

ARTICLE 15 F-1 FLOOD PLAIN RIVER PROTECTION DISTRICT

Effective June 8, 2005

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

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

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

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

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

Beavercreek Township Zoning Resolution

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

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

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

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

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

Beavercreek Township Zoning Resolution

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

15.04 Overlaying of Existing Districts:

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

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

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

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

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

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

***Amendment
Effective 4-27-06***

- 15.08 Floodway:

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

***Amendment
Effective 4-27-06***

- 15.09 Floodway Fringe:

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

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

15.10 General Flood Plain:

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

15.11 Establishment of Buffer Area:

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

15.12 Minimum Dimensional Requirements:

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

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

15.13 Required Conditions:

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

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

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

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