

**ARTICLE 26**

**“RFP” REGIONAL FLOOD PLAIN DISTRICT**

**PREAMBLE**

Certain areas within the unincorporated territory of Montgomery County, Ohio, are subject to periodic flooding and are not readily usable or suitable for residential, commercial or industrial uses.

**SECTION 2601**

**PRINCIPAL PERMITTED USES**

The following uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Regional Flood plan District provided they do not require structures, fill, or storage or materials or equipment. No use shall adversely affect the capacity of the channels or floodways of any tributary to the mainstream drainage ditch, or any other drainage facility or system.

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- B. Private and public recreational uses such as golf courses, tennis courts, driving ranges, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- C. Uses such as lawns, gardens, parking areas, and play areas when accessory to adjacent residential uses.

**SECTION 2602**

**CONDITIONAL USES**

It is recognized that there are areas within the Regional Floodplain district that are suitable for certain specific uses. These areas are generally located outside the floodway in areas know as the Flood Fringe.

The following Conditional Uses subject to approval in accordance with Article 4, section 406 and subject to the provisions of Section 2603.

- A. Uses or structures accessory to open space or Conditional Uses.

- B. Circuses, carnivals, and similar transient amusement enterprises.
- C. Drive-in theaters, new and used car lots, roadside stands, sign and billboards.
- D. Extraction of sand, gravel and other raw materials subject to the provisions of Chapter IX, Article 45.
- E. Marinas, boat rentals, docks, piers, wharves.
- F. Railroads, streets, bridges, utility transmission lines and pipelines.
- G. Kennels and stables.
- H. Other uses similar in nature to uses described in this Section and in Section 2601.
- I. Accessory uses for industrial or commercial uses such as loading areas, and parking areas, where adjacent to Permitted Uses not in the floodplain.
- J. Airport landing strips.
- K. Uses that are compatible with contiguous uses I the same block frontage, and are consistent with other development in the immediate area and adjacent zoning district outside the RFP, Regional Flood Plain District. Structures constructed on fill so that the first floor and basement floor are above the regional flood protection elevation for the particular area and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. However, no use shall be constructed which will adversely affect the capacity of channels or floodways of any tributary to the mainstream, drainage ditch facility or system, as determined by the Montgomery County Planning commission in conjunction with a recognized water management and flood control authority.

**SECTION 2603**

**REQUIRED CONDITIONS**

No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use shall be allowed as a conditional use which, acting along or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases

flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that will be an equal degree of encroachment extending for a significant reach on both side of the stream. In addition, all Conditional Uses shall be subject to the Flood Damage Prevention Regulations for Montgomery County, Ohio, the standards contained in Section 2605, and the following standards.

A. Fill

1. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, and demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
2. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulk-heading.

B. Structures (Temporary or Permanent) in the Floodway

1. Structures designed for human habitation shall not be permitted in the floodway.
2. Structures shall have a low flood damage potential.
3. The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstructions to the flow of floodwater.
  - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of floodflow, and
  - b. So far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjoining structures.
4. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow section of the stream of river.

5. Service facilities such as electrical and heating equipment shall be constructed at or above the regional flood protection elevation for the particular area or flood proofed.

C. Storage of Materials and Equipment

1. The storage or processing of materials that are in time of flooding buoyant, flammable, animal, or plant life is prohibited.
2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after a flood warning.

**SECTION 2604**

**APPLICATION FOR A CONDITIONAL USE**

In addition to the requirement of Article 4, Sub-section 406.02 the applicant shall furnish such of the following information as is deemed necessary by the board of determining the suitability of the particular site for the proposed use.

- A. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.
- B. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
- C. Plan (surface view) showing elevations or contours of the ground; pertinent structures, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and getation upstream and downstream, soil types and other pertinent information.
- D. Profile showing the slope of the bottom of the channel or flow line of the stream.
- E. Specifications for building construction and materials flood proofing, filling, dredging, channel improvement, storage of materials, waters supply and sanitary facilities.

The Board may transmit one copy of this information described in this Section to a designated Registered Engineer or other recognized water management and flood control authority for technical assistance in determining whether the proposed use is located in the floodway or Floodway Fringe; in determining the regional flood protection elevation; and in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.

**SECTION 2605**

**FACTORS UPON WHICH THE DECISION OF THE BOARD SHALL BE BASED**

In acting upon such applications, the Board shall consider all relevant factors specified in other section of this Article; and

- A. The danger to life and property due to increase flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injuring of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with the existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for the area.

- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of use and sediment transport of the floodwaters expected at the site.
- L. Such other factors which are relevant to the purposes of this Article.

**SECTION 2606**

**CONDITIONS ATTACHED TO CONDITIONAL USE PERMITS**

Upon consideration of the factors listed above and the purposes of this Article, the Board may attach such conditions to the granting of a Conditional Use as it deems necessary to further the purposes of this article. Among such conditions without limitation because of specific enumeration may be included.

- A. Modification of waste disposal and water supply facilities.
- B. Limitations on periods of use and operation.
- C. Imposition of operation controls, sureties and deed restrictions.
- D. Requirements for construction of channel modification, dikes, levees and other protective measures.
- E. Floodproofing measures. Floodproofing measures such as the following shall be designed consistent with the regional flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regional flood. The Board shall require that the applicant submit a plan or document certified by a Registered Professional Engineer that the floodproofing measures are consistent with the regional flood protection elevation and associated flood factors for the particular area. The following floodproofing measures may be required without limitation because of specific enumeration:
  - 1. Anchorage to resist flotation and lateral movement.
  - 2. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
  - 3. Re-enforcement of walls to resist water pressures.

4. Use of paints, membranes, or mortars to reduce seepage of water through walls.
5. Addition of mass or weight to structure to resist flotation.
6. Installations of pumps to lower water levels in structures.
7. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
8. Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
9. Construction to resist rupture or collapse caused by water pressure or floating debris.
10. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm water into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices.
11. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic material which could be hazardous to public health, safety, and welfare in a matter which will assure that the facilities are situated at elevations above the height associated with the regional flood protection elevation.





