

VOLUME I

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms in these Rules and Regulations shall be as follows:

Section ST 101

BUILDING PERMIT:

A permit issued by the Hamilton County Department of the Building Commissioner, and required for the lawful construction, alteration, removal or demolition of any building or change in occupancy thereof from one use or use group to another; or the installation or alteration of any equipment for which provision is made or the installation of which is regulated in the Hamilton County Building Code, except that ordinary repairs as defined in the current applicable Section thereof, which do not involve any violation of the code shall be exempt.

Section ST 102

BASE FLOOD:

That flood having a one (1) percent chance of being equaled or exceeded in any given year (100 year flood).

Section ST 103

BASE FLOOD LEVEL:

The elevation above mean sea level (NGVD) of the base flood discharge.

Section ST 104

COMBINED SEWERS:

Shall mean a sewer, which is designed to carry sanitary sewage, industrial waste and storm water.

Section ST 105

COUNTY:

Any reference to County or Hamilton County in these Rules and Regulations apply to the unincorporated areas of Hamilton County, Ohio.

Section ST 106

COUNTY WATERCOURSE:

Shall mean a watercourse over which the County has easements for maintenance and channels.

Section ST 107

DESIGNATED FLOODWAY:

Prohibits encroachments within the adopted regulatory floodway that would result in any

increase in flood levels within the community during the occurrence of the base flood discharge.

Section ST 108

DEVELOPMENT:

Any manmade changes to improved or unimproved sites, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Section ST 109

DRAINAGE CHANNEL:

Shall mean any artificially constructed open channel, ditch, swale, or flume, whether lined or unlined, for the drainage of storm water and ground water.

Section ST 110

DRAINAGE COURSE:

A system of well-defined natural or man-made facilities such as swales, valleys, streams, ponds, lakes, pipes, culverts, detention and/or retention basins to continuously or intermittently convey runoff.

Section ST 111

EASEMENTS:

A grant by a property owner of the use, for specific purposes, of a piece or portion of land without passage of fee title.

Section ST 112

ENCROACHMENT:

Any development (as defined) within the regulatory floodway of any Special Flood Hazard Area, which will result in any increase in base (100 year) flood level during the occurrence of the base flood discharge. Encroachment is determined by application of the equal degree of encroachment principle to the proposed development.

Section ST 113

EQUAL DEGREE OF ENCROACHMENT:

A standard applied in determining the location of floodway limits so that both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the flood plain along both sides of a stream for a significant reach.

Section ST 114

EROSION:

The wearing away of earth materials, either surface or subsurface, by the actions of water, wind, ice, gravity or a combination thereof.

Section ST 115

FLOOD OR FLOODING:

A general, or temporary condition, or partial, or complete inundation of normally dry land areas from the overflow of inland waters; the usual and rapid accumulation or runoff of surface waters from any source.

Section ST 116

FLOOD PLAIN:

Means any land area susceptible to being inundated by water from any source.

Section ST 117

FLOOD PROTECTION ELEVATION (FPE):

That elevation which is one (1) foot above the base flood elevation.

Section ST 118

FLOODWAY:

Represented by the Flood Boundary and Floodway Maps for unincorporated Hamilton County, Ohio, as defined in Section ST 403(b), (C) and (D), it means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. This applies to Zones A1-30 only. For similar restrictions in unnumbered A Zones, refer to Section ST 112(b), 117(b), 142(b), 144 and 156.

Section ST 119

FLOODWAY FRINGE:

Represented by the Flood Boundary and Floodway Maps for unincorporated Hamilton County, Ohio, as defined in Section ST 403(b), (c) and (d), it means that part of any flood plain which is outside of the floodway area. This applies to Zones A1-30 only.

Section ST 120

GRADE:

Slope of a road, street, or other public way, specified in percent, and shown on street profile drawings.

Section ST 121

GRADING PERMIT:

A permit for earth disturbing activity means any grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which will have probable effect on the stability of hillsides and slopes and contribute to erosion and sediment pollution and also, as defined in Section ST 125, or a letter typed, indicating approval by the Hamilton County Public Works Director for special cases (Also, refer to Section ST 412 and 413).

Section ST 122

GRADING PLAN:

A plan showing existing and proposed contour lines of any new development. See Section ST 413.

Section ST 123**HAZARD:**

Any earth condition of considerable consequence to any property, or to public health and safety, which has been established through experience to be of certain or probable consequence, or which can be determined to be, or which is obviously a threat to property or public health and safety, including, but not limited to conditions which cause inadequate drainage, disruption of the sewer system, slope stability problems, or imposition of unsafe loads on structures or slopes.

Section ST 124**HIGH WATER ELEVATION:**

Generally the base flood level (100 year flood) or equivalent 100 year flood of the "Restrictive Flood Plain Zone" (Section ST 144), for land within any special flood hazard area. For other land, the highest level of flood water during past flooding events, or that which may be reasonably expected as determined by criteria to be used in Articles VII and VIII in these Rules and Regulations.

Section ST 125**IMPROVEMENT PLANS:**

Detailed construction drawings of any new development that must conform to the Rules and Regulations of the Hamilton County Department of Public Works, Hamilton County Engineer, Metropolitan Sewer District or any other government agency that may be involved in the approval of the plans.

Section ST 126**LOT:**

Any recorded unit area of land intended for transfer of ownership or for building development.

Section ST 127**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. It includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Section ST 128**MASTER PLAN:**

The comprehensive plan for Hamilton County or any part thereof adopted by the Planning Commission indicating the general location recommended for motorways, parks, and other public open spaces, public building sites, public utilities and the character and extent of neighborhood and community development.

Section ST 129

NATURAL OUTLET:

Any outlet of storm water into a watercourse, drainage course, or other body of surface or ground water.

Section ST 130

PLANNING COMMISSION:

The Hamilton County Regional Planning Commission and its technical staff.

Section ST 131

PLAT OF SUBDIVISION:

A map showing the division of any tract of land into two or more parcels, and prepared for the purpose of recording. (See Section ST 132,133,135,140 and 407 for various items of easement information which the plat must include).

Section ST 132

PRIVATE DETENTION/RETENTION BASIN EASEMENT PLAT AND AS-BUILT DRAWING:

A map showing the limits of the detention/retention basin and metes and bounds prepared for the purpose of recording. A storm water detention as-built will be required before the bond is released for subdivisions. A storm water detention "As-Built" and a "Private Drainage Easement for Storm Water Detention" signed mylar plat or Bond will be required before a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO) is issued for commercial projects. No (TCO) or (CO) will be issued until the storm water detention "As-Built" and "Private Drainage Easement for Storm Water Detention" mylar plat is signed and submitted.

A Home Owner's Association (HOA) is responsible for the maintenance of all detention basins within subdivisions. The maintenance responsibility will be transferred to the proportional distribution of the property owners within the residential development if the (HOA) is dissolved.

If a Home Owner's Association (HOA) is not formed the maintenance responsibility will be the proportional distribution of the property owners within the residential development. If the property owners within the development do not maintain the storm water detention facility, Hamilton County reserves the right to maintain the detention basin and place the proportional costs plus 50% on the tax bill of each property within the development.

The easement shall be included with the plat of subdivision, etc. For additional requirements, refer to Section ST 407(b) and 1104(e) (4).

Section ST 133

PRIVATE DRAINAGE EASEMENTS:

An easement over existing water or drainage courses which extend over two or more adjacent lots, the owners of which are to be responsible for the maintenance of the courses.

Section ST 134

PRIVATE SEWER:

Shall mean a sewer, which is not owned and not maintained by the Public Authority.

Section ST 135

PRIVATE STORM SEWER EASEMENT:

An easement over existing storm sewers which extend over two (2) or more adjacent lots. The owners of which are to be responsible for the maintenance of the storm sewers.

Section ST 136

PRIVATE STORM DRAINAGE LIMIT PLAT: Not used

Section ST 137

PUBLIC AUTHORITY:

Shall mean any government agency having jurisdiction by law.

Section ST 138

PUBLIC IMPROVEMENT:

Any of the following: Roadway pavements; curbs; gutters; sidewalks; crosswalks; water mains; sanitary and storm sewers; drainage channels or other appurtenant construction as shown on any Improvement Plan that is to be maintained and operated by the public authority having jurisdiction.

Section ST 139

PUBLIC OPEN SPACES:

Small neighborhood parks, playgrounds, or other public recreational spaces.

Section ST 140

PUBLIC EASEMENT:

A grant by a property owner of the use, for a specific purpose or purposes, of a designated strip of land to the general public, permitting construction, maintenance, or repair of new or existing utilities or improvements; and in which no permanent building or structures will be permitted.

Section ST 141

PUBLIC SEWER:

Shall mean a storm sewer, which is owned and maintained by a public authority.

Section ST 142

PUBLIC WORKS DEPARTMENT:

Shall mean the Department established by the Board of County Commissioners of Hamilton County, Ohio, for the purpose of managing and operating the Public Storm Drainage System, which lies within the unincorporated areas of Hamilton County.

Section ST 143

REGULATORY FLOODWAY:

Means the channel of a river or other water courses and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Section ST 144

RESOLUTION ADOPTING FLOOD DAMAGE PREVENTION REGULATIONS FOR UNINCORPORATED HAMILTON COUNTY OHIO:

This resolution (Exhibit No. 36), was adopted October 26, 1988 (Volume 232, Image 481 through 494), and supersedes a previous resolution that was adopted September 15, 1982. The resolution applies to all new construction, substantial improvements and other developments located within or affected by the Special Flood Hazard Areas. The resolution complies with the minimum requirements of the National Flood Insurance Program as specified in 44 CFR, Section 59.1, et seq.

Section ST 145

RESTRICTIVE FLOOD PLANE ZONE:

The floodway is the part of the flood plane, which carries and discharges the largest part of the flood flow. Fringe areas outside the floodway serve primarily as storage areas for floodwaters, and can be filled in or otherwise obstructed without causing more than a one-foot rise in the base flood elevation upstream. However, any obstruction in the floodway, which causes any rise, is prohibited. This is because any obstruction in the floodway, which causes a rise in the base flood elevation, will increase base flood elevations by more than one foot when the fringe areas are obstructed.

Section ST 146

RIGHT-OF-WAY:

That area of land within legally established boundaries occupied by a street, alley, crosswalk, railroad, electric power line, pipeline, sewer, drainage channel, or for any easement for special use.

Section ST 147

ROADWAY:

The paved portion of a street available for vehicular traffic; including paved and unpaved berms.

Section ST 148

RUNOFF:

Water which moves over the ground surface.

Section ST 149

SANITARY SEWER:

Shall mean a sewer, which carries sanitary sewage, sanitary effluent and industrial, wastes, and to which storm, surface, and ground water are not intentionally admitted.

Section ST 150

SPECIAL FLOOD HAZARD AREAS:

(a) All that area within Zones A1-30 on the Flood Insurance Rate Map for Unincorporated Hamilton County, Ohio.

(b) All that area within the unnumbered A Zones on the Flood Insurance Rate Map for Unincorporated Hamilton County, Ohio; also designated as being within the "Restrictive Flood Plain Zone" (assumed equivalent 100 year base flood) for the same area as indicated in Appendix "A" of the Consoer-Townsend Storm Drainage and Open Space Master Plan for Hamilton County, Ohio.

(c) All that area within the unincorporated territory of Hamilton County, Ohio, designated as being within the "Restrictive Flood Plain Zone" of other streams in Appendix "A" of the Consoer-Townsend Storm Drainage and Open Space Master Plan for Hamilton County, Ohio, that are not included in (a) and (b) above.

(d) Refer to Section ST 403 for additional information.

Section ST 151

STORM SEWER:

Shall mean a sewer which carries storm, surface waters and drainage, but which excludes sanitary sewage and industrial wastes other than unpolluted cooling water as indicated in Article VI.

Section ST 152

STREET:

A right-of-way designed for vehicular and pedestrian traffic and affording the principal means of access to abutting property.

Section ST 153

SUBDIVISION:

(As defined in Section 711.001 of the Revised Ohio Code)

(a) 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 such sale or exchange does not create additional building sites, shall be exempted; or

(b) The improvement of one or more parcel 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; or

(c) The division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, storm drainage or other public facilities.

Section ST 154

SUBDIVISION IMPROVEMENT PLAN: A drawing showing a proposed subdivision of land together with the public improvements, which are to be installed therein. (See Articles I and VI through XI for items of information which the plan must include as well as other applicable agency regulations).

Section ST 155

UNNUMBERED A ZONES:

The flood plain limits of areas designated as Zone A (unnumbered A Zones) on the Flood Insurance Rate Maps, the Flood Boundary and Floodway Maps for Unincorporated Hamilton County, Ohio represent approximate boundaries for the 100 year base flood. However, base flood elevations and flood hazard factors were not established under this Flood Insurance Study in the unnumbered A Zones. The one hundred (100) year flood data as defined under "Restrictive Flood Plain Zone", Section ST 145; is to be used to determine whether there is encroachment in the flood plain for any new development in the unnumbered A Zones. It must be noted here, that the fifty (50) year "Restrictive flood plain Zone" flood data was calculated by assuming ultimate upstream development. This is assumed to be equivalent, in the absence of any other available flood study, to the one (100) year base flood of the Flood Insurance Study which used existing upstream runoff conditions at the time the Flood Insurance Study was developed between 1974 and 1979. For Regulatory Floodway definition in an unnumbered A Zone, See Section ST 143(b).

Section ST 156

WATERCOURSE:

A natural channel through which a flow of water occurs, either continuously or intermittently.

Section ST 157

ZONING:

Regulation by districts of the height, area, and use of buildings; use of land; and density of population.