

Pride ~ Progress ~ Possibilities

**Riverside Municipal Building
5200 Springfield Street, Suite 100
Riverside, Ohio 45431**

September 1, 2022

Council Meeting

6:00 P.M.

City Council

PETER J. WILLIAMS, MAYOR

MIKE DENNING
APRIL FRANKLIN
BRENDA FRY
ZACHARY JOSEPH
SARA LOMMATZSCH
JESSE MAXFIELD

Josh Rauch, City Manager

Katie Lewallen, Clerk of Council

Calendar for year 2022 (United States)



January

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Jan 6 • Council Meeting
Jan 13 • Work Session
Jan 20 • Council Meeting
Feb 3 • Council Meeting
Feb 10 • Work Session
Feb 17 • Council Meeting
Feb 21 • Offices Closed
Mar 3 • Council Meeting
Mar 10 • Work Session
Mar 17 • Council Meeting
Apr 7 • Council Meeting
Apr 14 • Work Session
Apr 21 • Council Meeting
May 5 • Council Meeting
May 12 • Work Session
May 19 • Council Meeting

May 30 • Offices Closed
Jun 2 • Council Meeting
Jun 9 • Work Session
Jun 16 • Council Meeting
Jul 4 • Offices Closed
Jul 7 • Council Meeting
Jul 14 • Work Session
Jul 21 • Council Meeting
Aug 4 • Council Meeting
Aug 11 • Work Session
Aug 18 • Council Meeting
Sep 1 • Council Meeting
Sep 5 • Offices Closed
Sep 8 • Work Session
Sep 15 • Council Meeting
Oct 6 • Council Meeting

Oct 13 • Work Session
Oct 20 • Council Meeting
Nov 3 • Council Meeting
Nov 8 • Election Day
Nov 10 • Work Session
Nov 11 • Offices Closed
Nov 17 • Council Meeting
Nov 24 • Offices Closed
Nov 25 • Offices Closed
Dec 1 • Council Meeting
Dec 8 • Work Session
Dec 15 • Council Meeting
Dec 23 • Offices Closed
Dec 26 • Offices Closed

AGENDA

Please place all cell phones in silent mode before the meeting begins.

RIVERSIDE CITY COUNCIL

**Riverside Administrative Offices
5200 Springfield Street, Suite 100
Riverside, Ohio 45431**

**Thursday, September 1, 2022
Business Meeting 6:00 P.M.**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) EXCUSE ABSENT MEMBERS
- 4) ADDITIONS OR CORRECTIONS TO AGENDA
- 5) APPROVAL OF AGENDA
- 6) PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- 7) PROCLAMATION – 9/11 Day
- 8) MINUTES – Approval of minutes from the August 11, 2022, council work session, August 13, 2022, council strategic planning session, and August 18, 2022, council business meeting.
- 9) LIQUOR CONTROL – Application for change of corporate stock ownership – Param Anand LLC DBA Yum Yums Drive Thru, 635 Spinning Road, Riverside, OH, 45431.
- 10) ACCEPTANCE OF CITIZEN PETITIONS
- 11) DEPARTMENT UPDATES:
 - A) Police Department
 - B) Fire Department
 - C) Public Service Department
 - D) City Manager Report
- 12) PUBLIC COMMENT ON AGENDA ITEMS
- 13) OLD BUSINESS
 - A) ORDINANCES
 - I) **Ordinance No. 22-O-805** – An ordinance adding New Chapter 1505 – Fire Safety Equipment and Facilities, which include new Section 1505.01, Hydrant

*If you need special accommodations to attend this meeting,
please notify the City of Riverside at least 72 hours in advance by calling 937.233.1801.*

Location, Number, and Approval; and new Section 1505.03, Fire Hydrant Placement and Standards, to the Codified Ordinances of the City of Riverside, Ohio. (2nd reading, public hearing, adoption)

14) NEW BUSINESS

A) ORDINANCES

- I) **Ordinance No. 22-O-806** – An ordinance amending Section 1113.19 Floodplain Design Standards of the Unified Development Ordinance (UDO) of the City of Riverside, Ohio. (1st reading)

B) RESOLUTIONS

- I) **Resolution No. 22-R-2788** – A resolution amending Resolution No. 21-R-2720 authorizing the city manager to enter into a professional service agreement with the Montgomery County Transportation Improvement District (TID) to provide project management and financing services for the Harshman Realignment Project – Woodman Phase 4.
- II) **Resolution No. 22-R-2789** – A resolution authorizing the city manager to make application to the U.S. Department of Transportation (DOT) for the purpose of obtaining a Safe Streets for All (SS4A) Grant for the Woodman Corridor Study Project.

15) PUBLIC COMMENT ON NON-AGENDA ITEMS

16) COUNCIL MEMBER COMMENTS

- 17) EXECUTIVE SESSION – 103.01(3) Conferences with any attorney representing the City as counsel, concerning disputes involving the City, its council, boards, commissions, officials and employees that are the subject of pending or imminent court action or discussions of any matters which are properly covered under the attorney-client privilege as recognized by the law of Ohio.

18) RECONVENE

19) ADJOURNMENT

MINUTES



MEETING DATE: September 1, 2022

AGENDA ITEM: Minutes

TO: Riverside City Council

FROM: Katie Lewallen, Clerk of Council

SUBJECT: Minutes

EXPLANATION: Consider the approval of the minutes of the August 11, 2022, work session, the August 13, 2022, special council meeting, and the August 18, 2022, council business meeting.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached minutes.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

EXHIBITS

Draft minutes

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Work Session to order at 6:01 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

PLEDGE OF ALLEGIANCE: Mayor Williams led the pledge of allegiance.

ROLL CALL: Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, absent; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; Frank Robinson, Police Chief; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: Deputy Mayor Denning moved, seconded by Ms. Lommatzsch, to excuse Mr. Maxfield. All were in favor. **Motion carried.**

ADDITIONS OR CORRECTIONS TO AGENDA: No changes were made.

APPROVAL OF AGENDA: Ms. Lommatzsch moved, seconded by Mr. Joseph, to approve the agenda as presented. All were in favor. **Motion carried.**

WORK SESSION ITEMS:

I. Tom Cloud Park – Mr. Rauch stated that the Oakes Tree Development is working on a project in the Northern Circle Area. There is a housing project being developed. Oakes Tree Development has been in discussion with Huber Heights, the entity that owns Thomas Cloud Park. Mr. Oakes, who owns the property adjacent to the park, has worked a deal out with the City of Huber Heights to expand Tom Cloud Park. This is occurring within the City of Riverside city limits, but this is a private property deal; and the city is not involved in the actual exchange of property. However, the City of Huber Heights has asked Riverside City Council to approve a resolution in support of the expansion of Thomas Cloud Park. That is what is going to be presented to council next week. The city has no substantive obligation. The resolution just states that Riverside supports the expansion, and to meet with Huber Heights to discuss the expansion and planning of the expansion of the park along with any grants Huber Heights may wish to pursue. The City of Riverside is not committing any money to this. The parcel and park portion would still be located in Riverside.

Mayor Williams stated there are other properties in the city that are owned by neighboring political subdivisions.

Ms. Fry asked if there had been any discussion as to whether they want to provide access to Riverside residents to that part of the park. Mr. Rauch stated that is part of what they would commit to as part of this process. If the park expansion does go forward, then the City of Riverside would be a part of that discussion. Ms. Fry stated her reservation is the order as they are asking for Riverside to support their purchase of the parcel before they know that they are willing allow residents to use the park. Mr. Rauch stated he believes the willingness

is there as they have passed a similar resolution. He has had conversations with the developer and the city manager of Huber Heights. Everyone's interest is expanding this amenity for the use of any resident in the area that is part of the conversation they would have going forward.

Discussion continued on being part of the conversation with the resolution and everyone's willingness to work together. Mayor Williams stated they should go at this with a good neighbor train of thought.

II. Floodplain Ordinance Update – Mr. Rauch stated that the city is required to maintain up-to-date floodplain standards in the zoning code. This has already gone through the planning commission process. Council will see this in early September. These are lengthy and dense regulations required by the federal government. It is a housekeeping item that they need to keep up to date because if they don't, they run the risk of missing grant opportunities and other things by not adopting the latest standards.

III. Health & Safety Commission – Mr. Rauch stated that the Health and Safety Commission exists in the code by ordinance. He has spoken with many members of this commission already. He reviewed the creation, membership, and purpose/role of the commission. The commission consists of seven members, two, of which, are vacant, and four of them expire this month. So, after this month there will be one authorized member of the commission still serving. He explained the difficulty of the commission getting volunteers along with other boards and committees. He stated he spoke with the members of the commission to get thoughts and opinions about their experience and what steps they would need to attract more to serve. He heard from them three key themes: 1) focus on events – bike rodeos, bulk of the energy, 2) some want to broaden scope beyond events and 3) perception they can do more policy related things like ADA access or streets for accessibility and pedestrian safety. He suggested they pause on the Health & Safety Commission and use this opportunity to lean into the strategic planning process to identify in council's view what are health and safety related priorities can they focus attention on in the coming months and years. They can then link that up to what the commission can do and how can they do that. They could then pivot the commission to work on broader policy areas that some members wish to focus on. They could also make recommendation to Parks and Recreation and other service organizations in the community. In conjunction with that, they may want to consider some code updates and health and safety commission bylaws. It will depend on the strategic plan in the coming months, but he thinks having a member of council serve as ex-officio to be plugged into the process and creates a linkage between staff, council, and volunteers. He added they want to modify the meeting times and frequency depending on the direction they want to take. This is a conversation they will have when they reset the work of the commission.

Mr. Rauch stated the last part of this and one they will need to work together on is recruitment. Once they know what the commissions priorities should be, they will need to leverage many opportunities and avenues to recruit people who may want to serve. It is a challenge across the country to recruit volunteers, but they have avenues to find and know people who may want to serve. This will take some time to implement, but they can resume the discussion in January or February and move forward with it.

Ms. Fry stated she appreciated the time he took to give this attention and put them in a position to where they can make a difference.

Mayor Williams stated that challenging citizen volunteers with policy questions he would love to point folks in that direction. When people see council in public and have questions, he would love to be able to point to a board or committee that works specifically on policy issues.

Mrs. Franklin asked since it is in their administrative code do they need to take any action to pause what they are doing. Mr. Rauch stated he has not been advised to take special action. They intend to do the best to live up to the ordinance; they are laying that groundwork. She asked when they start it back up will they decide what they can and cannot do. Mr. Rauch stated they don't want to be so proscriptive versus being so broad. By linking it to the strategic plan idea, the elements that come out of that are what they will focus on, and they will determine the best way to prioritize that. If they were going to do a big road project, for example, this is where they may bring them in for feedback on how this road project strikes them in terms of meeting the city's safety goals.

Mr. Joseph stated they are tasking this commission with ADA accessibility, and it seems very specialized so, would the commission need to go learn the ADA accessibility laws. Mayor Williams stated he does not think so. They have a citizen committee for the planning commission and no one who sits on there is a certified planner, but they have staff that provides the best practices and information. They want a board to give input; the planning commission never has to fly alone. Staff provides them with the information they need to make a decision. Discussion continued on council being more policy driven and strategic planning when the opportunities come, they know where their mind is on policy and how to move forward.

IV. SRO Update – Mr. Rauch stated they received a grant from the State of Ohio, which will help them pay for the School Resource Officer. The grant is approximately \$30,000. The total cost of a police officer is around \$110,000 - \$115,000, so the grant pays almost a third of that. They have been in discussion with the school district, and they determined they will equally split the cost of \$40,000 each. In doing this, it creates enough revenue to create a new dedicated SRO position in the police department and fully fund it. The grant can be applied for year-to-year, and they will apply for it next year to keep this going. He stated that Councilman Joseph suggested they have an MOU as many police departments and school districts do this across the country. This helps to govern the nature of the relationship and spell it out with some detail. Chief Robinson and the school district have been working together to create the MOU that Mr. Rauch hopes to bring forward next week. This MOU helps both the schools and the police department to arrive at a clear understanding that the SRO is not the school disciplinarian. The SRO is a multi-faceted position that involves education, outreach, and relationship building.

Mr. Joseph commented on the MOU and how it will be a long standing document that is renewed annually. It will get tweaked as needed and will exist long after council changes. It will safeguard them to have an effective SRO.

Ms. Fry stated she appreciated the thoroughness of the document. She has had a lot of trepidation from stories she has heard in the news, and this alleviates a lot of that. She stated she wondered about the impact of information sharing by law enforcement giving information to the school about violations of the school handbook and the access of information the other way. She asked if that would be an area they could tighten as it seems broad. She feels that area could easily be abused if someone wanted to; and the SRO having access to school records. She also wanted to clarify the crisis planning if it will fall under the SRO since it is in the MOU. Discussion was held on this regarding the SRO being a police officer and the police department is indicated as being a part of the crisis planning. The MOU identifies the organization and not the position, but they can add the SRO to spell it out further. Ms. Fry asked who was involved in the annual review of the document. Mr. Rauch stated it would be the school district and the city. There will be a meeting with the school district, the city manager, and the police chief. Mr. Wyen also needs to take this to the school board for approval as well.

Mr. Joseph asked if the K-9 unit had any involvement with school searches. Chief Robinson stated it does not. Mr. Joseph discussed how in his high school they had an SRO with a K-9 companion, and it was effective. He thinks it brought value to the program. The dog was trained for drug and locker searches. He would be interested in looking into this for the future. Mrs. Franklin stated they are separate entities, and they would have to be called in to the schools. Mr. Joseph stated it is something to consider down the road.

CITY MANAGER UPDATES: Mr. Rauch stated they are beginning the fiscal year 2023 budget process. He is building a new budget model for next year with hope it is the last time since they will be in a new finance software system. He discussed what he is assuming for the next budget and will continue conversations until the end of the year. He hopes to have the budget adopted by early December and dedicating most of October to the budget process. Mr. Joseph asked if they would be audited out of SSI. Mr. Rauch stated they are running both financial systems parallel in 2022; in 2023, they will be under the new SSI system. He stated he would like to move the September 8, 2022, work session to September 22, 2022, as the Air Force Ball is on the 8th and he will also be out of town.

COUNCIL MEMBER COMMENTS: Mayor Williams stated the Dayton Metro Library had a community event/open house for the Burkhardt Branch yesterday. The parking lot across the street is finished. It was a great turnout. It is a wonderful asset next door to Riverside and serves a number of Riverside residents. Mrs. Lommatzsch added that many people may not be aware of all the services they provide like faxes and copies. She added that there is a blood drive on Monday. Ms. Fry stated there is a blood drive, Monday, 3:30 – 7:30 pm. There are still openings, visit www.donortime.com and look for Riverside.

ADJOURNMENT: Deputy Mayor Denning moved, seconded by Mr. Joseph, to adjourn. All were in favor. The meeting adjourned at 6:56 pm.

Peter J. Williams, Mayor

Clerk of Council

Saturday, August 13, 2022

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Work Session to order at 8:07 am at the Wright Brothers Institute offices located at 5000 Springfield Street, Suite 100, Riverside, Ohio, 45431.

PLEDGE OF ALLEGIANCE: Mayor Williams led the pledge of allegiance.

ROLL CALL: Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: No members were absent.

ADDITIONS OR CORRECTIONS TO AGENDA: No changes were made.

APPROVAL OF AGENDA: Ms. Lommatzsch moved, seconded by Deputy Mayor Denning, to approve the agenda as presented. All were favor. **Motion carried.**

STRATEGIC PLANNING SESSION – Dr. Robert (Bart) Barthelemy led the group dialogue to explore opportunities within the city and establish priorities for Riverside’s future. The history of Riverside becoming a city was outlined. Discussion was held regarding the strengths and opportunities of the city. This is a two part discussion with a second session set for Saturday, October 1, 2022, 8 am – 12 pm.

ADJOURNMENT: Mr. Maxfield moved, seconded by Deputy Mayor Denning, to adjourn. All were in favor. The meeting adjourned at 11:50 am.

Peter J. Williams, Mayor

Clerk of Council

Thursday, August 18, 2022

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

ROLL CALL: Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; Chris Lohr, Assistant City Manager; Tom Garrett, Finance Director; Frank Robinson, Police Chief; Dalma Grandjean, Law Director; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: No council members were absent.

ADDITIONS OR CORRECTIONS TO AGENDA: No changes were made to the agenda.

APPROVAL OF AGENDA: Ms. Lommatzsch moved, seconded by Mr. Maxfield, to approve the agenda. All were in favor. **Motion carried.**

PLEDGE OF ALLEGIANCE: Mayor Williams led the pledge of allegiance.

MINUTES: Mr. Joseph moved, seconded by Mrs. Franklin, to approve the minutes of the August 4, 2022, council business meeting. All were in favor. **Motion carried.**

LIQUOR LICENSE: City council had no objection to the change of corporate stock ownership of Pla Mor Bowling Lanes, Inc., 4901 Linden Avenue, Riverside, OH 45431, which no longer exists as it has been purchased and is used as a dog training facility.

WRITTEN CITIZEN PETITIONS: Mayor Williams stated any citizen wishing to speak should fill out a petition found at the back of the room and turn it in to the clerk.

DEPARTMENT UPDATES:

A) Finance Department – Mr. Garrett stated finance reports were in the packet and are on the website. Income tax is pretty much where it has been planned for the year. August is coming in above what was planned. They are sending out invoices for curb repairs on Honeyleaf and nearby streets; slightly more than half of those property owners have paid the assessments. He will be preparing assessments for those that remain. He stated they have been doing training sessions for the new finance software having completed the accounting modules and working on payroll next week. Mr. Joseph asked if the August income tax is without the third payment or is it where they are as of the 18th. Mr. Rauch replied that is where they currently sit. Brief discussion was held on payments advanced and received.

B) Administration Department – Chris Lohr provided an update on council's accounts being upgraded to Office 365. He stated he will need to get with each of them to make sure they can sign in on their cell phones and Surface Pros as they are still moving accounts. Mrs.

Franklin stated they need to know their original password they used on the web because once the transition happens, they can't go back and recover.

C) Community Development Department/City Manager Report – Mr. Rauch welcomed Mr. Lane Frost who has recently been hired for Community Development as he is working the front desk and helping out with permit intake and customer relations. His role will increase with economic development. He stated that nuisance and property maintenance enforcement was discussed with planning commission. Ms. Holt is working to clean up some existing codes to make it clearer for residents and for staff about how to go about the enforcement process for those type of things. It will go back to planning commission then to council. He stated the September 8, 2022, work session is going to be moved to the September 22, 2022, where he will spend most of the time on stormwater/stormwater utility related items. He has begun pulling together the 2023 budget model. They are doing their best to forecast out how they will look through the end of the year. He will keep updating forecasts monthly. He plans to have it out to department heads no later than the end of next week, and then he will work with the citizen's budget committee to have a draft budget and brief document that explains more concisely where the money comes from and where it goes and how they are allocating resources. It may not be as detailed as a department by department chapter, but they will build to that after getting the new finance software in place. He will have something to council by mid-October.

PUBLIC COMMENT ON AGENDA ITEMS: No requests to comment were received.

OLD BUSINESS

A. ORDINANCES

- I) Ordinance No. 22-O-804 – An ordinance to rename and repurpose City Fund 227, commonly known as the School Construction Fund, and declaring an emergency. (2nd reading, public hearing, and adoption)**

Mr. Rauch stated this is an administrative renaming of a fund to receive opioid settlement funds from the state.

Deputy Mayor Denning moved, seconded by Mr. Joseph, to approve the second reading of Ordinance No. 22-O-798. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:11 pm. No one came forward. Mayor Williams closed the public hearing at 6:12 pm.

Roll call went as follows: Mr. Denning, yes; Mr. Maxfield, yes; Mrs. Franklin; Ms. Fry, yes; Mr. Joseph, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.**

NEW BUSINESS

A. ORDINANCES

- I) Ordinance No. 22-O-805 – An ordinance adding New Chapter 1505 – Fire Safety Equipment and Facilities, which include new Section 1505.01, Hydrant Location, Number, and Approval; and new Section 1505.03, Fire Hydrant Placement and Standards, to the Codified Ordinances of the City of Riverside, Ohio. (1st reading)**

Mr. Rauch stated this is additional code to help flesh out some items described in the Ohio Administrative Code for fire and the appendices recently adopted. It provides guidance on hydrant spacing and number so that when new developments come to the community, they are able to require the most current standards.

Deputy Mayor Denning moved, seconded by Ms. Lommatzsch, to approve the first reading of Ordinance No. 22-O-805. The clerk read the ordinance by title only.

Roll call went as follows: Mr. Denning, yes; Ms. Lommatzsch, yes; Mrs. Franklin, yes; Ms. Fry; Mr. Joseph, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion carried.**

B. RESOLUTIONS

- I) Resolution No. 22-R-2784 – A resolution by the Riverside City Council authorizing the assessment of delinquent charges for the cutting and removal of weeds, vegetation, grass and/or debris to be placed on the Montgomery County Property Tax Duplicate.**

Mr. Rauch stated this resolution and the next are housekeeping resolutions that itemize properties where they need to apply tax assessments for those who have not paid fines or fees related to grass or nuisance abatement. He stated that if someone comes in and pays the fine, they will take them off the list before they submit it to the county. If they have certified them to the county needing to be assessed, they will have to go to the county to pay the fees.

Deputy Mayor Denning moved, seconded by Mr. Joseph, to approve Resolution No. 22-R-2784.

All were in favor. **Motion carried.**

- II) Resolution No. 22-R-2785 - A resolution by the Riverside City Council Authorizing the assessment of delinquent fines imposed for failure to comply with an order made under the Riverside Unified Development Ordinance.**

Mr. Maxfield moved, seconded by Mrs. Franklin, to approve Resolution No. 22-R-2785.

All were in favor. **Motion carried.**

- III) Resolution No. 22-R-2786 - A resolution authorizing the city manager to enter into an agreement with Oakes Tree Development and the City of Huber Heights, Ohio regarding an expansion of Thomas Cloud Park.**

Thursday, August 18, 2022

Mr. Rauch stated this resolution that authorizes the city to engage with Huber Heights and Oakes Tree Development should they enter into an agreement to sell property and expand Thomas Cloud Park. The city would participate in conversations on how best to accomplish that and reserve access for residents. There is no financial obligation on the city's part.

Deputy Mayor Denning moved, seconded by Mrs. Franklin, to approve Resolution No. 22-R-2786.

All were in favor. **Motion carried.**

IV) Resolution No. 22-R-2787 - A resolution authorizing the city manager to enter into a Memorandum of Understanding with Mad River Local Schools to establish and appoint a school resource officer.

Mr. Rauch stated this resolution is the MOU between the City and Mad River Local Schools for the School Resource Officer.

Ms. Lommatzsch moved, seconded by Mr. Maxfield, to approve Resolution No. 22-R-2787.

All were in favor. **Motion carried.**

PUBLIC COMMENT ON NON-AGENDA ITEMS: No one wished to comment on non-agenda items.

COUNCIL MEMBER COMMENTS: Mr. Maxfield wished all the community school's sports teams' good luck on their games. He stated he would love to see the rivalry put back between Stebbins and Carroll. Mrs. Franklin stated the Great American Relay Race starts September 11 in California and a baton will pass all the way to New York City in support of firefighters and 9/11. Several legs will go through our county. More information can be found at www.greatamericanrelay.com. She has registered for Leg 470, which begins at Fire Station on Spinning Road running all the way to Beavercreek. They need one lead runner and ten supporting runners. They have one lead and there are still eight spots open. Mr. Joseph wished Austin a happy anniversary for six years. In 65 days, there will be a new date to celebrate. Mayor Williams thanked the people at WBI for reaching out to the city and their assistance to help with the strategic planning. He thanked the councilmembers and staff for coming together on a Saturday to do this. Ms. Lommatzsch thanked the city and people who attended the event to support the Fisher-Nightingale House. She appreciates the city's continued support of that as the city has been a city sponsor since it began nearly 20 years ago. She did receive an apology for the sound system not working well at the event.

ADJOURNMENT: Deputy Mayor Denning moved, seconded by Mr. Maxfield, to adjourn. All were in favor. **Motion carried.** The meeting adjourned at 6:21 pm.

Peter J. Williams, Mayor

Clerk of Council

LIQUOR CONTROL

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

6710146	PERMIT NUMBER	STCK	TYPE	PARAM ANAND LLC DBA YUM YUMS DRIVE THRU 635 SPINNING RD RIVERSIDE OHIO 45431
04 25 2022	ISSUE DATE			
	FILING DATE			
C1 C2 D6	PERMIT CLASSES			
57 154 A	TAX DISTRICT	F28085	RECEIPT NO.	

FROM 08/12/2022

	PERMIT NUMBER		TYPE	
	ISSUE DATE			
	FILING DATE			
	PERMIT CLASSES			
	TAX DISTRICT		RECEIPT NO.	



MAILED 08/12/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN.

09/12/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A STCK 6710146

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF RIVERSIDE CITY COUNCIL
ATTN: CLERK
5200 SPRINGFIELD ST
SUITE 100
RIVERSIDE OHIO 45424-5017

Office Hours
8:00 a.m. - 5:00 p.m.
For Questions call
(614) 644-3156

Ohio Department of Commerce - Division of Liquor Control
6606 Tussing Road, Reynoldsburg, Ohio 43068-9005
<http://www.com.ohio.gov/liqr>

APPLICATION FOR CHANGE OF LLC MEMBERSHIP INTERESTS
PROCESSING FEE \$100.00

CAUTION: ALLOW 10 TO 12 WEEKS FOR PROCESSING



CHK
#9725
\$100

F028085

2012 APR -8 PM 12:14

OHIO DIV. LIQUOR CONTROL

PERMIT HOLDER REQUESTS APPROVAL OF THE DIVISION OF LIQUOR CONTROL OF THE FOLLOWING:

Permit Holder Name:
PARAM ANAND LLC

Permit Premises Address:

**635 SPINNING RD
RIVERSIDE, OHIO 45431**

Liquor Permit Number(s):

6710146

Federal Tax ID Number:

86-1213169

Email
Address:

p r c a p i t a l s @ g m a i l . c o m

Attorney's Name, Address and Telephone Number (If represented):

D. Todd Rush, 123 Boggs Lane, Cincinnati, OH 45246, 513-771-2444

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

PLEASE COMPLETE ALL AREAS OF SECTION A & B BELOW

Section A - PREVIOUS List of managing members and all persons with a 5% or greater membership or voting interest in the LLC

NAME	SOCIAL SECURITY # OR FEDERAL TAX ID #	OFFICE HELD	INTEREST	BIRTHDATE
1) Hareshkumar K. Patel	[REDACTED]		<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest 50 % <input checked="" type="checkbox"/> Membership interest 50 %	11/3/69
2) Virenkumar R. Patel	[REDACTED]		<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest 50 % <input checked="" type="checkbox"/> Membership interest 50 %	12/1/90
3)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest % <input type="checkbox"/> Membership interest %	
4)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest % <input type="checkbox"/> Membership interest %	

Section B - REVISED List of managing members and all persons with a 5% or greater membership or voting interest in the LLC

NAME	SOCIAL SECURITY # OR FEDERAL TAX ID #	OFFICE HELD	INTEREST	BIRTHDATE
1) Hareshkumar K. Patel	[REDACTED]		<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest 50 % <input checked="" type="checkbox"/> Membership interest 50 %	11/3/69
2) Prem Kanubhai Patel	[REDACTED]		<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest 50 % <input checked="" type="checkbox"/> Membership interest 50 %	08/28/1995
3)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest % <input type="checkbox"/> Membership interest %	
4)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest % <input type="checkbox"/> Membership interest %	

POLICE NOTIFICATION

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD
P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005

TO

6710146		STCK		PARAM ANAND LLC	
PERMIT NUMBER		TYPE		DBA YUM YUMS DRIVE THRU	
04 25 2022				635 SPINNING RD	
FILING DATE				RIVERSIDE OHIO 45431	
C1 C2 D6					
PERMIT CLASSES					
57	154	A	F28085		
TAX DISTRICT			RECEIPT NO.		

FROM 08/12/2022

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



This notice is sent to you in compliance with Section 4303.26 of the Ohio Revised Code and will serve as official notification of the filing of a permit application.

Depending on the applicant's business entity, enclosed please find a copy of the pending applicant's ownership disclosure form 4029 (Non Profit Entity Disclosure), Form 4030 (Stockholder Disclosure), Form 4031 (Partnership Disclosure), or Form 4032 (Limited Liability Company Disclosure) which lists those individuals who will have an interest in the above captioned permit.

In some instances, the Division will require a background check to be completed by your agency. If enclosed, please complete the Personal History Police Check(s), and return it/them in the enclosed postage paid envelope. If needed, we will submit the forms once received from the applicant at a later date for completion.

The chief police officer of each political subdivision may appear and testify in person or through a representative at any hearing held on the advisability of the issuance or transfer of a permit. However, Section 4303.26 O.R.C. DOES NOT give the police officer the right to request a hearing. If a hearing is desired, the chief police officer should contact the legislative authority (City or Village Council, or Board of County Commissioners, or Board of Township Trustees) and have that entity request a hearing.

The police department may submit any information to the Division relevant to the issuance or transfer of the permit, even if a formal hearing is not requested and conducted. This should be done by a separate letter with supporting documentation. The Division appreciates your statements and concerns regarding the pending application.

Licensing Section

RIVERSIDE POLICE DEPT
1791 HARSHMAN RD
RIVERSIDE OHIO 45420

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CITY COUNCIL CALENDAR

2022 City Council Calendar

August 4, 2022 – Items Due July 27

- Monthly Update: Police, Fire, Public Services, and CM Report
- Fire Department Swear-Ins: FF Kanak Jones, FF Phoenix Robinson, FF Evan Berger, FF John Booth, FF Isaac Hivner, FF Derek Fourman, LT Jason Evans, BC Brian Taylor
- Ordinance: Street Lighting Assessment (2nd reading, public hearing, adoption)
- Ordinance: Supplemental Appropriation (2nd reading, public hearing, adoption)
- Ordinance: Fire-Damaged Structures Chapter, repeal and replace (2nd reading, public hearing, adoption)
- Ordinance: Fire Code Appendices (2nd reading, public hearing, adoption)
- Ordinance: Electric Aggregation (2nd reading, public hearing, adoption) - emergency
- Ordinance: Gas Aggregation (2nd reading, public hearing, adoption) – emergency
- Ordinance: Rename Fund 227 (Tom) (1st reading)
- Resolution: Road Salt Bid (Kathy)

August 11, 2022 – WORK SESSION

- Health and Safety Commission (Josh)
- Tom Cloud Park (Josh)
- SRO Update (Josh/Frank)
- Floodplain Ordinance Update (Nia)

August 18, 2022 – Items Due August 10

- Monthly Financial Report
- Monthly Update: Finance, Administration, Community Development, CM Report
- Ordinance: City Fund 227 (2nd reading)
- Ordinance: Fire Hydrants (Dan) (1st reading)
- Resolution: Grass Assessments
- Resolution: Nuisance Violations Assessments
- Resolution: Tom Cloud Park (Josh)
- Resolution: SRO (Frank)

September 1, 2022 – Items Due August 24

- Monthly Update: Police, Fire, Public Services, and CM Report
- Proclamation: 9/11 Day
- Ordinance: Fire Hydrants (Dan) (2nd reading)
- Ordinance: Floodplain Text Amendment Update (1st Reading)
- Resolution: TID Scope of Work
- Resolution: Application for Federal Grants

September 15, 2022 – Items Due September 7

2022 City Council Calendar

- Monthly Financial Report
- Monthly Update: Finance, Administration, Community Development, CM Report
- Ordinance: Floodplain Text Amendment Update (2nd Reading)
- Ordinance: TO Changes (1st Reading)
- Ordinance: Permitting Code Update (Josh)
- Motion: Council Handbook Update

September 22, 2022 – WORK SESSION

- Stormwater Update

October 6, 2022 – Items Due September 28

- Monthly Update: Police, Fire, Public Services, and CM Report
- Ordinance: TO Change (2nd Reading)
- Ordinance: Stormwater Utility Fee (1st reading)?

October 13, 2022 – WORK SESSION

- FY2023 Budget Work Session

October 20, 2022 – Items Due October 12

- Monthly Financial Report
- Monthly Update: Finance, Administration, Community Development, CM Report
- Ordinance: Stormwater Utility Fee (2nd reading)?
- Resolution: Accepting Amounts and Rates as determined by the Budget Commission (Tom)

November 3, 2022 – Items Due October 26

- Monthly Update: Police, Fire, Public Services, and CM Report
- Ordinance: FY2023 Budget Adoption (1st reading) (Josh)
- Ordinance: Codification of Ordinances (1st reading) (Katie)
- Resolution: VOCA Grant (Skye)
- Resolution: Advance Payment of Taxes (Tom)

November 10, 2022 – WORK SESSION

- Curb Assessment Policy Update (Kathy/Josh)
- HSIP Application: Harshman – Valley to Beatrice (Kathy)
- Crosswalk Design Standard – Choice One Presentation (Kathy)
- ADA Transition Plan (Kathy)

2022 City Council Calendar

November 17, 2022 – Items Due November 9

- Monthly Financial Report
- Monthly Update: Finance, Administration, Community Development, CM Report
- Ordinance: FY2023 Budget Adoption (2nd reading) (Josh)
- Ordinance: Codification of Ordinances (2nd reading, public hearing, adoption)
- Resolution: Annual Public Defender Contract (Katie)

December 1, 2022 – Items Due November 23

- Monthly Update: Police, Fire, Public Services, and CM Report
- Resolution: Mad River Lions Club “Project Share” (Katie)

December 8, 2022 – WORK SESSION

December 15, 2022 – Items Due December 7

- Monthly Financial Report
- Monthly Update: Finance, Administration, Community Development, CM Report

LEGISLATION



MEETING DATE: September 1, 2022

AGENDA ITEM: Old Business

TO: Riverside City Council

FROM: Daniel Stitzel, Fire Chief

SUBJECT: **Ordinance No. 22-O-805** – An ordinance adding New Chapter 1505 – Fire Safety Equipment and Facilities, which include new Section 1505.01, Hydrant Location, Number, and Approval; and new Section 1505.03, Fire Hydrant Placement and Standards, to the Codified Ordinances of the City of Riverside, Ohio.

EXPLANATION

The purpose of the new ordinance is to provide specific requirements for hydrant location and placement where the Ohio Fire Code and Appendices do not address. The new ordinance also describes specific requirements for Fire Department Connections for buildings with Automatic Sprinkler Systems that the Ohio Fire Code does not define.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

EXHIBITS

Legislation and Exhibit

AN ORDINANCE ADDING NEW CHAPTER 1505 – FIRE SAFETY EQUIPMENT AND FACILITIES, WHICH INCLUDE NEW SECTION 1505.01, HYDRANT LOCATION, NUMBER AND APPROVAL; AND NEW SECTION 1505.03, FIRE HYDRANT PLACEMENT AND STANDARDS, TO THE CODIFIED ORDINANCES OF THE CITY OF RIVERSIDE, OHIO.

WHEREAS, the City Manager and Fire Chief have recommended adding Chapter 1505 – Fire Safety Equipment and Facilities to Part Fifteen – Fire Prevention Code of the Riverside Codified Ordinances, which includes new section 1505.01, Hydrant Location, Number, and Approval; and new section 1505.03, Fire Hydrant Placement and Standards; as set forth in” Exhibit A”; and

WHEREAS, these changes shall constitute the Fire Code in effect under the Codified Ordinances of the City of Riverside, to ensure continued safety and well-being of the citizens of Riverside; and

WHEREAS, Council finds that the proposed changes would be beneficial to the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

- Section 1: That Part Fifteen – Fire Prevention Code is amended to add Chapter 1505 and includes new Section 1505.01, Hydrant Location, Number, and Approval; and new Section 1505.03, Fire Hydrant Placement and Standards, as set forth in “Exhibit A” of this ordinance.
- Section 2: That the Clerk of Council is directed to certify a copy of this Ordinance in order to make such amendments as necessary to the City of Riverside, Ohio’s Codified Ordinances to reflect the changes enacted by this Ordinance; and to provide a certified copy of the ordinance to the City Manager and Fire Chief.
- Section 5: That this Ordinance shall take effect and be in full force from and after the earliest date allowed under law.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

22-O-805

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby
certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 22-O-805
passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day
_____.

CLERK

1505.01 Hydrant location, number, and approval.

- (a) All new places of assembly, educational, health care, detention and correctional occupancies, and business, industrial, storage or unusual structures, which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with properly placed fire hydrants.
- (b) Such fire hydrants shall be capable of supplying fire flows as required by the Fire Official or his designee and shall be connected to a water system in accordance with accepted engineering practices. The Fire Official shall designate and approve the number and location of fire hydrants. The Fire Official may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules as set forth in the Ohio Fire Code and the Ohio Building Code (OBC), and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the Fire Official.
- (c) Fire hydrant height shall be at least 12 inches, but not more than 21 inches above the surrounding finished grade. Such measurements shall be made from the lowest nozzle on the barrel. Break type fire hydrants shall have such feature installed as close to as practical, or to serve such purpose, to the surrounding finished grade.
- (d) In areas subject to vehicular traffic where fire hydrants are located, such hydrants, when deemed necessary by the Code Official, shall have collision protection installed; the extent and type of such protection shall be acceptable to the Code Official.
- (e) A fire hydrant meeting the specifications and installed according to this standard and connected to a public water supply, shall be installed at a location designated by the Code Official that is within 75 feet of a suppression system Fire department connection, but no closer than 40 feet to the building or structure unless otherwise approved by the Code Official.
- (f) All new and replaced automatic sprinkler, standpipe, and fire department connections shall be equipped with a five (5) inch STORTZ connection with a 30-degree turn-down and proper signage.

1505.03 Fire hydrant placement and standards.

- (a) When measuring the distance from building openings that fire hydrants may be placed, such distance shall be measured along actual fire apparatus routes of travel, and fire apparatus shall be provided with safe and unconstrained access to all fire hydrants.
- (b) Hydrants in single-family residential districts shall be placed not more than 500 feet apart, measured on the main, and no more than 400 feet from any opening in any building. All new fire hydrants and any existing fire hydrants that need replacement, shall meet the Montgomery County Environmental Services hydrant standard of two, two and one-half inch discharge nozzles and one, four (4) inch steamer discharge nozzle. The four-inch steamer discharge nozzle shall have a four-inch STORTZ quick connection. The two, two and one-half inch discharge nozzles shall have Dayton threads approved by the Code Official.
 - (1) For residential homes greater than 3,600 square feet, the Fire Code Official shall make a determination if area where the home is built shall need to meet the multi-family and commercial district hydrant requirements.

When determining the need, the Code Official shall reference the capacity of the hydrant and fire flow requirements listed in the 2015 International Fire Code Appendix B. Reductions shall be given for automatic sprinkler systems.

- (c) Hydrants in multi-family and commercial districts shall be placed not more than 300 feet apart, measured on the main and not more than 400 feet from any opening in any building. All new fire hydrants and any existing fire hydrants that need replacement, shall meet the Montgomery County Environmental Services hydrant standard of two, two and one-half inch discharge nozzles and one, four (4) inch steamer discharge nozzle.

The four-inch steamer discharge nozzle shall have a four-inch STORTZ quick connection. The two, two and one-half inch discharge nozzles shall have Dayton threads approved by the Code Official.

- (d) The Fire Code Official shall make a determination on the location and distribution of fire hydrants. The fire official shall make this determination by referencing the location and distribution listed in the 2015 International Fire Code Appendix C.



MEETING DATE: September 01, 2022

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Nia Holt, Zoning Administrator

SUBJECT: Ordinance No. 22-O-806– An ordinance revising Section 1113.19 Floodplain Standards of the Unified Development Ordinance (UDO) of the City of Riverside, Ohio.

EXPLANATION:

The City of Riverside has special flood hazard areas (floodplains) that are subject to periodic flooding which may result in loss of life and property, health and safety hazards, and disruption of business and governmental services. The City has adopted floodplain regulations to minimize the threat of flood damage and to promote the public health, safety, and the general welfare.

The Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination to the City of Riverside on April 27, 2022, indicating that revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) incorporating new flood hazard data will become effective on October 27, 2022. This means that all National Flood Insurance Program (NFIP) participating communities affected by the revised mapping in Montgomery County (including Riverside) are required to update their locally adopted floodplain management regulations, so they are effective at least 30 days prior to the effective date.

The proposed text amendment is an updated of the 2017 floodplain language. The Ohio Department of Natural Resource's Model Flood Damage Reduction Regulations updated and approved by FEMA in 2019 were utilized during this amendment process. The new section contains 29 subsections which can be further divided into four larger categories:

- *Foundations* - includes purpose section, loss reduction methods, identifies applicable property and the basis for establishing the floodplain.
- *Approvals & Review* - outlines the permitting and review process and the staff members responsible for issuing permits.
- *Design Requirements* - lists development and design requirements for large subdivisions, residential structures, and nonresidential structures located in the floodplain.
- *Enforcement* - process for enforcement, variances, and appeals are outlined specifically in the Floodplain Design Standards since they vary from the other UDO sections.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached ordinance.

FISCAL IMPACT

None

SOURCE OF FUNDS

N/A

AN ORDINANCE AMENDING SECTION 1113.19 FLOODPLAIN DESIGN STANDARDS OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO) OF THE CITY OF RIVERSIDE, OHIO.

WHEREAS, the Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination to the City of Riverside indicating that revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) incorporating new flood hazard data will become effective on October 27, 2022; and

WHEREAS, all National Flood Insurance Program (NFIP) participating communities affected by the revised mapping in Montgomery County, including Riverside, Ohio, are required to update their locally adopted floodplain management regulations so they are effective at least 30 days prior to the effective date; and

WHEREAS, the City of Riverside Planning Commission recommends amending the Unified Development Ordinance Section 1113.19 Floodplain Design Standards; and

WHEREAS, The Planning Commission has held at least one public hearing thereon, after notice of the time and place thereof had been given as required by law; 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. Therefore, the City Council of the City of Riverside, State of Ohio, does ordain as follows:

Findings of Fact - The City of Riverside 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

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

Section 1: That Section 1113.19 be amended by including the additional definitions and revising the standards for Floodplains as stated in “Exhibit A” of this Ordinance.

Section 2: That this Ordinance shall take effect and be in full force from and after the earliest date allowed under law.

PASSED THIS DAY OF _____.

22-O-806

APPROVED:

MAYOR

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 22-O-806 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day
_____.

CLERK

1113.19 - Floodplain design standards.

- A. **Purpose.** It is the purpose of these regulations to promote the public health, safety and general welfare, and to:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. 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;
 6. 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;
 7. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
 8. Minimize the impact of development on adjacent properties within and near flood prone areas;
 9. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
 10. Minimize the impact of development on the natural, beneficial values of the floodplain;
 11. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
 12. Meet community participation requirements of the National Flood Insurance Program.
- B. **Methods of Reducing Flood Loss.** In order to accomplish its purposes, these regulations include methods and provisions for:
1. 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;
 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 4. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and
 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards in other areas.
- C. **Lands to Which Regulations Apply.** These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Riverside as identified in Section 1113.19.D, including any additional areas of special flood hazard annexed by the City of Riverside.
- D. **Basis for Establishing the Areas of Special Flood Hazard.** For the purposes of these regulations, the

following studies and/or maps are adopted:

1. ~~Montgomery County, Ohio and Incorporated Areas, Flood Insurance Study (FIS), effective date January 6, 2005. Flood Insurance Study, Montgomery County, Ohio and Incorporated Areas, and Flood Insurance Rate Map, Montgomery County, Ohio and Incorporated Areas, both effective October 27, 2022.~~
2. ~~Montgomery County and Greene Counties, Ohio and Incorporated Areas, Flood Insurance Rate Map (FIRM), date January 6, 2005. Panel numbers: 39113C0266E, 39113C0267E, 39113C0268E, 39113C0269E, 39113C028 39113C0288E, 39113C0352E, 39113C0356E, 39113C0357E, 39113C0358E, 39113C0375E, and 39113C0376E.~~ 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, include:
 3. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Riverside as required by Section 4113.19.T.3 **1113.19.X.3**, Subdivisions and **Other New** Large Scale Developments.
 4. 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 City of Riverside, Public Services Department.
- E. **Abrogation and Greater Restrictions.** These regulations are not intended to repeal any existing ordinances including subdivisions 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 ~~shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.~~ are not intended to repeal, abrogate, or impair any existing easements, covenants, of 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.
- F. **Interpretation.** ~~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.~~ In the interpretation and application of these regulations, all provisions shall be:
 1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and,
 3. 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.
- G. **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 manmade 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 City of Riverside, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA), for any flood damage that results from reliance on these **regulations**, or any administrative decision lawfully made thereunder.

- H. **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.
- I. **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.
1. Accessory Structure- a structure on the same lot with, and of a nature customarily incidental and subordinate to the principal structure.
 2. Appeal- a request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
 3. Base Flood- the flood having a one percent chance being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or **100-year** flood.
 4. 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).
 5. Basement- any are of the building having is floor subgrade (below ground level) on all sides.
 6. 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.
 7. Enclosure Below the Lowest Floor- see "Lowest Floor."
 8. 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.
 9. Federal Emergency Management Agency (FEMA)- the agency with the overall responsibility for administering the National Flood Insurance Program (NFIP).
 10. Fill- a deposit of earth material placed by artificial means.
 11. Flood or Flooding- a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters, and/or
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.

12. 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.
13. 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.
14. Flood Insurance Risk Zones- Zone designated on FHBMs and FIRMs that indicate the magnitude of the flood hazard area 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 usually 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; 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 elevation.
 - Zone C and Zone X (unshaded)- Areas determined to be outside of the 500-year floodplain.
15. 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 the Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
16. 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.
17. Flood Protection Elevation- the Flood Protection Elevation or FPE is the base flood elevation 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.
18. 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.

19. 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 a wave action, obstructed bridge openings, debris, and ice jams, and the hydrologic effect of urbanization in a watershed.
20. Historic structure- Any structure that is:
 - a. 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;
 - b. 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
 - c. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
 - d. Individually listed on the inventory of historic places maintained by the City of Riverside's historic preservation program, which program is certified by the Ohio Historic Preservation Office.
21. 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.
22. Letter of Map Change (LOMC)- A letter of Map Change is the 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, of 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.

23. Lowest Floor- the lowest floor of the 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.
24. Manufactured home- A structure, transportable in one or 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 homes as defined in Chapter 4781 of the Ohio Revised Code.
25. Manufactured home park- As specified in the Ohio Admin. 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 a part of the facilities of the park. A tract of land that is subdivided and the individual lots are nor for rent or rented, but for sale or sold for purpose of installation of manufactured homes on the lost is not a manufactured home park, even though three or more manufactured home 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 of manufactured homes.
26. Mean Sea Level- for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations are shown on a community's Flood Insurance Rate Map are referenced.
27. National Flood Insurance Program (NFIP)- is a Federal Program enabling property owners in participating communities to purchase insurance protection against flood 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.

28. New Construction- structures for which the “start of construction” commenced on or after the effective date of a floodplain regulation adopted by the City of Riverside 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 [December 15, 1981] or after December 31, 1974, whichever is later and includes any subsequent improvements to such structures.
29. Person- includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. Any 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.
30. 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.
31. Registered Professional Architect- A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.
32. Registered Professional Engineer- A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.
33. Registered Professional Surveyor- A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.
34. 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.
35. 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.

36. Structure- A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
 37. 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
 38. 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:
 - a. 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
 - b. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".
 39. Variance- a grant of relief from the standards of these regulations.
 40. Violation- the failure of a structure or other development to be fully compliant with these regulations.
- J. *Designation of the Floodplain Administrator.* ~~The Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.~~ The Zoning Administrator and their designee, such as technical consultants or agencies authorized by the City Manager, is hereby appointed to administer, and implement these regulations and is referred to herein as the Floodplain Administrator. All documented costs incurred in the administration and enforcement of this ordinance shall be passed on the property owner.
- K. *Duties and Responsibilities of the Floodplain Administrator.* The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:
1. Evaluate applications for permits to develop in special flood hazard areas.
 2. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

3. 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.
 4. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
 5. 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, variances, and records of enforcement actions taken for violations of these regulations.
 6. Enforce the provisions of these regulations.
 7. Provide information, testimony, or other evidence as needed during variance hearings.
 8. Coordinate map maintenance activities and FEMA follow up.
 9. 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.
- L. ***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 or any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section ~~1113.19.D~~ **1113.19.F** 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.
- M. ***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 or 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:
1. 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.
 2. Elevation of the existing, natural ground where structures are proposed.

3. Elevation of the lowest floor, including basement, of all proposed structures.
 4. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with and provide enforcement of these regulations.
 5. 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:
 - a. Flood proofing certification for nonresidential flood proofed structure as required in Section ~~1113.19.T.5~~ 1113.19.X.5.
 - b. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section ~~1113.19.T.5~~ 1113.19.X.4.e are designed to automatically equalize hydrostatic flood forces.
 - c. 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 ~~1113.19.T.9.~~ 1113.19.X.9.c.
 - d. 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 ~~1113.19.T.9.b.~~ 1113.19.X.9.b.
 - e. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section ~~1113.19.T.9.a.~~ 1113.19.X.9.a.
 - f. Generation of base flood elevation(s) for subdivision and ~~large scale~~ Other New developments as required by Section ~~1113.19.T.3.~~ 1113.19.X.3.
- N. *Review and Approval of a Floodplain Development Permits Application.*
1. *Review.*
 - a. 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 ~~1113.19.K~~ 1113.19.M has been received by the Floodplain Administrator.
 - b. 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.
 2. *Approval.* Within 30 days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a

floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one year. A floodplain development permit shall expire one year after issuance unless the permitted activity has commenced and is thereafter pursued to completion.

- O. *Inspections.* The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.
- P. *Post Construction Certifications Required.* The following as built certifications are required after a floodplain development permit has been issued:
1. 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.
 2. For all development activities subject to the standards of Section ~~1413.19.Q~~ **1113.19.T.1**, a letter of map revision.
 3. 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.
- Q. *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 Board of Zoning Appeals** as provided in Section ~~1105.19~~ **1105.17**, Appeal Procedure of this UDO.
- R. *Exemption from Filing a Development Permit.*
1. 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.~~
 - ~~a. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than five thousand dollars (\$5,000.00).~~
 - ~~b. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.~~
 - ~~c. Major utility facilities permitted by the Ohio Power Siting Board under Ohio R.C. Ch. 4906.~~
 - ~~d. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Ohio R.C. Ch. 3734.~~
 - ~~e. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988-B Floodplain Management.~~
 2. Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

S. *State and Federal Development.*

1. Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
2. 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 the 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:
 - a. 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.
 - b. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 - c. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
3. Development activities undertaken by a federal agency, and which are subject to Federal Executive Order 11988 – Floodplain Management.
 - a. 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.

T. *Map Maintenance Activities.* To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Riverside flood maps, studies and other data identified in Section 1113.19.D accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1. *Requirement to Submit New Technical Data.*

- a. 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:
 - 1) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - 2) 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;
 - 3) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - 4) Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section ~~1113.19.T~~ **1113.19.X.3**.
- b. It is the responsibility of the applicant to have technical data, required in accordance with subsection ~~Q.1.a~~ **T.1.a** of this section, 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.

- c. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - 1) Proposed floodway encroachments that increase the base flood elevation; and
 - 2) 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.
 - d. 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 subsection ~~Q.1.a~~ T.1.a of this section.
2. ***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 City Manager of the City of Riverside and may be submitted at any time.
 3. ***Annexation/Detachment.*** Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Riverside 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 City of Riverside's Flood Insurance Rate Map accurately represents the City of Riverside boundaries, include within such notification a copy of a map of the City of Riverside suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Riverside has assumed or relinquished floodplain management regulatory authority.
- U. ***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:
1. 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.
 2. 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.
 3. ~~When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:~~

- ~~a. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.~~
- ~~b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.~~
- ~~4. 3. 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 1105.19, Appeal Procedure of this UDO~~ 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 to the Board of Zoning Appeals as provided in Section 1105.17, Appeal Procedure.
- ~~5. 4. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations of flood protection elevations (as found on an elevation-profile floodway data table, established high water marks, etc.) shall prevail.~~ **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.

V. Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data

- 1. Zone A:
 - a. 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.
 - b. 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.
- 2. Zones AE, A1-30, AH and AO:
 - a. 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,
 - 1) 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 the health, safety, and property of their citizens are protected.

- 2) 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.
- b. 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 1113.19.X.9.b since the data in the draft or preliminary FIS represents the best data available.
3. Zones B, C and X:
 - a. Use of BFE and floodway data from preliminary FIRM and 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.

W. *Substantial Damage Determinations.*

1. 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. ~~Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.~~ Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.
2. 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.

- X. *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 flood hazard area as established in Section 1113.19, 1113.19.D, U.1, or V.

1. *Use Regulations.*

a. *Permitted Uses.* All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Riverside are allowed provided they meet the provisions of these regulations.

b. ~~Prohibited Uses.~~

~~1) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Ohio R.C. Ch. 3701.~~

~~2) Infectious waste treatment facilities in all special flood hazard areas, permitted under Ohio R.C. Ch. 3734.~~

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 flood waters into the system;
- 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 system into flood waters; and
- c. On site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

3. *Subdivisions and ~~Large~~ 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 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 five acres, whichever is less.
- e. The applicant shall meet the requirement to submit technical data to FEMA in Section ~~1111.09.U.1.a.4)~~, 1113.19.T.1.a.4, when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by subsection d above.

4. *Residential Structures.* The requirements of Section X.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 V.

- 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 (this subsection ~~T.4.a~~ **X.4.a** and construction materials resistant to flood damage (subsection ~~T.4.b~~ **X.4.b** below) 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 services 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. In AO areas with no elevations specified, 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 flood waters; 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 ~~this subsection T.4.g~~ Section X.
 - h. In AO and AH Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide flood waters around and away from the structure.
5. **Nonresidential Structures.** The requirements of Section X.5 apply to new construction and 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 V.
- a. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the requirements of subsection ~~T.4.a—c~~ X.4.a-c and e-g.
 - b. New construction and substantial improvement of any commercial, industrial, or other nonresidential 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 flood proofed 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 Floodproofing Certificate, that the design and methods of construction are in accordance with subsections ~~T.5.b~~ X.5.b.1) and 2).
 - c. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
6. **Accessory Structures.** ~~Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet.~~ 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 flood waters;
 - 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 subsection ~~T.4.e.3) above~~ X.4.e.3).
7. **Recreational Vehicles.** Recreational vehicles on sites within zones A, A1-30, AE, AO and 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 ~~meet all standards of subsection T.4 above~~ be placed on the site pursuant to a floodplain development permit issued under Sections 1113.19.L, M, and meet all the standards of Section X.4.
8. **~~Above Ground Gas or Liquid Storage Tanks.~~** ~~All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.~~ Within zone A, A1-30, 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.
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 ~~1113.19.Q.1~~ **1113.19.T.1;**
 - 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 which 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 City Manager of the City of Riverside 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 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) Subsection ~~T.9.a.2)~~ **X.9.a.2)** above, items A) and C) through 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 "bank full 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 City of Riverside 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 ~~1113.19.Q.1.a~~ **1113.19.T.1.a** when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

Y. *Compliance Required.*

1. 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 ~~1113.19.P~~ **113.19.R**.
2. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with ~~Section 1103.15~~ **Sections 1103.99 and 1331.99** of this UDO.
3. 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 1103.15~~ **Sections 1103.99 and 1331.99** of this UDO.

Z. *Notice of Violation.* Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he or she 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:

1. Be put in writing on an appropriate form;
2. 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;
3. Specify a reasonable time for performance;
4. Advise the owner, operator, or occupant of the right to appeal;
5. 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.

AA. *Appeals.*

1. 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 Board of Zoning Appeals provided that such person shall file, within 10 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 per Section 1105.17 of this UDO.

2. Those aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Montgomery County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

BB. Variance Requirements.

1. In addition to Section 1105.15, Variance Procedure, the following factors shall be applied:
 - a. The danger that materials onto other lands to the injury of others.
 - b. The danger to life and property due to flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - d. The importance of the services provided by the proposed facility to the community.
 - e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - f. The necessity to the facility of a waterfront location, where applicable.
 - g. The compatibility of the proposed use with existing and anticipated development.
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
 - k. 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.
2. ~~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.~~ A showing of good and sufficient cause.
3. ~~A determination that the structure or other development is protected by methods to minimize flood damages.~~ 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.
4. 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.

5. A determination that the structure or other development is protected by methods to minimize flood damages.
6. 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 Board of Zoning Appeals may attach such conditions to the granting of the variances, as it deems necessary to further the purposes of these regulations.

CC. *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 or surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1113.19.AA.1.a to k have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing a 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.



MEETING DATE: September 1, 2022

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Kathy Bartlett, Public Service Director

SUBJECT: **Resolution No. 22-R-2788** – A resolution amending Resolution No. 21-R-2720 authorizing the city manager to enter into a professional service agreement with the Montgomery County Transportation Improvement District (TID) to provide project management and financing services for the Harshman Realignment Project – Woodman Phase 4.

EXPLANATION

This Resolution amends the initial resolution for work with the Montgomery County TID to include preparing a grant application to the US DOT Safe Streets for All program for the Woodman Corridor.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

The cost of this grant application is \$42,432.

SOURCE OF FUNDS

Funds will come from American Rescue Act Funds.

EXHIBITS

Resolution attached.

A RESOLUTION AMENDING RESOLUTION NO. 21-R-2720 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT WITH THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT (TID) TO PROVIDE PROJECT MANAGEMENT AND FINANCING SERVICES FOR THE HARSHMAN REALIGNMENT PROJECT (WOODMAN PHASE 4).

WHEREAS, the City of Riverside previously passed Resolution No. 21-R-2720 to enter into a professional services agreement with Montgomery County Transportation Improvement District (TID) to provide project management and financing services for the Harshman Realignment Project – Woodman Phase 4 on October 21, 2021; and

WHEREAS, the City of Riverside and the Montgomery County TID have determined that grant services to provide application to the US DOT Safe Streets for All, are needed for the Harshman Realignment Project – Woodman Phase 4 corridor with a total for these services not to exceed \$42,372; and

WHEREAS, the additional services along with the original amount has been determined to be a total cost of \$292,372.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

- Section 1: That the City Manager is hereby authorized to enter into an agreement with the Montgomery County TID with the additional services as listed above along with the original amount determined in an amount not to exceed \$292,372.
- Section 2: That the Clerk be and is hereby authorized and directed to forward a certified copy of this resolution to the City Manager, Director of Public Services, who will submit a copy of the resolution to the Montgomery County TID.
- Section 3: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

22-R-2788

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 22-R-2788 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK



MEETING DATE: September 1, 2022

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Kathy Bartlett, Public Service Director

SUBJECT: **Resolution No. 22-R-2789** – A resolution authorizing the city manager to make application to the U.S. Department of Transportation (DOT) for the purpose of obtaining a Safe Streets for All (SS4A) Grant for the Woodman Corridor Study Project.

EXPLANATION

This legislation is required as part of our grant submission to the US DOT for the Safe Streets for All (SS4A) grant for studying the Woodman Corridor from US 35 to Springfield Street. This study will help tie the Land Use Planning that is being done and look at the corridor as a whole. This study will pause the current study being performed for Woodman Phase 4 by the Montgomery County TID.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation

FISCAL IMPACT

If grant is awarded, the City will be responsible for paying 20% of the study fee of \$875,000 or \$175,000.

SOURCE OF FUNDS

The grant application fee is coming from the American Rescue Plan Act (ARPA) funds in the amount of \$42,432. Most of the 20% matching fees would come the fees already allocated to the Montgomery County TID for Woodman Phase 4 study. \$24,000 in additional fees would come from ARPA.

EXHIBITS

See attached.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION (DOT) FOR THE PURPOSE OF OBTAINING A SAFE STREETS FOR ALL (SS4A) GRANT FOR THE WOODMAN CORRIDOR STUDY PROJECT.

WHEREAS, the City Council is committed to improving the Woodman Corridor;

WHEREAS, the Safe Streets for All (SS4A) Grant is a discretionary grant program and is focused on improving roadway safety for all users by reducing and eliminating serious injury and fatal crashes through comprehensive safety action plans (Action Plans) and their subsequent implementation;

WHEREAS, the City Council finds that moving forward with this application is essential in order to obtain partial financing for the study of the Woodman Corridor for the public good.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

Section 1: The City Manager is hereby authorized and directed to execute and file an application with the U.S. DOT and to provide all information and documentation required to become eligible for possible financial assistance.

Section 2: The City of Riverside agrees that it has and will obligate the funds required to satisfactorily complete the project under the terms and conditions of the Agreement if the project is accepted for financial assistance. The total grant amount is for \$875,000. SS4A funding finances 80% of the project. The matching 20% will be funded by the City. The project is not to exceed a total cost of \$175,000.

Section 3: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

22-R-2789

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 22-R-2789 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK

CITY MANAGER

PREVIOUS

UPDATES

MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Josh Rauch, City Manager
DATE: August 19, 2022
SUBJECT: Weekend Update
CC: Department Directors, City Clerk, Law Director

City Manager's Office

- Next Tuesday is Firefighter Balcom's retirement luncheon. The event will be here at City Hall starting around 11:00 AM. Feel free to stop by. If you'd like to bring food to share, please contact Lisa Brodnick at Ext. 216 or by email. **Thanks to Paula for all her service and tremendous dedication to Riverside's residents.**
- I've been deep "in the tank" on budget this week. Forecasts for most funds have been completed, but I'm still working through capital and debt service.
- I'll be giving departments a budget preview next week, as well as starting on a draft Budget in Brief document.
- I'll be meeting with SSI next week to discuss pricing for their Utility Billing module and potential additional consulting services. We'd like to explore renumbering the City's chart of accounts, which may require additional consulting hours not originally contemplated in SSI's proposal.

Administration

- **Community Development Intern** – The finalist intern candidate did not pass screening and will not begin employment with the City. Staff are considering alternative approaches for identifying an intern for the fall semester.

Community Development Department

- **Planning and Zoning** – BZA meets Tuesday at 7:00 PM. There is one case on the agenda related to variances at 101 Woodman Drive. The Board will also discuss a few procedural/organizational items.
- **Economic Development** – Mark your calendars! The next Land Use Plan Open House is Wednesday, September 14th from 6:00 PM to 8:00 PM at 801 Old Harshman Rd. We'll meet in the Pre-School Gym.
- **Code Enforcement** – 875 cases have been initiated to-date. 38 are new this week.

Finance Department

- This week staff completed SSI training regarding Asset Management. Next week's SSI training involves Payroll. We remain on-track to continue training according to schedule.
- Additional conversations with SSI regarding utility billing and restructuring Chart of Accounts will occur next week.
- We hope to hear preliminary results from our annual financial audit next week.

Fire Department

- FF/P Samantha Stein will be assuming the Community Paramedicine duties with FF/P Balcom's retirement. She will perform these duties in addition to her regular firefighter paramedic responsibilities while working her normal 24 hours shift with occasional off duty time when tasks need to be completed outside her normal duty hours, i.e. COVID Vaccines, meetings with Adult Protective Services, Area Agency on Aging, etc. She is excited to take on this role and is already coming up with new ideas to implement.
- Fire Inspector Dilts will be taking on additional fire prevention and outreach duties that FF Balcom was also responsible for. He is working on conducting a smoke detector and home safety survey blitz in the area Old Troy Pk, Carlton, ingleside neighborhoods in the wake of a fatal fire on Old Troy Pk. More to come on this.
- Continuing to work on RMS implementation, preparing for the 2023 budget cycle, and new CAD system.
- On Friday morning, our generator caught fire at station 6. The cause is electrical in nature, but holding off on destructive examination until the insurance investigators can be present. We have filed a claim with our insurance and working through that process.

Police Department

- The radios finally arrived. We are distributing them to the officers currently.
- Officer Toscani is preparing for his new role as School Resource Officer.
- Memorandum of Understanding was established between the Mad River School District and the City of Riverside in regard to the new SRO position.
- Today, 8/19/22 is the last day we are accepting Lateral and new hire paperwork work in regard to establishing a new hiring eligibility list.
- Major Jackson has been accepted to FEMA class. It is a "train the trainer" class and will allow her the ability to come back and instruct our whole department in Emergency Management situations.
- Officer Matt Jackson was selected for a free supervisor training through Montgomery County Sheriff's Office.
- K-9 Tina unfortunately broke one of her canines during training. It can be fixed or replaced.

Public Service Department

- All curb has been removed from one side of Lynnhaven and Meyer and replacing with new curb before switching to the other side. Awaiting schedule for asphalt rejuvenator on Eastman.
- Mowing is slowing down and other work has been performed like catch basin replacements and berm gravel placement. Due to Mark Tilley's departure, one of the crew will be filling in on Lynnhaven and Meyer project.
- Preparation work to begin the Harshman Road Wall Repair continues for a start date of September 12.
- We are likely to replace the current Engineering Technician position with a Maintenance Worker position. This will require a change to the City's TO and subsequent Council approval.

MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Josh Rauch, City Manager
DATE: August 26, 2022
SUBJECT: Weekend Update
CC: Department Directors, City Clerk, Law Director

City Manager's Office

- I provided Departments with a budget snapshot and will be circulating a worksheet we can use to finalize the budget over the coming weeks.
- I spoke with SSI this week about consulting services for renumbering Chart of Accounts and moving forward with Utility Billing. I've scheduled time to kick off the Chart of Accounts project next Friday.
- Kathy and I met with Mr. Wyen and Mad River Schools staff to discuss infrastructure projects and transportation challenges as West Springfield and the Harshman Wall project kick off. We'll also be meeting with St. Helen's and East Dayton Christian School next week to provide an infrastructure update. I've asked Kathy to work with Frank and Dan to develop contingency plans for traffic control.
- Next week my goal is to prepare a draft budget in brief document with (very rough) placeholder budget numbers. I'll take this to the Budget Committee meeting September 13th and, once finalized, we'll bring it forward to Council during the budget approval process.

Administration

- **Office 365 Migration** - All remaining mailboxes have been migrated to Office 365. There are some remaining to do items to finish such as decommissioning the local Exchange Server and reinstituting e-mail archival; however, this project is mostly complete.

Community Development Department

- **Planning and Zoning** – Mr. Childers resigned effective immediately from the Board of Zoning Appeals. We are working with legal to determine the best path forward to identify a new chair and advise the remaining BZA members accordingly.
- **Intern Search** – We have reach out to local contact at various universities. An announcement has also been posted on Handshake.

- **Economic Development** – Promotion efforts have started for the Sept. 14th Land Use Plan Open House. Please share the post on the City's Facebook page or you can contact staff for language/images to share on your own social media platforms.
- **Code Enforcement** – 905 cases have been initiated to-date. Last year we crossed the 900 mark around mid-August, so overall caseload is roughly on par with last year. 29 cases are new this week.

Finance Department

- Staff continued Payroll-related training in SSI this week.

Fire Department

- We had Paula's retirement luncheon. It was well attended and we will miss her.
- Spent most of the week working on the imagetrend RMS crossover.
- Gathering data for the ISO review next week.

Police Department

- Distribution of new radios to officers is complete.
- An executed Memorandum of Understanding regarding the SRO was provided to Mad River Local Schools this week. MRLS plans to discuss the MOU at their next regular meeting.
- Continuing work to establish an eligibility list for new hires.
- K-9 Tina had an exam regarding her broken canine tooth. While the tooth can be repaired or replaced, the exam revealed other concerns in her mouth that require surgery. I will keep you posted as to her progress.

Public Service Department

- **2022 Paving Program:** Construction continues on Lynnhaven and Meyer. Curb replacement is being performed on Meyer. Rejuvenator was applied to Eastman.
- Final plans for the Olentangy Drive Bridge Replacement were submitted to ODOT.
- After receiving the construction estimate increase on Woodman Phase 1, discussed options with Choice One and Woolpert. It was decided that a few different grants will be sought to complete a funding package to cover the construction costs. A Federal grant from the Bipartisan Infrastructure Law is being investigated to study the entire Woodman Corridor.
- Letters to property owners along Woodman Phase 1 went out as required by ODOT Environmental notifying of the upcoming project. Environmental field work is to begin next week.
- Learned our Community Park Playset has been delayed until mid-December.
- Crews have begun preparing the Park walking paths for crack sealing and sealant.
- Final Safety Application for Valley-Harshman-Beatrice was submitted to ODOT. A presentation with Choice One is scheduled for mid-September.
- Met with Chad Wyen and staff to discuss upcoming construction projects. Scheduled meetings with St. Helen's and East Dayton Christian Schools.