

**VILLAGE OF TERRACE PARK  
HAMILTON COUNTY, OHIO**

**RESOLUTION 4-1, 2023**

**REQUESTING THE HAMILTON COUNTY AUDITOR TO CERTIFY THE  
CALCULATION OF REVENUE GENERATED BY THE RENEWAL OF THE  
VILLAGE OF TERRACE PARK'S EXISTING 2.50 MILL CURRENT  
OPERATING LEVY**

**WHEREAS**, the Council of the Village of Terrace Park, Hamilton County, Ohio desires to continue to provide the residents of Terrace Park with necessary governmental services; and

**WHEREAS**, the Council of the Village of Terrace Park has determined that in order to provide these necessary governmental services that it is necessary to renew the existing general operating levy.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE  
VILLAGE OF TERRACE PARK, HAMILTON COUNTY, OHIO that:**

**Section 1.** The Council of the Village of Terrace Park hereby determines that it is necessary to renew the Village of Terrace Park's existing current operating levy at a rate not to exceed 2.50 mills for each \$1.00 of taxable value, pursuant to section 5705.19(A) of the Ohio Revised Code, which amounts to \$0.250 for each \$100.00 of the county auditor's appraised value, for five (5) years.

**Section 2.** Said levy shall be placed upon the tax list of 2023 for collection in 2024 if the majority of electors voting thereon vote in favor thereof.

**Section 3.** The renewal tax levy for general operating purposes shall be submitted to the electors of Terrace Park at a regular election to be held at the usual voting places within Terrace Park on November 7, 2023.

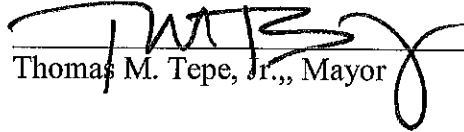
**Section 4.** The Fiscal Officer is hereby directed to immediately certify to the County Auditor this Resolution requesting that the County Auditor certify to the Council of the Village of Terrace Park the total tax valuation of the Village and the dollar amount or revenue that would be generated by the aforesaid 2.50 mills.

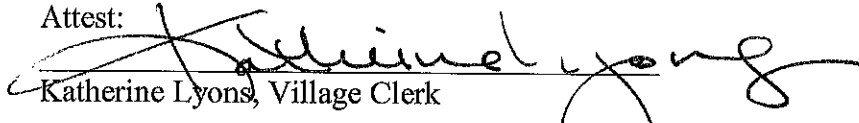
**Section 5.** It is found and determined that all formal actions of this Council of the Village of Terrace Park concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the

public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

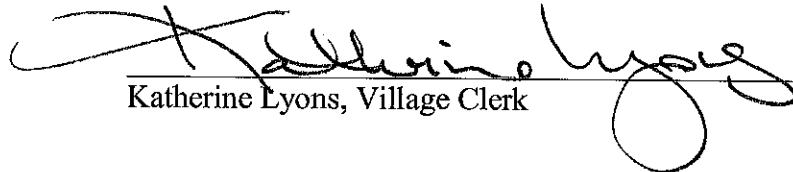
**Section 6.** This Resolution shall be adopted as an emergency necessary for the immediate preservation of the public health, safety, and welfare within the community for the reason that it is necessary to continue to provide the necessary governmental services for the citizens of the Village of Terrace Park.

PASSED THIS 12<sup>th</sup> DAY OF April, 2023.

  
Thomas M. Tepe, Jr., Mayor

Attest:   
Katherine Lyons, Village Clerk

I, Katherine Lyons, certify that this Resolution was posted at the five Village bulletin boards for the fifteen day period ending 4/27/23.

  
Katherine Lyons, Village Clerk

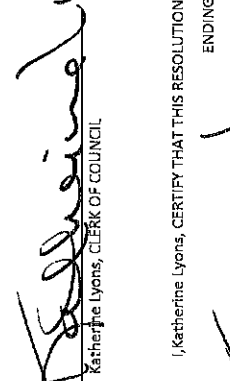
RESOLUTION 4-2 2023  
 To empower the Chief Fiscal Officer to Revise the 2023 Appropriation Budget

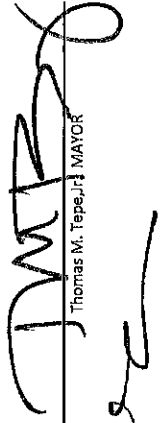
BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF TERRACE PARK, OHIO THAT THE APPROPRIATION BUDGET FOR 2023 BE AMENDED: SECTION 1; THAT THE FOLLOWING AMENDMENT CHANGE OVERALL BUDGET FIGURES AS FOLLOWS:

Account Number	Account Name	Original Appropriation	Add	Decrease	Revised Appropriation	Total		Total		Total Appropriation All Funds
						2023 General Fund	Debt Service	2023 Special Funds	Capital Project	
2152-730-431	ARPA-Repair & Maintenance	\$ -	\$ 15,000.00		15,000.00	\$ 2,120,559.94	\$ 143,737.50	\$ 264,876.99	\$ -	\$ 2,529,174.43
						\$ 2,120,559.94	\$ 143,737.50	\$ 264,876.99	\$ -	\$ 2,529,174.43
						\$ 2,120,559.94	\$ 143,737.50	\$ 279,876.99	\$ 0	\$ 2,544,174.43

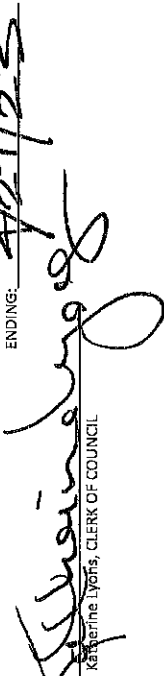
SECTION 2. THAT THE CLERK OF COUNCIL BE, AND SHE HEREBY IS AUTHORIZED AND DIRECTED TO PUBLISH THIS RESOLUTION BY POSTING A COPY THEREOF AT THE FIVE MOST PUBLIC PLACES IN THE VILLAGE HERETOFORE DETERMINED BY COUNCIL.

PASSED THIS 12<sup>th</sup> DAY OF April

ATTEST:   
 Katherine Lyons, CLERK OF COUNCIL

  
 Thomas M. Tepe, Jr., MAYOR

I, Katherine Lyons, CERTIFY THAT THIS RESOLUTION WAS POSTED AT THE FIVE VILLAGE BULLETIN BOARDS FOR THE FIFTEEN DAY PERIOD

ENDING: 4/27/23  
 ATTEST:   
 Katherine Lyons, CLERK OF COUNCIL

VILLAGE OF TERRACE PARK  
HAMILTON COUNTY, OHIO

RESOLUTION 4-3, 2023

AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH  
HENDY, INC. FOR THE 2023 SIDEWALK PROJECT AT A COST NOT TO EXCEED \$31,510  
AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Terrace Park desires to provide sidewalks to provide for the safe travel of pedestrians; and

WHEREAS, the Village of Terrace Park Council has received a proposal from Hendy, Inc. for the removal and replacement of certain sidewalk blocks in the Village.

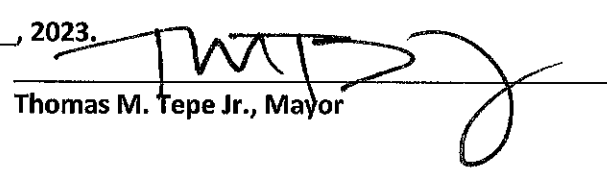
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF TERRACE PARK, HAMILTON COUNTY, OHIO that:

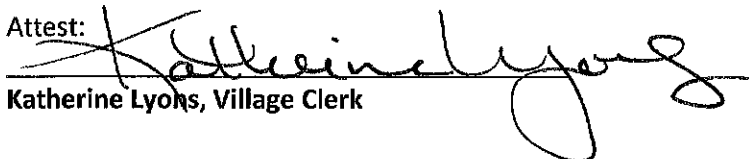
**Section 1.** It is hereby determined that Hendy, Inc. has submitted the lowest and best bid for performing said sidewalk removal and replacement. The Village Administrator is hereby authorized and directed to enter into a contract with Hendy, Inc. on the terms and conditions as provided for in the proposal attached hereto as Exhibit A, incorporated herein by reference.

**Section 2.** The Village Administrator is hereby directed by Council to enter into an agreement with Hendy, Inc. for an amount not to exceed \$31,510.00.

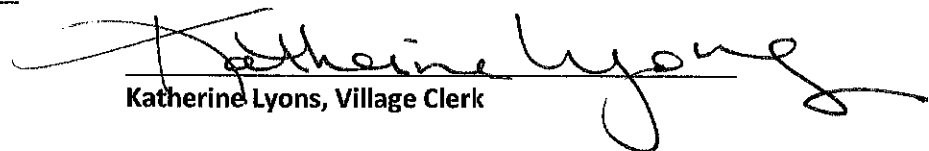
**Section 3.** The three separate readings required by law are hereby waived. This Resolution shall be acted upon as an emergency in order to preserve safe pedestrian and vehicular traffic and shall become effective immediately.

**Section 4.** The Village Clerk be, and she hereby is authorized and directed to publish this Resolution by posting a copy thereof in the five most public places in the Village as heretofore determined by Council.

Passed this 12<sup>th</sup> Day of April, 2023.  
  
Thomas M. Tepe Jr., Mayor

Attest:  
  
Katherine Lyons, Village Clerk

I, Katherine Lyons, certify that this Resolution was posted at the five Village bulletin boards for the fifteen day period ending 4/27/23.

  
Katherine Lyons, Village Clerk

VILLAGE OF TERRACE PARK, HAMILTON COUNTY, OHIO

RESOLUTION NO. 4-4, 2023

**RESOLUTION APPOINTING MITCHELL D. POWERS AS FULL-TIME POLICE OFFICER FOR THE VILLAGE OF TERRACE PARK POLICE DEPARTMENT AND DECLARING AN EMERGENCY**

WHEREAS, the complement of full-time Police Officers for the Village of Terrace Park is in need of an additional Police Officer.

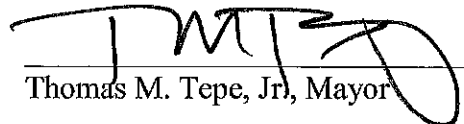
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF TERRACE PARK, HAMILTON COUNTY, OHIO that:

Section 1. Mitchell D. Powers be appointed as a full-time Police Officer at the probationary annual rate of compensation of \$80,000.00.

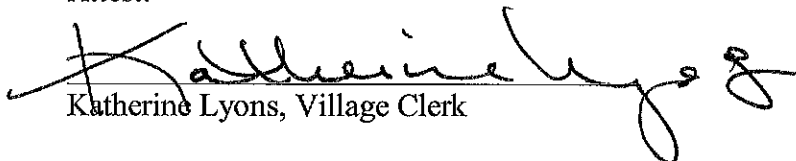
Section 2. Council hereby waives the three separate readings of this Resolution according to law. Furthermore, the Council hereby adopts this Resolution as an emergency for the reason that it is necessary to provide for such appointment in a timely manner in order to maintain the continuity of public safety.

Section 3. The Village Clerk is hereby authorized and directed to publish this Resolution by posting a copy hereof in the five most public places in the Village as heretofore determined by Council.

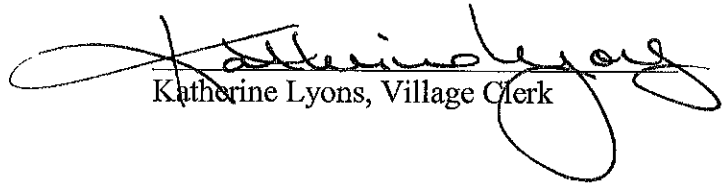
PASSED this 12<sup>th</sup> day of April, 2023.

  
Thomas M. Tepe, Jr., Mayor

Attest:

  
Katherine Lyons, Village Clerk

I, Katherine Lyons, certify that this Resolution was posted at the five Village Bulletin Boards for the fifteen day period ending 4/27/23.



Katherine Lyons, Village Clerk

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**VILLAGE OF TERRACE PARK  
HAMILTON COUNTY, OHIO**

**ORDINANCE NO. 4-1-23**

**ORDINANCE AMENDING VARIOUS SECTIONS OF THE  
TERRACE PARK ZONING ORDINANCE**

**WHEREAS**, the Village of Terrace Park has adopted a Zoning Code by ordinance;  
and

**WHEREAS**, the Planning Commission of the Village of Terrace Park has reviewed and recommended certain amendments to the existing Terrace Park Zoning Code; and

**WHEREAS**, modification of the existing Terrace Park Zoning Ordinance is consistent with the preservation of the public health, safety and welfare of the Village of Terrace Park.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
VILLAGE OF TERRACE PARK, HAMILTON COUNTY, OHIO, that:**

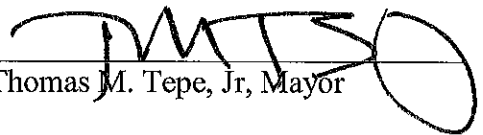
**Section 1.** Council hereby amends the Terrace Park Zoning Ordinance in accordance with the terms and provisions set forth in Exhibit "A" attached hereto and incorporated herein.

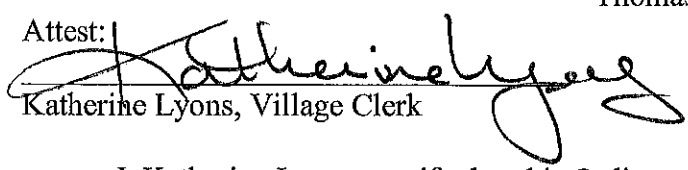
**Section 2.** Council concurrently repeals those previously existing sections of the zoning code which are being amended in accordance with Exhibit "A." This repeal shall be concurrent with the date upon which the amendments become effective.

**Section 3.** It is found and determined that all formal actions of this Council of the Village of Terrace Park concerning and relating to the adoption of this Ordinance were adopted in an open meetings of the Planning Commission and this Council and that all deliberations of the Planning Commission and the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

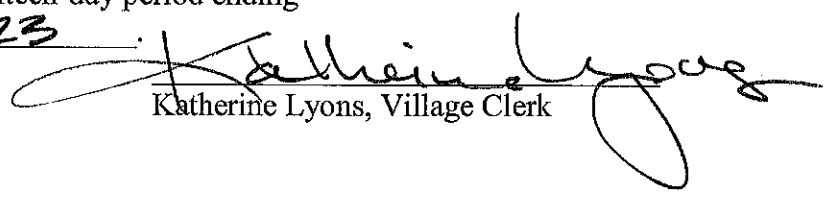
**Section 4.** This Ordinance shall be adopted after three separate readings of the Ordinance and a public hearing noticed and held in accordance with the requirements of the Ohio Revised Code, which Ordinance shall then become effective from and after the earliest period allowed by law.

PASSED THIS 13<sup>th</sup> DAY OF June, 2023

  
Thomas M. Tepe, Jr, Mayor

Attest:   
Katherine Lyons, Village Clerk

I, Katherine Lyons, certify that this Ordinance was posted at the five Village Bulletin Boards for the fifteen-day period ending

June 29, 2023  
  
Katherine Lyons, Village Clerk



For public viewing

**Proposed**

**Amended sections**

**of the**

**Terrace Park Zoning**

**Code**

CHAPTER 1137

SIGNS

1137.01 Purpose

It has never been the intent of the Village of Terrace Park to infringe on the rights of property owners and occupiers to display messages protected by the First Amendment. Therefore, this Chapter is adopted in order to clarify the existing regulations and to remove any doubt that it is the public's right to receive and display First Amendment protected messages, including, but not limited to, religious, political, economic, social and philosophical messages. It is the further purpose to reaffirm that an expedient appeal process exists that addresses these First Amendment issues.

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1137.02 First Amendment Safeguards

In order to safeguard the protections offered by the First Amendment of the United States Constitution, the following regulations shall apply and shall be paramount and preemptive of any other sign regulation:

A. Every parcel in the zoning districts shall be permitted to display one (1) two-sided or one (1) one-sided sign containing any Free Speech Message for each street that abuts the property. Each side of the sign(s) shall not exceed six (6) square feet in area. Such sign shall not require a building or zoning certificate. However, each sign must be kept in good and safe condition. In no event shall such sign(s) be erected in the right-of-way.

B. At any time that the Hamilton County Board of Elections has identified a candidate or issue that will be placed on the ballot at the next general or special election, one (1) additional sign may be erected for each candidate or issue that the occupant wishes to support or oppose. One (1) additional sign shall be permitted for each street that abuts the property. Such political signs shall still be subject to the dimensional regulations set forth in Section 1137.02 (A). These signs must be removed no later than the first Friday that occurs after the election.

C. Signs permitted to be displayed by Sections 1137.02 (A) and (B) shall not be placed any closer than five (5) feet from any side or rear property line. However, there shall be no minimum setback requirement from any property line that is also the right-of-way line of a public or private street.

No such signs shall be permitted in the right-of-way. Any sign placed in the right-of-way may be removed and stored by the Village of Terrace Park without prior notice. It is the responsibility of the property owner to properly identify the location of a right-of-way line. Failure to remove a sign from the right-of-way shall not waive the Village's future right to remove such sign or any other sign placed in the right-of-way.

D. All signs must be maintained in good and safe condition. If the sign permitted in Sections 1137.02 (A) and (B) are not maintained in good and safe condition, notice shall be sent to the property owner by regular mail. The property owner shall have seven (7) days from the date of mailing indicated on the notice to restore or replace the sign to a good and safe condition. If the sign is not restored to a good and safe condition within seven (7) days, and the owner or occupant of the property has not filed an appeal from the notice, then the owner and/or occupant shall be in violation of this Chapter and guilty of a minor misdemeanor. Each day that the sign remains in violation of the notice to remove is a separate violation. No additional notices shall be required.

~~Every parcel that is permitted to display a sign containing a commercial message or other permitted message pursuant to the Zoning Ordinance shall be permitted to display a Free Speech Message in lieu of the permitted commercial or other permitted message. However, this provision shall not apply to existing signs displaying a message necessary for public safety, such as messages directing vehicular or pedestrian flow, parking restriction signs, or fire lane signs. Whether a sign displays a commercial message or a Free Speech Message, each sign shall still be subject to the dimensional regulations imposed in each zoning district, including, but not limited to, size, height, area and setback. Signs with the Free Speech Message displayed in lieu of a commercial message shall be permitted in addition to signs displaying the Free Speech Message permitted by Sections 1137.02 (A) and (B).~~

**1137.03 Conflict with Existing Provisions**

~~In furtherance of the purpose of this Chapter, if there is any conflict between the provisions of this Chapter with any other provision of the Zoning Ordinance, including those provisions regulating signs, and such conflict could be construed to infringe on Free Speech Messages, the provisions of this Chapter shall control.~~

**1137.024 Signs Not A Principal Use**

~~Signs shall be considered an accessory use and regulated as an accessory use pursuant to underlying zoning district regulations. However, signs authorized by Sections 1137.02 (A) and (B) shall be permitted to be displayed by the owner on undeveloped lots.~~

**1137.035 Signs Requiring a Zoning Certificate**

~~Signs authorized by Sections 1137.02 (A) and (B) and real estate signs permitted by the Zoning Ordinance are exempt from obtaining a Zoning Certificate. However, all signs displaying a commercial message, including signs permitted by Section 1137.02 (E), must apply for and receive a Zoning Certificate from the Village Building Official and a Building Permit from the County Building Department before commencing construction.~~

**1137.046 Appeal Process for Sign Application Denial**

~~In order to confirm a property owner's ability to exercise his or her First Amendment rights without undue delay, a special process shall be instituted for the appeal of the denial of a Zoning Certificate or a Building Permit for any sign. To the extent that the appeal process of this Section conflicts with the provisions of Section 1105.04 of the Zoning Ordinance, the appeal process of this Chapter shall control.~~

A. It shall be the duty of the Building Official to either approve or deny applications for Zoning Certificates or Building Permits for signs within seven (7) business days of the date of application. Any aggrieved applicant shall have the right to appeal the denial of a Zoning Certificate or Building Permit for a sign. Such appeal shall be heard by the Board of Zoning Appeals (BZA).

B. Any such appeal must be taken within ten (10) days after the decision of the Building Official by filing a notice of appeal, stating the grounds for such appeal, with the Building Official and the Board of Zoning Appeals. In the alternative, it shall be sufficient to satisfy this requirement to present the notice to the Village Clerk who shall cause the notice of appeal to be promptly delivered to the Building Official

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and the Board of Zoning Appeals. The Building Official shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

C. The Board shall fix a time from the hearing of the appeal not sooner than fifteen (15) days and not later than thirty (30) days from the filing of the notice of appeal. The Board shall give at least ten (10) days' notice in writing to all interested parties and give notice of such public hearing by one publication in one or more newspapers of general circulation in the Village at least ten (10) days before the date of the hearing. The appealing party has the right to waive any and all of the time restrictions imposed on the Board. However, absent such waiver, failure of the Board to act within these time limitations shall be deemed an approval of the application for the Zoning Certificate or Building Permit.

D. The Board shall render a written decision on the appeal not later than fourteen (14) days after the date of the public hearing.

#### 1137.057 General Provisions

The following general provisions are applicable to all signs unless modified by the general requirements or standards of a specific Zoning District:

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A. No freestanding or projecting sign shall be closer than ten (10) feet to the public right-of-way.

B. No sign shall be erected unless it is in compliance with the regulations of this Chapter.

C. No sign shall obstruct or interfere with traffic or traffic visibility, or resemble or imitate signs or signals erected by the Village or other governmental agency for the regulation of traffic or parking.

D. No sign, with the exception of a sign designed for changeable copy, shall have animation, moving parts, flashing lights or changing colors.

E. Signs, only in Business A and B Districts may be illuminated by either external or internal sources of light. However, no illuminated sign shall be permitted, any part of which flashes on or off or displays changing degrees of intensity. This regulation applies to signs located outside buildings and to window signs inside buildings which are meant to be seen from the outside.

F. No sign, whether freestanding, ground mounted or attached to a building or other structure, may project over any public right-of-way, except as expressly permitted in this Chapter.

G. No sign, with the exception of governmental signs, shall be placed in the existing public right-of-way.

H. No illuminated sign shall be placed or directed so as to permit a direct line of sight of an exposed light source upon a public thoroughfare, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or that negatively affects the private property rights of adjacent properties because of such glare or light.

I. All freestanding signs shall be designed to withstand the design wind speed as specified in the Ohio Building Code.

J. No illuminated signs are permitted in Residential Districts.

#### 1137.058 Signs Not Requiring a Zoning Certificate

The following signs do not require a Zoning Certificate but may be subject to the provisions of this Chapter:

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A. Governmental signs and signs erected by the government for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety.

B. Flags of reasonable customary size and color, emblems and insignia of any governmental agency, corporation, business, or political subdivision and temporary displays of a patriotic, religious, charitable or civic character.

C. Commemorative plaques placed by recognized historical agencies.

D. Interior signs that can be viewed only by persons within such use.

E. Non-commercial signs displaying messages, including but not limited to: directional signs, house numbers, real estate signs, construction signs, political signs, "now hiring", "help wanted", garage and yard sale signs. Such signs shall not be located within the public right-of-way and are subject to the provisions of each specific Zoning District as indicated in this Chapter.

F. Professional name plates not exceeding four (4) square feet in area.

G. Window Signs.

#### **1137.079 Measurement Standards**

The following standards shall be used to determine the area and height measurements for all signs in the Village:

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A. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign. Frames and structural members not bearing advertising matter shall not be included in the computation of surface area.

B. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any single point.

C. In the case of irregularly shaped three-dimensional signs the area of the display surface shall be measured on the plane of the largest vertical cross section.

D. The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign prior to construction, excluding additional elevation added by creation of berming or mounding. If the grade prior to construction cannot be determined, the elevation of the base of the sign shall be computed using the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower.

#### **1137.0840 Signs Permitted in Residential Districts**

A. The following signs are permitted in all residential Zoning Districts and shall not require a Zoning Permit:

1. Plaques, nameplates or tablets denoting the name of the building and/or date of erection not exceeding two (2) square feet in area.

2. Traffic or other signs erected and maintained by the Village or any other governmental agency, signs containing governmental legal notices and all other similar signs required by law to be posted.

3. Directional or informational signs (e.g. IN, OUT, ENTER, EXIT,) not exceeding four (4) square feet in area.

4. Official Federal, State, County or Village flags, emblems and historical markers.

5. Holiday or special event decorations.

6. Temporary Signs. Real estate signs.

a. Such sign shall not be illuminated. ~~Signs shall be removed within seven (7) days of the closing of sale on the property or at the end of the realtor's contract.~~

b. The maximum height shall be four-five (54) feet.

c. The maximum area shall be four-eight (84) square feet for residential property and sixteen (16) square feet for non-residential property.

d. ~~Freestanding real estate or construction signs shall be located on the same lot to which it is an accessory use and shall be located no closer to the right of way than five (5) feet.~~ Temporary signs shall include, but not be limited to, real estate signs; construction signs; and garage, yard sale, estate and auction signs.

7. ~~Construction signs.~~

a. ~~One (1) non-illuminated sign identifying parties engaged in the construction on the property may be permitted.~~

b. ~~The maximum height shall be four (4) feet.~~

c. ~~The maximum area shall be four (4) square feet.~~

d. ~~Freestanding construction signs shall be located on the same lot to which it is an accessory use and shall be located no closer to the right of way than five (5) feet.~~

e. ~~Such sign shall be removed upon completion of work.~~

8. ~~Garage, yard sale, estate and auction signs.~~

a. ~~One (1) non-illuminated sign may be erected seven (7) days prior to the scheduled event and shall be removed one (1) day after the conclusion of the event.~~

b. ~~The maximum area shall be four (4) square feet.~~

9. ~~Scoreboards~~

~~a. One (1) non-illuminated, electronic sign per foot field or individual property for the purpose of displaying (not broadcasting) game scores may be temporarily erected immediately prior (30 minutes) to the scheduled event and shall be removed immediately after (30 minutes) the conclusion of the event ("Events") are individual contests between teams and not extended tournaments or seasons. Scoreboards must comply with all other zoning and traffic ordinances and must be free of all advertising or sponsor names or logos.~~

~~b. The maximum area shall be 12 (twelve) square feet.~~

B. The following signs are permitted in all Residential Districts and shall require a Zoning Certificate:

1. Subdivision signs.

a. One (1) freestanding or wall sign shall be permitted per dedicated street entrance.

b. The maximum height shall be five (5) feet.

c. The maximum area shall be thirty-two (32) square feet.

2. Institutional signs.

a. One (1) freestanding or wall sign shall be permitted.

b. The maximum height shall be five (5) feet.

c. The maximum area shall be thirty-two (32) square feet.

**1137.0914 Signs Permitted in the Business "A" and "B" Districts**

A. The following signs are permitted in the Business Districts and shall not require a Zoning Certificate:

1. Plaques, nameplates or tablets denoting the name of the building and/or date of erection limited to two (2) square feet in area.

2. Traffic or other signs erected and maintained by the Village or any other governmental agency, signs containing governmental legal notices and all other similar signs required by law to be posted.

3. Directional or informational signs (e.g. IN, OUT, ENTER, EXIT).

a. The maximum area shall be two (2) square feet.

b. The maximum height shall be three (3) feet.

4. Official Federal, State, County or Village flags, emblems and historical markers.

5. Holiday or special event decorations.

6. Real estate signs Temporary Signs.

a. ~~One (1) non-illuminated sign shall be permitted per lot. Such signs shall be removed within seven (7) days of the closing of sale on the property or at the end of the realtor's contract.~~

b. The maximum height shall be six (6) feet.

c. The maximum area shall be thirty-two (32) square feet.

~~7. Construction signs.~~

a. ~~One (1) non-illuminated sign identifying parties engaged in the construction on the property may be permitted.~~

b. ~~The maximum height shall be six (6) feet.~~

c. ~~The maximum area shall be sixteen (16) square feet.~~

d. Temporary signs shall include, but not be limited to, real estate signs; constructions signs; and garage, yard sale, estate and auction signs. Such sign shall be removed upon completion of work. Such temporary signs shall not include Temporary Special Event Signs as described herein.

~~78. Window signs. Window signs located inside or behind a window shall be permitted, provided that the window sign is located in a building where a commercial or an industrial use is permitted as a principal use. No window shall advertise products or services not provided or for sale on the premises. Window signs and advertising not for profit and civic functions shall be permitted.~~

B. The following signs are permitted in the Business Districts and shall require a Zoning Certificate:

1. Business and Institutional signs.

a. Each occupant is permitted a total of two (2) signs in any combination listed below for all Business Districts:

1. One (1) freestanding and one (1) wall sign; or
2. One (1) freestanding sign and one (1) projecting sign; or
3. One (1) freestanding sign and one (1) marquee sign; or
4. One (1) freestanding sign and one (1) awning sign; or
5. One (1) freestanding sign and one (1) painted wall sign.

b. Freestanding signs.

1. Business "A" and "B" Districts The maximum height for a freestanding sign shall be twenty (20) feet with a maximum area of ten (10) square feet.

c. Wall, awning, marquee and projecting signs.



1. Wall sign square footage shall be computed by permitting up to one and one-half (1½) square feet of sign area for each linear foot of building frontage with a maximum sign face area of fifty (50) square feet.

2. The maximum height for a wall, awning, marquee and projecting sign shall be no higher than the wall on which it is erected.

3. Wall signs shall be located on the building or structure to which it is an accessory use and shall not project more than eighteen (18) inches from the building wall.

2. Temporary Special Event Signs.

a. Temporary special event commercial signs shall not be illuminated.

b. Temporary special event signs not exceeding fifty (50) square feet in area used for commercial or special events shall be permitted for a total of thirty (30) days. A period of sixty (60) days must lapse before another Permit is issued for the same business or institution.

c. Aerial signs or signs designed to be moved on trailer wheels, skids or similar devices may not be permitted as a temporary special event commercial signs.

d. The area, height and number of temporary special event commercial signs shall be reviewed by the Zoning Department and shall be determined by the requirements set forth in the regulations for each Zoning District as indicated in this Chapter.

**1137.1012 Non-Conforming Signs**

Notwithstanding any provision of this Chapter to the contrary, all signs erected following the effective date of these regulations shall comply with all the provisions of these regulations when erected. All signs which are in existence on the effective date of these regulations, that do not conform to the standards of this Chapter shall be considered non-conforming signs and shall be subject to the following provisions:

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A. No non-conforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated.

B. No non-conforming sign shall be allowed to remain after the use of land or building which has ceased by discontinuance or abandonment to which the sign relates.

**1137.1113 Maintenance and Removal of Signs**

Maintenance and removal of signs shall be as follows:

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A. All signs and sign structures shall be kept in repair and in a proper state of preservation.

B. Signs which are no longer functional, are abandoned or have been damaged to more than fifty (50) percent of its replacement value, shall be removed or relocated in compliance with the provisions of this Ordinance, within sixty (60) days following such damage or abandonment.

C. Illuminated signage that is not fully functioning as designed shall be turned off until the sign is illuminated to a fully functional state.

3317997.1

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# Proposed Revisions to Terrace Park Zoning Code

(Index)

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**Front Yard Setback Illustrations:** ..... 5  
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**Examples of Side Setback Calculations:** ..... 6

## 1111.03 Lot Development Standards

The following lot development standards shall apply to properties located in the Residence "A" District:

Minimum Lot Area	<ul style="list-style-type: none"> <li>• 12,000 square feet for single family dwellings.</li> <li>• 20,000 square feet for all other uses.</li> </ul>
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> <li>• 85 feet for single family dwelling.</li> <li>• 150 feet for all other uses.</li> </ul>
Minimum Lot Depth	<ul style="list-style-type: none"> <li>• 115 feet.</li> </ul>
Minimum Front Yard Setback (see Appendix 1 for illustrations)	<ul style="list-style-type: none"> <li>• A front yard setback shall not be less than 30 feet unless if two or more lots constituting 40% of the Frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in the depth of not more than six feet, in which case no new building or structure shall project beyond the average front yard so established. In no case shall a front yard be required to exceed 50 feet. (see Appendix 1 for calculation examples). However for every 1 foot the dwelling exceeds 25 feet in height, the Front Yard setback shall be increased an additional 1.5 feet until the Front Yard setback is at 30 feet at which point the Front Yard setback shall increase by 1 foot for every 1 foot the dwelling exceeds 25 feet.</li> </ul>
Minimum Side Yard Setback (see Appendix 2 for illustrations)	<ul style="list-style-type: none"> <li>• For single family dwellings, 15% of the lot Frontage to a maximum of 15 feet for each side yard. However for every 1 foot the dwelling exceeds 25 feet in height, the side yard setback shall be increased an additional 1 foot.</li> <li>• For all other Structures, 15% of the lot Frontage to a maximum of 30 feet for each side yard unless otherwise modified by the building height requirement in this Section. However for every 1 foot the dwelling exceeds 25 feet in height, the side yard setback shall be increased an additional 1 foot.</li> </ul>

Minimum Front Yard Setback	<ul style="list-style-type: none"> <li>45 feet from any adjoining public or dedicated street or highway.</li> </ul>
Minimum Side Yard Setback	<ul style="list-style-type: none"> <li>10 feet.</li> </ul>
	<ul style="list-style-type: none"> <li></li> </ul>

1119.05

**Lot Development Standards**

The following lot development standards shall apply to properties located in the Business "B" District:

Minimum Lot Area	<ul style="list-style-type: none"> <li>None required.</li> </ul>
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> <li>None required.</li> </ul>
Minimum Lot Depth	<ul style="list-style-type: none"> <li>None required.</li> </ul>
Minimum Front Yard Setback	<ul style="list-style-type: none"> <li>45 feet from any adjoining public or dedicated street or highway.</li> </ul>
	<ul style="list-style-type: none"> <li></li> </ul>

1131.01

**Accessory Uses, Buildings, Structures, Newly Located Driveways and Parking Pads**

- A. No Accessory Building or Structure shall be permanently constructed upon a lot until the construction of fifty (50) percent or more of the main building has been completed. Furthermore, no Accessory Building shall contain permanently installed cooking, showering, or bathing facilities.
- B. Accessory Buildings or Structures that are detached from the dwelling or main building may be built in a rear yard only. Detached Accessory Buildings shall not exceed eighteen (18) feet in Building Height. For the purposes of this Zoning Ordinance "detached" shall mean that there is no physical connection of the Accessory Building or Structure to the principal building. For a building to be attached, the connection must be substantial, at a minimum, the structures shall share at a common wall of at least 15 feet. Connecting such buildings by breezeways, decks, or other devices shall not transform a detached building into an attached building.
- C. On interior lots, no part of a detached Accessory Building shall be nearer to a side lot line or rear lot line than a distance of five (5) feet, and on corner lots no part of a detached Accessory Building shall be nearer to either a side lot line or the rear lot line than a distance of five (5) feet. On an alley, no detached Accessory Building shall be nearer to an alley than five (5) feet.

- D. No Accessory Building or all Accessory Buildings combined whether attached to or detached from the dwelling or main building shall occupy more than thirty (30) percent of the rear yard.
- E. Neither the Building Height nor the overall height of an Accessory Building or Structure shall exceed the Building Height or the overall height of the Principal Building on the lot on which it is erected.

**1135.04 Existing Non Conforming Lot of Record**

A lot of record which legally exists prior to the adoption of these zoning regulations but which does not meet the minimum lot size for the district it is located in may be built on based on the following standards. The standards shall be calculated and applied by the Zoning Department.

- A. The side setback may be reduced by the same proportion that the lot of record is smaller than the minimum required lot size for the district in which the lot is located. For example, if the lot of record is proportionally twenty-five (25) percent smaller than the minimum lot size, the side setback requirements may be reduced by twenty-five (25) percent. For example:

Residence "AA" District Requirements	Existing Lot of Record
Minimum Lot Size – 14,000 square feet	Existing Lot of Record – 10,500 square feet (25% smaller than required)
Required Side Yard – 15 feet	Modified Side Yard – 11.25 feet

See Appendix 2 for more calculation examples.

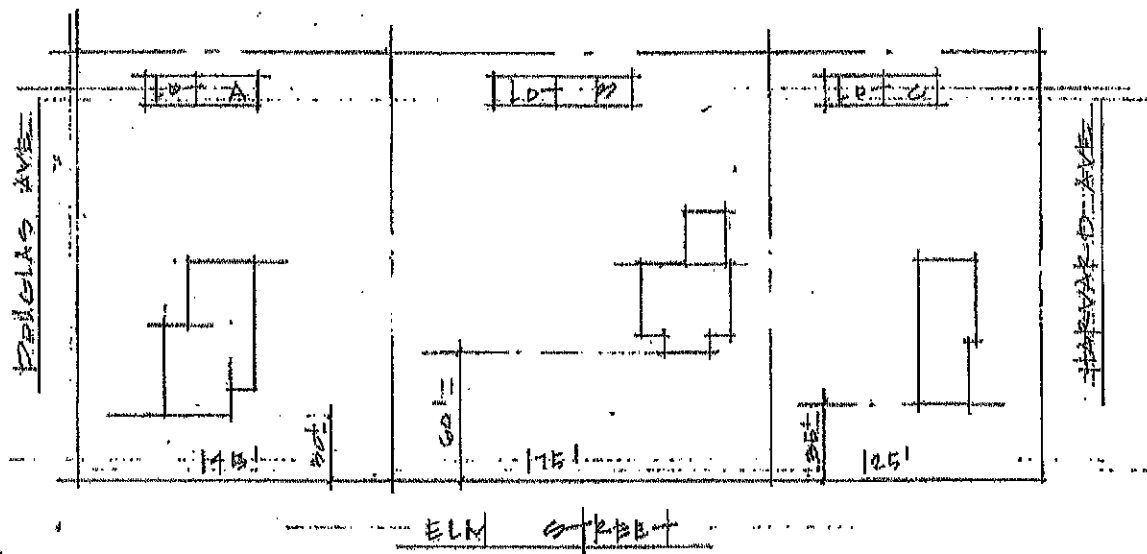
In no case shall the side yard setback requirement be less than 10 feet.

**Examples of Side Setback Calculations:**

<b>Conforming Lots</b>										
Side Set Back required is 15%										
The example below is for two conforming lots at 85 and 100 feet in width.										
	<b>Side yard set back calculation examples at different building heights.</b>									
Lot Width	>25	25	27	29	31	33	35	37*	39*	40*
85	12.75	12.75	14.75	16.75	18.75	20.75	22.75	24.75	26.75	27.75
100	15.00	15.00	17.00	19.00	21.00	23.00	25.00	27.00	29.00	30.00
* Note: When otherwise allowed										

<b>Non Conforming lots</b>										
For smaller non conforming lots, first calculate the % of lot size reduction to calculate the Initial set back and then modify the setback by the height of the building per calculation in paragraph 1135.04										
Assumptions per section 1111.05:										
The minimum side yard for a conforming lot in District A is 12.75 feet (85 feet in width times 15%)										
The minimum surface area of a conforming lot in District A is 12,000 sq feet										
Minimum side yard allowed per section 1135.04 is 10 feet.										
	Width	Length	Surface	Pct reduction in required set back	Yard Set Back	Minimum Allowed	Side Yard set back per 1135.04			
Minimum Conforming lot (district A)			12,000		12.75					
Non Conforming 1	50	115	5,750	52.1%	6.11	10.00	10.00			
Non Conforming 2	50	190	9,500	20.8%	10.09	10.00	10.09			
Non Conforming 3	75	150	11,250	6.3%	11.95	10.00	11.95			
If the building is higher than 25 feet, then the additional calculation below is performed.										
	<b>Side yard set back calculation examples at different building heights.</b>									
Lot size	>25	25	27	29	31	33	35	37*	39*	40*
50x115	10.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00	25.00
50x190	10.09	10.09	12.09	14.09	16.09	18.09	20.09	22.09	24.09	25.09
75x150	11.95	11.95	13.95	15.95	17.95	19.95	21.95	23.95	25.95	26.95
* Note: When otherwise allowed										

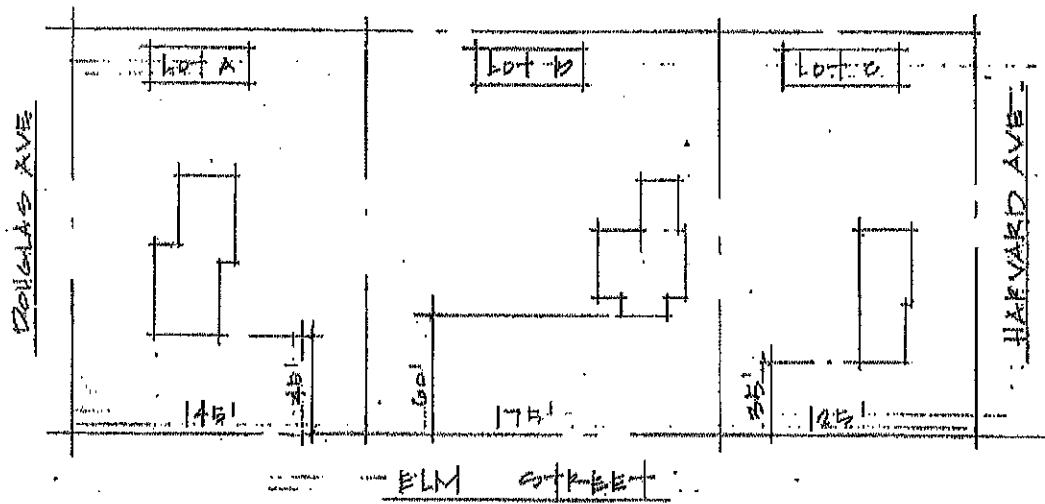
Front Yard Setback Illustration:



Calculations  
 Total length of block:  $145' + 175' + 125' = 445'$  total  
 40% REPT  $4 \times 445' = 178'$   
 Lot A + Lot C  $145' + 125' = 270'$  MORE THAN 40%  
 CURRENT FRONT YARDS WITHIN 6' DEPTH  
 $178' \div 2 = 89'$  REPT FRONT YARD

FRONT YARD SETBACK

Example of Lots Where Floating Setback Applies



CALCULATIONS

- Total Length of Block  $145' + 175' + 125' = 445'$  Total
- 20% Setback  $.2 \times 445 = 89'$
- No Lots are within 0' depth
- No Averaging

FRONT YARD SETBACK

Example of Lots Where Floating Setback Does Not Apply



Oct. 25, 2022

**Proposed Revision to the Terrace Park Zoning Code**

**Current language:**

1131.02 E. An Accessory Building or Structure shall not exceed the height of the Principal Building on the lot on which it is erected.

**Proposed language:**

Neither the Building Height nor the overall height of an Accessory Building or Structure shall exceed the Building Height or the overall height of the Principal Building on the lot on which it is erected.

**Rational for the proposed change:**

The current language is ambiguous because "height" is not capitalized nor a defined term. The Village interprets "height" to mean Building Height as that term is defined in the Terrace Park Zoning Code. Under this interpretation, a property owner could erect an Accessory Building that has a higher overall height compared to the Principal Building on the lot but an equal or lower Building Height compared to the Principal Building on the lot.

To help preserve the character of Terrace Park, both the overall height and the Building Height of an Accessory Building or Structure should be no greater than the respective heights of the Principal Building on the lot. Otherwise, an Accessory Building or Structure could be built that potentially dwarfs to some degree the Principal Building on the lot.

Respectfully submitted,

David Moyer, Chair of the Terrace Park Zoning Board of Appeals

**Proposed Revisions to Terrace Park Zoning Code**

**(Index)**

.....

**Appendix 1 ..... 101**

**Examples of Set Back Calculations Front Yard Setback Illustrations: ..... 101**

**Appendix 2 ..... 102**

**Front Yard Setback Illustration Examples of Side Setback Calculations: . 102**

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**1111.03 Lot Development Standards**

The following lot development standards shall apply to properties located in the Residence "A" District:

Minimum Lot Area	<ul style="list-style-type: none"> <li>• 12,000 square feet for single family dwellings.</li> <li>• 20,000 square feet for all other uses.</li> </ul>
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> <li>• 85 feet for single family dwelling.</li> <li>• 150 feet for all other uses.</li> </ul>
Minimum Lot Depth	<ul style="list-style-type: none"> <li>• 115 feet.</li> </ul>
Minimum Front Yard Setback (see Appendix 1 for illustrations)	<ul style="list-style-type: none"> <li>• A front yard setback shall not be less than 30 feet unless if two or more lots constituting 40% of the Frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in the depth of not more than six feet, in which case no new building or structure shall project beyond the average front yard so established. In no case shall a front yard be required to exceed 50 feet. (see Appendix 1 for calculation examples). However for every 1 foot the dwelling exceeds 25 feet in height, the Front Yard setback shall be increased an additional 1.5 feet until the Front Yard setback is at 30 feet at which point the Front Yard setback shall increase by 1 foot for every 1 foot the dwelling exceeds 25 feet.</li> </ul>
Minimum Side Yard Setback (see Appendix 2 for illustrations)	<ul style="list-style-type: none"> <li>• For single family dwellings, 15% of the lot Frontage to a maximum of 15 feet for each side yard. However for every 1 foot the dwelling exceeds 25 feet in height, the side yard setback shall be increased an additional 1 foot.</li> <li>• For all other Structures, 15% of the lot Frontage to a maximum of 30 feet for each side yard unless otherwise modified by the building height requirement in this Section. However for every 1 foot the dwelling exceeds 25 feet in height, the side yard setback shall be increased an additional 1 foot.</li> </ul>

1113.03 Lot Development Standards

The following lot development standards shall apply to properties located in the Residence "AA" District:

Minimum Lot Area	<ul style="list-style-type: none"> <li>• 14,000 square feet for single family dwellings.</li> <li>• 20,000 square feet for all other uses.</li> </ul>
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> <li>• 100 feet for single family dwelling.</li> <li>• 150 feet for all other uses.</li> </ul>
Minimum Lot Depth	<ul style="list-style-type: none"> <li>• 130 feet</li> </ul>
Minimum Front Yard Setback (see Appendix 3.1 for illustrations)	<ul style="list-style-type: none"> <li>• A front yard setback shall not be less than 30 feet unless if two or more lots constituting 40% of the Frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in the depth of not more than six feet, in which case no new building or structure shall project beyond the average front yard so established. In no case shall a front yard be required to exceed 50 feet. (see Appendix 1 for calculation examples). However for every 1 foot the dwelling exceeds 25 feet in height, the Front Yard setback shall be increased an additional 1.5 feet until the Front Yard setback is at 30 feet at which point the Front Yard setback shall increase by 1 foot for every 1 foot the dwelling exceeds 25 feet.</li> <li>• 50 feet for all other uses.</li> </ul>
Minimum Side Yard Setback (see Appendix 2 for illustrations)	<ul style="list-style-type: none"> <li>• For single family dwellings, 15% of the lot Frontage to a maximum of 15 feet for each side yard. However for every 1 foot the dwelling exceeds 25 feet in height, the side yard setback shall be increased an additional 1 foot.</li> <li>• For all other Structures, 15% of the lot Frontage to a maximum of 30 feet for each side yard unless otherwise modified by the building height requirement in this Section. However for every 1 foot the dwelling exceeds 25 feet in height, the side yard setback shall be increased an additional 1 foot.</li> </ul>

1117.05 Lot Development Standards

The following lot development standards shall apply to properties located in the Business "A" District:

Minimum Lot Area	<ul style="list-style-type: none"> <li>• None required.</li> </ul>
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> <li>• None required.</li> </ul>
Minimum Lot Depth	<ul style="list-style-type: none"> <li>• None required.</li> </ul>

Minimum Front Yard Setback (see Appendix 3 for illustration)	<ul style="list-style-type: none"> <li>45 feet from any adjoining public or dedicated street or highway.</li> </ul>
Minimum Side Yard Setback	<ul style="list-style-type: none"> <li>10 feet.</li> </ul>
	<ul style="list-style-type: none"> <li></li> </ul>

1119.05

**Lot Development Standards**

The following lot development standards shall apply to properties located in the Business "B" District:

Minimum Lot Area	<ul style="list-style-type: none"> <li>None required.</li> </ul>
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> <li>None required.</li> </ul>
Minimum Lot Depth	<ul style="list-style-type: none"> <li>None required.</li> </ul>
Minimum Front Yard Setback (see Appendix 3 for illustration)	<ul style="list-style-type: none"> <li>45 feet from any adjoining public or dedicated street or highway.</li> </ul>
	<ul style="list-style-type: none"> <li></li> </ul>

1131.01

**Accessory Uses, Buildings, Structures, Newly Located Driveways and Parking Pads**

- A. No Accessory Building or Structure shall be permanently constructed upon a lot until the construction of fifty (50) percent or more of the main building has been completed. Furthermore, no Accessory Building shall contain permanently installed cooking, showering, or bathing facilities.
- B. Accessory Buildings or Structures that are detached from the dwelling or main building may be built in a rear yard only. Detached Accessory Buildings shall not exceed eighteen (18) feet in Building Height. For the purposes of this Zoning Ordinance "detached" shall mean that there is no physical connection of the Accessory Building or Structure to the principal building. For a building to be attached, the connection must be substantial, at a minimum, the structures shall share a common wall of at least 15 feet. Connecting such buildings by breezeways, decks, or other devices shall not transform a detached building into an attached building.
- C. On interior lots, no part of a detached Accessory Building shall be nearer to a side lot line or rear lot line than a distance of five (5) feet, and on corner lots no part of a detached Accessory Building shall be nearer to either a side lot line or the rear lot line than a distance of five (5) feet. On an alley, no detached Accessory Building shall be nearer to an alley than five (5) feet.

- D. No Accessory Building or all Accessory Buildings combined whether attached to or detached from the dwelling or main building shall occupy more than thirty (30) percent of the rear yard.
- E. An Accessory Building or Structure shall not exceed the height of the Principal Building on the lot on which it is erected. Neither the Building Height nor the overall height of an Accessory Building or Structure shall exceed the Building Height or the overall height of the Principal Building on the lot on which it is erected.

**1135.04 Existing Non Conforming Lot of Record**

A lot of record which legally exists prior to the adoption of these zoning regulations but which does not meet the minimum lot size for the district it is located in may be built on based on the following standards. The standards shall be calculated and applied by the Zoning Department.

- A. The side setback may be reduced by the same proportion that the lot of record is smaller than the minimum required lot size for the district in which the lot is located. For example, if the lot of record is proportionally twenty-five (25) percent smaller than the minimum lot size, the side setback requirements may be reduced by twenty-five (25) percent. For example:

Residence "AA" District Requirements	Existing Lot of Record
Minimum Lot Size – 14,000 square feet	Existing Lot of Record – 10,500 square feet (25% smaller than required)
Required Side Yard – 15 feet	Modified Side Yard – 11.25 feet

See Appendix 42 for more calculation examples.

In no case shall the side yard setback requirement be less than 10 feet.

**Appendix 42**

**Examples of Side Set Back Calculations:**

**Conforming Lots**  
Side Set Back required is 15%.

The example below is for two conforming lots at 85 and 100 feet in width.

Side yard set back calculation examples at different building heights.										
Lot Width	>25	25	27	29	31	33	35	37*	39*	40*
85	12.75	12.75	14.75	16.75	18.75	20.75	22.75	24.75	26.75	27.75
100	15.00	15.00	17.00	19.00	21.00	23.00	25.00	27.00	29.00	30.00

\* Note: When otherwise allowed

**Non Conforming lots**  
For smaller non conforming lots, first calculate the % of lot size reduction to calculate the initial set back and then modify the setback by the height of the building per calculation in paragraph 1135.04

Assumptions per section 1111.05:  
The minimum side yard for a conforming lot in District A is 12.75 feet (85 feet in width times 15%)  
The minimum surface area of a conforming lot in District A is 12,000 sq feet  
Minimum side yard allowed per section 1135.04 is 10 feet.

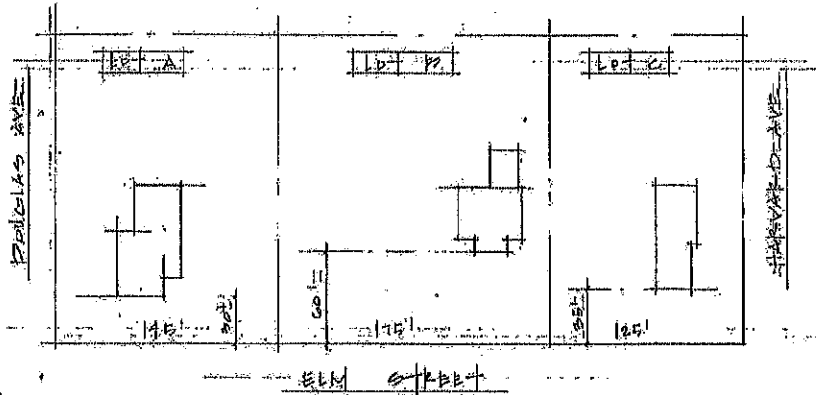
	Width	Length	Surface	Pot. reduction in required set back	Yard Set Back	Minimum Allowed	Side Yard set back per 1135.04
Minimum Conforming lot (district A)			12,000		12.75		
Non Conforming 1	60	115	5,750	52.1%	6.11	10.00	10.00
Non Conforming 2	50	190	9,500	20.8%	10.09	10.00	10.09
Non Conforming 3	75	160	11,250	6.3%	11.95	10.00	11.95

If the building is higher than 25 feet, then the additional calculation below is performed.

Side yard set back calculation examples at different building heights.										
Lot size	>25	25	27	29	31	33	35	37*	39*	40*
50x115	10.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00	25.00
50x190	10.09	10.09	12.09	14.09	16.09	18.09	20.09	22.09	24.09	25.09
75x150	11.95	11.95	13.95	15.95	17.95	19.95	21.95	23.95	25.95	26.95

\* Note: When otherwise allowed

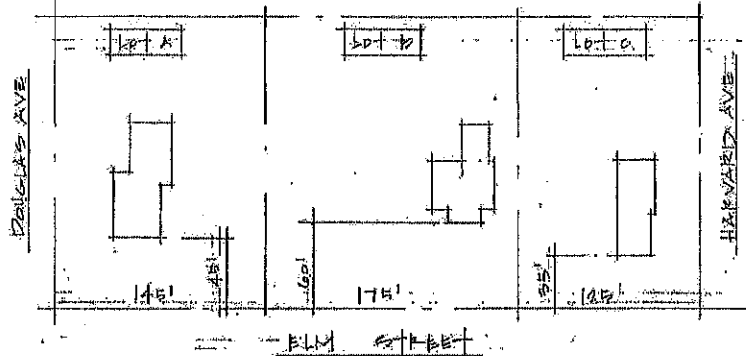
Front Yard Setback Illustration:



Calculation:  
 Total Length of block: 145' + 175' + 125' = 445' total  
 40% Repts of 445' = 178'  
 145' + 125' = 270' More than 40%  
 Different front yards within of street  
 270' + 25' = 305' + 2' = 307' Repts front yard

FRONT YARD SETBACK

Example of Lots Where Floating Setback Applies



CALCULATIONS

Total length of block 145' + 175' + 125' = 445' total  
Setback 4' x 445' = 1780'  
No lots are within a 1780' setback

Front yard setback

Example of Lots Where Floating Setback Does Not Apply



**ORDINANCE NO. 4-2-2023**

**REPEALING EXISTING CHAPTER 151 IN ITS ENTIRETY  
AND APPROVING NEW CHAPTER 151  
REGARDING FLOOD DAMAGE REDUCTION**

WHEREAS, The Village of Terrace Park, Ohio participates in the National Flood Insurance Program to provide coverage to properties and structures located within designated floodway areas, and

WHEREAS, The Federal Emergency Management Agency and the Ohio Department of Natural Resources has published an amended floodway map for the Village of Terrace Park , and

WHEREAS, The Village of Terrace Park must amend its present Flood Hazard Code to comply with new regulations as specified by FEMA and ODNR in order to continue its eligibility in the NIFP, and

WHEREAS, ARTICLE 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, and

WHEREAS, The Village of Terrace Park 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, flood proofed, 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 regulations are adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TERRACE PARK, STATE OF OHIO:**

**SECTION 1.** That the following regulations shall be Chapter 151 of the Village of Terrace Park Code in its entirety:

**SECTION 1.0: GENERAL PROVISIONS**

**1.1 Statutory Authorization**

ARTICLE 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 Council of the Village of Terrace Park, State of Ohio, does ordain as follows:

**1.2 Findings of Fact**

The Village of Terrace Park 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 regulations are adopted.

### **1.3 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, 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.

### **1.4 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.

**1.5 Lands to Which These Regulations Apply**

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Village of Terrace Park as identified in Section 1.6, including any additional areas of special flood hazard annexed by the Village of Terrace Park.

**1.6 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 Rate Map (FIRM) and Flood Insurance Study (FIS) for Hamilton County, Ohio and Incorporated Areas both effective June 7, 2023.
- B. Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Terrace Park as required by Section 4.3 Subdivisions and 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 Village Municipal Building, 428 Elm Avenue, Terrace Park, OH.

**1.7 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 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.

**1.8 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.

**1.9 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 Village of Terrace Park, 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.

**1.10 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.

## **SECTION 2.0: 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**

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

### **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**

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)**

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 lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

### **Basement**

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

### **Development**

Any manmade 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**

See "Lowest Floor."

### **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)**

The agency with the overall responsibility for administering the National Flood Insurance Program.

### **Fill**

A deposit of earth material placed by artificial means.

### **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)**

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

### **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**

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)**

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

(sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

### **Floodproofing**

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

### **Flood Protection Elevation**

The Flood Protection Elevation, or FPE, is the base flood elevation plus two [2] feet 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.

### **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: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

### **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**

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.
4. Individually listed on the inventory of historic places maintained by the Village of Terrace Park's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

### **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)**

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. LOMCs 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 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.

### **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**

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 of the Ohio Revised Code.

### **Manufactured home park**

As specified in the Ohio Adm. Code 4781-12-01(K), 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**

For purposes of the National Flood Insurance Program, 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)**

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**

Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the Village of Terrace Park and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM January 5<sup>th</sup>, 1984 and includes any subsequent improvements to such structures.

### **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 Rev. Code §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**

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**

A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

**Registered Professional Engineer**

A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

**Registered Professional Surveyor**

A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

**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, or 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**

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**

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

**Substantial Damage**

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

**Substantial Improvement**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 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 project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified 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 would not preclude the structure's continued designation as a "historic structure".

**Variance**

A grant of relief from the standards of these regulations.

**Violation**

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

## **SECTION 3.0: ADMINISTRATION**

### **3.1 Designation of the Floodplain Administrator**

The Zoning Administrator, Village Administrator or their designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

### **3.2 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.
- 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.

### **3.3 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 1.6, 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.

### **3.4 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 4.5.
  2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(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 4.9(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 4.9(B).
  5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
  6. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 4.3.

### **3.5 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 3.4 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 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.

**3.6 Inspections**

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

**3.7 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 professional 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 3.11(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 applicant shall supply a completed *Floodproofing Certificate for Non-Residential Structures* completed by a registered professional engineer or architect together with associated documentation.

**3.8 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 in accordance with Section 5 of these regulations.

### **3.9 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 activities (except for filling and grading) valued at less than \$2500.

### **3.10 State and Federal Development**

A. Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum 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 the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
2. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
3. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.

C. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 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 requirements of EO 11988.

### **3.11 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 Village of Terrace Park's flood maps, studies and other data identified in Section 1.6 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 other new development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.11(A), 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 3.11(A)(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 Mayor of Village of Terrace Park, 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 Village of Terrace Park 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 Village of Terrace Park's Flood Insurance Rate Map accurately represent the Village of Terrace Park's boundaries, include within such notification a copy of a map of the Village of Terrace Park suitable for reproduction, clearly



showing the new corporate limits or the new area for which the Village of Terrace Park has assumed or relinquished floodplain management regulatory authority.

### **3.12 Data Use and Flood Map Interpretation**

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. 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 5.0, Appeals and Variances.
- 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.

### **3.13 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 FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as best available data.
  2. When all appeals have been resolved and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), 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 a 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 BFEs 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 until 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 4.9(B) since the data in the draft or 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, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

### **3.14 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 substantially damaged structures 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 assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

## **SECTION 4.0: 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 1.6, 3.12(A), or 3.13:

### **4.1 Use Regulations**

#### **A. Permitted Uses**

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by Village of Terrace Park are allowed provided they meet the provisions of these regulations.

### **4.2 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:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters 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.

### **4.3 Subdivisions and 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 or eliminate 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.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.11(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

#### 4.4 Residential Structures

The requirements of Section 4.4 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 designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 3.13.

- 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 base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) 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 shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available 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 using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure 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 flotation, 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 4.4.

#### **4.5 Nonresidential Structures**

The requirements of Section 4.5 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 3.13.

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 4.4 (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 Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).

#### **4.6 Accessory Structures**

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 floodwaters;
- 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 4.4(E)(3);

#### **4.7 Recreational Vehicles**

Recreational vehicles on sites within zones A, A1-A30, 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 3.3 and 3.4, and meet all standards of Section 4.4.

**4.8 Gas or Liquid Storage Tanks**

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

**4.9 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 3.11(A);
  - 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 that 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 Mayor of Village of Terrace Park 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 and hydraulic 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 4.9(A)(2), 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 Village of Terrace Park 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 3.11(A)(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.

## **SECTION 5.0: APPEALS AND VARIANCES**

### **5.1 Appeals Board Established**

- A. The Village of Terrace Park's Zoning Board of Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by the Village of Terrace Park Chapter 151 and Chapter 1105.
- B. Records of the Appeals Board shall be kept and filed in the Village Municipal Building, 428 Elm Avenue, Terrace Park, OH.

## **5.2 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 5.4 of these regulations.

## **5.3 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 [21] 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.

## **5.4 Variances**

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

### **A. Application for a Variance**

1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
3. All applications for a variance shall be accompanied by a Variance Application Fee set in the Schedule of Fees adopted by Terrace Park.



## **B. Notice for Public Hearing**

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

## **C. Public Hearing**

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variations shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

#### **D. Other Conditions for Variances**

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### **5.5 Procedure at Hearings**

1. All testimony shall be given under oath.
2. 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.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. 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.
8. 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.

#### **5.6 Appeal to the Court**

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Hamilton County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

## **SECTION 6.0: ENFORCEMENT**

### **6.1 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 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- 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 6.3.

### **6.2 Notice of Violation**

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, they 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.

### **6.3 Violations and Penalties**

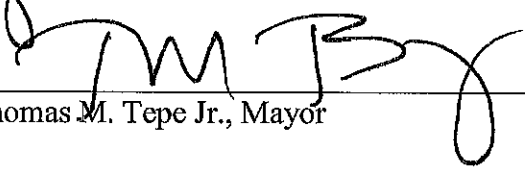
Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a misdemeanor of the fourth degree. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Terrace Park. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Terrace Park from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Terrace Park shall prosecute any violation of these regulations in accordance with the penalties stated herein.

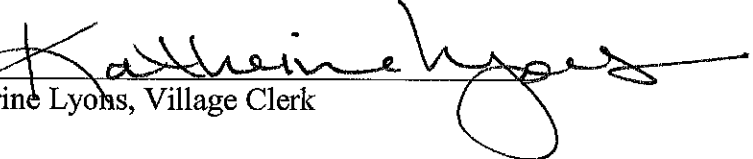
**SECTION 2.** That the existing Section 151 of the Village of Terrace Park Code is hereby repealed in its entirety.

**SECTION 3.** That this Ordinance shall take effect from and after the earliest period allowed by law.

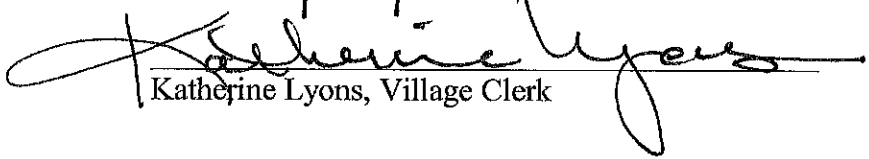
**SECTION 4.** The Village Clerk be, and she hereby is authorized and directed to publish this Resolution by posting a copy thereof in the five most public places in the Village as heretofore determined by Council.

Passed this 9<sup>th</sup> Day of May, 2023.

  
\_\_\_\_\_  
Thomas M. Tepe Jr., Mayor

Attest:  
  
\_\_\_\_\_  
Katherine Lyons, Village Clerk

I, Katherine Lyons, certify that this Resolution was posted at the five Village bulletin boards for the fifteen day period ending May 24, 2023.

  
\_\_\_\_\_  
Katherine Lyons, Village Clerk

3330770.1



# Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Division of Water Resources  
Dena C. Barnhouse, Acting Chief  
2045 Morse Road/Building B-3  
Columbus, Ohio 43229  
614-265-6620  
[Water@dnr.state.oh.us](mailto:Water@dnr.state.oh.us)

May 25, 2023

Ms. Michelle Staff, CFM, Floodplain Management Specialist  
Mitigation Division  
FEMA Region 5  
536 S Clark St. 6th Floor  
Chicago, IL 60605

RE: Village of Terrace Park Flood Damage Reduction Regulations

Dear Ms. Staff:

Enclosed please find a certified copy of compliant floodplain regulations Ordinance No. 4-2-2023 for the Village of Terrace Park, Ohio with supporting evaluation sheets. The update of the community regulations was initiated upon revision of the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Hamilton County, Ohio and Incorporated Areas, effective June 7, 2023.

Please contact me at the following if you have any questions:  
614-265-2098, [Rachel.woods@dnr.ohio.gov](mailto:Rachel.woods@dnr.ohio.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Woods".

Rachel Woods  
Environmental Specialist  
Division of Water Resources  
Ohio Department of Natural Resources

cc: Thomas M. Tepe Jr, Mayor – Village of Terrace Park  
Gerald Hayhow, Village Administrator, Flood Plain Administrator-Village of Terrace Park  
Katie Lyons, Clerk of Council - Village of Terrace Park



# Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Division of Water Resources  
Dena C. Barnhouse, Acting Chief  
2045 Morse Road/Building B-3  
Columbus, Ohio 43229  
614-265-6620  
[Water@dnr.state.oh.us](mailto:Water@dnr.state.oh.us)

May 25, 2023

The Honorable Thomas M. Tepe Jr, Mayor  
Village Municipal Building  
428 Elm Avenue  
Terrace Park, OH, 45174

RE: Village of Terrace Park Flood Damage Reduction Regulations

Dear Mayor Tepe:

On May 11<sup>th</sup>, 2023, our office received the final documentation for the adoption of the Ordinance No. 4-2-2023 for the Village of Terrace Park, Ohio. The update of these regulations was initiated upon revision of the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) for Hamilton County, Ohio, and Incorporated Areas, effective June 7, 2023. In accordance with Section 1521.18 of the Ohio Revised Code, ODNR's Floodplain Management Program has reviewed these regulations and finds them compliant with the minimum standards of the National Flood Insurance Program (NFIP). I will forward a copy of these regulations to the Federal Emergency Management Agency (FEMA) on your behalf.

Thank you for your cooperation in the update of your local floodplain management ordinance. If you or other community officials have questions about this information, the NFIP regulations, or need other assistance in floodplain management, please contact me at the following: 614-265-2098, [Rachel.woods@dnr.ohio.gov](mailto:Rachel.woods@dnr.ohio.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Woods".

Rachel Woods  
Environmental Specialist  
Division of Water Resources  
Ohio Department of Natural Resources

cc: Michelle Staff, Floodplain Management Specialist – FEMA Region V  
Gerald Hayhow, Village Administrator, Flood Plain Administrator - Village of Terrace Park  
Katie Lyons, Clerk of Council - Village of Terrace Park