumped, or otherwise deposited on any public thoroughfares during transport to and from the development site; and
 3. Taking precautions to inhibit the deposition of sediment into any sewer system or natural watercourse.
- C. Enforcement.
1. The developer's engineer shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans, and in addition, the City may inspect all drainage facilities while under construction. When facilities are not constructed according to approved plans, the City has the explicit authority to compel compliance and require correction of any situations which are not according to the approved plans.
 2. Site development operations shall be subject to inspections by the City to determine whether a site development plan is being implemented in compliance with provisions of this standard and any plan approval conditions.

3. After each inspection, the inspector shall complete a site development status report. If the inspector finds that operations are being conducted by a permittee in violation of an approved plan or provisions of this standard, a stop-work order may be issued at that time.
- D. Ownership and maintenance. Permanent runoff control and sediment abatement installation which are to be privately owned and maintained by an individual or group of property owners shall be:
1. Designed and constructed by the permittee with easements sufficient to allow adequate access for inspections and corrective actions, if necessary, by the City;
 2. Regularly inspected by the City to ensure privately-owned installations are being properly maintained, and, if not, shall be repaired by them at the expense of the responsible owner; and
 3. Maintained as installed by the permittee according to the approved design and not be altered unless approved by the City.

§ 156.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the first degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions of and safeguards established in connection with conditions) shall on conviction thereof be fined or imprisoned as provided by the laws of the City. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations.

APPENDIX: EROSION AND SEDIMENTATION CONTROL MEASURES

To view the tables in the appendix, please see the printed copy of your Code of Ordinances.