

440 FLOODPLAIN, FLOODWAY & WETLAND OVERLAY DISTRICT

441 STATEMENT OF PURPOSE

The Floodplain District is designed to protect those lands which are subject to predictable inundations at frequent intervals. Such regulations as herein established, while permitting reasonable economic use of affected properties, will protect the public health and reduce potential financial obligations on Ballville Township and its individuals by frequent and periodic floods. By restricting the use of flood lands, areas are reserved for the impoundment of water with a consequent stabilized stream flow which promotes and maintains the streams' ecological environment.

441.1 BOUNDARIES FURTHER DEFINED

The floodplain and floodway districts are hereby established "overlay districts", meaning that these districts are overlaid upon the districts and the land so enclosed may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in this district.

The floodplain and floodway districts are hereby established and may be reviewed at the offices of the Sandusky County Regional Planning Commission.

As used in this resolution, the terms "floodplain" and "floodway" refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts whose boundaries are established on a map located at the office of the Sandusky County Regional Planning Commission, which boundaries are intended to correspond to the actual physical location of floodways and floodplains. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy rather than physical criteria). The floodplain area is the same as delineated and regulated in the Floodplain Building Regulations, as provided by the Sandusky County Regional Planning Commission.

In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or twenty feet on each side, whichever is greater.

441.2 ARTIFICIAL OBSTRUCTIONS WITHIN FLOODPLAIN

1. No artificial obstruction may be located within any floodway, except as provided in this section and with issuance of a floodplain permit from the offices of the Sandusky County Regional Planning Commission.

2. For purposes of this section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood-carrying capacity of a stream or may accumulate debris and thereby reduce the flood-carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.

441.3 PERMISSIBLE USES WITHIN FLOODWAYS

Notwithstanding this provision of this resolution, no use of land within a floodway may be permitted unless the proposed use is listed in the underlying district and in the following list:

1. General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses.
2. Ground-level loading areas, parking areas, rotary aircraft ports and other similar ground-level area uses.
3. Lawns, gardens, play areas and other similar uses.
4. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.

441.4 LIMITATIONS ON USES WITHIN FLOODWAYS AND FLOODPLAINS

1. Any development within the district should meet the following criteria:

- (a) The proposed development is consistent with the need to minimize flood damage and
- (b) All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage and
- (c) Adequate drainage is provided to minimize or reduce exposure to flood hazard and
- (d) All necessary permits have been received from the Sandusky County Regional Planning Commission and those agencies from which approval is required by federal or state law.

2. No building may be constructed and no substantial improvement of an existing building may take place within any floodway. With respect to mobile home parks that are nonconforming because they are located within a floodway, mobile homes may be replaced in such parks only if they comply with the provisions of subsection (7).

3. No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated three feet above the base flood level.

- (1) Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent flotation.
- (2) Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over-the-top ties. When bolting to a concrete slab, one-half inch bolts six feet on center with a minimum of two per side shall be required. If over-the-top ties are used, a minimum of two ties with a force adequate to secure the building is required.

4. No new residential building may be constructed and no substantial improvements of a nonresidential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated or floodproofed three feet above the base flood level. Where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact and uplift forces associated with the base flood at the location of the building and that the walls below the base flood level are substantially impermeable to the passage of water.

5. For purposes of this section, “substantial improvement” means for a building constructed prior to the effective date of this resolution, any repair, reconstruction or improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the structure either (I) before the improvement or repair is started or (ii) if the structure has been damaged and is being restored, before the damage occurred. “Substantial improvement” occurs when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include with (I) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that or (ii) any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.

6. No zoning or special use permit may be issued for any development within a floodplain until the permit-issuing authority has reviewed the plans to assure that any new construction or substantial improvements shall be:

- (a) Designed (or modified) and adequately anchored to prevent flotation collapse, or lateral movement of the structure.
- (b) Constructed with materials and utility equipment resistant to flood damage.
- (c) Constructed by methods and practices that minimize flood damage.

7. Notwithstanding any other provision of this section, no mobile home may be located or relocated within that portion of the floodplain outside of the floodway, unless the following criteria are met:

- (a) Ground anchors for the tie-downs are provided.
- (b) The following tie-down requirements are met:
 - (i) Over-the-top ties are required at each of the four corners of the mobile home, with one additional tie per side at an intermediate location, for mobile homes less than fifty feet long. Two additional ties per side are required for mobile homes more than fifty feet long.
 - (ii) Frame ties are required in conjunction with each over-the-top tie.
 - (iii) All components of the anchoring must be capable of carrying a force of 4,800 pounds.
- (c) Lots or pads are elevated on compacted fill or by any other method approved by the administrator so that the lowest habitable floor of the mobile home is three feet above the base flood level.
- (d) Adequate surface drainage and easy access for mobile home hauler is provided.
- (e) Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten feet apart and if the support height is greater than seventy-two inches, the support must contain steel reinforcement.

8. Dumping or backfilling with any material or excavation in any manner is prohibited unless:

- a. Through compensating excavation and shaping of the floodplain, the flow and impounding capacity of the floodplain will be maintained or improved and will not cause an increase in the flood hazard or damage from floods and will not allow water to collect in pools that will stagnate.
- b. No significantly measurable reduction in the flow or impoundment capacity of the floodplain thereby results.
- c. Where there is dumping, backfilling or excavation in any manner, adequate site plans and engineering drawings shall be submitted to effectively show the final results of such action.

441.5 SITE AND LANDSCAPING PLAN REVIEW

For all development in the Floodplain District, a site plan shall be submitted to the Ballville Township Zoning Commission for its review and recommendations. The Ballville Township Zoning Commission, in its review of the site plan, shall have regard to the provisions of Article 25.

441.6 REFERENCE TO FLOODPLAIN PERMIT

Floodplain permits are required in accordance with the requirements of the Flood Damage Prevention and Floodplain Building Regulations provided by the offices of the Sandusky County Regional Planning Commission and Army Corp of Engineers. Applications for permits must be made through the Sandusky County Regional Planning Commission and Army Corp of Engineers.

441.7 WETLANDS

Wetlands are areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support and under normal circumstances support a prevalence of vegetation adapted for life in saturated soil conditions. Size is not a limitation. Areas smaller than an acre are regulated by the Army Corps of Engineers.

441.8 PERMITS REQUIRED

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. C. 403): Under this law you will need a permit from the Corps of Engineers for any structure or work that takes place in, under or over a navigable water or wetland adjacent to navigable waters of the United States. Section 404 of the Clean Water Act (33 U.S. C. 1344): Under this law, you need a permit to discharge dredged or fill material into a water of the United States. Remember, this includes wetlands.